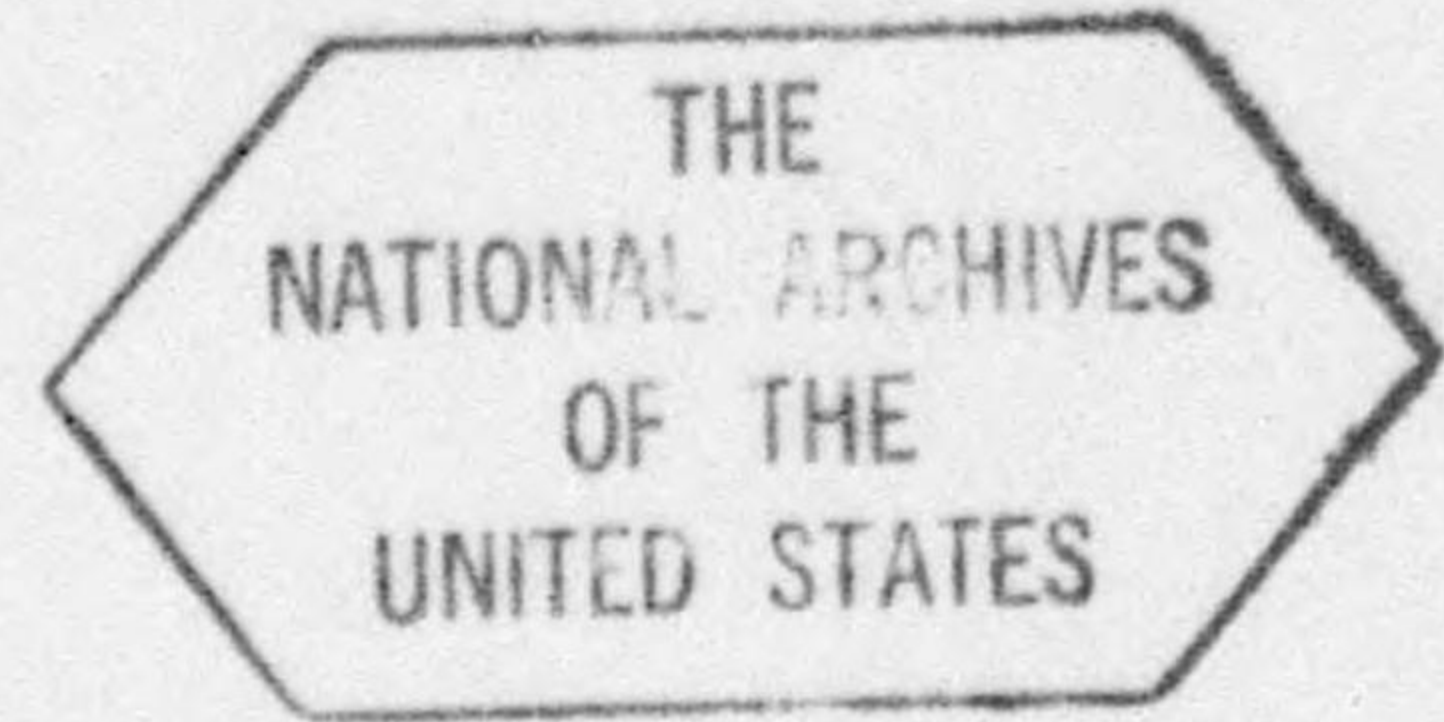


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500.3

### NEW LAWS TO AID GOV'T IN REVAMP OF INDUSTRY

500.3  
Boost Expected in Function of Democratic Labor Laws

Amendments to three existing laws and the enactment of a new Emergency Work Relief Law by the Diet yesterday place the Japanese Government in a better position to cope with problems that may arise with widespread readjustment of industry, a SGAP Labor Division official said.

Sterling D. Collett, Chief of the Division's Manpower Branch, said the amendments to the Unemployment Insurance, Employment Security, and Workman's Compensation laws also make possible better functioning of these basic democratic labor laws.

Mr. Collett described as particularly significant the new Emergency Work Relief Law, which gives the Labor Ministry authority to operate work relief programs in areas where serious unemployment appears.

He said the law also requires use of certain numbers of unemployed workers in the regular public works program, which, because of its emphasis on rehabilitation, has priority over unemployment relief.

Mr. Collett estimated some 850,000 casual workers, including construction, stevedore and freight workers, many of whom are former contract laborers, will be covered by the amendment to the Unemployment Insurance Law which now applies this law to some types of casual day workers.

MAY 13 1949  
NIPPON TIMES

### Spirit of Antitrust Law Same Despite Revision

500.3  
Chairman Kikumatsu Nakayama of the Fair Trade Commission of the Finance Ministry told the press that "the spirit underlying the original antitrust law remains unchanged despite its revision."

The revision law was approved by the Upper House Friday for enforcement from June 6. Mr. Nakayama said the law was revised to meet the actual economic conditions and in full consideration of small and medium enterprises.

MAY 22 1949  
NIPPON TIMES

### LOWER HOUSE OK'S REVISION OF LAWS

500.3  
Bills to Revamp Labor Legislation Approved Without Changes

The controversial revision bills to the Labor Relations Adjustment Law and the Trade Union Law were passed by a majority vote in the Lower House plenary session late yesterday afternoon.

The Government-sponsored bills were approved in their original form with the Democratic-Liberals, and both coalition and anti-coalition factions of the Democratic Party voting in their favor.

The other Opposition parties voted against the two bills, which were immediately referred to the Upper House.

Earlier in the afternoon, the Labor Committee of the Lower House voted down the amendment to both the revision bills proposed by Democratic-Liberal Representative Eiichi Yoshitake by a vote of 15 to 7 in each case.

By a same vote the original bills were approved by the Committee.

The Yoshitake amendment sought to increase the number of members of the Tokyo District Labor Relation Committee from five to seven in the Trade Union Law and to kill paragraph two of Article 37 of the Labor Relations Adjustment Law.

The Opposition to the passage of the bills came from the leftist and minor splinter groups.

MAY 14 1949  
NIPPON TIMES

### UPPER HOUSE ACTS ON LABOR REVISION AT SESSION TODAY

500.3  
All Ministries Organization Measures Also Set for Diet Approval

With the current Diet session scheduled to close tomorrow, May 23, the Upper House will meet in an emergency Sunday session today to pass the controversial revisions to the Trade Union Law and the Labor Relations Adjustment Law.

In addition, the bill establishing the Ministry of International Trade and Industry is expected to be passed today, with an amendment making the establishment of the new ministry effective from May 25.

Early yesterday morning, in a "dawn session," the Lower House passed the Table of Personnel Organization Bill by a vote of 202 to 82, despite all-out opposition to stall its passage.

Meanwhile, the Upper House Cabinet Committee continued its discussions yesterday of the various Ministries Organization Bills in an effort to approve the bills during the day in order to spend Sunday deliberating on the TPO bill.

Diet circles stated that if the Cabinet Committee succeeds in approving the Ministry Organization Bills on Saturday, these would be referred to the Upper House floor immediately to allow for their passage Sunday.

In such an event, the only major bill remaining would be the TPO, which the Upper House is expected to pass on the final day of the Diet session, thus, eliminating the necessity of the much-mooted third Diet extension.

Yesterday the Cabinet at its emergency session decided to establish three new deliberative councils on the coal resources, safety measures in mines and on gas enterprises.

The Cabinet also heard as report from Finance Minister Hayato Ikeda and Chief Cabinet Secretary Kaneshichi Masuda on their visit to Maj. Gen. William F. Marquat regarding the question of dismissal allowances for government workers to be discharged under the administrative reformer program.

Informed circles stated no progress was made in solving the problem of utilizing the reserve fund in the Special Accounts of Government railways to cover shortages in the retirement allowance budget.

MAY 22 1949  
NIPPON TIMES

### UPPER HOUSE OK'S BILLS ON REVISION OF 2 LABOR LAWS

500.3  
TPO Is Only Major Issue Left on Diet Agenda for Final Day

In a last-minute rush to meet the close of the Fifth Diet today, the House of Councillors passed the revisions to the Trade Union Law and the Labor Relations Adjustment Law yesterday morning by a vote of 122 to 50.

Meanwhile, the Upper House Cabinet Committee completed its deliberations of and approved all the Ministry Organization Bills in its morning session.

The Table of Personnel Organization Bill was scheduled to be discussed in the afternoon session of the Committee and passed, leaving only the amendment to the revision of the State Administration Law to be deliberated upon this morning.

As a consequence, the Upper House plenary session was expected to approve all the Ministry Organization Bills within yesterday, and the controversial TPO Bill on the last day of the Diet session today.

Thus, the consensus of Diet circles was that the Diet would close on schedule sometimes today, eliminating any necessity of a further extension of the current session.

However, it did not mean that the possibilities of an unexpected extension of the Diet session had all been liquidated.

Although the Democratic-Liberal Party boasted yesterday that it was confident of reaching an understanding with the Rokufukai, the Socialists and the Democrats as well as other opposition parties were viewed as not likely to allow the Table of Personnel Organization Bill to pass without debate.

Political observers stated that the strong opposition to the bill in the "dawn session" of the Lower House on Friday would likely be duplicated today in the Upper House.

In particular, the Government's mistake in separating the regulations regarding dismissal allowances from the bill itself, to be covered by an administrative ordinance, might give rise to unexpected delays in the Upper House, stated these circles.

On the other hand, the Government and the Democratic-Liberal Party were confident that the TPO Bill would be passed by midnight on the last day of the Diet session despite all of the opposition's delaying tactics.

500.3



Meanwhile, in the Lower House plenary session yesterday, engaged in deliberations on minor bills, the opposition parties seeing the hopelessness of their situation put up a nuisance resistance all day in an effort to delay proceedings as long as possible.

MAY 23 1949  
NIPPON TIMES

# U.S. BUSINESSMEN ASK LAW REVISION

## Chamber of Commerce Adopts Report Calling for Wholesale Changes

By O.H.P. KING  
AP Correspondent

Approval of a subcommittee report criticizing SCAP restrictions on American businessmen in Japan as contrary to the principles of free enterprise was voted by the American Chamber of Commerce in Japan yesterday.

The report was adopted by a vote of 21 to 3 with more than 30 abstentions.

Prepared by Jean P. Boyer of Westinghouse Electric International company and Dudley M. Day of International Standard Electric Corporation, the report concluded:

"Existing laws affecting business are handicapping the restoration of Japan's recovery because they have refused to recognize the price-profit motive of American investors, because they provide for almost absolute control of business by government bureaus and boards, and because they depart fundamentally from recognized principles of free enterprise. Such laws can and should be changed and if necessary new laws should be passed, if American business industry is going to play its much needed part in the rehabilitation of the Japanese economy."

Acting President Leo Chamberlain, resident manager of the National City Bank, expressed regret the report was made public two weeks ago before it was acted on by the membership. He said, "Had it gone through as intended, it would then have been submitted to Gen. Marquat (Maj. Gen. W. F. Marquate, chief of SCAP's Economic and Scientific Section), who I may say asked for it. Be that as it may, it was made public prematurely through unfortunate circumstances, and subjected to a vigorous attack . . . Now I ask for a motion to approve it."

Mr. Chamberlain agreed the report was critical, but contended it was constructive criticism and said some of the points included already have been rectified by SCAP. He said he was confident SCAP would accept the criti-

cism as directed at laws and ordinances, and not as criticism of SCAP.

The members elected Frank Ale, Japan representative of the International General Electric, to the Chamber board of governors.

Mr. Chamberlain was named acting president until the next election following return to the United States of Dennis McEvoy of Reader's Digest.

MAY 25 1949  
NIPPON TIMES

# The Trade Union Laws

## Amendments Passed by Diet Clarify Points Which Remained Obscure

500.3

Amendments passed last week by the Diet to the Trade Union and Labor Relations Adjustment laws clarify obscure provisions and change other portions of these laws that have proved unworkable, officials of SCAP's Labor Division said yesterday.

"Instead of injuring the labor movement, as so many unions feared, the amendments actually have improved its position," they declared.

The SCAP officers listed the most important changes in the Trade Union Law as follows:

1) Replacement of the old requirement for all unions to register with the Government with an amendment which requires only those wishing to have the legal status of juridical person register. To register as a juridical person a union now needs only a certificate from the Labor Relations Committee that is formed in conformance with the law.

2) An amendment which eliminates completely the power of the Government to dissolve unions.

3) Requirements that unions which register and come under formal procedures of the law must have constitutions with provisions that will help eliminate undemocratic, hierarchical organizations. These provisions include annual secret elections for officers and members of standing committees, election of national officers directly by members or elected delegates, annual audit and financial reports to members, and strike votes only by a majority of members or their directly elected delegates.

4) Prohibitions, more specific than those previously pro-

vided, against interference or domination by employers in formation or administration of labor organizations.

5) Strengthening of present restrictions against unfair labor practices by employers by requiring employers to enter into collective bargaining with the union.

6) Clarification and strengthening of restrictions on financial support from management, including payment of union officials by the company, which practices have harmed independence of unions.

7) Provisions specifically permitting the closed shop if agreed upon by union and employers.

8) A provision that acts of violence cannot be construed as appropriate acts of trade unions.

9) Strengthening the power of the Central Labor Relations Committee by allowing it to review rulings of prefectural committees, assume original jurisdiction in disputes of national importance, and establish rules of procedure both for itself and prefectural committees.

10) Adoption of new procedure to make possible a more speedy appeal from legal rulings of the committees.

Labor Division officials said the major change in the Labor Relations Adjustment Law gives the Prime Minister, with approval of the Diet, the authority to designate public welfare industries.

Industries so designated must have a 30-day cooling off period and submit to compulsory mediation in settling labor disputes.

MAY 27 1949 NIPPON TIMES

500.3



# Revised Antitrust Law

500.3

## Aim Is to Facilitate Inflow of Foreign Capital; Promulgation Set June 5

500.3

Asahi Shimbun-Nippon Times

The amended Antitrust Law which was passed by the Diet during the present session will be promulgated on or about June 5.

One of the specific reasons for wanting the revision of the Antitrust Law was that the various stipulations in the law as it stood would severely obstruct efforts to induct foreign capital into the country and another was that the restrictions provided in the act for shareholding would offer difficulties in the way of domestic assimilation of stocks.

In other words, if a Japanese firm wished to enter into an international contract to import industrial technique or to contract a production or sales tieup, strict authorization beforehand was required while limitations were placed on the exchange of information regarding industrial technique.

It was difficult to conclude agreements for the sort of technical guidance Japanese firms desired (Article 6). Moreover, companies other than those engaged in monetary business could not hold the stocks of other companies, so that the way for the revival of the prewar foreign investments or participation of foreigners in fresh capitalization was blocked. (Article 10)

Soliciting of subscribers to debentures in terms of foreign currencies also infringed the restrictions regarding debenture-holding (Article 12). There was limitation also to concurrent holding of two or more executive positions in companies (Article 13). Treatment of foreign firms in Japan

as compared with that of Japanese firms was not at all clear.

Various capital-increase stocks and stocks formerly held by the Zaibatsu were unloaded on the market but the shareholding restrictions made it impossible for all but individual investors to assimilate them and the latter could hardly be expected to take all.

Thus the amendments were focussed on the following three points:

1. In the Antitrust Law, limitation of competition forms the dividing line between legality or illegality but the definition of competition has been made narrow and definite, and the law has been made applicable also to foreign firms indiscriminately with Japanese firms.

2. The stipulations provided to prevent private monopolies or unfair business restrictions without directly affecting the prohibition of such, which is the main aim of the Antitrust law, have been deleted.

3. Various license systems including those necessary for international contracts have been abolished in favor of a post facto notification system.

Impediments to the pending foreign capital induction have been removed, on the whole, by the easing of the Economic Deconcentration Law, the establishment of the nine economic principles, the fixing of a unified exchange rate, and the suspension of reparation removals.

The revision of the Antitrust Law will thus further facilitate efforts to attract foreign investments.

MAY 29 1949 NIPPON TIMES

500.3



## FEC Defeats Soviet Union's Proposal To Censure SCAP's Labor Policies, 9 Votes To 1 With China Abstaining

### Delegates Of Russia, Pl, NZ And Australia Trade Verbal Blows

By William McDougall  
United Press Staff Correspondent

WASHINGTON, Jan. 7.—The 11-nation Far Eastern Commission by a nine to one vote, with China abstaining, defeated a Russian proposal to censure Gen. Douglas MacArthur's labor policies in Japan.

The vote climaxed one of the FEC's stormiest sessions in which Soviet Ambassador Alexander Panyushkin traded verbal blows with Philippine member Carlos P. Romulo, Sir Carl Berendsen of New Zealand and Australia's Norman Makin.

Berendsen had previously asked Chairman Frank McCoy of the United States to obtain from Gen. MacArthur more details of the denial of the right of Japanese Government employees to strike.

McCoy explained Thursday that a reply from Gen. MacArthur had not been received but was expected soon.

Romulo asked Panyushkin not to demand a vote on the Soviet resolution Thursday. When Panyushkin refused, Romulo announced that the Philippines would vote against the resolution on grounds that it was "not timely and should await Gen. MacArthur's message."

#### Not Commitment On Substance

He emphasized that the Philippines' vote was not a commitment on the substance of the resolution, namely, whether Government employees could strike.

Romulo noted that Panyushkin had charged but not proved that Gen. MacArthur's directive violated the Potsdam Agreement and FEC directive.

Makin endorsed Romulo's view and said Australia was voting against the resolution for similar reasons and because "what we are interested in now is long-range democratization of Japan and not in fixing the blame, as is wanted by the Russians."

Berendsen expressed a similar view, after which a vote was taken. As soon as he was defeated Panyushkin read a prepared statement, charging that the vote was against "democratic methods for labor—it is regrettable that a majority of the representatives on the Far Eastern Commission, having not agreed with the Soviet proposal, have thus entered upon the road of approving these anti-democratic measures of Gen. MacArthur and the Japanese Government."

#### Springboard For Propaganda

Romulo immediately retorted, "Here is another clear case of the Soviets using an international body as the springboard for propaganda. The Soviet delegate came here with that statement in his briefcase. He knew by pressing for a vote that we had to vote the way we did. So he had prepared a statement trying to show the world that we violated the Potsdam Agreement. He did not

take into account our explanations today of our votes. His prepared statement contains malicious distortions of fact, but we are used to that."

Berendsen suggested that the FEC should issue a statement answering Panyushkin's public denunciation of the FEC vote, and Makin seconded the motion.

McCoy opined that the individual replies of the nations would make a formal FEC reply unnecessary. Observers believed that some nations would make individual public replies.

Panyushkin's statement said: "The Soviet delegation feels it necessary to state that it considers as before the abovementioned measures of Gen. MacArthur and the Japanese Government as being contrary to the adopted policy of the Allied Powers on the question of Japanese democratization and as incompatible with the objectives of the Allies in respect to Japan.

"Those countries which support this policy of the American military authorities in Japan are violating the Potsdam Declaration in respect to Japan and the decisions on the democratization of Japan which already have been adopted by the Far Eastern Commission."

#### Elementary Rights

Panyushkin declared that the MacArthur letter of July 22 and the Cabinet order of July 31 have "deprived a considerable part of Japanese workers and employees of their elementary rights to defend their vital interests."

He termed them a "direct violation" of the Potsdam Declaration, the FEC policy decisions entitled the "basic post-surrender policy for Japan" and the "principles for Japanese trade unions."

Panyushkin said "the situation was aggravated by the fact that this anti-democratic measure was approved November 30 by the Japanese Diet under pressure of United States authorities, although it was opposed by a considerable number of Diet members who pointed out that adoption of this measure constituted an anti-democratic and anti-people's policy."

8 JAN 1949

MAINICHI

## MORE TALKS SET ON LABOR POLICY

Revisions Needed to Meet  
Stabilization Plan to Be  
Discussed Further

The Government policy in revising the labor laws to meet the needs of the nine-point economic stabilization program will be further discussed by the Committee on the Revision of Labor Laws for three days beginning Tuesday, and continued on Friday and Saturday.

The committee held its first meeting last Friday, but there were left many important points still undecided.

These points include the method of designating public utilities and the line of action to be followed by the Central Labor Relations Board in the future.

The discussions Friday indicated the possibility of the committee agreeing on the giving of power of designating public utilities to the Prime Minister.

Committee members indicated that the committee would be able to obtain its plans for revision of the labor laws by next Monday at the latest.

The points of the general policy agreed upon at Friday's session of the committee included disposal of public utilities, democratization of labor unions, establishment of procedure to be followed in conducting collective bargaining, and strengthening of the Central Labor Relations Board.

Friday's session was attended by officials of the Labor Ministry, Labor Bureau of the Economic Stabilization Board, Attorney General's Office, Cabinet Legislative Bureau and Seamen's Bureau of the Transportation Ministry and members of the Central Labor Relations Board.

NIPPON TIMES 10 JAN 1949

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5-00-3

**EDITORIAL**

**Revision Of Labor Laws**

The Government's attempt to legislate a wholesale revision of the Labor Relations Adjustment Law and the Labor Union Law in the fifth extraordinary session of the National Diet after the January 23 general election reportedly aims at real capital-labor cooperation for full-scale production.

Great importance is to be attached to the Governmental attitude because, unless the relation between capital and labor is clarified to such an extent as to be free from strifes and disputes, the efficient realization of the nine-point economic stabilization program is impossible.

The present Government proposal is worthy of attention in that the revised versions of the labor laws are expected to go considerably further than the confirmation of such basic prerogatives of the labor unions as rights of strike and collective bargaining.

It intends to modify the standing labor laws and regulations to bring into being more autonomous, more self-initiated, and more responsible motivations in labor union activities in an effort to seek ways and means to reach an amicable solution of disputes from the "public welfare first" point of view.

Though the contemplated amendment of the labor laws thus theoretically has no objectionable aspects, it is more often than not the case with labor unions to respect freedom more than anything else and to regard as reactionary and undemocratic any moves which may impose the slightest restrictions on the labor union movement.

The very thing that counts, therefore, is that the Government be endowed with real political wisdom to translate the contemplated program into full-fledged practice.

It is true that our unhappiness today results from the fact that many of the working class harbor to an extreme degree the feeling of non-confidence toward the Government and also toward the conservative elements whereas they have an almost superstitious faith in Communistic doctrines.

This signifies that the blame for the unstable living condition of the people today is to be laid on inadequate and undependable politics administered by the respective Governments up to the present and, more than that, on another political influence which, far from regaining what it calls lost politics, has been in reality aggravating social insecurity.

Even allowing for the fact that workers have so far resorted to strikes as the last measure to keep themselves and their dependents alive, it stands to commonsense understanding that strikes as a whole benefit neither capital nor labor.

We must recognize with due significance—apart from electioneering—the profound meaning of the Government's resolute attempt to modify drastically labor relations laws amidst the high hurry and flurry of the approaching general election.

11 JAN 1949

MAINICHI

**Revision of Labor Laws**

Labor is showing signs of rising up in arms against the Government proposals to revise the labor laws now in force. From present indications concerning the revisions proposed, however, it is difficult to understand why the workers are raising such a howl.

The main points of the changes in store for the labor laws are the setting up of a system for compulsory arbitration and for adequate utilization of grievance machinery. These are not revolutionary changes, nor are they likely to suppress the labor movement to any essential degree. To the contrary, revisions of the labor laws which call for full resort to peaceful negotiations before headlong strike action should be welcomed as means by which the sense of responsibility of the workers will be increased.

In truth, the workers themselves are to blame for the rise of a situation in which the writing into legislation of measures for peaceful settlement of disputes has become necessary. Common sense should tell the workers that the strike weapon is not the only means by which to settle controversies. To the contrary, strikes only serve to cause labor-capital relations to deteriorate, to cause public inconvenience, and to hamper economic reconstruction.

To be sure, the revisions being contemplated for the labor laws do not include a ban on strikes among workers in the private industries. Whether such a ban is necessary or not, of course, will depend upon the future activities of the workers. It is to be hoped that such a step will not become necessary.

From a long-range viewpoint, restrictions by law of the nation's labor movement are not desirable, for such measures may throw the workers into the hands of the radical labor leaders who are out for no good but their own. The initiative for restraints upon the rash activities of the working class should come from the workers them-

selves. Heretofore, however, the workers have shown little capacity for the self-restraint and self-criticism so necessary for the healthy growth of the nation's infant labor movement. Too often the laborers under leftist leadership have rushed headlong into their "struggles" without giving full consideration to their role in Japanese society as a whole.

Fortunately, there is a movement now gaining strength among the labor unions for the assumption of more responsibility by the workers. This movement toward a more responsible labor should be fostered, but how it will fare under the Government proposals for a revision of the labor laws remains to be seen.

The changes proposed in the labor legislation, of course, came as no sudden development. Revisions had been proposed before, but in the face of known labor opposition, previous Governments had been unwilling to touch the controversial issue. The present Government deserves credit for working on the re-examination of the labor laws, especially at a time when the general elections are to be held. But much of that credit may be discounted by the fact that the problem was left until it became absolutely necessary under the prodding of the Economic Stabilization Program.

But whatever the circumstances surrounding the current

steps for changing the labor laws, it must be recognized that these are not ordinary times. The program being drafted for the nation's economic recovery calls for intensive action on the production front. Until the time the workers can learn to control their "strike first and negotiate later" policy, measures to insure peaceful negotiations of disputes will be necessary.

12 JAN 1949

NIPPON TIMES

**Violate Labor Law**

A total of 61,758 cases of violation of the Labor Standards Law was discovered as a result of the one-month inspection of 27,236 work places with 925,998 employees conducted by the Labor Ministry in October, 1948, it was announced by the Ministry yesterday. Of these work places, 82 per cent or 21,852 were found below the requirements of the Labor Standards Law.

23 JAN 1949

NIPPON TIMES

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**Greater Liberty Guaranteed** 500.3  
**NEW CRIMINAL PROCEDURE**

**Defendant Innocent Until Proved Guilty by**  
**New Law Effective Today**

*N.T. 1 Jan 49*  
 By **TETSUICHI KURASHIGE**

After having functioned since 1890 according to the Continental legal system, Japan has switched over to the Anglo-American system. This switch became inevitable, but it might take several years before the Japanese can fully adjust themselves to this change. Upon the judges and lawyers will fall the task of leading the way to this re-adaptation.

The counterparts of the American constitutional guarantees embodied in the Fifth and Sixth Amendments have been incorporated wholesale in the Japanese Constitution. They include guarantees against deprivation of life or liberty; arrest or detention without warrant; search and seizure without a search warrant; infliction of cruel punishment; provision for fair trial; assignment of counsel confrontation of and the right to examine witnesses; speedy public trial by an impartial court; protection against self-incrimination; requirement of corroborating evidence where confession is involved; protection against ex-post facto law and double jeopardy. A person acquitted on a criminal charge may sue the State for redress as provided by law.

**Becomes Effective Today**

These are innovations for the Japanese who have been tried under a system that "a man is presumed to be guilty until proven innocent." The constitutional guarantees are being implemented by the new Code of Criminal Procedure which becomes effective from January 1.

Up to 1922, Japan's criminal procedure had been patterned after the French law, but since then she adopted the German system. Both are classed as the Continental system.

One of the vital changes is that a defendant remains legally innocent until proven guilty, and the burden of proof rests with the prosecution.

Under the old procedure the reverse was the case. Thus it frequently happened that the defense counsel merely acted as the defendant's mouthpiece to plead leniency for his client. Unlike that of the American lawyer, the scope of the activity of a Japanese counsel was restricted. If the case against his client looked bad according to the prosecution's pre-trial investigation, he advised the defendant to plead guilty. Then he would plead for leniency! This was not so much due to his incompetence as to the system under which his hands were tied.

**Defendant Pre-Judged**

Another factor which influenced this "leniency plea" hinged upon some court's attitude towards a plea of "not guilty." When a defendant pleaded "not guilty," the court might in effect state, "So you plead not guilty? Then we'll see that you get your medicine!" And so actually an accused was at the mercy of the court.

When the case came up for trial the defendant was already "pre-judged" so to speak. The court was furnished with the indictment, supporting evidence, statements of the defendant and others which had been prepared by the police and the procurator's office. With these data the court conducted the interrogation.

After the court had finished with its examination, the prosecution and defense were given their turn. The defense picked the "crumbs" and did the best to rebut the prosecution's case. But the damage had already been done by the court acting in the dual role of prosecutor and judge.

The new procedure, however, undertakes to assure a fair trial. Both the prosecution and defense will stand on an equal footing before the court. Nor will the court be furnished with the prosecution's supporting records prior

to the trial. Thus the judge will not know what evidence may be produced by either side until the trial takes place in open court.

**Warrants Needed**

Except where a person is caught red-handed in the crime, all arrests must be made with a warrant of arrest. However, where a strong suspicion exists, an "emergency arrest" may be made. In such an instance the arresting officer must forthwith apply to the judge for a warrant of arrest. If the judge is satisfied that the arrest falls within the category of an emergency arrest he issues the warrant. If the application is turned down the accused must be released. The arresting officer may become liable in damages for false imprisonment.

The crimes wherein an emergency arrest may be made are those which subject the accused to more than three years' imprisonment. They include murder, robbery, arson, burglary, blackmail, fraud, embezzlement, violation of price and ration control, election law and black marketing.

Police investigation must be made within 48 hours after arrest. Then the accused is turned over to the procurator's office which must prefer a charge within 24 hours. If the procurator can not complete his investigations within 24 hours, he can request a warrant of detention. If the judge issues the warrant, the accused can be detained for 10 days for further investigation, subject to an extension of another 10 days for valid reason.

**Causes for Detention**

An accused may be detained: (1) if there is a probable cause that a crime has been committed; (2) when he does not have a fixed abode; (3) when there is a likelihood that the evidence may be suppressed or destroyed; (4) when there is a fear that he may flee or escape.

During the detention the accused is interrogated, his home searched and incriminating evidence seized. He must be informed of the charge against him, and given an opportunity to consult a lawyer. If he does not know of any lawyer, then the police must notify the local bar association which will recommend one.

Upon detention the police must also notify the family of the accused. An accused could seek relief through habeas corpus proceeding to determine the legality of his detention. During the investigation an accused need not make a statement for the Constitution provides that "no person shall be compelled to testify against himself. If he is not represented by counsel there is the possibility that he may slip up on this constitutional guarantee and make incriminating statement which can operate to his prejudice.

Whether a case should be prosecuted or not is determined by the procurator. If he refuses to prosecute, or is likely to soft-pedal a case through outside pressure or otherwise, an aggrieved party may bring the matter to the court's attention. If the court thinks that prosecution is justified it assigns a special counsel to handle the case. In order to curb procurators from abusing their power or becoming corrupt they are subject to screening every three years.

**Served With Papers**

When an accused is indicted a copy of the indictment is served on him. This enables him to prepare his defense. At the trial he will be afforded an opportunity to present his version of the case, and the prosecution may not know what to expect.

The court may wish to follow the orthodox method of interrogation and conduct some part of the examination. But

unlike the former procedure the pre-trial records made available to the defense. Cross-examination is not provided in the procedure. Perhaps the preliminary examination taken by the prosecutor is the nearest to cross-examination. The court's function will be of an "umpire" nature of an "umpire" sees to it that the trial is conducted according to the procedure.

**Evidence Assured**

A word or two of confession. In the past it has been the practice to accept a confession as open court, to assure the existence of a corroborating evidence—otherwise the defendant would not be convicted! This is not the law, but highly unusual.

The Constitution prohibits such an inquiry by providing that a confession voluntarily made is admissible, but it must be corroborated. There must be proof of the crime independent of the confession.

While a confession would be insufficient to sustain a conviction, a statement of the accused may be used as evidence against him.

In June 1948, the Supreme Court overruled the decision of the lower courts which held that a confession made after arrest had been detained for 48 days. The Supreme Court declared that a confession obtained "after prolonged or detention" was inadmissible.

One Imai picked up a satchel containing a bicycle left in a village butcher shop in Imai Prefecture. Within minutes he was identified by the owner as the accused stoutly stated that he had bought the bicycle from a stranger on the basis of this identification and convicted by the court.

He then appealed to the District Court which prolonged detention. The confession from the defendant on this confession was upheld the local court. The defendant appealed to the Tokyo Court of Appeals on the ground that the confession was illegally obtained. The appellate court reversed the Kofu District Court.

Imai then appealed to the Supreme Court which unanimously reversed the court, because the confession was secured after prolonged detention in violation of the Constitution.

(To Be Continued)



Greater Liberty Guaranteed

NEW CRIMINAL PROCEDURE

Enforcement of System Transplanted From Anglo-Americans Seen Difficult

By TETSUICHI KURASHIGE

500.3

II

Since the trial on the facts will be heard only once, either in the summary or in the district court, it becomes important to perfect the record for appeal. Under the former practice, trial on the facts could be had twice, but this will be eliminated under the new procedure.

Under the new procedure appeals (koso) will be limited to reviews of specific issues of fact instead of trying the case de novo. This appeal is made to the High Court (Koto Saibansho).

The second appeal (kokoku) is confined to questions of law or interpretation of the Constitution, and is made to the Supreme Court (Saiko Saibansho).

Lawyers must be alert to see to it that the record will amply protect their clients on appeal which is based on such record. Obviously the responsibility of lawyers becomes heavy.

It may be surprising to most readers that the testimony in Japanese courts is not taken down verbatim. In some very important cases litigants will hire private stenographers to take down testimony, but such record is not official. Well, how is the record of proceedings or transcript of evidence kept?

A clerk takes notes of the testimony and reduces them into a summarized form. This draft is submitted to the judge. The judge goes over the draft, compares them with his own notes and makes such corrections.

Nature Not Anticipated

Because the pre-trial records were made available to the judge under the old procedure, he was able to formulate the questions accordingly. He was also able to expect what the answers might be. Under the new procedure such practice is impossible because the court cannot anticipate the nature of evidence. Since the scope of questions is likely to increase an accurate record of the testimony becomes necessary in case an appeal is taken.

Lawyers who have participated in the war crimes trial appreciate the importance of a full and accurate report of the proceedings.

"Since the defense lawyers will have just as much say as the procurator under the new criminal procedure, an accurate report is vital," one ex-war crimes attorney declared. "Formerly the court and the procurator conducted the principal interrogation," he continued. "The accused had

very little to say, and sometimes parts of his testimony were distorted or omitted from the transcript of evidence. With a complete verbatim record an accused will be protected."

Most of the judges and lawyers interviewed on the matter favored verbatim reporting of the testimony. Judges have been over-worked under the old law. Under the new procedure they would have to devote more time to hearing the testimony. The task of taking notes must be shifted to others. Thus the services of court reporters who can take down shorthand notes, becomes necessary.

A clerk of the Supreme Court evinced hearty approval of stenographic reporting. He said that much of the delay in the trials could be traced to the tedious reporting outlined above. Too much time is consumed in drafting of the notes taken down by the clerks during the trial. Judges devote at least one day in the week reading and revising the transcript of evidence.

But the greatest bottleneck, according to the clerk, lies in the lack of funds. This retards the institution and the training of court reporters.

Let us see what some members of the bar think about the new criminal procedure. Their reaction is a mixed one of enthusiasm and cynicism. Some hope that the new procedure will eliminate the evils which attended the old law, while others feel that it may be just as bad.

"The new criminal procedure aims to protect human rights, so if it can be carried out in that spirit it will be a fine thing," one member commented.

But as such a procedure is the product of Anglo-Saxon people who had fought for it, he envisages that the Japanese will find it difficult in

enforcing such a transplanted system. He doubts whether the judges and procurators, who had been giving little thought to a suspects personal liberty and human rights can suddenly become objective in arriving at their conclusions simply because the law has been changed.

Need Broader Training

This doubt also applies to lawyers. Lawyers think that law is the only thing that is important. They are not broadly trained to cope with the intricate mechanism of society, which must become

democratic. This criticism, however, can be gradually overcome by requiring budding lawyers to take up pre-legal studies, such as economics, history and social sciences.

Another lawyer seems to have his worry over the question of fees in the case of an assigned counsel. Under the former law when a counsel was assigned by the court to defend some indigent defendant, his fee was set at ¥1,000 for such case plus ¥100 per diem allowance.

"Appropriation for the administration of justice has been slashed. In view of the anticipated increase in the number of assigned counsel under the new law, the Finance Ministry doubts whether the total monthly appropriation of two million yen would suffice," he added.

He pointed out that the Procurator's Office is budgeted with ¥100 million for ferreting out hoarded goods alone. In addition it has at its disposal about 3,000 personnel to carry out the work, this lawyer stated.

Difficulties Seen

One lawyer compares the defendant's position to that of a street stall-keeper who must compete against the well-organized department stores. Yet, when it comes to cases like the Showa Denko and other scandals, the accused probably can avail themselves of the services of high-priced experienced lawyers.

"The new criminal procedure is a system in which money talks," a deftist-tinged lawyer remarked cynically.

Another lawyer thought that an assigned counsel would be called upon to do too much work in preparing for the trial. If the trial is prolonged he may have to sacrifice some of his private practice in the interim. Perhaps he was one of the professional "leniency pleaders."

One lawyer felt that cases must be disposed of as speedily as possible. He cited Article 37 of the Constitution reading: "In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal."

Theoretically good, but actually it seems difficult. Prisons are scandalously overcrowded. As of November 30, there were 96,130 inmates serving their terms or awaiting trials. In order to make room an average of 3,000 are being released monthly in contrast to 1,500 taken in.

unlike the former practice its scope will be limited because the pre-trial records are not made available to the court. Cross-examination as such is not provided in the new procedure. Perhaps the supplementary examination undertaken by the prosecution and defense is the nearest approach to cross-examination. The court's function will be in the nature of an "umpire," who sees to it that the trial is conducted according to the rules of procedure.

Evidence Assumed

A word or two about confession. In the past, it has been the practice, whenever a confession was made in open court, to assume the existence of a corroborating evidence—otherwise the defendant would not have confessed! This is not only bad law, but highly unfair to the accused.

The Constitution has rejected such an interpretation by providing that a confession voluntarily made is admissible, but it must be corroborated. There must be other proof of the crime in addition to the confession itself.

While a confession itself would be insufficient to sustain a conviction, any signed statement of the accused could be used as evidence against him.

In June 1948, the Supreme Court overruled two lower courts which held valid a confession made after the accused had been detained for 109 days. The Supreme Court declared that a confession obtained "after prolonged arrest or detention" was invalid.

One Imai picked up a satchel containing ¥1,500 from a bicycle left in front of a village butcher shop in Yamana-shi Prefecture. Within 10 minutes he was arrested and identified by the butcher. The accused stoutly maintained that he had bought the satchel from a stranger for ¥30. On the basis of this he was tried and convicted by the local court.

He then appealed to the Kofu District Court which, after a prolonged detention, secured a confession from him. Based on this confession the court upheld the local court. The defendant appealed to the Tokyo Court of Appeals on the ground that the confession was illegally obtained, but the appellate court sustained the Kofu District Court.

Imai then appealed to the Supreme Court which unanimously reversed the lower court, because the confession was secured after a prolonged detention in violation of the Constitution.

(To Be Concluded)

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To give you an idea Kosuge Prison, equipped to quarter 2,400, today holds about 4,100! Kosuge is the "reluctant residence" of ex-cabinet members, government officials, Diet members and business men of doubtful business ethics charged with or held for investigation for graft. They too will get the benefit of the boon under the new criminal procedure.

Summary of the polls indicate that the new procedure will flood the courts with work and trials may consume more time than formerly. This can partially be overcome, however, by increasing the personnel and raising the efficiency of the judiciary. Mere revamping of the procedure without carrying out the mechanics of operation can easily make it a dead letter.

(The End)

4 JAN 1949

NIPPON TIMES

**PRESS COMMENTS**

Monday, January 3  
NEW CRIMINAL PROCEDURE LAW 500.3

TOKYO SHIMBUN—The new Criminal Procedure Law has been put into effect since January 1. The new law on that date was converted into a formal statute from a provisional rule which had been in force in line with the spirit of the new Constitution. It is characterized most strongly with the spirit of respecting fundamental human rights.

Whereas the new Criminal Procedure Law embodies the most progressive elements of the Anglo-American Law and impresses us with the lofty spirit of human equality and fundamental human rights it upholds, we cannot help but doubt whether the new law will have the effects it is expected to bring about. For example, the new code minimizes the value of confession of an extreme degree. While the provisional rule which preceded the new law recognized conviction on the strength of confession alone for the reason that the procedure does not restrict the freedom of the defendant, the new code reverses it so that confession made in the court cannot be used as the basis of conviction if it constitutes the only evidence working to the disadvantage of the defendant.

It may be pointed out that the defendant is the person who best knows the facts of the case and that some defendants may confess to their crimes out of the sense of penitence. Is it then proper to deny even such confessions?

Again, the law contains a provision permitting the defendant to refuse to testify in the court. This provision is likely to work to the advantage of audacious and crafty, rather than honest, defendants.

Moreover, the chief judge is supposed to remain in a state of "blank paper" and read nothing but the indictment. This arrangement necessitates an elaborate examination of facts in the court and inasmuch as a large number of witnesses are likely to be produced by the defense, trial proceedings are bound to become long drawn-out. Thus the new procedures necessitates greater court personnel and facilities.

While the spirit of the new code respecting human rights should win our hearty approval, the fact of the matter is that the crime rate is so high in Japan today and so many people are becoming immune to the sense of sin. Under such circumstances, let us guard against the possibility that the new procedures, for its very spirit of magnanimity, will work only to the advantage of criminals. If, because of the limited scope of the evidences to be accepted by the court, only minor offenders and "red-hand" cases are subjected to criminal prosecution while more serious criminals and smart men are left scot-free, then grave consequences are likely to result.

4 JAN 1949

NIPPON TIMES

**TWO LABOR LAWS  
WILL BE REVISED  
BY GOVERNMENT**

500.3  
**Need to Keep Industrial  
Peace Seen Needed for  
Success of ESP**

A sweeping revision of the Trade Union and the Labor Relations Adjustment Laws to insure the success of the nine-point Economic Stabilization Program is being planned by the Government, according to Labor Ministry sources.

While compulsory arbitration is believed to be included among the projected reforms, it was not indicated that the right of workers in private industries to strike will be curtailed.

**SCAP'S NPSL ADVISER  
LAUDS JAPAN'S ACTION**

500.3  
**Leaves Tokyo After Serving  
2 Months Advising SCAP**

Luther C. Steward, president of the National Federation of Federal Employees, who left Tokyo December 30 after serving two months as SCAP's adviser on the reform of the Japanese civil service system, in a letter to SCAP headquarters praised the decisive action taken in Japan for the "establishment and maintenance of a competent personnel system within the Government of Japan."

"What is being done in Japan," he wrote, "not only arrests my attention but evokes my admiration for present accomplishment which augurs so well for the future."

Revision of the National Public Service Law along lines suggested by General MacArthur was an essential first-step in establishing the public personnel system on a firm foundation, Mr. Steward stated.

He asserted also that denial by law of the right of public employees to strike or to engage in collective bargaining "... is the only sound position that can be maintained either in the interest of good government or of the employees themselves."

Mr. Steward praised the Diet's action in increasing the pay of Government workers as a demonstration of "... good faith and a desire to deal equitably with Government workers," adding that the authority assigned by law to the National Personnel Authority would enable that agency to develop processes resulting in the "... constant improvement of the public personnel situation in Japan."

5 JAN 1949

NIPPON TIMES

The Labor Ministry in working on draft plans to revise the labor regulations is emphasizing the need to secure industrial peace in attaining the ESP goals for the nation's economic recovery.

It was said that primary importance will be laid on the healthy development of the Japanese trade union movement in making any changes in the labor laws.

**Officials Confer**

Top officials of the Labor Ministry conferred on the problem Wednesday.

Introduction of the bills with the proposed changes was slated for the Fifth Diet which will be convened within 30 days of the general elections. Enforcement is planned by April 1, these sources said.



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They revealed that the revision may be undertaken along the following lines:

1. Compulsory arbitration in case of labor disputes involving essential industries as well as public utilities.
2. Inclusion of a provision for industrial peace, calling for establishment of grievance machinery.
3. Fostering of democratic trade unions centering around these innovations in the existing labor legislation and,
4. Improved protection of the rights and interests both of labor and management.

In this connection, Prime Minister Shigeru Yoshida said in Osaka that Japan cannot afford to be beset by a series of strikes and sabotage at this stage of national recovery. It might be allowed in wealthy nations, but not in this impoverished nation, he added.

He stressed the necessity of carrying out administrative reform but said he favored a reduction of Government offices rather than the personnel.

7 JAN 1949

NIPPON TIMES

### Government Planning Wholesale Revision Of 2 Labor Laws <sup>500.3</sup>

**Bills Being Drafted; Will Be Submitted To Next Diet Session**

TOKYO, Jan. 6.—The Government has decided to carry out a wholesale revision of the Labor Union Law and the Labor Relations Law as a means to translate into practise the nine-point economic stabilization program.

Bills for the revision are now being drafted by the Labor Ministry which expects to submit them to the fifth extraordinary session of the Diet.

MAINICHI 7 JAN 1949

### FEC OKAY GIVEN NO-STRIKE POLICY ORDERED BY SCAP

— 500.3  
Russian Bid to Censure MacArthur's Policies Voted Down

By The Associated Press  
Russian Ambassador to the U.S. Alexander Panyushkin, has made another campaign speech for the Japanese Communists and solidified the line they can be expected to take in the forthcoming elections.

The Japanese Communists, who are expected to gain considerably in the January 23 election for the House of Representatives, already have made attacks on "anti-democratic" labor policies a major part of their campaign. It may gain them some strength among workers.

Kyodo-UP

WASHINGTON, Jan. 7—The 11-nation Far Eastern Commission by a nine to one vote with China abstaining, defeated a Russian proposal to censure Gen. Douglas MacArthur's labor policies in Japan.

The vote climaxed one of the FEC's stormiest sessions in which Soviet Ambassador Alexander Panyushkin traded verbal blows with Philippines Member Carlos P. Romulo, Sir Carl Berendsen of New Zealand and Australia's Norman Makin.

Sir Carl had previously asked Chairman Frank McCoy of the United States to obtain from General MacArthur more details of the denial of the right of Japanese Government employees to strike. Mr. McCoy explained Thursday that a reply from General MacArthur had not been received but was expected soon.

Mr. Romulo asked Mr. Panyushkin not to demand a vote on the Soviet resolution Thursday. When Mr. Panyushkin refused, Mr. Romulo announced that the Philippines would vote against the resolution on grounds that it was "not timely" and should await General MacArthur's message. He emphasized that the Philippines' vote was not a commitment on the substance of the resolution, namely, whether Government employees could strike.

Mr. Romulo noted that Mr. Panyushkin had charged but not proved that General MacArthur's directive violated the Potsdam Declaration and FEC directives.

Mr. Makin endorsed Mr. Romulo's view and said Australia was voting against the resolution for similar reasons and because "what we are interested in now is "long-range democratization of Japan and not in fixing the blame, as is wanted by the Russians."

Sir Carl expressed a similar view, after which a vote was taken. As soon as he was defeated, Mr. Panyushkin read a prepared statement, charging that the vote was against "democratic methods for labor. . . . It is regrettable that a majority of the representatives on the Far Eastern Commission, having not agreed with the Soviet proposal, has thus entered upon the road of approving these anti-democratic measures of General MacArthur and the Japanese Government."

Mr. Romulo immediately retorted: "Here is another clear case of the Soviets using an international body as the springboard for propaganda. The Soviet delegate came here with that statement in his brief case. He knew by pressing for a vote that we had to vote the way we did, so he had prepared a statement trying to show the world that we violated the Potsdam Declaration. He did not take into account our explanations today of our votes. His prepared statement contains malicious distortions of fact, but we are used to that."

Mr. Panyushkin's statement said: "Those countries which support this policy of the American military authorities in Japan are violating the Potsdam Declaration in respect to Japan and the decisions on the democratization of Japan which already have been adopted by the Far Eastern Commission."

8 JAN 1949

NIPPON TIMES

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# WORKERS' RIGHTS WILL BE GUARDED IN REVISED LAWS

500.3  
Hepler Says Labor Will Be  
Able to Voice Its Views  
at Hearings

By TAMOTSU MURAYAMA

The legitimate rights of the workers will be fully protected in the proposed revisions of the labor laws, Chester W. Hepler, chief of SCAP's Labor Division, ESS, told representatives of the nation's leading labor unions who were called to a conference yesterday afternoon.

Mr. Hepler pointed out that the workers will be given an opportunity to voice their views at a public hearing on the proposed amendments.

He said that the revisions to be made in the labor legislations would probably be announced on or about January 17.

The Labor Division chief revealed that a technical committee is now drafting amendments measures to be submitted to the coming Diet session.

Mr. Hepler declared that newspaper reports of the revisions now under contemplation tend to become sensational in their "speculations."

The Trade Union Law, for instance, he said, is now three years old and there are many parts which should be revised for the better. Some parts are "vague, indefinite, and impractical," Mr. Hepler pointed out.

He declined, however, to reveal details of the proposed revisions now being studied by the technical committee.

12 JAN 1949

NIPPON TIMES

# LABOR MINISTRY COMPLETES PLAN TO REVISE LAWS

Rights of Workers Won't  
Be Infringed Upon,  
Masuda Says

Kyodo

500.3  
NAGANO CITY, Jan. 14—  
Labor Minister Kineshichi Masuda revealed here today on his election campaign tour that his Ministry has already completed drafting various revision to the nation's labor

laws as the basis for further studies to be given by the Government as well as by labor and capital circles.

He said he had given approval to the draft revisions as drawn up recently by officials of his Ministry.

Labor Minister Masuda emphasized that the proposed new revisions would in no way infringe upon the fundamental rights of labor on which the current labor laws had been founded.

He added that the proposed revisions were aimed at having labor unions assume more responsibility by democratizing their organizational setups and realizing complete independence in all union matters.

Labor Minister Masuda pointed out that the proposed revisions of his Ministry could not be regarded as final as they are subject to further studies to be given by the Cabinet and other authorities concerned.

He also stated that his Ministry hopes to hold a series of public hearings in every big city throughout the nation on the proposed revisions of the labor laws to incorporate the opinion of various circles as much as possible.

In this connection, however, he indicated that he was opposed to the system of effecting direct control over wages at the present stage for the purpose of stabilizing wages.

### No Drastic Change Seen

Although Labor Minister Masuda declined to reveal the details of the proposed draft revisions of his Ministry, it is understood that no drastic change, such as the banning of strikes by public utility workers or the ousting of Communist elements for union leadership, had been made, Kyodo said.

At the same time, it is said that no change would be made

(Continued on Page 2)

Thus, virtually every article in the present Labor Union Law is expected to be revised along with a partial revision of the Labor Relations Adjustment Law.

Some of the salient points to be included in the proposed revisions of the Labor Union Law are reported to be as follows:

1. A clearer definition of an employee and an employer.
2. Registration of all labor unions.
3. Clarification and definition of the rights and equality of union members.
4. Provision for secret ballots and a majority vote for deciding union matters and abolition of special rights to Youth Departments in the Unions.
5. Limitation of the tenure of office of all union officers to not more than one year to abolish dictatorial rules by a few leaders.
6. Requirement of supervision by a third person over all financial accounts of a union to have them made clear to all members of the union.
7. Abolition of the system of having the employer provide financial aid to unions as well as to have the union hire its own workers.
8. Authorization of the Labor Relations Board to take penal actions both against employers as well as laborers who violate labor laws and regulations.
9. Adoption of the principle of a majority rule to assure peaceful negotiations between employers and employees.
10. Clarification and definition of those to be designated in carrying out capital-labor negotiations.
11. Institution of the system calling for the creation grievance organs to avoid any confusion following the signing of a collective bargaining contract.
12. Closer relationship between the national and local Labor Relations Boards.
13. Mediation Committees to be set up in the national and local Labor Relations Board to consist of neutral members only.
14. The appointment of neutral members of the National Labor Relations Board to be subject to the approval of the Diet.

15 JAN 1949

NIPPON TIMES

# Labor Ministry Completes Plan To Revise Laws

500.3  
(Continued from Page 1)  
to ban or punish any union for wildcat strikes, sympathy strikes, or for taking part in political activities.

Instead, it was learned that the new revisions would call for labor unions to be organized along democratic lines by assuming more responsibility and establishing complete independence in all matters with the aim of giving top priority in protecting public interest.

For this purpose, greater authority is expected to be given to the central as well as local labor relation boards for effecting peaceful settlements of labor disputes by reducing various administrative powers of the labor Ministry and other authorities concerned.

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## 2 Laws For Workers To Be Amended; Peaceful Labor Administration Is Aim

500.3

By Staff Labor Writer

MATSUMOTO, Jan. 15.—A draft outline calling for amendments to the present labor legislations including the Trade Union Law and Labor Relations Adjustment Law has been worked out by the secretariat bureau of the Labor Ministry.

After approval of authorities concerned, the plan will be submitted to the fifth special Diet session to be convened after the general election.

Director Saijiro Kaku of the labor administration bureau, Labor Ministry, called on Labor Minister Kaneshichi Masuda yesterday at this city to obtain the latter's consent. After putting finishing touches to the plan, they agreed to make the draft final.

The basic policy of the contemplated revision, which will be made on the Trade Union and Labor Relations Adjustment Laws, is as follows:

**1** Laborers' right of organization and collective bargaining will be protected to the fullest extent, but in order to comply with the aim of the economic rehabilitation imposed on Japan, technical adjustments will be made on the two legislations so that a peaceful labor administration will be maintained. In this connection, the democratization of trade unions will be carried out and unions' spontaneity and responsibility will be enhanced.

**2** In view of the foregoing, the current revision does not restrict legally laborers' right of organization, collective bargaining and dispute. It is designed to avoid labor disputes by further strengthening the democratic status of the unions.

Salient points of revision now under consideration are summarized as follows:

### Trade Union Law:

**1** The present Trade Union Law consisting of five chapters and 37 articles will be revised to contain seven chapters and some 50 articles. Two chapters will be added to provide for illegal labor act and collective bargaining.

**2** The definition of the trade union will be clarified more clearly than before together with the term of employers.

**3** (a) Equality of all union members will be definitely provided for in the law and, accordingly, the youth department of the union, which hitherto has held a special status, will be outlawed.

(b) Secret balloting and decision by the majority will be definitely provided for in the law to prohibit minority dictatorship by union executives. Commencement of an act of dispute will be decided by secret vote of all union members.

(c) Wildcat strikes will be ruled out.

(d) Although no legal restriction will be imposed on the union's con-

tribution of political funds, it must be decided by secret vote and majority of union members.

**4** Illegal labor act, which has been hitherto provided for in Article 11, will be made clear more minutely in a new chapter, and, in particular, employers' financial aid to the union will be prohibited in order to prevent the management control of the union.

**5** The establishment of the grievance machinery will be made necessary in the labor contract.

### Labor Relations Adjustment Law:

The present "cooling-off" period of 30 days will be prolonged to 90 days so that labor disputes of public utilities may not affect public welfare.

16 JAN 1949

MAINICHI

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### CHANGES PLANNED IN WELFARE LAW

500.3

**Aim to Stop Child Slavery  
Traffic; Probe Begun to  
Unearth More Cases**

The Child Bureau of the Welfare Ministry will revise the Child Welfare Law with the aim of preventing traffic in children such as was recently uncovered in Tochigi and Fukushima prefectures.

Parents incapable of bringing up their children for physical, spiritual or for economic reasons will be made to report to child welfare supervisors or to child committees. These organs will assist these parents financially or allow such children to be accommodated by children's homes modated by children's homes, reports Kyodo.

Under the revised law now contemplated, parents seeking to entrust their children to other families or families seeking to take care of other children will have to notify prefectural governors to this effect.

Children being cared for by other people will be placed under the category of foster children as provided for in the Child Welfare Law.

Children under employment will be protected through the application of the Labor Standards Law, while employment for children will be provided in conformity with this law and the Employment Stabilization Law in order to prevent all exploitation of child labor.

Children found sold in Tochigi and Fukushima prefectures are to be returned to their parents. Meanwhile, the Child Bureau is undertaking a nation-wide investigation to discover other cases of trafficking in children.

FEB 6 1949  
NIPPON TIMES

# Royall Attacks Russia; Victory for Democracy Over Communism Seen

## Revised NPSL Has Gone 'Too Far,' Gibson Tells Press Conference

500.3

By TOM HARADA

"I have no hesitancy in saying that the National Public Service Act went too far in some fields," declared Assistant Secretary of Labor John W. Gibson at a press conference yesterday when questioned on his views concerning the "no strike; no collective bargaining" ruling for Government workers.

Mr. Gibson, who is here with the Royall Mission, also declared that SCAP must "wield a strong influence" in the coming Diet session which he described as "most critical," in order to bring about revisions of both the Labor Law and the National Public Service Law.

The whole question is now under consideration not only by SCAP but by the Army, State and Labor Departments, Mr. Gibson revealed.

He observed that there is a need for more effective machinery for mediation of labor disputes.

Although greatly encouraged by the rapid and spontaneous growth of trade unions in Japan, Mr. Gibson urged that Japanese labor leaders must further awaken to their responsibilities if the country is to receive continued American aid.

FEB 8 1949

Mr. Gibson expressed himself as not being in favor of infringing on the right of "any group of workers to strike" but qualified this by saying that "in a period of economic recovery, the need for control should be recognized."

Mr. Gibson prefaced a warning that the Japanese worker has a "great responsibility to distinguish between those who are genuine leaders dedicated to democratic ideals and those who would lead labor back into totalitarian enslavement," with the remark: "Some people talk of democracy. Others practice it."

Commenting on the invitation to Japanese unions to join the World Federation of Trade Unions, Mr. Gibson expressed the opinion that since the British and American trade unions had withdrawn from the WFTU, leaving the control of its policy in the hands of "Russia and her satellites," it ceased to be the world spokesman for free, democratic trade unionism.

Consequently, he believed that "any affiliation of Japanese unions to the WFTU will cost them the support of some substantial part of the trade unions of America and England."

Asked if Communists should be expelled from top positions in Japanese labor unions, Mr. Gibson stated that it would be impossible to expel any segment and still have a free trade union system. He advised

that the best way would be that followed by the United States so far.

He stated that in his meetings with trade union leaders in Japan he had been authorized and requested to state that they are in full support of the nine-point Economic Stabilization Program with this provision: "that it be reflected fully over all classes of Japanese society."

Mr. Gibson believed that a return to cheap labor practices as a means toward trade recovery, would be disastrous because it would "just add the vigor and fire of the free trade union movement throughout the world to the already existing opposition to Japanese products."

In connection with the stabilization program, Mr. Gibson felt that there would be no need for direct and elaborate wage control measures because he believed current measures relating to deficit financing, commodity price control and subsidies would prove adequate.

The considerable unemployment which would result from the austerity program could be avoided by a "rapid step-up in production and some form of public works program," Mr. Gibson opined.

A plan to send a committee of top leaders of American labor unions, such as the CIO, AFL and the Railroad Brotherhood, to tour Japan and to confer with labor leaders in order to contribute to the formation of a democratic labor union movement, was revealed by Mr. Gibson. Upon being asked when they would be coming, he replied: "I hope very soon."

NIPPON TIMES

### METAL WORKERS HIT LABOR LAWS

**Threaten to Call Strike  
to Oppose Revision of  
Legislation by Gov't**

The 180,000 members of the All-Japan Metal Industry Workers Union (ZENKIN-ZOKU), NCIO, Tuesday threatened to call a nation-wide strike to counter the Government's proposed revision of the labor legislation. This resolution was unanimously voted Tuesday at Nagoya at the second-day session of Central Executive Committee of the union.

The resolution charged that the projected changes of the existing labor laws would "emasculate the workers who are protecting the indigenous industries from monopoly capital."

It said the union is determined to prevent the passage of bills for such revision by the Diet and added that the Central Standing Committee be given the power to call a nation-wide strike as a counter-measure.

The committee's approval of the resolution came after Makoto Kan, NCIO chairman, told the opening session Monday that the NCIO favored full study of plans for revising the labor laws before blindly charging the Government with attempting to change the legislation.

FEB 10 1949  
NIPPON TIMES

### PLANS TO REVISE ANTI-TRUST LAW

**Gov't Is Drafting Bill to Encourage  
Induction of  
Foreign Capital**

A bill calling for the revision of the Anti-Monopoly Law in order to encourage the induction of foreign capital is being prepared by the Government for presentation to the Fifth Diet.

The outline revision has already been drafted by the Fair Trade Commission with only minor details remaining to be worked out.

One of the main features of the revision bill is the provision stipulating that the Anti-Monopoly Law should apply to foreign firms.

The proposed revision calls for a clearer definition of the term "competition."

It will also ease the restrictions placed on the acquisition by a company of stocks of other companies and on the assumption of executive posts of two or more companies at the same time.

The post-registration with the Fair Trade Commission of an international agreement or contract, by foreign firms is also provided.

FEB 12 1949  
NIPPON TIMES

500.3



### Relation Between Labor Union Law And Press Code Violations Clarified

500.3

TOKYO, Feb. 10.—The Labor Ministry issued a circular to prefectural governors throughout Japan clarifying the relationship between violations of the Press Code and the infringement upon Article 11 of the Labor Union Law in accordance with the principles with which the Labor Committee takes action on the matter.

The circular was issued under the name of the Chief of the Labor Administration Bureau of the Labor Ministry.

According to the circular, violations of the Press Code issued in a SCAP memorandum to the Japanese Government dated September 19, 1945, are not "legitimate" actions stipulated in Article 11 of the Labor Union Law.

Although the Labor Committee cannot take actions directly upon these violations of the Press Code as in the cases of infringement upon Article 11 of the Labor Union Law, the circular recommends the following steps to be taken in case a question arises as to whether the Labor Committee should take actions on the cases concerned as offenses against the said Article 11 for the ostensible reason of having contravened the Press Code:

1. When an employer, for fair reasons, subjects to disciplinary punishment any person or persons

designated by SCAP or Military Government authorities as having violated the Press Code, it will not be dealt with as an infringement upon Article 11 of the Labor Union Law, irrespective of whether the employer concerned takes this action according to his own will or on orders from SCAP or Military Government authorities.

2. In case any person or persons are subjected to disciplinary punishment for apparent violations of the Press Code even in the absence of such designation by SCAP or Military Government authorities, and if, upon consultation with Military Government authorities, the violation of the Press Code becomes unmistakable and it is proved that the person or persons subjected to disciplinary punishment holds responsible positions, this punitive action will not be dealt with as a contravention of Article 11 of the Labor Union Law.

3. In case an employer subjects any person or persons to disciplinary punishment for having violated the Press Code but it is not definitely clear whether or not the said person or persons has actually violated the Press Code, a local labor committee should, with a report of investigations, approach the central labor committee for instructions to decide whether the action taken contravenes Article 11 of the Labor Union Law or not.

FEB 11 1949 MAINICHI

### Anti-Monopoly Law

500.3

Revision Bill Will Be Introduced To Diet Soon

TOKYO, Feb. 11.—The Fair Trade Commission will at the earliest opportunity introduce to the coming Diet session a bill revising the Anti-Monopoly Law in line with the expected induction of foreign capital and the economic reorientation of Japan, it is learned.

The bill features the following three points:

1. Restrictive and prohibitive provisions regarding the holding of corporate shares and the concurrent assumption by one person of a leading position in more than two corporations will be moderated or repealed.

2. Individual and corporate foreigners doing business in Japan will also be subjected to the Anti-Monopoly Law in the future in case of necessity.

3. The word "competition" which constitutes the basis of the Anti-Monopoly Law but has not been clearly defined will be given a definite legal interpretation.

FEB 12 1949 MAINICHI

### GOV'T ANNOUNCES PLANS TO REVISE TWO LABOR LAWS

Bill to Go to Diet Public Hearings From Feb. 21

Draft plans for the revision of the Trade Union Law and the Labor Relations Adjustment Law were announced by the Labor Ministry yesterday.

The revision proposals provide for greater powers to the labor relations boards and clarification of the qualifications of trade unions and union leaders.

After discussion at public hearings for 10 days from February 21, the draft plans will be codified into a bill for presentation to the Diet.

Labor Minister Kamekura Masuda in his statement explained the objectives of the proposed revisions as follows:

1. Promotion of democratization, independence and sense of responsibility of labor unions;

2. Setting of good standards and procedures for collective bargaining;

3. Strengthening of labor relations boards; and

4. Coordination of labor union movement for the public welfare.

The salient points of the draft revision plan are:

1. The membership qualification of labor unions will be more clearly defined with a view to excluding from the membership those presenting employers' interests.

2. Provisions governing collective bargaining will be created with a view to prohibiting the employers from refusing legitimate bargaining.

3. Minimum regulations will be adopted by the labor unions which will otherwise be unable to enjoy the protection of the Labor Relations Adjustment Law.

4. Powers of the labor relations board will be clarified and the relationship between the central and regional boards will be clarified.

The Labor Relations Adjustment Law:

1. Designation of public utility industries will be by the Prime Minister with the sanction of both Houses.

2. Strike actions of public utility industries will be subject to interpretation of terms of mediation plans will be pending the decision of the labor relations board.

3. Unannounced strikes will be banned.

### Basic Plans to Revamp Labor Laws Being Shaped

500.3

The Labor Minister yesterday started drafting a basic plan for the revision of the Trade Union Law and the Labor Relations Adjustment Law and is expected to complete its work by the end of the week.

A series of public hearings on the draft plans are slated to begin around February 21 in all parts of the nation. They will continue for the rest of the month.

The draft is expected to approximate the United States Wagner Act in many respects.

Saijiro Kaku, Director of the Labor Administration Bureau of the Labor Ministry told the press yesterday that the SCAP Labor Division on Tuesday suggested the holding of public hearings on the draft. Influenced by the current visit to Japan of U.S. Assistant Labor Secretary Gibson and other circumstances, he

said, it has been decided that a formal Government plan for revision of the labor laws would not be worked out until after the completion of the public hearings, which will deliberate on the basic draft plan of his Ministry in a thoroughly demonstrative manner.

A SCAP Labor Division official said in this connection that "democratic measures will be taken to reflect the desires of the rank and file."

He added: "Nothing is final as far as the technical proposals are concerned for the Trade Union Law amendments."

The installation of grievance machinery and the democratization of the trade unions by eliminating company unions and company-paid union officials are said to be some of the significant amendments.

FEB 11 1949 NIPPON TIMES

### Plan Revising Labor Union Law Is Announced

500.3

TOKYO, Feb. 14.—The Labor Ministry today announced its 67-article tentative plan revising the Labor Union Law and the Labor Relations Adjustment Law in conformity with the instructions from SCAP's Labor Division.

The Government is understood to introduce this revised labor bill around March 20 pending further study and research.

The revision principally aims at making labor unions more democratic, autonomous and responsible organs, clarifying procedure for collective bargainings, strengthening labor committees, and coordinating labor disputes to the general public welfare.

FEB 15 1949 MAINICHI

### NEW DECREE EFFECTIVE TODAY FOR FISHERMEN

500.3

The Fisheries Cooperative Association Law, which aims to democratize the Japanese fishing industry, becomes effective today. Under the new law, the existing Fisheries Associations are to be liquidated but there is a danger of feudalistic bosses wielding great power as there is no screening of officials in the Fisheries Cooperative Association like the Agriculture Cooperative Association.

It is reported that fishermen are already complaining that they are not given a fair chance to organize a cooperative association as the boss system is too strongly entrenched in fishing villages.

FEB 15 1949 NIPPON TIMES



**GOV'T ANNOUNCES  
PLANS TO REVISE  
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500.3  
Bill to Go to Diet After  
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2. Setting of good rules and procedures for collective bargaining;

3. Strengthening of labor relations boards; and

4. Coordination of the labor union movement with the public welfare.

The salient points of the draft revision plan are:

The Trade Union Law—

1. The membership qualification of labor unions will be more clearly defined with a view to excluding those representing employers' interests from the membership.

2. Provisions governing collective bargaining will be created with a view to prohibiting the employers from refusing legitimate bargaining.

3. Minimum regulations will be adopted by the trade unions which will otherwise be unable to enjoy the rights and protection of the Trade Union Law and the Labor Relations Adjustment Law.

4. Powers of the labor relations board will be expanded and the relationship between the central and the regional boards will be coordinated.

The Labor Relations Adjustment Law:

1. Designation of public utility industries will be made by the Prime Minister after sanction of both Houses.

2. Strike actions over the interpretation of terms of mediation plans will be banned pending the decision of the labor relations board on the matter.

3. Unannounced strikes will be banned.

4. The cooling period for the disputes in public utility industries will be extended to 40 days from the present 30.

FEB 15 1949  
NIPPON TIMES

**Revision of the Labor  
Legislations**

One of the most serious problems to be faced by the third Yoshida Cabinet will be its relationship with the working class. Without exception, all sections of organized labor have expressed their all-out opposition to a conservative cabinet which they fear will act to jeopardize their best interests.

Labor and the Prime Minister have a long-standing feud which began at the time of Mr. Yoshida's first Cabinet. It is a matter of record that a concerted labor offensive was the direct cause for the fall of the first Yoshida Government. That antagonism between the two parties has not abated in the least and may be expected to break out into open warfare at any time.

The recent announcement by the Labor Ministry of draft revisions to the Trade Union Law and the Labor Relations Adjustment Law will not make relations between labor and Mr. Yoshida's Cabinet any better. Organized labor has already gone on record as opposing the proposed changes in the labor laws and has promised to launch a determined "struggle" against the Government.

While the radical unions have charged that the revisions being suggested are "suppressive" and "undemocratic," the more moderate unions are pointing out that many of the provisions should have been left to the unions to put into practice by their own efforts. The Government proposals to revise the labor laws are, of course, far from perfect and they contain many clauses which, by all means, would be more preferably left to the discretion of the labor unions themselves. But the labor unions have not sufficiently shown their ability and capacity for self-restraint and self-criticism. Far from growing on a sound, healthy, and democratic basis, the labor unions have shown a tendency toward being completely dominated by a small group of extreme radical leaders.

The proof of the existence of this trend is shown by the organization of the Democratization League in the reputedly Communist-dominated National Congress of Industrial Unions, and the more recent establishment of an anti-Communist labor council.

The formation of these labor bodies clearly signify a protest against the present radical union leadership. But they are as yet weak and are overshadowed by the leftist leaders who have shown a greater desire to achieve political ends than to look after the welfare of the workers.

This trend will become even more marked with the success of the Communists at the recent polls as compared with the setback suffered by the Socialists. To be sure, it cannot be expected that the moderate labor unions backing the Social Democratic Party will oppose the proposed revisions of the labor laws any less than the radical labor groups supporting the Communist Party. But it is to be hoped that labor will fully realize that the actions of their radical leaders were to blame in a large measure for the drafting of plans to revise the labor laws. It is also to be hoped that labor will discuss the revision proposals from a sensible viewpoint without becoming emotionally wrought up and defeating the purpose of the public hearings which will be held on the draft revisions for ten days from February 21.

The proposals for revision of the labor legislations are of course not final and are themselves subject to change. Both labor and management will be given ample opportunity to discuss the measure not only in public hearings mentioned above but also in the Diet where the bills will go for final deliberation.

It must not be forgotten that the people, above all else, are desirous of seeing labor and management work together peacefully and in complete accord so that the nation may enjoy benefits which economy recovery will bring. This teamwork cannot be achieved by labor alone. It will take whole-hearted cooperation from the management and the Government through lending a sympathetic ear to the legitimate objections of labor.

FEB 16 1949  
NIPPON TIMES

**LABOR WILL FIGHT  
REFORM OF LAWS**

500.3  
Unanimous Dissatisfaction  
Over Proposed Revision  
is Voiced

Organized labor voiced its unanimous dissatisfaction with the Government draft of proposed revisions for the Trade Union Law and the Labor Relations Adjustment Law and threatened a "struggle" to combat the move.

A representative of the All-Japan Coal Industry Labor Union (Zensekitan) said yesterday that it will become necessary to stage "political" strikes within a "permissible scope" for coal miners as a step toward fighting the proposed labor law revision.

He said all labor fronts in the nation must be unified to fight the Government move.

The leftist National Congress of Industrial Unions opposed all provisions of the planned revision as infringing upon the union's right to organize and to strike. It said the Government is attempting to "crack down on the fundamental rights of labor."

The NCIU said it would conduct a "thoroughgoing fight" against the proposed revision.

A spokesman for the moderate General Federation of Trade Unions also criticized the draft revision for "going too far."

He said the proposed revision might be used by the management as a convenient excuse to suppress labor.

The spokesman added that the GFTU would work out a draft plan of its own.

Iwao Ayusawa, secretary-general of the Central Labor Relations Board, also said that the proposed revision left "much room" for improvement.

FEB 16 1949  
NIPPON TIMES

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Revision Of Labor Law 500.3

It is worthy of special attention that the Labor Ministry, on February 14, announced its own provisional bill for the revision of the Labor Union Law and the Labor Relations Adjustment Law.

The move deserves our keen interest and study because it is now high time to take into due consideration the fact that, without a settlement of the labor situation, the revival of production and the resultant stability of national livelihood cannot be achieved.

Yet, the Labor Ministry drafted its present bill without the customary recourse to a previous hearing of public opinion. This necessitates our full understanding of the turn of relevant events at home and abroad which warrants such streamlining of the drafting procedure.

It can be frankly admitted that the Labor Ministry has defined, on the basis of an equal footing for capital and labor, what a really complete and properly orientated labor union should be.

In Article I, for instance, the draft bill emphatically refers to a labor union as a perfectly democratic, autonomous and responsible organ and also clarifies the fair and just procedure for collective bargaining.

It stipulates unreasonable labor action which both capital and labor are duty-bound to avoid and, to effectuate this substantively, endows the labor committee with quasi-judicial powers to meet the situation.

The bill also contemplates the revision of the Labor Relations Adjustment Law so as to coordinate disputes to general public welfare, empowering the Prime Minister to designate what are public utilities, and further providing for a longer "cooling off" period to apply also to private business.

At the same time, some provisions of the bill definitely place restrictions on labor union activities.

However, it is also true that, even in the midst of the current labor union movement, there is looming desirable indications of further democratization, such as voluntary efforts to prevent the over-use of the right to strike and the right of collective bargaining.

Nevertheless, the actual situation is, more often than not, that labor still persists in adhering to their vested prerogatives, thus stimulating some section of the management to stand pat on its irreconcilable attitude as if to meet the challenge of the worker.

And, as long as these are the circumstances, Government attempts to combat the situation by revising the labor laws may be regarded as justifiable, although the economic crisis of present-day Japan is too grave and extensive to be settled at once by a mere revision of laws and legislation.

We are highly desirous of seeing more tolerance and good manners on the part of both capital and labor. They must have a deeper insight into their respective standpoints even in the midst of struggle and the clash of opinions.

Therein we would like to seek and find the basic principle underlying the Labor Ministry's present intention to revise labor legislations.

FEB 18 1949 MAINICHI

# Labor Law Revision Plan Due for Public Hearings

## Meetings Start Tomorrow; Issue Seen as Major Test for Yoshida Cabinet

By TAMOTSU MURAYAMA 500 3

For the next 10 days from tomorrow public hearing will be held in various parts of the nation on a proposed legislation considered most vital to the healthy development of the trade union movement here.

The prime aim of the proposed revision of the Trade Union and the Labor Relations Adjustment Laws is to elevate the status of workers and to clarify the procedures for collective bargaining on a basis of equality between labor and management.

In Tokyo a three-day hearing will be held at the Mainichi conference hall from tomorrow.

The projected revision will go to the Diet for further debates after labor and management are given full opportunity to present their views at the public hearings.

A heated battle is expected over the proposed measures to revise the labor laws and it will be a major test for the Yoshida Cabinet since the Communists are known to be giving full support to the opponents of the labor law amendments.

A perusal of the revision measures as provisionally drafted for discussions by labor and management shows the following important points:

1. It does not discriminate against any political party or groups; it does, to the contrary, provide that two or more members of the neutral representatives on a single prefectural labor relations board shall not belong to the same political party.

2. Terms of collective bargaining are clarified so that management will not be subject to undue and forcible coercion by radical union leaders. Management may be allowed to refuse or stop collective bargaining in the following instances: when procedures for collective bargaining are not followed; when negotiators are unreasonably numerous; when negotiations interfere unduly in business operation; when the personal well-being of employer or employee is unnecessarily threatened; when counterproposals are not presented without fair reason; and when just causes as lack of good faith make further negotiation impossible.

3. Elimination of company-paid union officials and termination of company unions provide for an autonomous union. Provisions are thus made for the nonmembership in unions of employers and persons representing the interests of the employers; for the termination of unions receiving such support from the employers and wages and salaries of union officials working solely for the union; and for the elimination of unions whose primary purpose is political activity.

4. Unfair labor practices shall be handled by the labor relations boards which will publicize the matter and may order corrective measures.

5. Labor relations boards, central, prefectural and maritime, shall be strengthened with the Central Labor Relations Board given coordinating power over the prefectural boards. Closer relationship will thus be maintained between the central and the prefectural boards.

6. Advance notice of disputes and the extension of the cooling-off period to 40 days from the present 30 days in the interests of public welfare.

Labor Ministry officials commenting on the public hearings declared that the draft proposals should be revised "if necessary" according to the opinions expressed by labor, management, and experts in the field.

"The people should also feel free to express their views so that the final draft may be drawn up in a democratic, fair and proper manner," they added.

FEB 20 1949

NIPPON TIMES

# Public Forum Is Held On Proposed Revision Of Labor Legislations

## Unions' Representatives Demand Further Study By Deliberation Council

TOKYO, Feb. 21.—Further study about the projected revision of the Labor Union Law and the Labor Relations Adjustment Law by the Labor Legislation Deliberation Council to be newly formed in the Government was demanded by representatives of the National Congress of Industrial Organizations and those representing the Central Labor Relations Committee on the occasion of the first public forum on the subject held at the auditorium of the Mainichi Press, Tokyo yesterday at 10 a.m.

These representatives contended that the Government had decided upon the present tentative plan undemocratically without previously hearing the opinions of the labor circles. Those representing the Government replied that due consideration would be made of the demand at Cabinet meetings.

# Labor, Management Plans to Revise

## Criticism Voiced as Public Gov't Draft Get U

Sharp differences of views were heard as the public hearings on the proposed revision of labor laws as drafted by the Labor Ministry.

Hearings began in all parts of the nation from Sunday and yesterday.

Labor circles were bitterly antagonistic to the projected revision of the Trade Union Law and the Labor Relations Adjustment Law as being "oppressive" while management representatives felt that more protection should be given the employer.

At the first hearing in Tokyo, the following remarks were made:

Makoto Kan, chairman of the National Congress of Industrial Unions: "It is far from satisfactory that the bills drafted by a handful of Government officials be placed before such a public hearing as this."

Dr. Itsutaro Suehiro, chairman of the Central Labor Relations Board: "Actual conditions should have been taken into these Tak man o Indust much Econc wove draft Ha Econc muc labor be g Te of t Co.: quer and strik the Pr of T mer the unio whil inter with stren grow may

FEB 22 1949

Among the opinions presented were those by Chairman Hayashi of the Labor Union Legislation Deliberation Committee who opposed the projected system of deciding collective bargaining unit.

He also contended that it is reasonable to permit the third to request the publication of accounts without a similar situation applying to the employers' management as in the case of Article VIII.

The forum was attended by Vice-Minister Eguchi, other government officials, representatives of the Japan Economic Federation, Japan Chamber of Commerce, Central Labor Relations Committee, National Congress of Industrial Organizations, All-Japan Electric Industry Workers Union, All-Japan Miners Union, and those representing neutral circles including professors and newspaper editors.

The audience numbered about 150.

FEB 22 1949

MAINICHI



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FEB 20 1949

NIPPON TIMES

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# Labor, Management Rap Plans to Revamp Laws

## Criticism Voiced as Public Hearings on Gov't Draft Get Under Way

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Dr. Itsutaro Suehiro, chairman of the Central Labor Relations Board: "Actual conditions should have been taken

into consideration in drafting these bills."

Takeo Hayashi, vice-chairman of the All-Japan Machine Industry Workers Union: "Too much opinion of the Japan Economic Federation has been woven into the fiber of the draft bills."

Hajime Maeda of the Japan Economic Federation: "Too much protection was given to labor. Equal protection should be given to both sides."

Tetsuzo Watanabe, president of the Toho Motion Picture Co.: "Clauses preventing frequent occurrence of strikes and prohibiting 'sympathy' strikes should be inserted into the bills."

Professor Mitsutoshi Azuma of Tokyo University of Commerce: "Provisions prohibiting the formation of 'company' unions should be deleted while clauses preventing the interference of employers with labor unions should be strengthened so that the growth of 'fake' labor unions may be forestalled."

FEB 22 1949

NIPPON TIMES

Among the opinions presented were those by Chairman Hayashi of the Labor Union Legislation Deliberation Committee who opposed the projected system of deciding the collective bargaining unit.

He also contended that it is unreasonable to permit the third party to request the publication of union accounts without a similar stipulation applying to the employers and management as in the case of Clause II of Article VIII.

The forum was attended by Labor Vice-Minister Eguchi, other government officials, representatives of the Japan Economic Federation, Japan Chamber of Commerce, Central Labor Relations Committee, National Congress of Industrial Organizations, All-Japan Electric Industry Workers Union, All-Japan Coal Miners Union, and those representing neutral circles including professors and newspaper editorial writers.

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FEB 22 1949

MAINICHI



500.3

**Controversy Over Proposed University Law:**

**Opposition Is Voiced By Students; School Autonomy Decrease Feared**

By Tanejiro Kamei, Staff Writer

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STUDENTS can now be seen at various places demonstrating against the proposed University Law. In some cases, even professors are mingling with these students, appealing to the public to back up their opposition to the prospective "Charter of Universities."

**What is the University Law? Why are students and professors opposing it bitterly and bolsterously?**

Now in the process of democratization, school education in Japan is fast shifting from its onetime regimentation to freedom of learning. State universities, as the highest stratum and the finishing touch of the new 6-3-3-4 educational system, will, it is hoped, be "universities of the people."

The first to gather shape of all efforts for this democratization of State universities was the University Standard Association's "Board of Trustees" plan patterned after the American system of Board of Trustees. This plan has met wide, strong opposition.

**Students Carry Out Strikes**

Professors of State universities took the lead in opposing the plan in May 1948 and, in June, students of more than 100 universities and colleges went on strike in protest to the plan, taking advantage of their opposition to the raise of tuition fees.

In October, the Education Ministry completed its provisional draft bill governing State universities.

But this only invited vociferous opposition from the State universities themselves, as well as the Education Renovation Committee, Japan Teachers' Union and All-Japan Students' Federation, which opposed the Education Ministry with their respective revised plans. In December, some 10 institutes in Kyushu, Shikoku and Kinki went on a protest strike.

In view of this aggravating situation, the then Education Minister Yasumaro Shimojo announced in January this year that the original plan would be relinquished once for all and would be replaced by a new plan to be worked out jointly by the Education Ministry, Education Renovation Committee and other competent authorities concerned.

But the general anticipation is that the new plan will after all be but a plagiarized version of the original one and will be placed on the Diet agenda intact.

And in order to block the bill from presentation to the Diet, let alone the Diet passage of it, professors and students are now pushing forward a joint counter-movement throughout the nation, either putting off the term-end examinations or canceling the spring term vacation.

Then, what are their objections to the proposed University Law? What do these campaigning professors and students want of the new State universities?

**The most controversial discussions center around the objective and the administrative structure of these universities.**

In addition to the Board of Trustees (or Regents) system which, it is feared, will be a control committee including "outsiders" that will reduce the schools' autonomy and disrupt the relations between professors and students, those opposing the University Law charge that it will:

- (a) Make the school administration bureaucratic.
- (b) Make theoretical research impossible.
- (c) Reduce research funds to the minimum.
- (d) Increase the tax burden on local districts.
- (e) Turn the universities into vocational institutes.
- (f) Lower curriculum standards.

According to the original plan drafted by the Education Ministry, these State universities are designed principally for vocational education and practical research, and are to be so adapted as to meet the respective local requirements wherever they are situated.

Some circles were ready to admit that this may go a long way toward rectifying the past purely academic university education which has turned out the least practical men and women to the communities, but the Assembly of State University Presidents contended that university education given for such a purpose would only restrict and even deprive universities of their raison d'etre.

They insisted on limiting the scope of the measure's application to the administrative aspect alone.

Meanwhile, the Teachers' Union and the Students' Federation have voiced all-out opposition on the ground that it would fatally encroach upon the freedom of study and research in the universities.

As to another point at issue, the administrative structure, the Education Ministry's initial plan provided for the creation of a "Central Council" in an advisory capacity and a 13-man "Board of Trustees" in each university endowed with the final power of decision.

The 13 members of the "Board of Trustees" consist of three to be appointed by the Education Minister subject to Diet approval and three by the prefectural governor subject to the approval by the prefectural assembly, three representing graduates, three representing the Board of Professors, plus the president of the University.

This was apparently designed to decentralize the university administration, but the Education Renovation Committee intends to so revise it as to establish a 20-man "State University Education Committee" as an all-powerful central organ and a consultative council as an advisory organ in each university.

These 20 men are seven to represent the university, seven to be appointed by the Education Minister, four members of the Diet Education Committee, and two representatives of the Scientific Research Board.

While the original plan aimed at absorbing as much opinion of the local residents into administrative policies for the universities, the ERC's revised plan seeks each university's own autonomous management to the utmost.

**To Prevent Monopoly**

The Teachers' Union and the Students' Federation, on their part, stand in favor of student's participating in the management with a view to preventing the possible monopoly of the administrative power by the Board of Professors.

As strong as the opposition to the anticipated University Law is also the opinion that students enter universities to study and learn, and not to struggle with the faculties, the relation between the two being naturally different from the labor-management relation in general communities.

One more mooted point is that the new State universities have much to depend for management upon the finance of the respective local autonomies and monetary contributions from outside, this tending to increase the already heavy burden to be incurred by taxpayers in general.

Thus, although the eventual solution of the problem is yet to be known, there are mounting indications that the controversies will not involve professors and students alone, but the general populace as well, for the future of Japan as a peace-loving nation hinges no little upon the final form of these State universities, which occupy a pivotal role in educating the young generation as the vital force of reborn Japan.

MAR 13 1949  
MAINICHI

**Drop Poll Law Revision**  
The local administration committee of the House of Councillors conferred with the representatives of the national election supervision committee yesterday, and concluded that there is no need to revise the House of Councillors Election Law. A move had been sponsored by some Councillors to abolish the nationwide electoral district.

MAR 18 1949  
NIPPON TIMES

**Labor Law Conference Will Be Held Tomorrow**  
Kyodo  
TOKYO, Mar. 20.—The SCAP Labor Section is scheduled to sponsor a conference of 22 labor unions on the labor law revisions March 22 at 9 a.m. at the auditorium of the Army Education Center in Marunouchi. The unions to take part in the conference include: National Congress of Industrial Unions, General Federation of Labor Unions, National Metal Workers Union, National Express Company Workers Union, All-Japan Electric Industry Workers Union, Government Railway Workers Union, Japan Seamen's Union, General Federation of Private Railway Workers Unions, National Coal Mine Workers Union, and others.

MAR 21 1949  
MAINICHI

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500.3

### 4,000 Osaka Students Rally, Parade In Protest Against New University Law



Voicing strong, concerted opposition to the proposed University Law, about 4,000 men and women students of some 30 colleges and universities, as well as senior high schools, in Osaka rallied at the ground of the Medical Department of Osaka University Sunday, March 13, at 10.30 a.m.

Among the schools participating in the rally were Osaka University, Osaka University of Commerce, Naniwa College, Osaka College of Foreign Affairs, Prefectural Women's College, Women's Medical University and Osaka Pharmaceutical College.

The Democratic Liberal Party, Communist Party and Socialist Party, plus around 10 local organizations, including the School Teachers' Union and the Government Employees' Union, as well as representatives of colleges and universities in other districts, sent their respective

messages to the rally, urging the independence, freedom and peace of universities.

The rally was held under the slogans of opposing the proposed University Law and similar legislations, requesting immediate publication of the revised University Law, demanding the establishment of a democratic organ for legislating the law governing universities and private schools, defending freedom of learning and research, calling for State financing of educational and research expenses, objecting to either abolishing or diminishing schools and research institutes, securing autonomy in universities, and completing the democratization of university and research institute administration.

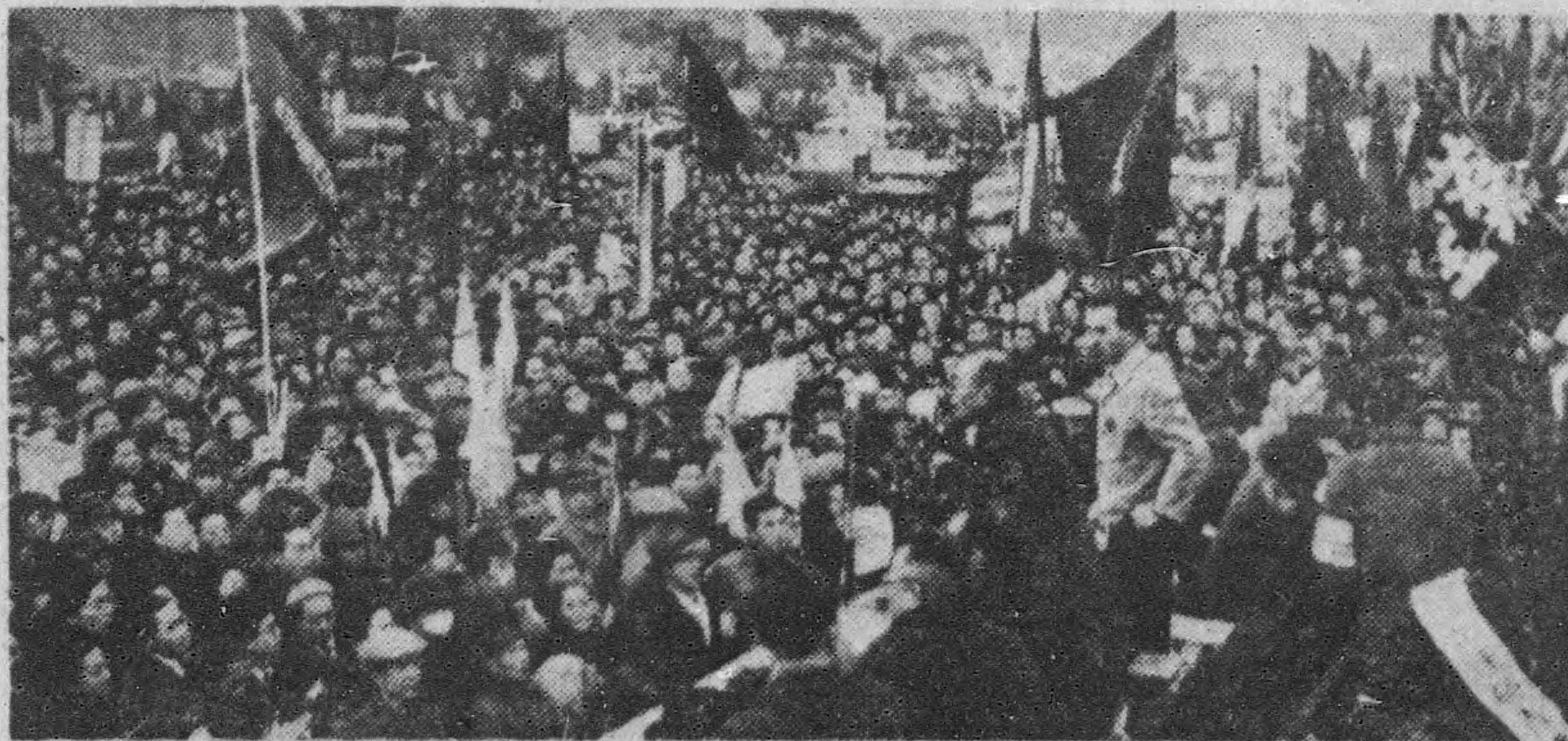
After passing a resolution based on the slogans, the students paraded through the city to Ogimachi Park, carrying publicity placards.

(Photo shows the students on parade).

MAR 14 1949

MAINICHI

### OPPOSE LABOR LAW REVISION



Bearing red banners in a drizzling rain, about 100,000 workers assembled on the Palace Plaza to pretest the discharge of officials in the

Government plan to streamline its administration, and the revision of the labor laws.

Kyoto

### 100,000 Workers Rally In Attack Against Gov't

A crowd of workers estimated at about 100,000 gathered yesterday morning in a mass meeting at the Imperial Palace plaza in drizzling rain to unite in a common anti-Government front.

Sponsored by the Democratic Cultural Federation, the All-Japan Council of Labor Unions, the Communist and

Socialist parties and other groups, the meeting was called to oppose the revision of the labor laws and the large-scale discharge of Government workers in the forthcoming administrative reforms.

The meeting adopted the resolution to oppose dictatorial policies of the Government with regard to wage control, mass dismissals and the current system of rice deliveries

The workers said the Yoshida Cabinet is driving the masses into poverty and ignoring the basic rights of workers. They stated the Government is trying to revise the labor laws to the detriment of workers and carry out mass discharge of Government workers. Also the workers denounced the Government's attempt to concentrate upon monopolistic capital and destroy small and medium enterprises.

The Associated Press said scattered among the union delegations were Korean and Chinese Association groups, the latter protesting against the Japanese Government's newly announced foreign investment policy. One Chinese said that the policy puts his countrymen here in the same category as other non-Japanese.

Leaning against the speakers' platform mounted on two United States Army truck trailers, which had been turned over to the Japanese as surplus equipment, was a flower-bedecked photograph of Kim Il Sung, Premier of the Russian supported North Korean Republic.

Speakers included Katsumi Kikunami of the Japan Communist Party who used to head the leftist National Congress of Industrial Unions but now labors openly for the Reds.

After the meeting adjourned at 1:30 p.m. the workers staged a mass demonstration through the streets and before the Diet and other Government buildings.

MAR 16 1949

NIPPON TIMES

500.3



### WILL NOT SHELVE LABOR MEASURE

Suzuki Squashes Rumors Regarding Standards Law

An assurance that the Government has no intention of "shelving" the Labor Standards Law was given by Labor Minister Masabumi Suzuki at the national conference of prefectural labor standards bureau chiefs yesterday.

Chester W. Hepler, chief of SCAP's Labor Division, also addressed the meeting, telling his audience that the whole world is closely watching how the Japanese Labor Standards Law is being enforced.

Mr. Suzuki gave his assurance by way of categorically denying rumors in some circles that with the projected revision of the Trade Union and Labor Relations Adjustment Laws the Government will decide sooner or later to "shelve" the Labor Standards Law.

The Labor Minister further told the meeting that two theories are being advanced with regard to the projected wage stabilization program, namely, one in favor of direct control of wages and the other advocating indirect wage control.

He revealed in this connection that direct wage control is being strongly favored in some Government quarters as well as in some business and banking circles.

Mr. Suzuki declared, however, that the Labor Ministry could not approve of any proposal for direct wage control as it was aware that such would unduly irritate labor with the result that the workers' will too would be adversely affected.

MAR 5 1949 NIPPON TIMES

### Govt. Planning Revision Of Commercial Law

TOKYO, Mar. 4.—The Government has completed a draft revision of the Commercial Law which will be submitted to the forthcoming Diet session, it is learned.

It is said that the revision features the adoption of an authorized capital system and non-par stock system in order to facilitate the invitation of foreign investments.

MAR 5 1949 MAINICHI

### Against Labor Law Revision

Six Communist Diet members made a representation to Labor Minister Masabumi Suzuki calling upon the Government to withdraw the projected bill revising the existing labor laws.

MAR 10 1949 NIPPON TIMES

### GOV'T COMPLETES DRAFT OF PPS LAW

Standards for Provincial Civil Servants Set Out in New Bill

The Government has completed a draft of the Provincial Public Service Law and expects to submit it to the Diet after Cabinet approval within a few days.

The bill stipulates basic standards of appointment, examinations, a job-ranking system, status, disciplinary actions, wages and other working conditions of provincial Government employees following the pattern of the revised National Public Service Law, Kyodo said.

All prefectures and five big cities are to have a special organ each functioning similarly to the National Personnel Authority of the central Government.

The law is scheduled to go into force after six months from the date of its promulgation.

The Trade Union Law and the Labor Standard Law will not be applied to the provincial Government employees under the law.

They will be permitted to organize unions "with a view to negotiating on working conditions" but will be prohibited from political activities and strikes as in the case of the central Government employees.

Employees of enterprises operated by provincial Governments will be recognized the right to bargain collectively and their disputes will be put to mediations by a permanent mediation committee or a temporary provincial public enterprise mediation committee.

MAR 9 1949 NIPPON TIMES

### Govt. Plans Legislation For Local Public Service

TOKYO, Mar. 9.—The Government has decided upon the skeleton plan for legislating the local public service law which will keep abreast of the National Public Service Law, it is believed.

The Government plan will be further integrated through future arrangements among the Ministries concerned and local authorities, as well as various autonomous labor unions.

The final bill, pending approval by the Cabinet, will be presented to the Diet in the latter part of March.

MAR 10 1949 MAINICHI

### SCAP SPOKESMAN HAILS LABOR LAW

Adequate Work Standards Believed Essential to Increase Production

Only through adequate working standards, properly enforced, can Japan insure the well-being of workers so essential to increase production, declared Miss Golda G. Stander, chief of Wages and Working Conditions Branch, ESS, SCAP, at a press conference yesterday. She praised the two-year record of the Labor Standards Bureau as one of substantial accomplishments.

However, she said there are still employers, Government officials and others who believe that Japan cannot afford the Labor Standards Law if it is to compete in world markets. "The truth of the matter is that Japan cannot afford not to have the Law," she declared.

"Unless the world is convinced that Japanese products are not produced under sweatshop conditions, strong measures may be taken to bar Japanese goods from essential world markets. The adverse effects on the Japanese economy, should such steps be taken, are obvious," Miss Stander warned.

Under the authority of the Labor Standards Law, the Central Labor Standards Bureau and the Labor Ministry have created 49 prefectural labor standards offices and 336 local inspections offices, while some 2,000 inspectors have been appointed and trained, Miss Stander revealed.

MAR 19 1949 NIPPON TIMES

### New Strike Ban Bared by Gov't

All strikes over the issue of labor law revision will be outlawed as incompatible with the Occupation policy, Saijuro Kaku, chief of the Labor Administration Bureau, Labor Ministry, told a press conference Thursday evening.

He made this categorical statement following his conference with R. T. Amis, chief of SCAP's Labor Education Branch, Thursday afternoon.

MAR 26 1949 NIPPON TIMES

### Labor Standards Law

2-Year Result Satisfactory, Miss Stander Tells Press

TOKYO, Mar. 18.—Marking the second anniversary of the enactment of the Labor Standards Law, this month, a press conference was held at Radio Tokyo, with Miss Golda G. Stander, Chief, Wages and Working Conditions Branch, SCAP, as speaker, and a discussion on the appraisal of the two-year-old condition of Japanese Labor Standards Law took place.

In view of the unprecedented system and nature of the program, she said, in general the results obtained through the Japanese Labor Standards Law during these two brief years were quite satisfactory.

It had to work against so many innate odds, psychological and traditional, of the vestiges of deeprooted feudalism, in many cases enhanced and fermenting in an unconscious state as the result of the breaking down of the old order, and under the strain of postwar inflation.

MAR 19 1949 MAINICHI

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ITEM 12 TOYAMA KEN PASSES PUBLIC SAFETY LAW

(Full Translation)

AUG 1949

500.3

KITANIPPON SHIMBUN (Toyama), 12 Jul. --- The Toyama Ken Assembly passed a prefectural public safety bill in the evening on 12 July, after a day of labor demonstrations and great confusion.

The day started with the assembly filled with laborers protesting the passage of the bill. Even the reporters' seats were filled with demonstrators waving red flags. The crowd vociferously remonstrated against the Governor's explanation, and cheered denunciatory speeches by Socialist-assemblymen. In front of the assembly building demonstrators singing the Internationale, formed a solid mass to prevent the entrance of policemen.

This session was adjourned after Assemblyman MIYAMOTO, the final interpellator, finished his speech. Assemblymen leaving the hall were buttonholed at the exit and asked whether they would vote "yes" or "no".

At this time the protesting workers massed themselves in front of the special room where the committee of the whole assembly was preparing to meet. When about ten policemen entered the hall, the workers demanded that the police withdraw, because "this ordinance threatens our livelihood and the presence of police makes our negotiations difficult." The police withdrew, but the workers remained suspicious that plainclothesmen might make an appearance.

Meanwhile, certain workers had been demanding that workers be permitted to attend the meeting of the committee of the whole assembly. Although the assembly authorities maintained at first that only newspaper reporters would be admitted, a compromise was finally reached, and 20 labor representatives were allowed to enter the meeting room. Other laborers sat down on the stairway outside the assembly hall to await developments.

At 1930 hours, the assembly session reconvened for the purpose of voting on the public safety measure. The assembly speaker's address was inaudible, due to cat-calls and the singing of the Internationale.

A little later, between a motion by Assemblyman FURUKAWA (Socialist) for a recess and a question of when the debate should be closed, the assembly became the scene of a great uproar. Finally at 2020 hours it was decided to put the bill to a vote. Although the Socialist assemblymen delayed their voting, the bill was finally passed. When the assembly speaker was reporting the results of the vote, his voice was again drowned out by the workers, who were singing the Internationale.

ITEM 37 DON'T PLAY AT LAWMAKING

(Summary)

500.3

TOKYO SHIMBUN, 31 Jul. --- In view of the frequent mass violence cases cropping up recently, the Upper House Judiciary Committee is now contemplating a new regulation to be introduced to the forthcoming special Diet session. As the first step, a sub-committee for this measure has been created. Since a majority of Communist-instigated cases are almost beyond control of the existing regulations in their character, scope, and design as can be judged from the Taira police incident and the Hiroshima Japan Steel Company case, the establishment of new regulations to meet the new situation may not be a bad idea in itself.

However, what we feel most chagrined about is the fact that, although both the Government and the Diet begin to prepare a new regulation whenever a new situation develops or an unexpected incident occurs, they soon neglect it and give no heed to its proper functioning or application. The first thing for the Government to hear in mind is to exert efforts to enforce the existing laws fully. If these should have proved impracticable, then it would not be inadvisable to convene a special Diet session to deliberate new regulations. It is incumbent upon the Diet to examine and observe how the existing laws are being applied.

AUG 1949



ITEM 20 OBLIGATION TO TELL THE TRUTH

(Full Translation)

JUL 1949

5003  
TOKYO SHIMBUN, 25 Jul -- When arrested, a suspect can either keep silent or tell the police that he cannot make a statement. He can also do this before the judge, in the courtroom. Furthermore, the police and the judge should make the suspect understand, prior to examination, that the right to keep silent is provided for in Japanese law. In other words, the suspect need not say anything which would be disadvantageous to himself.

On the other hand, when a person is called to court as a witness he must swear that he will speak the truth, and he must abide by his oath. Witnesses are not allowed to give false testimony or refuse to testify without adequate reason. A witness can be severely punished if he gives false testimony.

Some may say that if a suspect takes advantage of his right to maintain silence, he should be ordered to take the witness stand. However, he can refuse to testify in a case where he himself may be subject to legal action.

Apart from criminal matters, the people have the responsibility of making various reports. Even individual incomes are reported to the authorities concerned by the people themselves. If they fail to make accurate reports, or if they make falsified reports, they are subject to corporal punishment. In this manner, the general public is obligated to "speak the truth" about many things, while the criminal suspect has a right to say anything he wants.

More than six months have passed since the enforcement of the new Criminal Code. Although the court still has such old pending cases as

that of HIRAZAWA, the old Criminal Code has not been applied to cases which took place after January of this year. Partly because of the fact that the authorities concerned are unfamiliar with the new procedures, court procedures and the arrest of suspects are not carried out speedily. As a result, there have appeared many problems in this connection. Even in the face of a suspect's confession that he committed theft, the authorities cannot indict him if there is lack of evidence in the form of stolen property. Even if the stolen property is in the hands of the police, they must sometimes release him because they cannot continue to examine him after the short period of custody provided in the new Criminal Code has expired.

These cases may not have a serious effect upon society. However, it is natural that the examination of suspects, and the court procedures are difficult beyond imagination in such cases as violations of the Election Law, scandal cases, and the Mitaka incident, which are supposed to have some ideological background.

Of course there are some instances where the leniency of the new Criminal Code has prompted the criminal to confess his crimes and ask for punishment. However, such instances have been witnessed only in minor cases, no such instances having been seen in major criminal cases. It is impossible to expect such action from criminals who try to justify the confused social conditions with their ideologies and from those who are not conscious of their own crimes. It is self-evident that they will fool the investigators and the court by taking advantage of the spirit of respect for fundamental human rights and the right to keep silent, as provided in the new Criminal Code. Repatriates from Siberia reportedly have kept silent at Maizuru port and have thereby delayed repatriation matters. What we consider again in this connection is the responsibility of the Japanese and of the people residing in Japan to speak up on facts, within certain limitations. The new Criminal Code came into existence as a reaction to violation of human rights in prewar days. The far-reaching guarantee of human rights has caused a feeling of reaction against old ideas, and it appears that Japan, which is on the road to being democratized, has hit an obstacle in this regard.

With regard to the right to keep silent, some revision should be made so that cunning and powerful criminals will not be helped by this law. Telling the truth should be an obligation of the people, under all circumstances.

The Attorney-General's Office is now speeding up the formulation of supplementary laws to the Criminal Code, such as the Law of Evidence. Granting that the formulation of supplementary laws will be of some help, revision of the provision whereby a suspect has the right to keep silent should be carried out, first of all.

JUL 1949



ITEM 6 ITANO DENOUNCES FOOD DELIVERY BILL

(Full Translation)

5003

AKAHATA, 25 May -- On the evening of 23 May, the House of Councillors' Agriculture-Forestry Committee passed the Emergency Food Procurement Measures Bill by a margin of one vote. This bill authorizing the compulsory collection of over-quota delivery was adopted despite the adamant opposition of farmers.

At 1900 hours, Committee Chairman KUSUMI (Ryokufukai member) arbitrarily closed interpellations and opened the meeting to free discussions. Communist Representative ITANO Katsujiro, who had actively defended the cause of farmers since the introduction of the bill, took the floor and fervently attacked the bill in an hour-long speech. He began by blasting Agriculture-Forestry Minister MORI, who had advocated voluntary delivery to gain the farm-bloc support, but turned color immediately upon becoming minister and engineered a bill to legalize coercive delivery. He condemned the Democratic-Liberal Party personified in Minister MORI as antipublic and, after having clarified the Communist Party's stand regarding the problem of food production and delivery, concluded by reiterating his party's opposition to the heartless legislation.

Representative OKAMURA Bunshiro of the New Political Council next took the floor and denounced the bill as fatal to the farmer and that anyone who supports this plan should never pretend to be a representative of farmers. Socialists, Communists, New Political Council members and Democrats voted against the bill, while Democratic-Liberals and Ryokufukai members supported it. The votes were split evenly, and Committee Chairman KUSUMI cast the deciding vote in favor of the plan.

The speech of Representative ITANO was in substance as follows: "Our party will fight this bill to frustrate the fraudulent policies of the Democratic-Liberal Party. We demand that the following amendments be made in the bill:

- (1) Agricultural plans will be drafted by a democratic organ.
- (2) For this purpose, all agricultural adjustment committees, without exception, will be made deliberative organs, and the recall system will be adopted.

(3) The Government will be responsible for the procurement of reproduction materials.

(4) Such coercive measures as the restriction of planting will be abolished.

"Only when the above four points are incorporated into the bill will democratic agricultural plans and delivery system be established. The bill before us is both destructive and traitorous and will obstruct the production and delivery of food and increase our degree of dependency upon foreign countries.

ITEM 5 AMENDMENT IMPROVES RATE OF CONFINEMENT REDRESS

(Full Translation)

5003

JIJI SHIMPO, 13 Jul -- The proposed amendment of the Criminal Redress Law is designed to improve the financial aspect of indemnity for damage to an accused whose rights have been infringed. It is based on Article 40 of the Constitution, which provides, "Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law." It prescribes an indemnity to an accused of 200 to 500 yen per day for the period from the time of arrest to acquittal. The amendment thus provides a 40- to 100-fold increase in the present absurdly small sum of five yen a day for the period of detention.

This redress is of course also due any person who, although sentenced as guilty, is subsequently adjudged innocent when the true offender is found. In the event such a wrongly convicted man has been executed, or has died from other causes, the amendment provides that all the inheritors may share the indemnity, whereas under the present law, only the eldest son may sue for redress.

The year in which there was the greatest number of law suits for redress of this kind was 1940, when 166 acquitted persons filed claims, and were paid sums totaling 150,000 yen. The lowest year was 1946, when one person received 550 yen. At present, it appears that all persons having such claims are awaiting passage of the amendment, in the hope that it will be retroactive to the date the Constitution became effective.



ITEM 8 LOWER HOUSE PASSES TRADE-INDUSTRY MINISTRY LAW

(Full Translation)

JIJI SHIMPO, 25 May -- Yesterday's plenary session of the House of Representatives opened at 1420 hours.

TOKANO Satoko, Socialist, made an urgent interpellation on "credit sales of rationed staple food and its delayed or suspended rationing. Agriculture-Forestry Minister MORI replied that it was impossible for the Public Food Corporation to sell rationed food on credit, and that he believed there would be no delay or suspension of food rationing even during the pre-harvest period.

TAKAHASHI Seijiro, Democrat (opposition faction), then followed with an urgent interpellation on the ferrosulphate mine workers strike. Labor Minister SUZUKI explained that this strike grew out of the problem of wages and prices after the cancellation of subsidies. He stated further that the Government, in liaison with the Economic Stabilization Board and the Commerce-Industry, was backing the mediation of the Central Labor Committee.

Then the Trade-Industry Ministry Establishment bill and the bill pertaining to the co-ordination of laws concerned following the enforcement of this law, were simultaneously put on the agenda. Both bills were approved and thus enacted.

Following this, a bill relating to the partial revision of the Statistics Law, as transferred from the House of Councillors, was presented, with the result that the Upper House's amendment plan was noted down.

Finally, two bills transferred from the Upper House were added to the agenda and approved. They were the Judicial Official Examination bill and one concerning the co-ordination of laws concerned following the establishment of the Premier's Office.

The rest of the agenda was held over and the meeting adjourned at 1507 hours.

ITEM 27 LAWS ARE NOT TO PROTECT THE LAWLESS (Sub-editorial)

(Full Translation)

TOKYO SHIMBUN, 6 Jul -- It has finally come about that all those connected with the Taira Incident are to be arrested on charges of sedition. In Kyoto occurred the incident of repatriates' refusing to board their trains. Meanwhile, the so-called "struggle within legal limits" in connection with the personnel retrenchment program of the Japan State Railways has already begun.

All morning papers dated 5 July have taken up these incidents separately. Although they have taken on different forms, it is, nevertheless, clear that the three incidents have similar objectives. This tense situation does not, however, seem to be limited to Japan alone. On the pages of the same day's newspapers, it was reported that anti-Tito riots would arise in Yugoslavia in August and that Prime Minister ATTLEE of Great Britain sharply attacked the Communist Party at a conference of the Labor Party.

He stated: "The Soviet Union is a police state and possesses clear class divisions. There is no freedom but that of praising the Kremlin, while the Eastern European countries must organize their economies not for the good of their own people but to suit the wishes of the Soviet Union."

The ideology of the Communist who regards the Soviet Union as his motherland instead of the country which gave him birth, is often confronted even in Japan. It does not seem in the least unusual to these people to foment trouble and create disturbances through conspiracy in countries which they do not regard as their own. However, the large numbers of people who would be caused great trouble by these activities cannot very well leave the Communists alone. Indeed, if these Communists resort to force or break laws in their actions, the nation will have to ruthlessly eradicate them through the power of public opinion.

The obstruction of trains has increased greatly of late. In addition, the movement of the All Japan Communication Workers Union, which supports the fighting stand of the State Railway Workers Union in its decision to resort to illegal struggle methods, is being closely watched. And the attention is particularly sharp when it comes to the forces at work behind these unions. Lawless people who cannot be disposed of through democratic methods should surely be placed beyond the protection of laws.



ITEM 30 RESPECT FOR LAWS

(Full Translation)

500.3

ASAHI SHIMBUN, 6 Jul -- The currently developing situation that has been brought about by the announcement of the state railway personnel retrenchment program is a severe test for the Japanese people. Under the circumstances, the people must understand the general situation, must know how to discriminate clearly between legal and illegal activities, and how to maintain a firm attitude.

The retrenchment issue is an economic problem. The people must be cognizant of the fact that it has to be accomplished at all costs.

As is generally known, Japan's postwar economic position fell to below half the pre-war level. However, this fact has been concealed by inflation, and the people have been obliged to suffer their share of the latent mass unemployment. If this inflation spiral is accelerated, Japan's productive capacity will never rise; and as long as inflation exists, the people's livelihood--particularly that of the working masses--is doomed to be pressed even harder. For this reason, the working masses have all opposed the inflationary policy.

A crisis now confronts the people which they must inevitably overcome in order to reach a period of increased employment in conformity with augmented production capacity. We must surmount this crisis with the least possible sacrifice and friction. Accordingly, the present situation, from a broader point of view, is not attributable to any one Japanese of this postwar period if technical skill is left out of account. Thus, the prime necessity is to exert all-out efforts for unemployment relief. This is a human right demanded by unions and the people.

However, Diet debates on the Personnel Strength Bill were concentrated merely on eyes and noses. The important problem of unemployment was not fully discussed in line with the enforcement of the Personnel Strength Law which, in turn, is indispensable to the nation's economic stabilization. This is the most important issue remaining before the Government and the people and requires speedy settlement. As a political problem, the situation is comparatively clear and simple.

Now that the Personnel Strength Law has been passed by majority support, no one can violate it. It can be amended only after a new session of the Diet is convoked and not unless a majority supports the revision. This is parliamentarianism, and it leaves no question at all. If the people should trample the law or be swayed by those who propagandize against it, they may be criticized as forgetful of their sovereignty under democracy and as breathing the atmosphere of old dictatorial ages. If they swing to the right and to the left as others preach, the foundation of democratic politics can never be established.

It is not rare for propagandists and demonstrators to distort the real shape of affairs. Be that as it may, those who did not wonder upon seeing the people's train running with only a few on board and leaving many behind, may be considered to have lost their realization of sovereignty. This is another proof testifying to their notion that laws are made by somebody else.

The so-called "law-abiding campaign" is of course a mere trick of word, but we should not be nonchalant even toward such a childish idea. We should have sufficient discretion to obey real laws. The state railways is not perfect in its equipment, and the regulations for running trains must be strictly observed. This is not a question for railway workers to raise as if it never existed before. According to the railway authorities, conditions have been remarkably improved as may be supposed from the increase in the budget. Although much remains

to be done, the regulations for running trains are not to be brought out as something new. If this originates from a law-abiding spirit, there are fundamental laws that should be strictly observed.

Disregarding those who are originally disposed to ignore laws and have their way, those who realize the national difficulty, who know right from wrong, and who are willing to do their best for the national welfare should fully realize that they are hereby placed in the position of deciding whether or not they should trample the law which was made by the people. The democracy which they have cherished since the end of the war depends upon their decision; at the same time the issue is a touchstone to try the strength of our national character.



ITEM 13 THE EVIL HABIT OF WANTON LAWMAKING5p.3  
(Summary)

JIJI SHIMPO, 30 May -- The year before last, the President of HAITI instructed his islanders to wear shoes whenever they were going to town. It was argued that the people would work harder in order to buy shoes; furthermore, that if their appearance became more presentable it would serve to attract a greater number of foreign visitors. Since then, in PORT au PRINCE, capital of that country, the custom of walking barefoot has gradually been reformed. However, the farmers still leave their villages with shoes in hand and put them on in the outskirts of town, grumbling: "Why should we be fully-dressed every day, as if always at a fiesta?"

Every law or regulation is supported by some apparently logical reason. Moreover, bans have been placed on various activities citing certain evils created in some particular instances. Whenever a new law is made, its predicted merits are loudly announced. It has been customary for the people, like the Haiti islanders, to pay only formal observance to the laws, murmuring their dissatisfaction the while.

During the present Diet session, an almost uncountable number of laws have been enacted or revised. Among them are many such as those abolishing the Japanese age counting system, decreeing right-hand pedestrian traffic, and approving abortion, which might well be called queer and funny. This is not to say that they represent mere meddling. However, assuming that issuance of a law is to be accompanied on every occasion by citations of its possible merits or by warnings of the imaginable evils for each instance, our country will soon become flooded with laws, and the people bound up in a net of them.

To be sure the Diet is the law-making organ vested with the right of legislation. This does not mean, however, that it should enact laws at random in every session. In a provincial legislature in a certain country, a bill was once introduced for taxing bachelors over 35 to raise funds for pensions for old maids. In another legislature, a bill was presented which would impose fines on women who had rejected marriage proposals without good reason. In still another instance, a bill was introduced to prohibit the use of hat-pins that would protrude more than one inch to either side. It is reported that the offerer of this bill was so enthusiastic as to demonstrate at a committee meeting the danger of an 18-inch hat-pin comparable in length with a bread-knife. Our information does not reveal whether or not this bill was enacted.

If every human act, no matter how trifling, is to be supervised by laws, we shall find life almost not worth living. There is naturally a limit to the scope of legislation. Moreover, there are laws which are almost impracticable.

Despite stringent supervision, the prevailing trend of blackmarket prices could not have been checked. In fact, tax officials have considered the "back-door" business of restaurants an important revenue source. Control of "foraging trips" for staple food foiled even when the extreme step of stopping trains and searching all passengers was employed.

These examples well illustrate the evil effect of the abuse of laws, a practice stemming from the idea of the omnipotence of laws. We must warn against the reverse effect to be created by the principle of strict law and severe punishment; this might rather lead toward the disregard of laws. We must demand that the Diet ponder deeply on the evil habit of wanton lawmaking.



ITEM 2 PRICE ADJUSTMENT CORP REVOKES CERTIFIED BILL SYSTEM

(Full Translation)

5003  
KOGYO SHIMBUN, 12 Jun -- The Iron and Steel Department of the Public Price Adjustment Corporation has decided to abolish the existing certified bill system. The time to be set for the abolition, over which the corporation is negotiating with the Bank of Japan, will probably be around the end of the year.

The industrial world is seriously concerned over this measure. It is feared that abolition of the system will have grave effects on the financial situation of manufacturers at a time when they are suffering from the accumulation of unsettled sales accounts and the insufficient issue of bank loans linked with government subsidies.

The corporation's certified bill system was originally aimed at facilitating bank loans to meet the retrenchment of the corporation's operating funds, caused by the shortage of government funds. However, the rapid change in the general economic situation later forced the corporation to work as a financial institution in the course of operating this system.

This change in function drew criticism. The corporation came under further attack this past spring, when the removal of synthetic products from corporation control revealed that the total outstanding bills under its certification was 1.3 billion yen.

The certified bill system was in effect terminated by the decision in the last session of the Diet to revise a part of the law for this corporation. The revision aimed at restricting the financial activity of the corporation to paying the difference between the purchase and the sales prices. This means that the corporation will no longer purchase specific goods upon production, but will pay price differentials to producers when the goods are delivered to their customers.

In the past the payment of differentials has been limited to pig iron produced for the producer's own use, and then only to pig iron whose return sales were poor. Hereafter, differential payments will be effected for all goods within the scope of this department of the corporation.

The corporation's policy in carrying out the new system is to pay the differentials in a certain order, according to producers and types of goods and considering the management conditions of individual companies. For instance, unfinished goods may be given priority over finished goods, and a maker of both thin iron plates and galvanized iron plates may obtain payments for only one type product at one time.

In the course of expanding the scope of the new system, efforts will be made to equalize the rate of payments under the new system among companies. Of all the types of products concerned, pig iron will be placed last in the gradual enforcement of the differential payment system.

The corporation is now negotiating with the Bank of Japan as to the settlement of a total of 5.5 billion yen payable by the corporation, consisting of five billion as outstanding certified bills for iron and steel, and a half billion yen as loans obtained from the Reconstruction Finance Bank. It is expected that the amortization will not be completed until the end of next year.



ITEM 3 MONOPOLY LAWS IMPEDE RECOVERY -- KAZAHAYA

(Full Translation)

500.3  
 AKAHATA, 18 May -- The Tobacco Monopoly Law, the Salt Monopoly Law and the Camphor Monopoly Law, with partial revisions, passed the House of Representatives on 16 May. They were supported by all parties with the exception of the Communist Party.

In opposition to passage of the bills, KAZAHAYA Yasoji (Communist) delivered the following speech:

"The postwar monopoly profits constitute 20 to 30 percent of the total state revenue. In the case of tobacco, a pack of Peace brand cigarettes, which costs no more than 5.485 yen to manufacture, is sold at 60 yen with a 900 percent tax, and the quality of the cigarettes is extremely poor. The cost is kept at this low level at the sacrifice of tobacco growers and Monopoly Bureau employees.

"In the salt industry, handicapped by competition from imported salt, numerous salt manufacturers who are financially unable to install vacuum evaporation equipment are gradually being forced out of business.

"Camphor producers are also in a serious predicament because of the inappropriate prices. Therefore, the monopoly system, in effect, increases the burden upon the masses and destroys smaller enterprises. This is greatly detrimental to economic reconstruction."

ITEM 8 NATIONAL PUBLIC SERVICE LAW REVISION BILL PASSED

(Full Translation)

500.3  
 NIHON KEIZAI SHIMBUN, 22 May -- Saturday's Lower House plenary session, which had gone into recess at 0301 hours, reopened at 1504 hours. The following bills were approved:

1. A bill for the settlement of revenues and expenditures of the 1946 general and special budgets.
2. A bill concerning the payment of cold-area allowances and coal allowances to government officials.
3. A bill for the transfer of the assets of industrial unions to agricultural co-operative unions and other organizations.

Later, resolutions to make national efforts afforestation and to expedite the rehabilitation of telecommunications facilities were adopted. This was followed by the approval of bills for partial revision of the National Public Service Law and the National Administrative Structure Law. Then the following interpellation on the repatriation of Japanese from SOVIET RUSSIA was made.

NAKAYAMA Masa (DLP): 1. In regard to the number of Japanese to be repatriated from the Soviet areas, there is quite a difference between the figures published by the SOVIET UNION and GHQ. What about this?

2. According to the Soviet announcement, there are no dead. Nor was any reference made to civilian internees. What is the actual situation?

Deputy Premier HAYASHI: We are surprised at the difference between the figures announced by the Soviet authorities and those heretofore reported. The Government believes that the correct number of Japanese yet to be repatriated is about 400,000, as reported previously. Inquiries will be conducted into the minor details of the figure.

The session adjourned at 1718 hours.



ITEM 1 POSSIBLE APPOINTEES TO POLICY BOARD DISCUSSED

(Full Translation)

5003  
 YUKAN CHUGAI, 17 May -- The Bank of Japan Law Revision Bill, which was put to open hearings in both Houses on 13 and 14 May, is expected to be passed by the Diet before long. The selection of members of the Bank of Japan Policy Board to be created under the revised law appears imminent, and various maneuvers are taking place in nominating candidates for the four seats to represent business (commerce and industry), banking and agriculture.

Since the Policy Board will be empowered to decide on a basic financial course, either for deflation or disinflation, to comply with SCAP advisor DODGE's policy, its formation is much more meaningful than merely being the cause of the waning power of ICHIMADA, the so-called "king" of the Bank of Japan.

## Business Candidate

The Federation of Economic Organizations has already submitted a list of candidates to the Finance Minister through the Commerce-Industry Ministry. Those listed are MIYAJIMA Seijiro, honorary consultant to the Nisshin Spinning Company (NISSHIN BOSEKI KABUSHIKI KAISHA); NAKAJIMA Kumakichi, chairman of the Japan Trade Association (NIPPON BOEKI KAI); ISHIKAWA Ichiro, chairman of the Federation of Economic Organizations (KEIDANREN); NAGASAKI Eizo, president of the Public Industrial Rehabilitation Corporation (SANGYO FUKKO KODAN); and MOROI Kanichi, president of the Chichibu Cement Company (CHICHIBU CEMENT KABUSHIKI KAISHA).

The nomination of these candidates was not an easy matter. When difficulties due to the tight loan policy of banks and the lack of funds in industry were at their height, Governor ICHIMADA, who was alarmed by the Diet passage of the bill to set up the Policy Board in the Bank of Japan, consulted with chairman ISHIKAWA of the Federation of Economic Organizations concerning the nomination of board members to represent industry.

ISHIKAWA, a loyal henchman of ICHIMADA, first persuaded SATO Takesaburo, president of the Shibaura Cooperative Industry Company (SHIBAURA KYODO KOGYO KABUSHIKI KAISHA) and KAN Reinosuke, former chief of the Coal Board and presently consultant to the Public Coal Distribution Corporation, both of whom are managing directors of the federation, to accept the nomination. This attempt, however, ended in a failure because of a provision in the law prohibiting any person holding a position in a business organization from becoming a member of the Policy Board. In the meantime, NAGASAKI Eizo, who seemed to have been attracted by the fact that the post is made to order for a retired executive, was listed as a candidate despite some doubts as to his capability.

ICHIMADA's feeler was then directed to MIYAJIMA, who is believed to be a Yoshida underling. He first worked on SAKURADA Takeshi, president of the Nisshin Spinning Company and one of MIYAJIMA's followers, NAGANO Shigeo, managing director of the Japan Iron



ECONOMICITEM 1 (Continued)

Manufacturing Company (NIPPON SEITETSU KABUSHIKI KAISHA), and ASAO Shinsuke, president of the Nippon Yusen Kaisha, all of whom are under the influence of the Bancho Association. ICHIMADA was to invite these three to a meeting in ATAMI in mid-April.

It seems that the unexpected success of the Democratic Liberal Party to legislate the reorganization of the Bank of Japan has forced Governor ICHIMADA to relax his tight loan policy with which he used to threaten the business circles early this year. Considering this, the Atami meeting is significant as his first attempt to win the confidence of businessmen along with his Democratic Liberal Party machination through Secretary-General HIROKAWA.

In this connection MIYAJIMA is said to have told SAKURADA that NAKAJIMA would be more suitable than himself as a member of the Policy Board. This statement, however, was probably to camouflage his intentions, considering the reports that he will eventually be elected chairman of the board. It is also reported that the Finance Minister once remarked at a party that MIYAJIMA was his personal choice. If so, the other four nominees running for the post of representative of business to the board will have to take a back seat to MIYAJIMA, the favorite of both YOSHIDA and IKEDA.

## Banking Candidates

As for the nomination of candidates to represent banking, bankers are recommending each other to avoid being nominated, since being elected will mean losing their present posts due to the provisions prohibiting the holding of concurrent positions. On the other hand, Governor ICHIMADA seems confident of being able to manipulate the nominations because of his influence over financiers favored by him in the form of Bank of Japan loans. The widespread rumors over his meeting KISHI Isao, governor of the Japan Industrial Bank, at MEJIRO were unfounded. The truth is that the widow of the late FUJITA, president of the Fujita Bank which obtained special loans from the Bank of Japan during the panic of 1927, took the opportunity of the completion of the bank's liquidation to invite both the governors and vice-governors of the Bank of Japan and the Japan Industrial Bank to a tea ceremony at her residence in MEJIRO. KISHI seems to have been placed in a difficult situation because of the need to relocate KUDO, who is currently the vice president of the Reconstruction Finance Bank. Following the unsuccessful attempt to obtain the presidency of the Japan Power Generation and Transmission Company (NIPPON HASSODEN KABUSHIKI KAISHA) for KUDO, the situation seemed to favor the nomination of KISHI for a post in the Policy Board only to make room for KUDO as the governor of the Japan Industrial Bank.

Later, on 11 May, representatives of the 13 major banks (the Chiyoda, Fuji, Osaka, Sanwa, Daiichi, Teikoku, Kyowa, Daiwa, Kobe, Tokai, Tokyo, Japan Industrial, and the Japan Hypothec banks) met to nominate five candidates for a seat on the Policy Board. At this meeting, HAMAGUCHI Katsuhiko, president of the Bank of Tokyo, CHIGIRA Sozaburo, president of the Chiyoda Bank, SATO Kiichiro, president of the Teikoku Bank, WATANABE Tadao, president of the Sanwa Bank, and SUZUKI Kyoichi, president of the Tokai Bank, all of whom were determined to avoid being nominated themselves, took charge of choosing five candidates. The result was the nomination of IJIRI Yoshiro, ex-president of the Fuji Bank, KUDO Shoshiro, vice-governor of the Reconstruction Finance Bank, NISHINO Gen, former president of the Japan Hypothec Bank, TAJIMA Michiharu, chief of the Imperial Household Office, and ITO Kenji, former governor of the Japan Industrial Bank.



ECONOMICITEM 1 (Continued)

Among active financial leaders who smartly evaded the nomination, CHIGIRA refused by declaring that he would not risk playing second fiddle to another candidate. Among those who accepted the nomination, IJIRI, who is apparently dissatisfied with the obscurity of retirement, is most likely to be finally appointed to the post in the Policy Board.

Candidates from local banks were nominated at a meeting of their association (Thirteenth Day Association) held on 14 May by the 15 managing banks. In this case, the managing banks' conference did nothing more than to pick the heads of the five leading banks. Those nominated are NAKAYAMA Hitoshi, president of the Shizuoka Bank, ITO Yutaka, vice-president of the Geibi Bank, KASHIWAGI Junichi, chairman of the board of directors of the Seventy-Seventh Bank, HIROSE Keiichi, president of the Hokkaido Colonial Bank, and KAMEYAMA Shige, president of the Joyo Bank. Among them, the eloquent NAKAYAMA appears to have the best chance of being elected. Although he indicated his lack of confidence at being elected, an influential local financier was to personally solicit Bank of Japan officials on his behalf.

## Agricultural Candidates

Candidates from the agricultural circles are HASUMI Yasu, ex-president of the Agriculture and Forestry Central Bank, TOBATA Seiichi, chairman of the Agricultural Rehabilitation Council, YUGAWA Mototake, president of the Agriculture and Forestry Central Bank, YOSHIDA Seiji, chairman of the Central Raw Silk Association, and UCHIDE Masataka, former chief of the Marine Products Bureau of the Agriculture-Forestry Ministry. Among them, HASUMI is believed to be the all-around favorite.

The above-mentioned competitors for the Policy Board to represent business, city banks, local banks, and agriculture are now awaiting the forthcoming final selection by Finance Minister IKEDA and Premier YOSHIDA. Speculations are rife regarding what course the Policy Board will pursue and also whether Governor ICHIMADA will be elected chairman of the board as expected by his followers.



ITEM 13 Livelihood and Laws - Asahi - 21 Feb 49. Translator: Y. Bannai.  
(GS)

500.3 Summary:

Although the postwar social turmoil seems to have quieted down somewhat, it cannot be said that social morality has improved.

Picking flowers in the parks, spitting on the street, or smoking in the trams, though prohibited by law, are anti-social practices seen everywhere. The most elementary of social morals teaches us that spitting on the streets and smoking in crowded trams are detrimental to public health.

An apparently good social discipline prevailed under the Nazi and militarist regimes during the last war. However, this was a forced social order under dictators. Accordingly, when such dictatorships collapsed after the war, social discipline suddenly began to degenerate.

The erroneous opinion prevails that disregard of social order is necessary in order to become free of past feudalistic customs. However, such a misleading thought should now be discarded.

In a democratic society, where coercion is without power, the social-minded public establishes and observes moral standards on its own initiative. However, the current social situation dampens the prospects of JAPAN's social democratization.

It will take a long time and much social training to re-establish social morals, which have degenerated so much. However, since this is a prerequisite to JAPAN's democratization, the schools should play a major role in implanting a democratic morality into children's immature minds. We must now reflect on the fact that the present educational system pays little attention to this point.

The establishment of a new social morality depends largely upon the national initiative, but the Education Ministry should be more active in making practical and authoritative suggestions to school authorities, with due respect for social life.

ITEM 5 LABOR LAWS REVISION BILL TO DIET ON 22-23 APRIL

(Full Translation) 500.3

ASAHI, 16 Apr -- Labor Minister SUZUKI called on Economic and Scientific Section Chief MARQUAT and Labor Division Chief HEPLER at GHQ yesterday morning to confer on the proposed revision of labor legislation. As a result, it was arranged that the revision bill would be introduced to the Diet about 22 or 23 April, inasmuch as they are confident that the bill can be presented to the current

Diet session. The following points were agreed upon during the course of the discussion:

1. The revision bill is to be presented to the current Diet session.
2. Final and strong advice will be given Monday on the partial revision of the draft worked out Thursday.
3. Measures in the revision bill have been adjusted somewhat because of changes in the objective circumstances. Henceforth, revision should be conducted gradually. Measures desired by the Government and the DLP will be considered in the future.

The Government will conduct final negotiations this week. Indications are that the DLP has agreed to the Government's policy.



ITEM 1 CONTEMPT OF COURT LAW BEING DRAFTED

(Full Translation)

500.3  
YOMIURI, 9 Apr — In connection with the Aikodo and Japan Typewriter Company cases and violations of Political Ordinance No 211 banning strikes by government officials, which attracted the attention of the Tokyo District Court last year, the Supreme Court studied measures to deal with court cases, which happened on the average of one per day in every district court area, led chiefly by the Communist Party. As a result, the court saw a necessity to enact a law similar to the law punishing contempt of court which is attaining good results in the countries governed by Anglo-American law. The Supreme Court proposed the enactment of such legislation to the Government.



NEWSITEM 1 (Continued)

The Government has accepted the Supreme Court's request and decided to present a contempt-of-court punishment bill to the present Diet after obtaining the approval of a cabinet meeting soon. It is worth noticing what political effects it will create, especially because the present Cabinet, whose fundamental character is anti-Communist, is steadily putting into practice its anti-Communist measures, including the establishment of the Examination and Un-Japanese Activities Committees and the revision of Potsdam Ordinance 101.

The bill comprising 31 articles is designed to mete out strict punishment to prevent acts of contempt of the court and judges. The outline of the bill is as follows:

1. Article one says that this law shall aim at maintenance of the dignity of the court and judges and the satisfactory operation of the judicial system.

2. Article two will make clear what acts will fall under the contempt of court.

3. Article three reads, "Anyone who is guilty of contempt of court shall be sentenced to less than three months detention or fined less than 30,000 yen in case the violator is an individual and less than 70,000 yen in case the violator is a legal person."

4. Such an act, unlike as under ordinary procedures, shall be punished without waiting for an indictment by a prosecutor. Article two defines the following as acts of contempt of court.

a. When a person, during the trial of a case or the taking of other procedures by the court or a judge (regardless of whether it is inside or outside the courtroom), commits an destructive or illegal act in the presence of the court or the judge or where the court or the judge can notice this act; or when he refuses to obey a court order or a decision.

b. When a person refuses to abide by a judge's decision or a disposition.

c. When a person obstructs the speedy settlement of a case deliberately; condemns the court or a judge in connection with a case, or when he commits other acts which will mar the dignity of the court or a judge.

Our country has had no law punishing contempt of court. Therefore, to formulate the new law, we must wait for decisions to be passed on several cases to know what acts the Supreme Court will designate as being acts of contempt of court.

Decisions on cases in ENGLAND and the UNITED STATES which have had long experiences with such a law, define the following as acts of contempt of court:

1. Contempt in the presence of the court or a judge: Use of violence or creation of noise inside the courtroom; refusal to take an oath by a witness.

2. Contempt outside the court: Acts obstructing the operation of the judicial system and the performance of duty by court officials, intimidation of judges, acts robbing a court-appointed custodian of evidence held by him, obstruction of the performance of duty by an executor, acts preventing a witness from appearing in court by arrest and detention, interference with the parties to the litigants, forgery of warrants, litigation activities of unqualified attorneys, and neglect of duty by proceeds custodians.

3. Contempt of court by speech and publication: Libelous attack against judges, private communication with judges with the intention of influencing a judgment on a case, comment on or criticism of a



NEWSITEM 1 (Continued)

case under trial (This means a speech or publication which reports the procedures of the court erroneously or which gives either an advantage or a disadvantage to the parties concerned). This involves the danger of oppression of the freedom of speech and publication, depending upon its application. Contempt of court by speech and publication is also applicable to cases which are already settled when it obstructs the operation of the judicial system.

4. Other decisions: Refusal to obey an order or a warrant, refusal to obey a money-payment order, refusal to obey an order to appear in court as a witness, and violation of a pledge to the court.

The most famous case of refusal to obey a court order is the case of John LEWIS, president of the UNITED MINE WORKERS, in the US, who refused to obey a strike stoppage order on 4 Dec 1946. LEWIS was fined 10,000 dollars for contempt of court and his union was fined 3,500,000 dollars.



ITEM 1 The Unfairness of Penal Law (MASAKI Hiroshi) - Magazine: Kagakuken (Monthly) - Feb 49. Translator: T. Kakinuma. (MJF)

Summary:

5003  
Laws of the past were outwardly solemn and righteous and seemed accurate, fair, and impartial. Actually, however, they were designed to force the people into a bestial existence while providing an undisturbed, easy pattern of life for the bureaucrats. That such laws have been changed and are now based upon democratic principles is almost incredible. Yet, the fact remains that because the new Constitution and new laws have been instituted by the same old bureaucrats, Diet members, and others who still believe officials superior to the people, these new statutes cannot be expected to differ essentially from the old ones.

In the guise of democracy, the laws under the new Constitution are contradictory, irrational, and, with their increasing expenses and complicated procedures, really a trial to the people. The criminal code serves as a powerful, protective weapon for the bureaucrats, and its fraudulence is extreme and obvious. It ignores and departs from scientific reasoning. A majority of the bureaucrats responsible for the new criminal code probably never stopped to consider the good or bad points of the basic problem. Whether or not criminal trial procedures appear to respect human rights, they cannot actually do so if the laws and regulations are irrational and unnatural. Furthermore, even if the penal codes and rules of procedure were ideal, the public would suffer if the officials administering these codes and laws were inferior people.

In the Teikoku Bank case, the big problem of human rights was overlooked. The authorities concerned, before arresting HIRASAWA, investigated thousands of suspects and spent more than 10,000,000 yen. Why did they commit such a blunder? Simply because they possessed no staff capable of rational action. Japanese journalists discussed only the handcuff issue instead of the above point, thus it is concluded that they too lacked power of analysis. With the problem of human rights now coming to the fore, the tendency of our prosecutors is not only to avoid difficult cases, excepting the ones with news value, but to enrich themselves by deliberate oversight of violations committed by those in close connection with them. However, this does not mean that they are idling. To the contrary, they have to keep busy and maintain a "good record" by making use of the fact that there are penal laws under which almost anybody can be considered a criminal. The people are like birds soto speak waiting to be hunted, with each among them subject to arrest at the whim of the prosecutors.

In the ASAHI Weekly, published 16 May 48, MIBUCHI, President of the Supreme Court, stated that a man is indifferent to punishment when he blackmarkets food in full realization that he is violating the Food Control Law. No law is more inhuman and unscientific than the existing penal law which demands execution of an



POLITICALITEM 1 (Continued)

impracticability. In other words for those who do not wish to die, blackmarketing is permissible as long as they are prepared for punishment; in this case, those who want to remain alive may do so in a prison cell. There has probably been no other time in history when judicial bureaucrats have been able to carry on their work so easily as in the present. Today they have the power to punish anyone as they wish. Regardless of how humane criminal procedures may be, they are meaningless, if the penal laws themselves are inhumane.

Under the new Constitution, the judgment of all crimes must be made on evidence presented in court. Although the position of a judge is assumed by the fact that he knows law, there is no guarantee that his decisions will be fair. Such verdicts are similar to a pharmacist's prescriptions.

Regarding the case in which a policeman in IBARAGI Ken, beat an innocent suspect to death in 1944, the official autopsic doctor diagnosed the cause of death as cerebral hemorrhage, while two university professors announced that a severe beating was the cause. At the first trial, the policeman was acquitted on grounds of lack of evidence because the prosecutor supported the judgment of the autopsic physician and ignored the examination of the two professors. However, in August 1948, the Tokyo Higher Court, acknowledging the judgment of these professors, convicted the policeman. As is obvious in this case, present-day prosecutors and judges lack a scientific background. Although the prosecutor who insisted that death was due to disease resigned his post, all the judges and the doctor concerned in the first trial still remain in office. This is the kind of condition existing in JAPAN's courts today.

Concerning decision in regard to punishment, the penal laws provide for only the heaviest and lightest penalties; the others are left to judicial discretion. Therefore, it must be realized that the punishment handed down by the judges might be irrational, unfair, and meaningless in some cases. Consequently, for the purpose of suppressing criticism directed toward them, the bureaucrats are now in the process of enacting a "contempt of court" law, whereby no criticism can be made without violation of it. (The writer is an attorney.)



ITEM 13 Gov't Commission Readies Anti-monopoly Law Revisions - Kogyo Shimbun -  
11 Feb 49. Translator: F. Hagiwara. (WM)

Full Translation:

5003  
 In conjunction with the introduction of foreign funds and the change in the objective situation, the Government's Fair Trade Commission has been studying the revision of the Anti-monopoly Law since last September. Recently, an understanding was reached on the outline between the Government and related quarters. Therefore, the bill is scheduled to be submitted to the fifth Diet session, after a few details are settled. The following are the highlights of the present revision:

(1) A considerable de-emphasis of restrictive steps in the current Antimonopoly Law, such as the restriction of a company's stock holdings (Article 10) and the limitation of the assumption of an additional office by an official (Article 13) will be taken.

(2) The jurisdiction of the Antimonopoly Law for foreign companies and industrialists is not clear. However, the revision makes it clear that it applies even to the foreign industrialists when they carry on business in JAPAN.

The revised points of the existing Antimonopoly Law include:

(1) Article 2 stipulates competition as including latent competition. To clarify this point, competition will be defined to include: (a) When businessmen are able either to produce the same or similar goods or to offer the same or similar services and to deal with the same customers in the same market; (b) when they are able to enter into the aforementioned competition without greatly modifying the production equipment of the enterprise or the sales method; and (c) when their dealings are included in the rational limits of ordinary enterprise activities.

(2) Article 6 on international contracts stipulates that permission is necessary. This will be revised to stipulate that only an ex post facto report is necessary.

(3) Article 10 of the existing law stipulates that a company cannot as a rule hold stocks of other companies. Under the revised law, a company is allowed to hold stocks of other companies except when they are in competition. Also, it stipulates that a company must submit regular reports twice a year on stocks held.

(4) Article 11 revised stipulates, as a provisional step until legislation of the Financing Business Law, that even a company managing a financing business may hold more than five percent of the stocks if it does not prevent reconstruction or readjustment.

(5) The restriction in debentures in Article 12 will be entirely repealed.

(6) Article 13 of the existing law stipulates that a company official shall not be allowed to hold office in more than three companies. The revised law will remove this restriction if it concerns companies not in competition with each other.



ITEM 11 Abolish Laws Which Contradict the Constitution - Shin Tokyo -  
18 Jan 48. Translator: Seki. (MJF)

## Summary:

500.3  
Under Article 19 of the Constitution freedom of thought and conscience are held inviolable, and under Article 21, freedom of assembly, association, speech, and press, and all other forms of expression are guaranteed. We must bear in mind that the Potsdam Declaration and the "Fundamental Principles after JAPAN's Surrender," issued by the Far Eastern Committee on 11 July 1947, are all in line with the articles of the Constitution as far as freedom of thought, speech, and press are concerned.

Needless to say, the press is the most powerful organ in the guidance of public opinion. Therefore, freedom of the press should be guaranteed at all costs. Yet its freedom is being violated unilaterally. This is indeed a grave problem. Articles 19 to 21 of the Revised Election Law prohibit the press from supporting political parties or candidates. By these provisions, the press is prevented from performing its original duty, and public interest is being endangered. In this respect, Major IMBODEN, chief of the Press Section, GHQ, SCAP, declared: "It is the duty of the press to freely discuss the political parties and their candidates, no matter what party or candidate it may support." He further insisted that any law which prohibits such freedom, contradicts the provisions of the Constitution.

Greatly perturbed by Major IMBODEN's statement, the Government, the Public Election Committee, and the police authorities held a series of conferences and reached the conclusion that the said articles of the Revised Election Law are in contradiction to the Constitution. It is said that appropriate measures will be taken after Premier YOSHIDA returns from his trip. The responsibility of the Government and the Supreme Court, presumably the guardian of the Constitution, is very great for having allowed the drafting of such an unconstitutional law. What we want to point out, however, is that the Government and the police authorities are eager to restrict the people's freedom, and that they have not fully broken away from the old feudalistic idea, even under the new Constitution which guarantees civil rights and the freedom of the people. Such a governmental attitude along with the official bias concerning everything legal, are to blame for permitting enactment of a law of this kind, which conflicts with the provisions of the Constitution.

The general election is only a few days away. But the people do not know what political party or which candidates they should vote for. Since this is the case, the press as a public organ, has the heavy responsibility of enlightening the people and of arousing sound public opinion. The Government should promptly take steps to abolish the law, which runs counter to the provisions of the Constitution, and free the press from bondage.

ITEM 20 Govt to Form Civil, Commercial Law Revision Body - Tokyo Shimbun -  
5 Feb 49. Translator: M. Okajima. (GS)

## Full Translation:

500.3  
The Government, at its Cabinet meeting yesterday, decided to set up an investigation council to revise the Civil, the Commercial, and the Bankruptcy Laws. In accordance with the spirit of the new Constitution, the council will study:

1. Exceptions in regulations governing security rights, juridical persons, and agricultural property inheritance.

2. The Corporation Law, on the basis of those applied in the UNITED STATES and BRITAIN, authorized capital, non-par shares, and secured debentures.

3. Adoption of the receiver system in dealing with bankruptcies. Experts from various fields will be appointed to the council soon.



ITEM 5 Old Law against Smoking by Minors to be Enforced - Yomiuri - 2 Feb 49.  
Translator: C. Akashi. (TK)

500.3

Summary:

Since smoking seems to be at the root of 90 percent of the juvenile delinquency today, and since there is a growing tendency for juveniles to smoke in violation of the law, the second children's section of the Metropolitan Police Board will tighten its control over smoking by minors from 1 February.

Under the Smoking Prohibition Law for Minors, those under age who smoke shall have their tobacco and other articles used for smoking confiscated. Their parents or guardians shall, if aware of their children's smoking, be subject to a fine not to exceed one yen, and those who sold tobacco to minors will be fined not to exceed 10 yen. However, this law has never been actually applied since its enforcement in April, 1900.

A survey conducted on 958 students by the Metropolitan Police Board among six new-system junior and senior high schools in the metropolis reveals that 136 students, or 14 percent, are regular smokers. Another survey discloses that of 334 minor workers, 36 percent, or 119, have smoked. However, these surveys were conducted on a voluntary report basis. Therefore, the actual number of juvenile smokers is probably greater than the reported figure.

With the enforcement of the emergency measure increasing fines fiftyfold on 1 February, fairly effective control of such illegal smoking is expected. The police have also decided to take strict administrative measures against regular minor smokers. Furthermore, the Metropolitan Police Board is now making various detailed arrangements with government offices concerned and school circles for strict enforcement of the Smoking Prohibition Law for Minors.

Chief TORITA of the second children's section of the Metropolitan Police Board revealed, "At present, strict application of the Smoking Prohibition Law for Minors is a necessary social policy to prevent juvenile delinquency. Since the end of the war, an increasing number of juveniles have acquired the habit of smoking because of the mistaken noninterference policy on the part of their parents and school authorities. In view of this situation, we have decided to enforce the Smoking Prohibition Law for Minors."

ITEM 7 Special City Planning Law Held Unconstitutional - Asahi - 3 Feb 49.  
Translator: T. Mitsuhashi. (SS)

500.3

Full Translation:

The Research and Opinion Bureau of the Attorney-General's Office recently declared the Special Municipal Planning Law to be unconstitutional. The Construction Ministry was notified of the decision, and it immediately decided to formulate an amendment bill to submit to the next Diet.

The offending provision is Article 16 of this law which provides that compensation will not be made for loss of land due to the enforcement of land adjustment unless the loss exceeds 15 percent of the entire holding. This is obviously a violation of the clause in the Constitution which stipulates that property rights shall not be infringed upon and that private property requisitioned for public use shall be adequately compensated for.



ITEM 19 Difficulty Seen in Executing New Criminal Code - Tokyo Shimbun -  
3 Jan 49. Translator: K. Ueda. (GS)

500.3

Summary:

The new Code for Criminal Procedure has come into force with the coming of the New Year. The keynote of the new law is habeas corpus. We must fully understand its spirit so that we do not fail to observe, in our daily life, the rights which the law is intended to protect.

The new law forbids punishment without definite evidence, and it presupposes that the accuser and the accused stand on an equal footing, as human beings, and that no man is guilty until he is convicted. Unless, actually caught in the act, no man can be arrested without a warrant. The accused does not have to say anything unfavorable to himself in court, and the punishment will not be made heavier in a higher court when an appeal is made by the convicted person.

Although it was forbidden by the previous law, a charge can be brought against one's next of kin. We thus see that the spirit of equality and respect for human rights pervades the law. It contains the essence of British and American law.

We doubt, however, whether the new law can accomplish its objective. According to it, for instance, the confession of the accused cannot be a basis for judgment of guilt when it is the only evidence unfavorable to the accused. Don't believe it is right to regard confessions so lightly.

Next, the accused can refuse his affidavit at court. This leads us to fear that villains, not honest persons, will be protected by the law. While the witness is punished if he refuses to appear at court; and he must make honest statements on oath, the accused can maintain silence and refuse to answer questions. We believe that the witness and the accused should be on an equal footing.

Further, the chief judge knows nothing about the case he is to try until he reads the written indictment in court. Consequently, it will take considerable time to examine the facts in court, and the trial will be slowed down thereby. This will necessitate a personnel increase and an expansion of court facilities.

Of course, we must appreciate the true spirit of habeas corpus and try to make the law a success. However, so many people are committing crimes that care must be taken lest the benevolence of the new law be exploited for the benefit of guilty persons.

The availability of evidence has been greatly reduced, and it would be a serious matter if only those arrested in the very act, or those committing minor crimes were to be punished, while intellectual criminals could easily evade the law.

The open trial of HIRASAWA will be shortly resumed as a test case. The jurisdictional setup must be expanded so that it may function perfectly before the ideal of the new law is realized. We anticipate eagerly for the arrival of that day.



500-3 Decrying the flood of laws enacted in this Diet session, JIJI SHIMPO warned that if legislation, often trivial and impractical, continued to be passed indiscriminately, the people would begin to pay only formal observance to them and the concept of strict law and severe punishment would lose its force.

500-3 Yesterday's edition of ASAHI deplored the predilection of the Japanese people for "crisis theories," which keeps the nation in constant tumult and unrest. Attributing this to an emotional and irrational way of thinking, the daily urged the development of independent, scientific judgment.

Politics

500-3 Yesterday's JIJI SHIMPO emphasized that all efforts to warn the people against the danger of Communist drives are useless if bad laws and ordinances continue to destroy the nation's law-abiding spirit. The Government's incompetence to handle this dangerous situation is "tantamount to setting the stage for the Communist Party," it concluded.



## ITEM 35 ESTABLISHMENT OF VIOLENCE CONTROL LAW

(Summary)

SEP 1949

500.3

TOKYO TIMES, 14 Aug -- Judgment on whether violence is good or bad was passed when the concept of law was born in human society and a law-governed society came into existence. The Upper House Judiciary Committee is reportedly drafting a violence control bill for presentation to the special Diet session as a joint proposal of all parties. It is strange, however, that the legislature is forced to draft a bill solely designed to control violence. This attests to the fact that the existing laws are defective.

The term "revolution by force" is quite frequently used by the people, and they don't seem to give it much thought. The majority, while knowing who are really planning a revolution by force, remain quite indifferent to this matter. It is difficult to understand this recent tendency.

Japan is now under the occupation of the Allied Powers. Therefore, the people consider that even if a minority tries to disturb social order and achieve its political aim, it will be impossible. Regardless of the occupation, the administration of this country is being carried out by the Japanese themselves. Therefore, it does not follow that acts of violence should remain unpunished. Acts of violence, such as the Mitaka case, the Taira case, and trouble caused by the repatriates, have occurred in succession recently. How to cope with the situation as well as how to maintain the welfare, order and freedom of society should be of the greatest concern not only to the Upper House but to the general public. In this sense, the possible promulgation of a violence control law can be said proper and appropriate.

However, the problem is not so much the control of violence itself

5<sup>00</sup> as it is whether organizations which aim at resorting to acts of force should be allowed to exist. Those political organization which agitate the masses and utilize acts of violence for the achievement of their political purposes should not be allowed to exist. It can be concluded that it is an outrageous revolt against democracy for political parties to deny parliamentarism, and try to develop outside-the-Diet force into a violent coup d'etat in an attempt to carry out a revolution. Such acts could not be viewed as a political struggle but rather as a civil war.

The Japan Communist Party does not at the present time deny parliamentarism, nor does it declare that its purpose is to carry out a revolution by force. If the part, is tied up with the international communists, the present attitude of the Japanese Communists is a camouflage. NOZAKA's remarks to the effect that the Communists are now in a stage where they are utilizing the Diet for increasing the number of party members may be very near the truth.

Be that as it may, the enforcement of a violence control law testifies to the fact that society is not healthy. It behooves the people, therefore, to be more serious about eradicating the root of such a social disease.

SEP 1949



ITEM 106 AGO EXPANDS ORGANIZATIONS LAW SCOPE(Full Translation) **SEP 1949**

500.3  
 ASAHI SHIMBUN, 31 Jul -- The Attorney-general's Office, which has been making a careful study relative to the application of the Regulation on Organizations since its simultaneous promulgation and enforcement on 4 April, is recently in favor of putting a stricter construction on the provision in Paragraph 2, Article 6, "Any political party, association, or other organization whose activities will affect the policies of the central or local government must be registered with the authorities."

The opinion is now dominant that any organization, large or small, which is regarded as a political group, must be registered; hence an official study is being made on this question.

What led to this more stringent interpretation is that the application of the above organizations regulations heretofore had been carried out with considerable flexibility, and registration for other than those organizations so designated was mostly voluntary. This has often caused contradictions regarding the scope of organizations which must register, and the necessity of having organizations openly show themselves to the public is being keenly felt, in view of the current social conditions.

Thus, it was decided that organizations which must register shall include branches and chapters of political parties, extra-legal unions, farmers unions, etc. Because anything composed of more than two persons is regarded as a group, even the tail echelon units must be registered.

Some people hold that, besides the above organizations, the labor unions based on the labor union law should also be registered. However, some oppose this, insisting that labor unions are not political bodies. Attorney-general UEDA is also against this stand, saying, "This is somewhat difficult at the present stage".

Organizations coming under the organizations regulation are required to report the name of the organization, its purpose, and the names of its officers and members to the local mayor (Article 7). At the same time, each organization must send a copy of its organ publication to the Attorney-general's Office (Article 9). If they fail to meet with the above, they will be ordered to dissolve (Article 4), and their key officials will be purged (Article 11).

**SEP 1949**



500.3

# GHQ BARES STAND ON LAW REVISION

Hepler Opposes Reform  
of Labor Standards  
Law 500.3

The projected labor legislation revision should be limited to the Trade Union and Labor Relations Adjustment Laws and no such revision is now being contemplated with regard to the Labor Standards Law, Chester W. Hepler, chief of SCAP's Labor Division, declared before the general meeting of the Kanto Employers' Association Thursday afternoon.

Mr. Hepler warned that if the Labor Standards Law should be changed, Japan would be censured by all the countries of the world and Japanese exports would be shut out from the world markets.

Declaring that the nine-point Economic Stabilization Program demands austerity and sacrifices of the Japanese people, the Labor Division chief stressed that both labor and management should unite in sharing such sacrifices.

He warned employers against attempts at taking advantage of the nine-point ESP to bring any undue pressure to bear upon the workers.

Harmonious labor-management relationships could not  
(Continued on Page 2)

## GHQ Bares Stand On Law Revision 500.3 (Continued from Page 1)

be brought about by means of suppressing strikes or labor disputes, Mr. Hepler declared. But it is earnestly hoped that serious efforts will be made to solve economic conditions that are the causes of strikes and disputes, he added.

The SCAP labor official stressed that the projected revision of the labor laws is designed to strengthen trade unions, rather than to weaken them.

Once trade unions start putting their full-time officers on union payrolls, they are bound to grow stronger, he declared, adding that no employee should attend to union business so long as he is being kept on company payroll.

Mr. Hepler further told the meeting that the best means of solving labor disputes is collective bargaining and that no conditions should be attached to collective bargaining nor should any restrictions be imposed on the subjects of bargaining.

Both labor and management should enjoy and equal right to bargaining, he added.

Meanwhile, it was learned that Minister Joseph M. Dodge, SCAP economic adviser, was consulted by Ichiro Ishikawa, president of the Federation of Economic Organizations, and 35 other business and industrial leaders Thursday at the Industry Club, where the Kanto Employers' Association held its general meeting.

9 APR 1949

NIPPON TIMES

# LABOR CONFIRMS STRUGGLE POLICY

Stiff Fight Is Planned  
Against Revision  
of Laws 500.3

The basic policy of the struggle against the projected revision of labor laws was confirmed Saturday when the All-Labor Union Council on Labor Legislation met in a conference here, it was learned.

Present at the conference held Saturday afternoon at the headquarters of the General Federation of Private Railway Workers Unions at Takanawa were 30 representatives of the NCIU labor organizations and neutral labor unions, about 70 in all, including the Government and Public Workers Union (Zenkan-ko) the National Congress of Industrial Unions (Sambetsu) and the General Federation of Private Railway Workers Unions.

The basic struggle policy confirmed at the conference follows:

1. Fighting fronts of labor shall be unified and consolidated further in order to concentrate labor's efforts on prevention of revision of the existing labor laws.

2. Efforts shall be made to defeat Government attempts to authorize the Labor Minister and prefectural governors to appoint members of labor relations boards.

3. The full-time union official system shall be maintained as the established right of labor until labor's demand for the establishment of a minimum wage system is accepted and put into force.

It was learned, meanwhile, that the National Congress of Industrial Unions instructed its locals to take unified action immediately to oppose the projected revision of labor laws.

18 APR 1949

NIPPON TIMES

# LABOR LAW BILLS WILL GO TO DIET

500.3  
Masuda Expects Revision  
Measures Will Be Set  
This Week End

Chief Cabinet Secretary Kaneshichi Masuda told the Lower House Steering Committee yesterday that the Government would present the revision bills on labor laws to the Diet sometime between April 23 and 24.

Government circles, meanwhile, disclosed that the Government had received final suggestions on these revisions from the Labor Division of the GHQ yesterday.

The revision bills will form the major item of deliberation at Wednesday's Cabinet meeting.

Labor Ministry sources revealed that Saijiro Kaku, chief of the Labor Administration Bureau conferred with Robert T. Aims, chief of GHQ's Labor Relations and Education Branch yesterday for a "final exchange" of views on the Labor Ministry's draft revision bills.

Complete agreement of opinion is reported to have been reached at the meeting, with only a few minor details on procedural matters to be cleared up.

Meanwhile, the Opposition camp prepared to put up a stiff fight against the revision bills when it comes on the floor of the Diet.

19 APR 1949

NIPPON TIMES

# SOCIALIST UNION HEADS 'HELD VIOLATING NPSL

500.3  
Acceptance of Party Posts  
by Kikukawa, Sawada Hit

The National Personnel Authority pointed out yesterday that Takao Kikukawa and Hiroshi Sawada, both of the Democratization League of the Government Railway Workers Union, were violating the National Public Service Law in accepting positions on the Central Executive Committee of the Socialist party.

The two men were elected to their posts at the Fourth Socialist National Convention on April 16.

Paragraph Three of Article 102 of the National Public Service Law clearly points out that civil servants may not hold concurrent posts as either executives or advisers of any political party.



The two men will either have to resign from the Central Executive Committee or quit their positions as employees in the Government railway service.

Meanwhile, Mitsusuke Yonekubo, Chairman of the Diet Policy Committee of the Social Democratic Party, told reporters that it is up to the two persons alone to take decision on the issue.

Mr. Yonekubo expressed his personal opinion that the problem would be solved automatically if Messrs. Kikukawa and Sawada refrained from assuming the CEC posts until the Government Railways was reorganized into a public enterprise.

21 APR 1949

NIPPON TIMES

### LIBERAL OK IS SET FOR LAW REVISION

500.3

#### Diet Will Get 2 Bills for Reform of the Labor Legislations Soon

By TAMOTSU MURAYAMA

As one means of supporting the Nine-Point Economic Stabilization Program, the Democratic-Liberal Party is ready to approve the proposed revision to the Trade Union Law. Tadao Kuraishi, chairman of the Lower House Labor Committee, declared yesterday.

"In Japan, whose economy is poor and weak, there is a definite limit to which advanced labor legislation may be enforced," Mr. Kuraishi said. "Conditions here are such that engrossment in class struggle, redistribution of wealth or destructive actions cannot be allowed.

"It must be fully realized that if labor conditions in Japan are to be maintained at international standards, action must be taken for rational operation within the enterprises themselves to meet adequately the requirements imposed by the maintenance of these labor standards," he said.

"The situation in Japan in connection with the labor problem is filled with confusion and doubts. The excesses committed by labor under the control of those influenced by the theories of the class struggle based upon Marxist ideology are inexcusable as are the defeatism and despair of management in regard to the orderly solution of the labor problem. In this way, labor's will to fight and the indecision of management have so aggravated the situation as to make

(Continued on Page 2)

### Liberal OK Is Set For Law Revision

500.3  
(Continued from Page 1)

it impossible to hope for a rational solution, and the problem has been pushed beyond the scope of the law into that of physical force," Mr. Kuraishi said.

He believes the unsoundness of the labor movement has led to the impoverishment of the national economy while this decline has been one of the factors contributing to syndicalist and leftist movements in the labor ranks. That these matters are indicative of the contradictions into which the labor movement is falling is immediately apparent, he said.

Meanwhile, a Cabinet spokesman declared that the Government would be able to present bills to revise the Trade Union and the Labor Relations Adjustment Laws to the Diet by Monday at the latest.

21 APR 1949

NIPPON TIMES

### PATH IS CLEARED FOR LAW REVISION

500.3

#### Democratic-Liberals Agree to Approve Reforms for Labor Legislations

The way was finally cleared yesterday for the presentation of the labor law revision bills to the Diet when the Democratic-Liberal Party withdrew its objections to the Government-drafted measures to revise the Trade Union and the Labor Relations Adjustment Laws.

A Cabinet spokesman said yesterday that the Cabinet would clear the bills today for presentation to the Diet by Monday or Tuesday.

Democratic-Liberal Party approval followed a meeting of the party's Executive Board to hear the recommendations of its Political Affairs Research Committee. The party objected to the "liberalization" of the proposed revisions as compared to the party draft.

Strong opposition is being voiced to changes in the existing labor laws, chiefly from labor union circles.

NIPPON TIMES

23 APR 1949

### LABOR LAW BILLS GET TENTATIVE OK

500.3

#### Final Cabinet Approval of Revision Measures Expected Monday

The Cabinet yesterday tentatively approved two bills partially amending the Trade Union and the Labor Relations Adjustment Laws.

A Cabinet spokesman indicated that these bills would be given final approval by the Cabinet Monday for immediate presentation to the Diet.

Labor Minister Masabumi Suzuki, meanwhile, said that the main objective of the revision measures was to "make the labor unions democratic, independent and constructive."

He declared that "neutral public opinion" has been fully reflected in the amendment measures.

Mr. Suzuki added that the passage of the bills would go a long way toward settling labor disputes and would thus contribute to the implementation of the Nine-Point Economic Stabilization Program.

Salient points of the revision are:

1. A clear-cut provision outlawing any criminal act of violence on the part of unions from the category of legitimate labor practices granted criminal immunity under the law.

2. A specific ban on keeping full-time union officials on company payrolls.

3. Strengthened powers of the Central Labor Relations Board.

4. Employers cannot refuse to take part in collective bargaining unless they have good reasons.

NIPPON TIMES

24 APR 1949

In an effort to jam the passage of the bills by the Diet, five labor unions connected with the electrical industry yesterday issued an order for strikes of "more than two-hours duration" from today to April 26.

Salient features of the revision measures, according to Democratic-Liberal sources, are as follows:

1. Clearer definition of "unfair labor practices."

2. Strengthening of the powers of the labor relations boards;

3. Giving the Prime Minister, with Diet approval, the power to designate public utilities as falling under the purview of the law; and

4. Strikes by public utilities called after a 30-day "cooling off" period must be halted after 30 days to resume negotiations.

500.3



500.3

### School Education Law Explained By Walters

4 Basic Changes Are Due To Be Made In Universities

TOKYO, Apr. 2.—Dr. Raymond Walters, president of the University of Cincinnati, who has been in Tokyo since early February as a visiting expert with SCAP's Civil Information and Education Section, today outlined four basic changes due to be made in Japanese universities under the new School Education Law.

He pointed out that the law, enacted by the Diet in 1947, becomes effective this month, the beginning of the 1949 school year.

Dr. Walters, who is scheduled to depart for the United States on April 6, said the law contemplates the three following outstanding changes in the operation of Japanese universities:

- 1 Replacement of the old three-year courses with four-year courses.
- 2 Replacement of provisions for general as well as technical education to give students cultural backgrounds.
- 3 Establishment of advisory or student council systems.

The law was explained to Japanese educators during the institute for educational leadership, just concluded, at which Dr. Walters delivered 32 lectures.

Meetings supplementary to the institute's conferences in Tokyo were held at Kyoto, Osaka and Hiroshima.

Eighty-eight more approvals have boosted to 179 the total number of public and private educational institutions granted charters as new four-year universities.

With the newly chartered institutions, Japan will have 69 national, 19 prefectural and municipal and 91 private universities. Action on several additional petitions for four-year university status is still pending.

Except for Akita Prefecture, each of the country's 46 prefectures will have at least one national university.

The 45-man chartering committee is composed primarily of educators but includes several businessmen and members of other professions.

MAINICHI 4 APR 1949

### Poll Law Revision Draft Bared; Opinions Sought

A draft revision of the election law was announced yesterday by the Election Supervision Commission which asked political parties and other interested quarters to comment on the proposed changes.

The Commission proposed the revisions in view of the strong criticism voiced in various circles of the manner in which the recent January general election was conducted.

A bill will be submitted to the Diet at its next session.

The Commission said the plan was aimed both at expanding the public management of elections and at making freer the conduct of campaigns.

Features of the tentative revision plan includes the

following:

1. The ban on door-to-door canvassing by campaigners will be lifted for the first time since the institution of universal suffrage;
2. The ban on campaigning before the designation of the election date will be lifted;
3. Restrictions on the number of campaign speeches will be removed;
4. Restrictions on campaign literature including newspaper advertisements and leaflets will be removed;
5. Supporters will be free to back campaigns and to send letters of recommendations.

Among the Commission itself, however, there are still some who are strongly opposed to the lifting of the ban on the door-to-door calling.

Considerable debate among political parties on the issue is being expected by political observers before the draft bill goes before the Diet.

NIPPON TIMES 6 APR 1949

Businesses now handled by these Government agencies in provinces will be transferred to the prefectural governments concerned, Mr. Honda added.

Consequently, he continued, controls involved in these businesses will be handled by provincial public service personnel. To pave the way for smooth operation of state controls, the local autonomous law will be revised, he said.

In this conjunction, Mr. Honda asserted, State Ministers concerned with these matters will be given more authority and may be authorized to change allocations of materials, if unreasonably enforced.

The Government is expected to reach a final conclusion on the administrative adjustment plan within four or five days, Mr. Honda advanced. In this conjunction, he continued the Government hopes to present the bills for establishment of various Ministries to the Diet by April 20.

NIPPON TIMES 12 APR 1949

### HEADWAY IS MADE ON REFORM PLAN

Honda Says Revision of Local Autonomy Law Is Necessary

State Minister Ichiro Honda, chief administrative adjustment planner, yesterday told the press that the Cabinet has approved the major portion of his administrative reform plan.

He revealed that the Cabinet further approved in principle the abolition of the agencies of the Government in provinces, dealing in materials allocation under the jurisdiction of the Commerce-Industry Ministry, and the materials adjustment office and the highway and transportation supervisory office.

### FTC SET TO REVISE ANTI-MONOPOLY LAW Application to Foreign Firms Is Proposed

The Fair Trade Commission has decided to revise the anti-monopoly law, and to submit a bill for that purpose to the current Diet. The revision proposes the application of the anti-monopoly law to foreign firms. Then it will enable companies other than banking institution to obtain and hold shares of other companies with which they are not in competition.

Further when companies are in subordinate relation, shares of one can be held by another, even though they might be competitive, in order to ease foreign investments and also to help enterprise adjustment. By subordinate relation is meant a close and continued relation under which one is receiving the help of another in the supply of raw materials or semi-products, and technical guidance.

In case a company's total capital is less than ¥5,000,000 it will not be necessary to obtain permission for their amalgamation or to register the acquisition of shares, the revision provides.

NIPPON TIMES 6 APR 1949

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## HEATED DEBATES SLATED IN HOUSE FOR LABOR LAWS

500.3  
Diet Passes 36 Measures  
as Cabinet Clears 189  
for Presentation

Hectic Diet debates are slated to be touched off with the presentation to the Diet of the bills to revise the Trade Union and the Labor Relations Adjustment Laws.

The discussions in the Diet will be timed with a number of strikes in various industries in an effort to jam passage of the bills. Protest meetings will also be held spearheaded by the National Congress of Industrial Unions.

The labor laws revision measures are receiving finishing touches for presentation to the Diet.

To date, the Cabinet has prepared 189 bills for presentation to the Diet. SCAP clearance has been given 135 bills.

The Diet is considering 99 measures after approving 36 bills.

The Table of Personnel Organization Bill to set the limit of employees in each office is still under Cabinet deliberation.

While it has apparently reached the final draft stage, the TPO bill is being held up by a personnel reduction measure proposed by the Democratic-Liberal Party.

Meantime, it was observed that the Government with its absolute majority seems to have the situation well in hand, but the presentation of the labor laws revision measures will undoubtedly spur Opposition attacks to new heights of concentrated fury.

Prime Minister Shigeru Yoshida will report to the House of Representatives and the House of Councillors on the steps taken by the Government according to the resolution adopted by the Diet on April 6, concerning the renunciation of the right to ask for damages caused by the sinking of the SS Awa Maru, at their plenary session today.

At today's Cabinet meeting, the Government will study the effects of the new exchange rate and consider measures to be taken in the future.

26 APR 1949

NIPPON TIMES

500.3



500.3  
**TOKYO EDITION**

# Japanese Gov't Set To Ease Recessions

5003  
**By United Press**

An Allied Headquarters official Thursday said that amendments to three existing laws and the enactment of a new Emergency Work Relief Law by the Diet place the Japanese Government in a better position to cope with problems that may arise with widespread readjustment of industry.

Sterling D. Collett, chief of the SCAP Labor Division's Manpower Branch, said the amendments to the unemployment insurance, employment security, and workman's compensation laws also make possible better functioning of these basic democratic labor laws.

Collett described as particularly significant the new Emergency Work Relief Law, which gives the Labor Ministry authority to operate work relief programs in areas where serious unemployment appears.

He said that the law also requires use of certain numbers of unemployed workers in the regular public works program, which, because of its emphasis on rehabilitation, has priority over unemployment relief.

Collett estimated some 850,000 casual workers, including construction, stevedore and freight workers, many of whom are former contract laborers, will be covered by the amendment to the Unemployment Insurance Law which now applies this law to some types of casual day workers.

He said establishment of a "stamp system" to keep a record of work done and benefits accruing to these workers, by which each worker will receive his own book, should simplify administration of this program.

The labor official said that benefits to regular

workers covered by this law, which became effective in November 1947, will be increased approximately one-fourth, and premium collections made easier by other amendments.

Payments, which previously averaged about 53 percent on a graduated scale, will now be increased to approximately 60 percent of total wages.

**13 MAY 1949****STARS & STRIPES**  
500.3



EMERGENCY WORK RELIEF LAW ENACTED

Amendments to three existing laws and the enactment of a new Emergency Work Relief Law by the Diet this morning place the Japanese government in a better position to cope with problems that may arise with widespread readjustment of industry, a SCAP Labor Division official said today.

Sterling D. Collett, Chief of the Division's Manpower Branch, said the amendments to the Unemployment Insurance, Employment Security, and Workman's Compensation laws also make possible better functioning of these basic democratic labor laws.

Collett described as particularly significant the new Emergency Work Relief Law, which gives the Labor Ministry authority to operate work relief programs in areas where serious unemployment appears.

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The labor official said that benefits to regular workers covered by this law, which became effective November, 1947, will be increased approximately one-fourth, and premium collections made easier by other amendments.

Payments, which previously averaged about 53 percent on a graduated scale, will now be increased to approximately 60 percent of total wages.

Premium collection has been eased by reducing the present contribution by employees and employers of 1.1 percent each of the base wage to a flat one percent each of the total wage paid.

Labor Division officials estimated that approximately 5,000,000 workers are now covered by this law, with 90,000 employers actually paying premiums. In February 29,209 persons drew benefits, reflecting a rise of about 10 percent which has been observed monthly for several months.

Collett said that three amendments will strengthen operation of the Employment Security law, effective since December 1947, and regarded as one of the most successfully operated of the new labor laws.

One of these provides for the voluntarily establishment of public employment security offices (PESO) in schools if they meet national standards.

Collett said such offices would aid Japan's employment problem greatly since one-third of those seeking jobs are students or prospective graduates. This also makes Japan one of the few democratic countries where cooperation between governmental agencies and schools has been made so convenient, the SCAP officer added.

Collett said a second amendment to this law, by which the basis for licensing private employment exchanges is brought up to International Labor Organization standards (ILO), should also help prevent reappearance of involuntary servitude for such workers as female entertainers, nurses and house maids.

The amendment makes it illegal for a restaurant, public house or inn to operate private agencies. An estimated 140 private employment agencies are licensed in Japan.



A third amendment to the Employment Security Law establishes government assistance to a training-within-industry program which should smooth efforts to increase production, Collett said. He added that such programs developed in the United States during the war were most effective in increasing production and are now widely utilized in Great Britain.

Collett said amendments passed by the Diet to the Workman's Compensation Law, by placing wage deductions and employers penalty policies on bases similar to that used in payroll tax withholdings, simplifies administration of this program.

Labor Division officials estimated that some 6,000,000 workers are covered by this program and that 200,000 employers are participating. In February, some 53,000 workers received some 240,000,000 yen in benefits.

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PRESS RELEASE - AFPAC

12 MAY 1949

AMENDMENTS CLARIFY TRADE UNION LAWS.

5-00-3

Amendments passed last week by the Diet to the Trade Union and Labor Relations Adjustment laws clarify obscure provisions and change other portions of these laws that have proved unworkable, officials of SCAP's Labor Division said today.

"Instead of injuring the labor movement, as so many unions feared, the amendments actually have improved its position," they declared.

They added that "basic laws are retained, unnecessary impediments to democratic union activities removed, administration improved and safeguards added."

The Labor Division officials said also it was significant that the amendments were adopted only after consultation with labor unions, employers and governmental agencies and public hearings throughout Japan.

The SCAP officers listed the most important changes in the Trade Union law as follows:

1) Replacement of the old requirement for all unions to register with the government with an amendment which requires only those wishing to have the legal status of a juridical person register. To register as a juridical person a union now needs only a certificate from the Labor Relations Committee that is formed in conformance with the law.

Existing provisions have been clarified further by prohibiting registration of unions which include persons who represent interests of the employer.

2) An amendment which eliminates completely the power of the government to dissolve unions.

3) Requirements that unions which register and come under formal procedures of the law must have constitutions with provisions that will help eliminate undemocratic, hierarchical organizations. These provisions include annual secret elections for officers and members of standing committees, election of national officers directly by members or elected delegates, annual audit and financial reports to members, and strike votes only by a majority of members or their directly elected delegates.

4) Prohibitions, more specific than those previously provided, against interference or domination by employers in formation or administration of labor organizations.

5) Strengthening of present restrictions against unfair labor practices by employers by requiring employers to enter into collective bargaining with the union.

6) Clarification and strengthening of restrictions on financial support from management, including payment of union officials by the company, which practices have harmed independence of unions.

7) Provisions specifically permitting the closed shop if agreed upon by union and employers.

5-00-3



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8) A provision that acts of violence can not be construed as appropriate acts of trade unions. This is aimed at cutting down such occurrences and ending reluctance of courts or police to act for fear of being charged with interfering with the labor laws.

9) Strengthening the power of the Central Labor Relations Committee by allowing it to review rulings of prefectural committees, assume original jurisdiction in disputes of national importance, and establish rules of procedure both for itself and prefectural committees. This is expected to insure a more uniform approach to the law throughout the country, prevent conflicting decisions, and expedite proceedings.

10) Adoption of new procedure to make possible a more speedy appeal from legal rulings of the committees.

Labor Division officials said the major change in the Labor Relations Adjustment Law gives the Prime Minister, with approval of the Diet, the authority to designate public welfare industries. Formerly this was the function of the minister concerned, with concurrence necessary by a majority of each of the labor, employer and neutral members of the Central Labor Relations Committee.

Industries so designated must have a 30-day cooling off period and submit to compulsory mediation in settling labor disputes.

PRESS RELEASE - AFPAC

25 MAY 1949



500.3

# YOSHIDA OUTLINES 10-POINT PROGRAM TO SUPPORT LAWS

500.3

## Cabinet Ministers Told to Concentrate on Broad National Policies

Asahi Shimbun-Nippon Times

The first Cabinet meeting since the close of the Fifth Special Diet outlined yesterday afternoon a 10-point program implementing newly-enacted legislation to speed up Japan's economic recovery.

The ten points of the Government's post-Diet program are:

1. Thorough enforcement of the Nine-Point Economic Stabilization Program.
2. Establishment of a fair taxation system and improved tax collections.
3. Creation of a social security system and adequate unemployment relief measures.
4. Development of natural resources.
5. Consolidation of food supplies.
6. Institution of measures to cope with the population question.
7. Reorganization of Government enterprises and their transference to private operation.
8. Establishment of a sound educational program.
9. Elimination of undemocratic acts and the maintenance of public peace and order.
10. Simplification of administrative affairs and enforcement of strict discipline among Government officials.

Prime Minister Shigeru Yoshida warned Cabinet Ministers to guard against too much pre-occupation with routine affairs involved in the execution of laws and budgetary items to the detriment of the future of basic national policies.

Mr. Yoshida urged all Ministers to submit their own plans for national recovery, pointing out the necessity of completely revising the Government's Five-Year Economic Stabilization Program in the light of changed conditions and the suggestions obtained from Minister Joseph M. Dodge.

Labor Minister Masabumi Suzuki, at the same Cabinet meeting, predicted a heavy labor offensive sometime in July or August and stressed the necessity for a revision of labor laws and improved labor administration.

Stating that the adequate unemployment measures would greatly mollify the fury of the labor offensive, Mr. Suzuki revealed that he would submit a concrete program for unemployment relief within two weeks to the Cabinet.

Meanwhile, the newly formed Administrative System Deliberative Council met for the first time yesterday with Prime Minister Yoshida and other Cabinet Ministers attending.

Mr. Yoshida expressed the hope that the Council would speedily draft a plan to simplify the present cumbersome administrative machinery and evolve an efficient administrative structure.

4 JUN 1949

NIPPON TIMES

# The Small Enterprise Law

500.3

## Measure Calls for Formation of Cooperatives; To Boost Competition With Large Firms

Asahi Shimbun-Nippon Times

The medium and small-size enterprise cooperative enterprise law, passed by the Fifth Diet to become effective from July 1, is aimed at the systematization of small enterprises so that they may be able to compete with large enterprises.

The new law attracted public attention because it was proposed at the time the new ¥360 to one dollar exchange rate was fixed necessitating the reorganization of the small enterprises.

Under the new measure, all cooperative associations, except farmers, fishermen, and consumers, must be reorganized into enterprise cooperative associations, credit cooperative associations, or credit associations by February, next year.

Respecting the independence of the cooperatives thus formed, the new law provides for such cooperative associations to be organized for profit. It eliminates the former basis of the cooperatives, which was either for controlling the industry or for maintaining close liaison with the Government.

Democratizing the cooperatives, the law rejects the participation of the large enterprises. The cooperatives themselves may engage in profit-making activities. The scope of the membership has been widened to include mine operators or general workers.

On the other hand, the qualification for membership has been restricted to those employing more than 100 employees (20 in the case of service enterprises). The associations are not under Government supervision, and Government permission is not required for their organization.

Producers, wholesalers, and retailers may organize a common cooperative. Enterprises producing and selling many lines of goods may also form a cooperative. Associations operating chain stores may also appear.

The system used in the Kiryu weaving center where a number of small weavers have pooled their weaving machines to form an enterprise may be followed.

Under the new law, salaries or wages paid the members will be taxed under the personal income tax law. An enterprise income tax will thus not be levied. It is believed that confectioners will take the lead in forming associations.

To small merchants and producers, now suffering under heavy taxes, the cooperative association system may appeal as a new way through which they may operate their business at a profit.

But even the Government which drafted the new law is said to be not too optimistic over the benefits the small enterprises would derive from the measure.

NIPPON TIMES

8 JUN 1949

500.3



**Nagasaki Votes 'Yes'**

An overwhelmingly large "yes" vote was given by Nagasaki citizens to the law reconstructing this atom-bombed city as an international cultural city, in the local referendum held here Thursday.

10 JUL 1949  
NIPPON TIMES

**Respect for the Law**

500.3

The tendency of certain elements in Japanese society to disregard the letter and spirit of the law is posing a serious test for democracy here. That such a problem should arise is unfortunate for it shows that the people have yet to realize that laws are made by their chosen representatives to maintain public order and to protect their liberty.

This lack of understanding has been most noticeable in the decisions of some labor unions to resort to acts of force in utter disregard of the law and of others to execute the laws overzealously. In the former case, it has been argued that some laws are "bad" laws and thus should be ignored. In the latter instance, the workers have realized that many laws and regulations make no concessions to the weakness of human nature and that their uncompromising execution would cause untold inconvenience to the public. In either case, the basic precepts of the democratic procedures by which laws are fashioned have been disregarded, whether by intention or not.

To get to the roots of this issue two pre-surrender concepts of the law should be considered. The first is that laws are forced upon the people by the government or forces in power. The people had nothing whatsoever to say in the formation of the laws; their duty was only to follow such laws whether they were good or bad. They were made to believe, moreover, that the laws were morally perfect and should be observed rigidly.

The second is that laws gave the government and those in authority a great deal of power. The administrators were believed to have the authority to a greater or less degree to bend the application of the laws according to their inclinations. Officials could thus apply the law strictly in one instance and in the next make concessions.

These two concepts, though gradually disappearing, are still apparently fresh in the minds of those who would use them for their destructive ends. Radical labor unions, holding that they have the right to disregard a "bad" law, are clinging to the idea that

the laws are still being fashioned by the government and not by the people's chosen representatives. At the same time, however, the leftist unionists are going to extremes by declaring that their new democratic freedom gives them the right to reject or approve laws as they see fit.

Other labor unions, holding that they should in the course of their duties abide strictly by the laws and regulations, are still maintaining that laws give them untrammelled authority. They are resuming the past when government officials could interpret the laws either strictly or leniently as they saw fit, usually for a price.

It is to be hoped that the labor unions will rid themselves of these two legacies of the past. These ingredients have no place in the present democratic atmosphere. But their existence does explain in part the tardiness with which some labor unions have found it difficult to grasp the fundamentals of democratic trade unionism. Union members must realize that laws are no longer forced upon them from those in authority. They must see that the spirit of the laws must be fully respected and that the duty of their enforcement does not give them overpowering authority.

In all fairness to the workers, however, the Government and the Diet should fully reconsider their activities at the last legislative session when laws of great importance to labor were introduced. The lack of intelligent discussions of the basic factors involved in the legislative measures gave little satisfaction to the people that their representatives were actually formulating the laws. Without giving adequate reasons, both the Government and the Opposition parties clashed head-on solely on the issue of whether to vote for or against the bills placed before the Diet. They displayed little respect for the law.

Despite the shortcomings of the Diet, the labor unions now have the initiative to prove that they do not want the chaos and confusion which can only result if each individual was allowed either to interpret or to oppose it as he saw fit.

13 JUL 1949  
NIPPON TIMES

**READERS IN COUNCIL**

*Perplexed Prosecutors*

To the Editor: 500.3

Under the new Code of Criminal Procedure which was put into effect since the beginning of this year and other accessory statutes revised recently in line with the new Constitution, many of the old procedures of pre-trial investigation of suspected criminals have been abolished or restricted.

In consequence, public procurators are obliged, in many cases, to prosecute the criminal suspect on the strength of suspicion rather than concrete evidence because the short period allowed for examination naturally militates against detailed investigations of the case.

Procurators would like to make full investigations before instituting judicial action against the suspect—this all the more because of the prevalent Japanese psychology to interpret every prosecution (indictment) as an indication of guilt.

(In this country, the phrase "I have never passed through the gate of a court house" has been used when a person wanted to prove that he had never been punished in his life. This means, conversely, that even when a person has been brought to public trial, he had cause to fear of being suspected of criminal implication.)

Therefore, it seems to be more democratic and fit in the people's feeling for public procurators to drop the case instead of taking judicial action when they are not fully convinced that the suspects will be pronounced guilty by the court.

If the public is satisfied with the former way of prosecution, namely prosecuting without full preliminary investigations, then the matter is simple and easy for procurators. But is the public really in favor of this formula?

The Prosecution Inquest Commissions (Kensatsu Shin-sakai), whose members are chosen from among the lay public, are doing fine work and their services are deeply appreciated by the procurators. It is to be hoped that members of these commissions will go about their work with deeper understanding of the delicate problem mentioned above and other issues which are becoming a source of much perplexity to professional procurators.

I also wish that more public interest can be aroused regarding these judicial problems.

KIYOSHI HASEGAWA,  
Public Procurator, Supreme  
Public Procurators'  
Office

16 JUL 1949  
NIPPON TIMES

500.3

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Gov't Drafts LPSL

Asahi Shimbun-Nippon Times  
The Government has completed a draft of a Local Public Service Law corresponding to the National Public Service Law.

It will call a meeting of the Local Self-Government Committee to approve the draft law before presenting it to the coming extraordinary Diet session.

The proposed law will set up a personnel authority in each local public self-governing body. There is a provision creating a special rule giving employees of local public enterprises the right of collective bargaining.

14 AUG 1949  
NIPPON TIMES

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**Ceremony Fetes Promulgation  
Of Offenders Protection Law**

TOKYO, Sept. 10.—A ceremony celebrating the promulgation of the Offenders Protection and Rehabilitation Law and the assumption of the chairmanship of the central and Kanto offenders rehabilitation and protection committee by Kan-ichi Hara took place at the former Akasaka Detached Palace yesterday at 3 p.m.

Among those present were high ranking GHQ officials including Col. H.E. Pulliam, Chief of Public Safety Division, SCAP, Dr. and Mrs. Burdett G. Lewis, and Alva C. Carpenter, Chief of Legal Section, SCAP, as well as many Japanese leaders.

MAINICHI SEP 11 1949

**Govt. Restudies NPSL**

Kyodo

500.3  
TOKYO, Sept. 14.—The Government reportedly intends to revise the National Public Service Law in the coming extraordinary Diet session in an attempt to further slash its personnel.

To prepare for the revision, it is reported, the Administrative Supervision Board has asked various Ministries to turn in reports on their personnel change.

Meanwhile, Chief Cabinet Secretary Kaneshichi Masuda is expected to restudy various Ministries' enterprise plans in the coming fiscal year also in an attempt to cut down State expenses.

MAINICHI SEP 15 1949

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### New Ordinance Instead Of Food Law Revision?

TOKYO, Dec. 4.—Out of 59 bills submitted by the Government to the sixth extraordinary Diet session, nine, including the controversial bill revising the Food Supply Security Law and the bill creating a "senior system" for national public service, were left pending as the 40-day Diet session was brought to a close Saturday at midnight.

Chief Cabinet Secretary Kane-shichi Masuda said the Government is now studying on whether or not to resubmit the bill for revising the Food Supply Security Law to the seventh regular Diet session which was convened today.

No decision has so far been reached by the Government to issue within the year an administrative ordinance replacing the bill, he added.

MAINICHI 5 DEC 1949

### New Criminal Law Lauded By Appleton

TOKYO, Dec. 19.—A spokesman for SCAP's Legal Section this morning paid high tribute to the efforts made by the last extraordinary Diet session for the enactment of a new Criminal Indemnity Law providing more adequate public compensation for errors of criminal justice.

Speaking at a regular press conference, Richard B. Appleton, Legislative and Justice Division of SCAP's Legal Section, told the Japanese that Japan has had a Criminal Indemnity Law since 1931, modeled after the French Criminal Indemnity Law, but the new law, the spirit of which is based on Articles 17 and 40 of the new Japanese Constitution, provides more adequate and thorough public compensation for erroneous criminal justices.

Calling the enforcement of the law as one of the most praiseworthy accomplishments of the last extraordinary Diet session, which has so far received little public notice, Mr. Appleton emphatically noted that this new law is not only of epoch-making significance in the history of Japan, but is one of the most progressive and liberal criminal indemnity statutes now in existence anywhere in the world.

MAINICHI 21 DEC 1949

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**TOO MANY LAWS**

500.3

YOMIURI—The number of national statutes in force today is estimated to be from 300,000 to 500,000. Not even an official charged with responsibility of enforcing these laws knows the exact number.

While these numerous statutes work as a shield to officials, the people suffer infinitely from the cumbersome-ness of the laws. Just to get one permit, an applicant is compelled to visit government agencies innumerable times.

One of the causes for this situation is that many wartime laws, which today have no raison d'etre are still in existence at least in the book. These statutes in the present situation are for all practical purposes dead. If these and other unnecessary laws are scrapped and the remaining ones revised, it might give more vigor and incentive to the activities of the people.

MAR 24 1950  
NIPPON TIME

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## Diet Asked to Pass New Rubbish Law

<sup>500.3</sup>  
**TOKYO**—Japan's welfare ministry is reported pushing a campaign to clean up the country, providing fines of not over 100,000 yen for sanitation law offenders.

Japanese newspaper reports say the new bill calls on the nation to dispose of rubbish and dirt marring the beauty of Japanese cities and towns and currently providing the nation with one of its worst health hazards.

The bill will be presented to the Diet in December, reports said. Laws now in effect, enacted in 1900, provide a fine of 1.50 yen (less than one American cent in 1950) for failure to properly dispose of rubbish.

NOV 14 1950

STARS & STRIPES

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### Anti-Trust Law 500.3 Discussed In Osaka

To illustrate the real meaning and benefits of the policy for elimination of controlled organizations and the Anti-Trust Law, the representatives of both Occupation personnel and Japanese Government officials in the Kinki, Shikoku, and Chugoku areas met at the conference room of the Osaka Prefectural Office on February 10 at 2 p.m.

T. R. Delaney and I. Eisenstein, both of SCAP's Anti-Trust & Cartels Division, Mr. Charbonnel of the Shikoku Civil Affairs Region and Messrs. Frazee and Marks of the Kinki CAR attended the meeting sponsored by the Fair Trade Commission, Osaka Branch.

Following the opening address of Chief Naruse of the FTC's Osaka branch, T. R. Delaney addressed some 40 officials of FTC, ESB and 15 prefectural government offices, stating that such a meeting was the indication of increased appreciation on the Anti-Trust Law or Medium and Smaller Enterprisers Organization Law, by which Japan would benefit in the near future.

He further said that whether these legislations go well or not is entirely dependent upon the cooperation of officials and business circles who understand the real meaning of the laws.

Then, Irving Eisenstein stressed that the real object of the Fair Trade Commission is not to control but to prevent every kind of control for the benefit of free enterprise.

After explanation of the legislations by the Japanese officials, heated discussions took place.

MAINICHI FEB 11 1950



8 March 1950

5-00.3  
500.3  
Press release:CRIMINAL INDEMNITY LAW EXPLAINED

On 4,800 posters the Japanese government this week informed citizens throughout the country that any of them falsely arrested or convicted could obtain redress under the new Criminal Indemnity Law.

The law is similar to statutes in some European countries and in California, New York, North Dakota and Wisconsin, according to SCAP's Legal Section.

The posters describing it were distributed by the Attorney General's Office to prisons, courts, schools, newspapers, railway stations, and even barbershops and public bath houses.

A cartoon on the poster depicts a Japanese family's discovery that Chichi ("Pop") may obtain financial redress and public acknowledgement of his innocence from the government following his acquittal in court.

"Oh grand!" exclaims his daughter pointing to a newspaper notice. "Here is published the court's decision for Papa's innocence." Mother meanwhile approaches with a letter and states, "Papa, here is a notice from the court saying they will pay money to you." The father, kneeling on a cushion in his kimono, comments: "Thank Heavens! If we are right, the state will never be negligent in protecting our human rights."

Beneath the cartoon a note explains that payment of indemnity can be requested by persons who have been acquitted after being arrested or detained, or even after sentence has been executed. The note adds that from 200 to 400 yen can be obtained for each day of confinement, and that the fact a man has been indemnified will be published as a legal notice by the government in up to three newspapers chosen by the wronged man.

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PRESS RELEASE  
F E C

MAR 8 1950

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SMOKING BAN CLARIFIED

500.3  
The Provost Marshal, Metropolitan Tokyo Area, Headquarters and Service Group, announced that Occupation personnel are frequently violating provisions of the fire defense law governing smoking in Japanese theaters. The law is as follows: "Smoking and Open Lights and Flames": "Smoking or carrying lighted cigars, pipes, or cigarettes, or the lighting of matches or any open flame, are prohibited in any theater, or stage area of the theater, or in the passageways or corridors, or in any seating level of the auditorium of any theater, during the time such buildings are open to and occupied by the public; provided, that smoking may be permitted in such other room or rooms as are authorized for that purpose." Compliance with requirements of Japanese law is the obligation of Occupation personnel attending Japanese theaters, added the PMO. Also, Japanese theater managers have been instructed to call the Military Police to evict any Occupation personnel who persist in violating the above stated regulation.

APR 27 1950  
NIPPON TIMES

500.3



NEW HOUSING LAW TO RELIEVE SHORTAGE

500.3

The new Housing Loan Corporation Law passed by the Japanese Diet should partially alleviate the Japanese housing shortage, Earl Stanek, Construction Engineer with SCAP's Industry Division, said today.

He estimated that more than 70,000 units will be financed by the new ruling during the fiscal year 1950. Of these, the average expenditure per unit will be 200,000 yen and the average one-family dwelling will average 14 tsubo (one tsubo equals 35.5 square feet).

The new law allots 15,000,000,000 yen for the construction of new dwellings within Japan. Of this total, 5,000,000,000 yen will be supplied from the Japanese budget and 10,000,000,000 yen from the U.S. Counterpart Fund.

Construction will consist of the following types: (1) Individual wooden houses; (2) multiple apartment dwellings of cement blocks; (3) multiple apartment dwellings of concrete.

Loans will be granted for 15 to 30 year periods with an interest rate of 5.5 percent financed through local banks or other financial agencies. Monthly payments from the individual will include capital, interest, fire insurance and taxes as a combined payment.

The Housing Loan Corporation will operate under the auspices of the Construction Ministry. Minimum building standards for each type dwelling will be observed by the building contractors under specifications published by the Ministry.

The move was encouraged by the Industry Division. Economic and Scientific Section officials expect that all the available funds authorized will be utilized.

PRESS RELEASE MAY 3 1950  
F E C

(over)

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# Will Explain Amendments To Japan's Commerce Code

United Press

TOKYO, Aug. 18.—The Office of the Attorney General of Japan and the Fair Trade and Practices Division of SCAP's Economic and Scientific Section have inaugurated a program to explain amendments to the Japanese Commercial Code designed to eradicate inquiries and effect business law modernization.

Amendments to be promulgated next July 1 were enacted by the seventh Diet last May 2, to a Commercial Code which followed basically the Continental Commercial Law of 1890, with but slight divisions in 1938.

The amendments represent the culmination of a project to reform the Code first instigated in August 1948 by SCAP's suggestion and actively promoted both by the Attorney General's Office and two SCAP sections, the Legal Section and the Economic and Scientific Section through its Fair Trade Practices Division.

It was recommended that proper corporation laws, essential to business law modernization, be formulated. A team of experts from the Attorney General's Office was assigned to draft the necessary legislation, subject to review by an advisory group composed of some 30-40 attorneys, judges, law professors, as well as representatives of trade associations and other legal, economic and financial circles.

The principal changes embodied in the 1950 amendments are:

1. The right of shareholders to inspect corporate records and to receive detailed financial reports.
2. Removal of restrictions on rights of shareholders to convene meetings, maintain suits, etc.
3. Imposing liability on directors, promoters, auditors and liquidators for improper acts, to be enforced at the suit of any shareholder who has held shares for six months for the recovery of damages to the company, for injunction and attorney's fees.
4. The specification of preemptive rights to subscribe for new

shares and the right to cumulate votes for directors.

5. Removal of restrictions on transferability of shares.

6. The grant of authority to utilize transfer agents.

7. Provision for non-par shares and authorized but unissued shares.

8. Deletion of provisions for Kabushiki-Goshi-Kaisha, an archaic combination of a corporation and partnership.

9. Provision for dissolution because of ultra vires acts, deadlock or gross mismanagement.

10. Provision for the issuance of different classes of shares, for conversion of shares, for stock dividends and limitations on the use of proxies.

11. The concept of directors individually representing a company was changed to that of a board of directors.

12. Tightening and clarification of quorum and voting requirements.

13. Provision for equality of terms with respect to subscription rights and for fixed maturity date within which payment must be completed.

14. Changes in provisions for foreign companies to guard against preferential or discriminatory treatment.

The Attorney General's Office, in conjunction with SCAP's Fair Trade Practices Division, opened the program August 9 with meetings in the Nagoya-Kyoto-Osaka area to be followed by meetings in the Sendai-Hokkaido area and subsequently in other regions throughout Japan.

Publication of the amended Commercial Code and an explanatory book; a series of lectures, explanatory speeches before Chamber of Commerce, Bar Associations, universities and industrial associations, as well as radio broadcasts, will feature the Japan-wide campaign.

MAINICHI

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AUG 19 1950  
MAINICHI

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**Re Local Service Law** 500.3

TOKYO, Dec. 10.—The Government will promulgate the new Local Public Service Law Tuesday, December 12, for enforcement two months after the promulgation.

DEC 11 1950

MAINICHI

**Promulgating LPSL Today** 500

TOKYO, Dec. 12.—The Local Public Service Law which was passed by the ninth extraordinary Diet will be promulgated tomorrow, instead of today as scheduled.

DEC 13 1950

MAINICHI

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## Solons Renew 500.3 Rehab Program

**TOKYO**—The 81st Congress has passed legislation offering an entirely new rehabilitation program to disabled veterans who incurred, or will incur, disability between the period of June 27, 1950 and the termination of the present hostilities.

Public Law 894 allows the benefits afforded under the Rehabilitation Act (Public Law 16, 78th Congress) and Title II of the GI Bill of Rights.

Claims may be filed any time within nine years after the end of hostilities.

Even if rehabilitation, education or training benefits were previously taken, the new law provides additional rehabilitation to the necessary extent. Persons who were not United States citizens at the time of service will be eligible only as long as they are residents of a state, territory or possession of the United States or of the District of Columbia.

MAR 6 1951

STARS & STRIPES

## Lawyers Confer 500.3 On New Code

**COMNAVFE, Tokyo**—Legal officers and specialists from U.S. Navy ships and shore activities in the vast area from Guam westward to Tokyo will gather at Yokosuka, Japan, Tuesday to attend a three-day seminar for discussion of the new service-wide uniform code of military justice which will replace the old Naval Courts and Boards system on May 31.

A four-man team from the Judge Advocate General's office in Washington, D.C., will conduct the conference.

Commenting on the new judicial system, result of years of post war legal research, Vice Adm. Harold M. Martin, Commander, Seventh Fleet, stated "The uniform code of military justice will give our country a single set of laws standardizing military discipline. The rights of the military man, whether Navy, Army or Air Force, are carefully set down in this new code, guaranteeing him a full hearing, a fair trial and an exhaustive review.

"The advent of the new code will be welcomed as a logical development of unification."

APR 23 1951

STARS & STRIPES

## NSLI Issuance Halt Due 500.3

**TOKYO**—Details of the servicemens indemnity and insurance acts, which were enacted into law April 25 as Public Law, 23, were made public Thursday by the Far East Command.

The law prohibits further issuance of National Service Life Insurance or U.S. government insurance on and after April 25, 1951, to persons on active duty. Acceptable application for insurance dated on or before April 25 that have been mailed direct to the Veterans administration or placed in proper military channels, will be processed. In the latter case the following certificate must be included: "It is hereby certified that this application was placed in proper military channels on or before 25 April 1951".

**PERSONS WHO HAVE NSLI** or government insurance may continue such insurance in force in place of free insurance. And the earliest premium which may be waived is that becoming due on or after June 2, 1951. All applications for waiver of premiums and discontinuance of allotments should be postponed until forms are received or further instructions are furnished.

Term policies expiring prior to June 2, 1951, must be renewed in order to continue the insurance and gain waiver privilege. Nothing in the law cancels or restricts any rights under existing insurance contracts.

Commanding officers have been instructed to urge persons not to drop their insurance until detailed information is available.

STARS & STRIPES

MAY 3 1951

500.3



ARMY JUDGE ADVOCATE GENERAL PRAISES NEW CODE OF JUSTICE

500.3 A man who is in a position to know said today the new Uniform Code of Military Justice is working in the field, and makes the American serviceman the best protected, legally, in the world.

He is Maj. Gen. Ernest J. Brannon, The Army Judge Advocate General. General Brannon returned last night from Korea and Okinawa, where he observed first-hand the operation of the new code in the field.

The Uniform Code went into effect May 31, 1951. It applies to all members of the Armed Forces.

"We found that in practice in the field the new code works," General Brannon said. The Army's top legal officer pointed out that under the code, the serviceman enjoys rights not available to civilians.

"For example, I know of no state in the Union which furnishes free legal counsel for persons wishing to appeal the decision of a lower court," General Brannon said. "Yet, in the Army, the serviceman who wishes to be represented by counsel before the Board of Review in Washington is furnished a qualified counsel."

In the event the new Court of Military Appeals decides to consider a case appealed to it, the Army will again see that the serviceman is represented.

"This does not prevent the serviceman from obtaining, on his own, the services of a civilian counsel," General Brannon noted.

A way has been left open for the armed services to recommend changes in the Uniform Code if this becomes desirable, the General said. Once each year the Judge Advocate Generals of the Armed Forces meet with the civilian members of the Court of Military Appeals to consider changes to be recommended to Congress.

"Our observation of the operation of the code in Korea shows that the Army is having no difficulty with its administration," General Brannon said. "This is due partly to the fact that many changes contained in the Uniform Code have been in effect in the Army since 1949."

This is General Brannon's first visit to an overseas theater since the Uniform Code went into effect. He arrived in Japan Oct. 7, and plans to leave Oct. 28. He has visited all major units in Japan, Korea and Okinawa.

He was accompanied by Brig. Gen. James L. Harbaugh Jr., The Assistant Judge Advocate General, and Lt. Col. Carl E. Williamson, Doniphan, Mo., executive officer, Judge Advocate Section, GHQ.

General Brannon and General Harbaugh were classmates at West Point. They were graduated from the Military Academy in 1919.

General Brannon entered Judge Advocate General work in 1931, when he received his law degree from Columbia University. He became The Judge Advocate General in January 1950.

General Harbaugh obtained his law degree from New York University in 1932, and entered the Judge Advocate General Department the same year.

-0- PRESS RELEASE  
F E C

OCT 25 1951

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