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OFFICE OF THE SUPREME COMMANDER  
FOR THE ALLIED FORCES

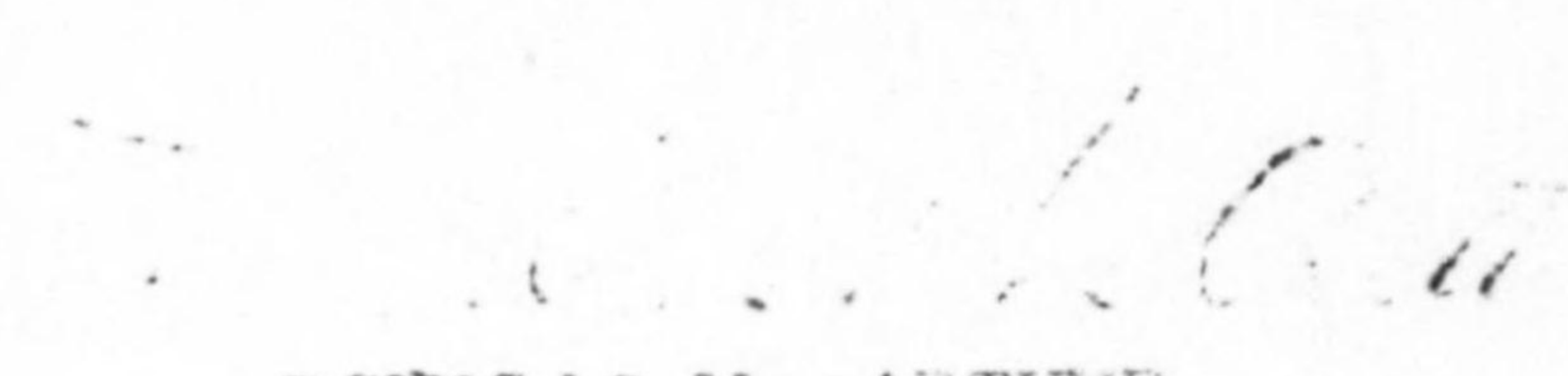
23 April 1946

I have approved the accompanying report of the Chief, Government Section on the Japanese national election conducted on 10 April 1946.

Pure democracy is inherently a spiritual quality which voluntarily must spring from the determined will of the people. It thus, if it is to become firmly rooted, may not be imposed upon a people by force, trickery or coercion — nor is it a quality for barter or trade. All men, since the beginning of time, have had the smoldering desire to achieve democracy — too few have had the unrestricted right to express that desire for it — fewer still to achieve it.

It was Lincoln who said "the people are wiser than their rulers". The soundness of this statement is historically evident — and the Japanese people provide no exception. Given the opportunity for free expression of their popular will, they responded wholeheartedly; and, rejecting leadership dedicated to the political philosophies of the two extremes, both of the right and of the left, which experience has shown in practice inevitably lead to the same result — regimentation of the masses and the suppression of human liberty — they took a wide central course which will permit the evolution of a balanced program of government designed best to serve their interests as a people.

Democracy has thus demonstrated a healthy forward advance. It is for the newly elected representatives of the people in the National Diet, in vindication of the faith of the electorate, now to consolidate and further that advance by developing a program of sound and constructive legislation.

  
DOUGLAS MacARTHUR.



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS  
Government Section

22 April 1946

MEMORANDUM FOR: THE SUPREME COMMANDER.

SUBJECT : ELECTION REPORT.

Introduction.

The Potsdam Declaration outlined the major objectives of the Allied occupation. Among these were the requirements that "The Japanese Government shall remove all obstacles to the revival and strengthening of democratic tendencies" and that there shall be "established in accordance with the freely expressed will of the Japanese people a peacefully inclined and responsible government."

Throughout the occupation it has been the policy wherever possible to use the established machinery of Japanese administration to carry out the occupation objectives, perform the routine affairs of government and, above all, to develop indigenous political and administrative machinery for the democratic reconstruction of Japan.

If democracy is to be fostered in Japan it will be necessary for the people through their representatives in the Diet, first to settle such vital problems as the establishment of a democratic Constitution, the administrative reorganization of the Japanese government, and economic changes upon which the life and welfare of the entire nation depend. But the Diet in office at the outset of the occupation was obviously unfit to serve as an instrument for the democratic reconstruction of Japan. More than 80 per cent of its membership had been selected by General Tojo and the Imperial Rule Assistance Association in the 1942 election. Identified as its members were with Tojo policy, they lacked the confidence of the bulk of Japanese people, especially those who were most eager to rebuild the country along sound democratic lines.

Therefore, at the conclusion of the special session held late in 1945 (26 November to 18 December 1945) the Diet was ordered dissolved.

There were many cogent reasons for the creation of a fresh legislative body:

1. To dispel confusion resulting from the failures of discredited political leadership.

2. To eliminate from public life those who were tainted with war guilt. Nearly the entire membership of the old Diet belonged to this category.



3. To introduce new political figures into responsible public life.

4. To reflect current political thinking of the Japanese people.

5. To establish the basis for executive authority responsible to the people.

6. To provide means for legislative decision on major issues affecting the livelihood of the Japanese people and the future structure of the Japanese community.

7. To provide a forum for political expression and a constructive outlet for long repressed political energies.

8. To provide the legislation required for the implementation of SCAP directives.

9. To avoid the use of the underocratic method of government by Imperial rescripts and ordinances.

10. To conform to the Japanese Constitution which provides that a new legislative assembly be convened within five months after a Diet is dissolved.

#### I. PRECAUTIONS TO INSURE FAIR ELECTION.

The election under the new Electoral Law once having been authorized, it was important that the spirit as well as the letter of the law should be observed. To that end the Japanese government, after consultation with representatives of the Government Section, plugged a loophole in the law by promulgating Imperial Ordinance No. 96 placing "third party" campaign expenses under the limitations imposed upon each candidate's campaign expenditures, thus insuring equal treatment of those with and those without rich friends. Next, through Imperial Ordinance No. 101, implementing SCAP's Purge Directive of 4 January 1946 relating to political associations, all political parties were ordered to register and to report substantial contributions, with names and addresses of their donors. By ordering these reports open for public inspection and setting the limit of a "substantial contribution" as low as ¥1000, the public was assured complete information concerning the major financial backing behind these parties. The Press made ample use of this information.

A third measure was effected through Home Ministry Ordinance No. 11, by which all parties and candidates engaging in the election campaign were made to report weekly, for public inspection, all receipts and disbursements over ¥100 during the whole period of the campaign. Wide publicity was given to these reports and very revealing data were thereby brought into the light of public criticism.



Another measure taken to insure a fair election was the prohibition, to prefectural governors, of any pre-censorship of the election bulletin. "Editing" of each candidate's personal statement to the voting public was thereby eliminated, and the voters thus received an "unexpurgated" version of the candidates' views.

Finally, the campaign and the election itself were brought under the close personal observation of the occupation forces by a directive which provided surveillance by troops in the field. Thus through every means conceivable it was made certain that violations of any nature mitigating against a free and fair expression of the popular will would be immediately brought to SCAP's attention.

On 10 March, the following instructions were issued to the Commanding General, Eighth Army:

"1. The Japanese Government will hold a general election 10 April 1946. Because of the important issues on which the new Diet will pass it is essential that this election be a free and untrammelled expression of the will of the Japanese people.

"2. The Japanese Government through its Ken Governors is responsible for the conduct of this election. The Election Law and the Ordinances enforcing it will, if faithfully enforced, assure the Japanese an honest election.

"3. It is desired that through your field forces you:

a. Inform each Ken Governor that your forces will observe the administration of the Election Law from the time the campaign opens until the final results are made public.

b. Refer to the proper Japanese authorities for correction all violations or delinquencies in the administration of the Election Law which may come to notice.

c. Encourage publicity to the effect that violations or failures to enforce the Election Law and infringements of individual rights should be reported to designated Army units if the Japanese authorities have failed to correct the abuses. Types of violation which may be expected include:

- (1) Unlawful exclusions from the registration lists.
- (2) Denials of rightful candidacy. This does not include appeals from persons excluded by the Japanese government under the directives of 4 January 1946.



- 775012
- (3) Interference with legal campaigning; granting special campaign privileges.
  - (4) Excessive campaign expenditures, in cash or kind, or failure to report campaign expenses.
  - (5) Restrictions on free and secret voting or any intimidation or illegal blandishment of voters.
  - (6) Dishonest counting or tabulation of votes.

"4. It is further desired that field forces observing the election report immediately by most rapid direct channels to SCAP all serious breaches in the administration of the Election Law. Information concerning the progress of the campaign will be included in the weekly Occupational Activities Report.

"5. A policy of strictest impartiality should be enforced throughout your command.

"6. Copies of the Election Law and pertinent explanatory material will be delivered by representatives of the Government Section on visits to the field."

These instructions were supplemented on 12 March by the following additional information:

"1. With reference to Memorandum Number SCAPIN 584 (copy attached) to the Imperial Japanese Government, the following is furnished for distribution to the various echelons of command which you will charge with execution.

"2. The Japanese Government is holding, on April 10, a highly important general election for members of the Diet. The results of this election will have a substantial bearing on the future of democracy in Japan. Moreover the conduct of a free and honest election will contribute materially to the democratic re-education of the Japanese. For these reasons it is essential that a fair election be held and that the will of the people be freely expressed.

"3. In the past, despite efforts to insure fair elections, local administrative officials have frequently abused their authority. Prefectural Governors and the police under their control have at times intimidated opposition candidates, coerced voters, falsified returns, committed or failed to punish fraudulent and coercive practices, and by other devices used their authority to influence the outcome of election campaigns.

"4. The Election Law and the administrative regulations enforcing it provide the mechanism for a free and untruncated election. The provisions of this law and regulations, detailed and



complicated as they are, spring from many years of Japanese experience. Though some of its provisions may seem inadequate by American standards and others may appear to impose restrictions unfamiliar to American experience, all of them have been carefully thought out and designed to regulate familiar Japanese practices.

"5. If the Japanese authorities faithfully execute this law, a fair and honest expression of the people's preference can be expected. By informing Ken Governors that their administration of the Election Law is being carefully observed, the occupational forces charged with surveillance are emphasizing their responsibility. By informing the people through all avenues of publicity, of their right to bring to the attention of the occupational authorities charged with surveillance of the Election Law abuses which prefectural officials have failed to correct, the occupational authorities are strengthening the faith of the people in the possibility of a fair election. The occupational authorities exercising surveillance should be especially watchful of privileges granted to favored candidates, or failures to invoke penalties against Election Law violators.

"6. It is not unlikely that entrenched political machines, well supplied with funds and scarce commodities, will attempt to exert pressure on voters by bribes not only in cash but also in food and clothing. Occupational troops charged with surveillance should vigilantly observe such coercive practices which directly violate the Election Law. Serious cases should be reported directly to SCAP through the most direct channels as prescribed by the 8th Army even though corrective action has been taken by the Ken Governor. Occupational forces charged with surveillance should report to SCAP any false reporting of or failure to report campaign expenditures as required by Home Ministry Ordinance No. 11. This requirement is designed to provide the Japanese public information during the campaign of the sources and uses of all campaign funds.

"7. In performing these important duties relating to the forthcoming election, it is essential that occupational forces personnel charged with surveillance maintain strict impartiality so that no charge of preferment or discrimination may be raised. No candidate should have cause to feel that he is favored or opposed by the occupation force.

"8. In the enforcement of these directives Occupation Force Personnel charged with surveillance will have the following general responsibilities.

a. advise the Ken governor of the attitude of the occupation forces. Refer to him for correction all campaign or election abuses which come to the attention of Occupation Forces.



b. Inform the Japanese public that all uncorrected abuses or delinquencies in the administration of the Election Law may be reported to the Occupation Forces.

c. Dispatch through the most direct channels, as designated by the Commanding General 8th Army, to SCAP special reports on serious breaches in the administration of the Election Law or any serious malpractices which come to the attention of Occupation Forces charged with surveillance.

d. Observe and report in the weekly Occupational Activities Report the progress of the campaign."

On 14 March suggestions for officers observing the campaign and election were issued in the following form:

"1. Familiarize yourselves with the provisions of the Election Law and pertinent ordinances. You should have a general knowledge of:

a. Election Machinery. (Election Law Chapter I, and Articles XXII - XXIV, XL - XLI, and "Election Procedure in Kofu.")

b. Qualifications for Voting. (Election Law Chapter II, Imperial Ordinance 70<sup>8</sup>, "Instructions Regarding Interpretation of Article 6....").

c. Qualifications for Candidacy. (Election Law, Articles LXVII, LXVIII).

d. Restricted Plural Voting. (Election Law, Article XXVII).

e. Campaign Rights and Restrictions. (Election Law, Chapter X, and Articles CXXXIX - CXL, Home Ministry Ordinance 32, Articles 1-6).

f. Reporting of Expenditures. (Election Law, Chapter XI, Imperial Ordinance 96, Home Ministry Ordinance 11).

g. Voting Procedure. (Election Law, Articles XXV - XXXII, "Election Procedure in Kofu.")

h. Tabulation and Reporting of Votes. (Election Law, Chapter V, "Election Procedure in Kofu.")

i. Punitive Provisions. (Election Law, Chapter XII - passim). (These chapter and paragraph references are suggestive only and not complete.)

"2. Call on the Ken Governors and the heads of the larger communities in your district. Inform them of:



a. The importance attached by the Supreme Commander to a free and fair election.

b. Your intention closely to observe their conscientious, impartial and scrupulous enforcement of the Election Law and its punitive provisions.

c. Your determination not to interfere with their administrative responsibility.

d. Your intention to refer to them all complaints which come to your attention.

"3. Through local publicity channels through publicity prepared and delivered by the Japanese themselves, see that the Japanese public is informed that violations of the Election Law and other delinquencies and malpractices by officials or private citizens may be reported to you if the Japanese authorities have failed to correct the abuses.

"4. Keep closely informed of the progress of the campaign throughout your district. Be especially watchful of the following coercive practices:

a. Police interference with legal campaign activity.

b. Efforts of landlords, employers or other groups to exert their economic power to influence voters.

c. Efforts of established political machines to buy votes by bribes in cash or scarce commodities.

d. Excessive campaign expenditures or failures to report disbursements.

e. Interference with access to polls or with free and secret voting.

f. Dishonest tabulation or reporting of results.

g. Failures of authorities to prosecute violators.

"5. Hear complaints from Japanese, record them, and refer to Japanese officials for correction. Where practicable follow the disposition of such cases by the Japanese officials. Report by quickest means directly to SCAP all serious violations or other malpractices whether or not they are corrected by the Japanese officials.

"6. Keep complete records of your activities in this surveillance program and report them weekly in the Military Occupational Report according to the items listed below:



- a. Activities of local officials and police.
- b. Major parties and candidates.
- (1) Meetings and campaign practices.
- (2) Outstanding campaign arguments and pledges.
- c. Extent of local interest in the campaign and the attitudes of major groups and organizations, -- labor, business, religion, agricultural, cooperative, professional, etc.
- d. Summary of areas visited and contacts with Japanese officials.
- e. Complaints and other evidences of delinquencies, malpractices, and violations of the Election Law and enforcing ordinances. Lists of all complaints and violations including those serious abuses reported directly to SCAP. Reports of their disposition by field forces and Japanese officials.

These categories are left deliberately broad to permit you ample latitude to report completely on the unpredictable range of situation you are likely to encounter. Complete summary reports by prefectures showing the progress of the campaign and handling of the election should be available to Headquarters at the earliest moment after the election is completed.

"7. On election day observe as many polling places as possible within your district. On election night counting offices should be similarly observed during the tabulation of ballots.

"8. It is essential that throughout the campaign a policy of strictest impartiality be scrupulously maintained. American personnel must not participate in the campaign except as observers. Nothing in their behavior should indicate preference for or discrimination against any party or candidate. Any incident that may embarrass the occupation force or any criticism of the behavior of the occupation force or its personnel in connection with this election should be reported.

"9. Remember that this is a Japanese election under a Japanese law. Actual policing will be done by Japanese officials, parties, candidates, newspapers and private individuals. The charge that this election is being conducted under the threat of Yankee bayonets must not be permitted to arise. In no case should you interfere with the administrative authority of Japanese officials or threaten the use of force. Your duties are only to observe, refer violations to Japanese officials, and report to higher authority.



"10. Assurance of a free and untrammelled election is a major responsibility of the occupation force. Your activities will contribute substantially to that result."

## 2. ATTITUDE OF PRESS.

Analysis of the Japanese press prior to 10 April reveals a remarkably intensive publicity program designed to encourage election participation by eligible voters and to inform the nation's people, especially the millions newly enfranchised, concerning important political issues. This is true of the metropolitan press of Tokyo, Osaka, and Kobe and of the prefectural press as well. It is doubtful that the press of any other country has in a comparable period been devoted more intensively to political affairs. This is especially noteworthy considering the very limited paper resources available to the Japanese press.

The effectiveness of this publicity is attested to by the large vote cast on election day: more than 27,000,000 persons voted, representing 72.2 per cent of the nation's eligible electors. Other factors contributed to this result, but certainly the press, with its vast circulation reaching to virtually all people of the nation, rendered important assistance.

### Importance of Election Stressed.

The press universally emphasized the election's importance and the imperative need for participation by all eligible voters. YOMIURI-HOCHI declared that the world was watching the Japanese election and that those who refrained from voting were "enemies of the people." TOKYO SHIMBUN, announcing that the election would "rehabilitate" the nation, considered it "the most important in (Japan's) history."

ASAHI's constant refrain was this: "The general election is our chance to develop the political wilderness of Japan. We must not forget that the democratic organization of workers and their labors are the foundation of freedom." MAINICHI cried that "Abstention from voting is a shame.....It is all right for us to criticize the government.....but at the same time we must endeavor to solve the situation by our own efforts. The election is the first step toward acting for ourselves....The ideal is always remote and high but if we cannot have it right now, we must take the second or third best - anything will do as long as it is even a single step closer to that ideal."

MAINICHI also attacked the occasionally expressed opinion that the Japanese people cannot act constructively as long as the country is occupied by foreign armies: "The fundamental mistake in this attitude is that the Japanese people are too anxious for the realization of their ideals in a short time, forgetting that



they are taking nothing more than the first step for the reconstruction of their country. We must understand that the nation can never be democratized unless we make strenuous efforts to that end for many years to come. We should shoulder a heavy responsibility for the reconstruction of the country. In this sense we can accomplish our hope by supporting the candidates and political parties which are nearest our ideals."

The press alternately ranted and cajoled. Candidates and parties were subjected to bitter criticism, but simultaneously there was insistence that responsible citizens exercise their franchise. Reference to "precious vote" became a kind of recurrent theme.

Government spokesmen too - on national, prefectural, city and town levels - issued numberless statements, most of them duly reported by the press, calling for active participation by all Japanese in the nation's political affairs.

#### Election Procedures Explained.

Space was also given to detailed discussion of the mechanics of the election procedures in an effort to inform the millions of newly enfranchised voters. The press seemed generally to have given adequate publicity to voting requirements and to the necessity for reporting omissions in voting lists.

During the weeks prior to the election considerable space was given to the campaign activities of the political parties and to individual candidates. Much of the newspaper comment was neutral or else strongly critical of the Shidehara government and its policies, but again it represented publicity which inevitably served to stimulate the political interest of some part of the nation's electorate.

#### Political Issues Considered.

The interest of the press was aroused by such political issues as the United Front, strongly advocated by the Communists, the collection and distribution of food, the government's economic measures, labor policies - including the much-mooted Communist program of production control, etc.

Noteworthy is the fact that ever since Sanzo Nosaka's return from Yanan the Communist party has been accorded as much newspaper space, especially in the metropolitan press, as all other parties combined.

It is obvious that the general aggressiveness and the vocal vigor of the Communist party considerably enlivened the entire campaign. Resulting publicity served to help prepare the people for intelligent participation in the election.



Allocation of Radio Time.

Care was exercised to effect an equitable allocation of radio time among the various political parties and candidates to assure that all would have the opportunity to express themselves through this medium during the officially designated period from 14 March through 8 April.

Time allotted to representatives of the eight leading parties (those having candidates in twelve or more prefectures) and to candidates in Tokyo, Chiba, Kanagawa, Gunma, Saitama, Tochigi, and Ibaraki prefectures, which are typical of the entire nation, is indicated in the following table:

<u>PARTY</u>	<u>NO. MINUTES BROADCAST TIME (LOCAL)</u>	<u>NO. MINUTES BROADCAST TIME (NATIONAL)</u>	<u>TOTAL BROADCAST TIME (MINUTES)</u>	<u>PER CENT OF TOTAL</u>
Progressive	967	320	1287	14.3
Constitutional Yosei	148	320	468	5.2
Liberal	1006	335	1341	15.
Communist	286	320	606	6.7
Cooperative	29	325	354	3.9
Social Democrat	402	340	742	8.3
Reform	29	280	309	3.4
New Japan	203	220	423	4.7
Minor Parties Independents	3468	None	<u>3468</u>	<u>38.5</u>
		Total minutes	8998	100.0

To date there have been no press reports indicating dissatisfaction with the allocation of radio time nor have Military Government companies or groups in the field reported discrimination.

Public Meetings.

No full report of attendance at public meetings is available, but a report of 2,215 meetings in the Tokyo area during the last three weeks of March indicated that Communists held fewer gatherings than other major parties but elicited greater interest.

	<u>Number of Meetings Held</u>	<u>Total Audience</u>	<u>Average at Each Meeting</u>
Progressives	307	16,619	54
Liberals	452	27,546	61
Social Democrats	382	30,469	80
Communists	108	19,266	178
Cooperatives	34	3,656	108
Minor Parties & Independents	932	71,725	77



### Election Postponement.

When the government on 11 March announced postponement of the general election from 1 to 10 April, the press generally charged the government with inefficiency but, at the same time, it was suggested that the extra time would make it possible for unknown candidates to make themselves better known to their constituents.

But only MIMPO actually advocated further postponement of the elections. Other newspapers bewailed lack of political interest by Japanese voters, but generally the election was regarded as a "great experiment", as an "opportunity to plant good seeds in a fertile democratic field". And the fact that most candidates were relatively unknown was not regarded as entirely disadvantageous. "Where 'name' was given every consideration," said MAINICHI, "the tragedy of militaristic Japan was the only result....We must take the influences now emerging and give them new value."

The possibility of another election to be held relatively soon after the 10 April election has, however, been suggested by several newspapers. NAGASAKI SHIMBUN recently stated that the election would determine the success of democracy in Japan, and that even though it may not be realized immediately it will serve to establish a democratic procedure for the selection of new governments.

### 3. OBSERVING AND REPORTING ON THE ELECTION.

The Government Section of GHQ, SCAP, was delegated the responsibility of developing and carrying out plans for observing and reporting on the election. Discussion with Eighth Army representatives indicated that Military Government companies or detachments from companies were located in every prefecture and could be used for observing the election. Since it was recognized that these field forces did not have sufficient personnel adequately to cover their respective areas of jurisdiction, it was decided to augment the Military Government companies by tactical forces and CIC units. In the process of developing techniques for uniform methods of field procedure and to provide every officer concerned with identical basic information, considerable mimeographed material was prepared and distributed, including copies of the Japanese election laws and ordinances, as well as outlines for conduct of the occupation forces in the event of possible violations of these laws and ordinances. The orientation of all officers of the Military Government units and tactical forces, with emphasis on the high seriousness of the elections, was handled through a series of meetings.



### Orientation Meetings.

Five orientation meetings were conducted by the Government Section in various parts of Japan. On 18th March representatives of the Section met with representatives of all Military Government companies and members of the major tactical units, including Eighth Army, B.C.O.F., I Corps, IX Corps, 1st Cavalry Division, 11th Airborne Division, and the 2nd Marine Division. These meetings were held in Sasebo, Kure, Kyoto, Tokyo, and Sendai. At this time all units were provided with sufficient copies of the prepared materials for distribution to all concerned, and the instructions were discussed in full detail. Each Military Government unit was directed by Corps to prepare complete detailed plans indicating the number of officers that could be assigned to observe and report on the election, the extent of coverage of the prefectures, the number of tactical officers and enlisted men that would be required to augment their forces, and the disposition of all forces in the field. These plans, which were completed for all prefectures not less than 15 days prior to the election, were reviewed by representatives of the Government Section.

### Disposition of Field Forces.

The political campaign and the election were observed and reported in all prefectures in Japan. Field forces representing Military Government and tactical units or CIC operated during the political campaign and election, and were distributed throughout each prefecture in proportion to population spread, with the additional considerations of location of typical rural and urban areas, and types of economic development such as agricultural, fishing, and industrial. In one instance, Yamagata, the plans were changed at the last moment to extend the coverage to a small community where possible violations were reported. In summation, the plan for each prefecture was adjusted so that a maximum coverage could be obtained, using the personnel available and recognizing the local differences in development.

A typical plan, the one for Gunma Prefecture, carried out in its entirety during the progress of the campaign and on election day, is attached as Tab A.

In order to illustrate the extent of geographic coverage, a map of Hokkaido indicating the cities, towns and villages which were visited and where the election was observed is attached as Tab B. The towns circled in red are those where one or more observations were made on 10th April. This is merely typical of coverage in all prefectures. In the larger cities the extent of coverage was much greater.



As a further example the town plan of Sapporo, with the polling places designated in red, is attached as Tab C. In this particular instance each polling place was visited at least two or more times, once in the morning and once in the afternoon. Again this is only typical. A complete and detailed report of the disposition of troops and the extent of coverage is in the course of preparation.

#### Observation and Reporting During the Campaign.

During the campaign each Military Government company and tactical unit was charged with definite responsibilities. In every prefecture an initial contact was made with the prefectural Governor. At that time the Governor was advised that the occupation forces would observe and report on the election, would maintain an attitude of impartiality, and would expect the Japanese Government and officials to bear the responsibility of conducting a free and untrammelled election. Throughout the country newspapers reported that Military Government officers, aided by tactical troops, would observe the elections to help safeguard the right of free expression by the Japanese people. Care was also taken to publicize the fact that candidates cleared by the Japanese Government did not have SCAP sanction and support, as some claimed. On the contrary, it was noted that the records of all candidates would be subject to SCAP review. In practically all prefectures the same information was passed on to the Prefectural Chief of Police, either at the same meeting with the Prefectural Governor, or at a separate meeting. In most of the prefectures this information was disseminated through Japanese channels direct from the Governor or the Police Chief to all of the mayors, village headmen and sub-chiefs of police. In all prefectures there were special publications of voting instructions, newspaper articles, pamphlets from the schools, school posters urging the exercise of the franchise, and posting of handbills printed in Tokyo by the Ministries of Education and Home Affairs.

Because of the revision of the election laws pertaining to campaign expenditures the Military Government companies made periodic checks to see that the summary statements of receipts and expenditures which approximated 20,000 yen was exceeded in only a few isolated instances. In one case examination indicated that an alleged excessive sum reported to occupation authorities was caused by a typographical error. One other case where an expenditure is reported to have exceeded the amount authorized is now being investigated by prefectural authorities.

The occupation force observers were also charged with the responsibility of receiving and passing on to the prefectural governors all complaints of violation of the election laws. The number reported to all units was practically negligible prior to the day of election. Those that were turned in were investigated generally by the police at the direction of the governor.



Several of these appeared to be attempts merely to embarrass local candidates. Investigations of action taken by the police have been initiated in all instances of election-law violations reported to the occupation forces, but reports of results of investigation have not been completed.

The occupation forces in innumerable instances initiated action which resulted in the preparation of news articles by the prefectural authorities describing the voters responsibilities, procedures to be followed in voting, punitive action, and penalties that might be expected for violation of the election laws.

#### Activities on Election Day.

On election day the activities of the occupation forces reached a peak. At this time the maximum number of officers and enlisted men was employed and they were disposed in the greatest number of places in each prefecture. Urban coverage averaged about 90%, and rural coverage averaged about 40%. The rural figure is lower than the urban because of the impassibility of many roads, the deep snow in many northern prefectures, and limitations of personnel available. Many polling places were covered two or three times. In some prefectures close to 100% coverage was achieved. A composite figure of 60% (approximately 12,000 of the 21,089 polling places in Japan) represents a safe, conservative estimate. These visits were in most cases not perfunctory but included an examination of the arrangements and procedures followed as well as contact with the chief election official and his subordinates. In all cases this was confined strictly to observation and in no case was there any report of interference on the part of any member of the occupation forces. The observation included a check to ascertain that the names of all candidates were posted in front of the polling place as required, inspection as to whether any persons were attempting to exert coercion in the immediate vicinity of the polling place, surveillance to ascertain whether or not election posters were placed in too close proximity to the polls, and observation of the procedure followed between the time of entry into polling place and the box where the ballot was received. It included the chief clerk's methods of procedure in checking records for electors not having voters' identification cards after verification against two sets of official registration books, use of consecutively numbered cards to provide a record of the number of persons entering the polls, close observation of actions of voters and officials in the area between the place where the voter received his ballot and the actual place where it was marked with the name or names of the candidates, the methods used to assure that the voter was alone at the time the ballot was marked, the procedures followed in the period after the ballot was marked and deposited in the ballot box, the exit of the voter from the polling place, and an independent observation as to whether or not there appeared to be any congregating place for large numbers of voters after leaving polls.



Many other types of observations were made by individual officers, such as the period of time required for male and female voters to mark the ballot, the number of persons voting by hours, the distribution of sex by hours, and the number of election officials and watchers at various locations.

Comments which seem to represent the consensus of the occupation force observers regarding the election are:

a. The pre-election arrangements by the Japanese officials for the handling of the voters in the polling places were worked out in great detail and exceptionally well handled. The number of officials, guides and assistants materially expedited the complicated Japanese process of handling voters. In only a few of the congested polling places were long waits occasioned.

b. The Japanese people were most orderly in their conduct at the polls. There were no recorded incidents of misconduct or disorderliness.

c. The use of the consecutively numbered cards permits a continuous check of the number voted at any particular time.

d. The Japanese system of registration leaves much to be desired. The time element involved in checking on voters who have lost or misplaced their voter's identification card is too long. This is caused by their system, or lack of system in keeping record books.

e. The police were prominent by their absence. There are no reports of any interference by the police in any prefecture.

f. The attendance at the election, particularly the women, was a matter of comment by practically every observer. The complete confidence and certainty with which the women voted indicated a thorough schooling in the methods of procedure. In practically all instances, women voters were not accompanied by their husbands. Many carried infants on their backs and led other small children by the hand.

g. It has been reported from a number of separate sources that the interest in the election demonstrated that the occupation forces were responsible to a considerable degree for the response of the Japanese people. Prior to the election there were numerous reports from the field forces of apathy on the part of the electorate. It was not demonstrated in the election.

#### Omissions from Electoral Lists.

On the basis of reports so far received, less than four-tenths of one per cent of the electorate were disenfranchised by not having their names on the local electoral list. In the vast



majority of cases these omissions were due to their having changed residence since last November without insuring a transfer of their names from the electoral list of their previous habitat to that of the present. This could have been corrected even after the lists were closed by making use of the "absentee ballot", by mail. But few availed themselves of this right.

Another group simply failed to make use of their right to inspect the electoral lists when public notice of such an inspection period was given, and thus to correct clerical errors and omissions which are unavoidable in such a vast enterprise.

The greatest number of complaints were recorded in cities where destruction by bombing was the heaviest with consequent maximum displacement of population, such as in Aomori and Sendai in northern Honshu. In Sendai the mayor resigned as a result of the protests and in other cities detailed investigations are being made at the present time. In Aomori the only official protest made to occupation and prefectural authorities was filed on the afternoon of election day by a candidate who discovered on the next day that he was elected.

The Home Ministry is making a thorough investigation of all cases reported. There is no evidence that the actual results would have been different if those left out could have voted.

#### Counting the Votes.

Occupation forces determined in most cases that adequate provision was made by Japanese authorities to safeguard the ballots between the time of the closing of the polls and the time that counting and tabulation started. There are no reported incidents of any attempt to tamper with the ballot boxes during this period. During the counting process occupation forces made periodic visits of observation but interfered in no way.

The independence of voters and their freedom from interference during the voting are worthy of high commendation. At no time throughout election day was intimidation exercised at the polls or in the vicinity of voting areas. This was in sharp contrast to the police control formerly exercised in Japanese elections. Nor is there any but sporadic evidence that pressure was brought to bear by employers, by social leaders, by cultural or economic agencies upon voters either on election day or during the campaign. It had been anticipated by occupation force observers that possible violation of this nature might not be reported until after the election by those Japanese individuals or parties who might have knowledge of such. It is therefore significant to note that at this late date no charges or reports of interference have been brought to SCAP's attention by any parties or defeated candidates.



The success of election surveillance and reports on the results of the same are largely due to the support given the Government Section by the Eighth Army, I and IX Corps, 1st Cavalry Division, 11th Airborne Division, 24th and 25th Infantry Divisions, 2nd Marine Division and B.C.O.F. Special mention should be made of the splendid cooperation of the B.C.O.F. in the Kure area, since they were not charged with this or any military government responsibility but nevertheless most ably and wholeheartedly assisted American forces in their election observation duties. The Military Government groups, companies and detachments, as well as CIC, contributed much to the success of this first venture in practical democracy in Japan.

#### 4. POST-ELECTION COMMENT.

Press comment immediately following the elections has been confined mainly to speculation concerning the election achievements of the various parties, of liberal and conservative forces, and the fate of the Shidehara cabinet. There has also been some evidence of surprised gratification over the unexpectedly large vote cast, indicative of genuine interest in the election. YOMIURI-HOCHI calls the election "a milestone to Democracy." MAINICHI says the "new representatives will grow and develop, and in their growth we recognize a bright political future for this country." In a press interview a successful woman candidate, Mrs Kato, better known as the former Baroness Ishinoto, called the election a vindication of women's sense of political responsibility. The Communist leader Sanzo Nosaka also seemed fairly well satisfied. According to press reports he hailed the victory of five Communist candidates as indicating that the people have begun to understand the party's "righteous and justifiable policies."

NIPPON TIMES declares that "the outcome of the election must be considered little short of astounding." Attention is called to the "remarkably good turnout at the polls. Although the rate of abstention theoretically might have been considered improved, it compared more than well with the usual situation in even the most advanced of the democratic countries.....All in all, therefore the results of the election have turned out to be gratifying beyond expectation. The Japanese people have vindicated the faith placed in their potentiality to advance toward democratic government."

Noteworthy, too, is ASAHI's comment: "In the latest elections no interference was offered by the government officials by the abuse of their power. This is the first time interference of this sort was not made in this country."



## 5. POLITICAL IMPLICATIONS OF THE ELECTION AND ANALYSIS OF THE RESULTS

### Election Results

<u>Party</u>	<u>Old Diet</u>	<u>New Diet</u>	<u>Women in new Diet</u>	<u>New Diet</u>		
				<u>Those in last Diet</u>	<u>Those in Former Diet</u>	<u>New Faces</u>
Progressives	274	93	6	13	10	70
Liberals	46	139	5	14	23	102
Socialists	17	92	8	7	15	70
Cooperatives		14			1	13
Communists		5	1			5
Small Parties		38	8		1	37
Independents	72	83	10	4	1	78
Vacancies	57	2				
	466	466	38	38	51	375

### Campaign Expenditures.

Survey of the campaign fund reports submitted by all political parties to the Home Office reveals that with the exception of the Social Democratic party all major groups disbursed approximately the same amount of money to assist each candidate for office. The sums ranged from ¥2,300 allotted to each of the Progressive Party candidates to ¥4,000 paid by central party officials on behalf of each Liberal candidate. The Social Democratic Party, however, spent an average of but ¥415 per candidate.

When broken down to show the efficiency with which money was spent, the picture shows wider variations. Each Diet seat cost the successful Liberal party an average of ¥13,500, as compared to the Social Democratic expense of ¥1,500 per seat. The Progressives spent ¥9,200 per seat, the Co-Operatives ¥17,750, while the five Communist seats cost an average of ¥76,579 each.

These relatively heavy expenses for seat in the case of the Co-Operative and Communist Parties are all the more surprising in view of the fact that their contests were staged in carefully selected areas where the prospects of success were judged to be brightest. The Liberals, Progressives and Social Democrats, each waging contests in more than two-thirds of the election districts, necessarily spent much money on hopeless causes, thus raising their general averages, while the Communists, with but 142 candidates and the Co-Operatives Party, with only 90 candidates, chose districts in which their prospects for success were brightest. Their expenditures, therefore, represent a heavy concentration of money in districts believed favorable to their cause.



### Preferential Voting.

The Liberals, polling the largest number of votes, elected a plurality of members, and the Progressive, Social Democratic and Co-Operative parties received Diet seats in almost exact ratio to the number of ballots cast for them. For the first time in Japanese political history the Communists, for whom 3.6% of the elector cast ballots, hold seats in the Diet. Twenty-eight minor parties, preferred by some 12% of the voters, are represented by 8% of the Diet members while Independents, for whom 20% of the votes were cast, will comprise approximately 17% of the Diet members.

When it is remembered that minor parties and Independents generally lacked strong party organizations and that they campaigned, for the most part, without strong press support, the results of the election indicate the high degree of selectivity exercised by the Japanese electorate.

### Party Changes.

In addition to the shift of Independent candidates to various parties, indications pointed to modification of political parties themselves. Popular appeal during the campaign was necessarily along such lines as relief for food shortages, remedies for unemployment, provision of housing, and other immediate personal needs. Virtually all parties, therefore, stressed these and, except for the Communists, protested their desire to maintain in some form the Emperor System with modifications that would guarantee popular control. Following election, the parties were obliged to turn to more technical and more intricate problems. Politicians who had campaigned for election on a basis of personal popularity now devoted themselves to a study of how to attain the goals which they had so freely promised.

Since all parties had used similar arguments in their campaign speeches and since the published platforms of many of the groups were so similar, not only in theory but often in actual wording, transfers from one party to another did not seem too difficult to make. Prediction was freely made, therefore, that Japanese political parties, virtually all of which had no roots deeper than September 1945, would evolve into somewhat different forms. Failure of the Communists to elect more than five members dimmed the hopes of that group that it might dominate a so-called Democratic Front of leftist parties and, it is believed, deepened the desire of certain leftist Social Democrats to convert their party into a Communist appendage. At the same time, the success of Hatoyama's Liberals encouraged the Social Democratic Right Wing to seek an alliance with this leading party.



### Party Re-Grouping.

The failure of any party to receive a clear majority either in the popular vote or in Diet membership, together with the large number of candidates chosen as Independents or as members of minor parties, occasioned considerable political maneuvering after election. Since no Cabinet could be set up by one party alone, efforts were made to enlist support by coalition proposals.

Two general groupings were at once apparent. HATOYAMA Ichiro, president of the Liberals, the plurality party, regarded his 142 members as the nucleus about which a dominant party could be built with himself as Prime Minister. He made overtures to both the Progressives and to the Social Democrats, especially the Right Wing of the latter group, for a coalition government, and he invited such Independents and other members as were sympathetic to the Liberal ideas to join with him in setting up a government.

Home Minister LITSUCHI Chuzo and Ministers without portfolio NARAHASHI Wateru and ISHIGURO Takeshige favored a reshuffling of the Shidehara Cabinet in such fashion as would enable that group to retain control after the elections. They invited sympathizers to join their movement for a new government party which was to be headed by Baron Shidehara himself; however, since these plans were proposed Shidehara has joined the Progressive party.

The outcome of these maneuvers was not immediately certain. Newly elected Diet members as well as political party leaders hesitated to commit themselves to any course of action until all implications had been closely studied. The Social Democratic party for instance held discussions concerning their future policy with some influential leaders favoring a coalition arrangement with the Liberals, while others argued that the party would serve a better purpose as the Opposition group within the Diet. Both factions agreed that maintenance of party principles was more important than the winning of Cabinet seats.

The Co-operative party, also, faced a difficult problem. By Japanese parliamentary law, under which parties must operate until the adoption of a new Constitution, no political party within the Diet enjoys a privileged position unless it controls at least 25 Diet seats. Failure of the Co-operatives to win more than 16 seats reduced this party to a minor role and several of the leaders, including WIKAWA Tadao, head of the party, favored amalgamation of the Co-operative party with the Social Democrats.

Independents were in a more favorable situation. Since they were not bound by allegiance to any party, the individual Diet members were free to make such arrangements as they pleased with the leaders of larger parties. Five or six joined the Social Democrats almost immediately; an influential Hokkaido Independent allied himself with the Liberals; while Narahashi claimed that a substantial bloc of Independents and minor party men would cooperate with the projected Shidehara group.



### Independent Candidates:

Striking testimony to the independence with which women went to the polls appears after analysis of the vote by individual prefectures. Twelve of the successful women candidates ran independently and were elected without benefit of party machines and without organized support on their behalf; it is likely, therefore, that in many instances feminine voters cast ballots for these without regard for supposed political affiliations. Similarly, eight women candidates running under the sponsorship of minor parties probably drew support from women voters because of their sex.

It is an odd commentary, incidentally, that the only Diet membership won by the Young Men's Party is a woman contestant in Chiba prefecture.

The candidate in Aichi prefecture who campaigned frankly on a platform of appeal to newly enfranchised voters was elected on the New Born Citizens' ticket; other women ran successfully under the labels of the Starvation Prevention League, the Middle Way Society and the Japan Peace Party.

Inspection of the returns indicates, also, that the preferential voting system contributed largely to the success of independents and small party candidates. The larger parties, unable to elect entire slates of candidates to fill all the seats in any prefecture, proved unable to so distribute their forces as to capture more than their fair share of seats; this gave opportunity for minorities to concentrate upon the election of approved independents. In 43 of the 46 prefectures, at least one independent candidate was elected. This is a phenomenon that has never before appeared in Japan's political history.

Similarly, it indicates the weakness of certain parties which had raised much clamor during the campaign and which had endeavored to give the impression of widespread organized support. The Co-operative party, for instance, won seats in only eight prefectures, although by concentrating their minority voting strength on carefully selected candidates in each prefectural district they might have been able, as the independents and more astute minor parties were enabled, to elect Diet members. The Communists returned members in but five constituencies, although the 80,000 supporters which they had claimed in the southern Japan prefectures would, had they existed and been properly disciplined, have won them more seats in the lower house. It is noteworthy that the heavily industrial areas of Osaka, Kyoto, and Hyogo (Kobe) returned in all but one Communist.

Two prefectures, Tokushima and Miyazaki, both in southern Japan, showed surprising independence by selecting all their Diet representatives from among independent candidates; not one contestant from any of the five major parties won a seat in these areas. Nagano, Horishima and Kagoshima, all in central or southern Japan, also showed surprising independence in their choices.



Among the major parties, the Liberals, polling a plurality of all the votes, elected Diet members from all but three of the prefectures, two of the missing districts being those that voted wholly independently; the third is a district (Fukui) which has thus far announced but four of its allotted five memberships. The Social Democrats failed to secure seats in nine prefectures, while the Progressives were unsuccessful in eleven districts.

#### The Women's Vote.

Contrary to all expectations, the Japanese women took advantage of their newly-acquired suffrage and voted heavily, with 13,000,000 or 66% of an approximate total of 20,000,000 eligible women voters casting their ballots. Pre-election speculation had foreseen a women's vote ranging between 30% and 60%. In comparison to the male vote, which was 79%, the women did very creditably.

According to the latest reports out of 79 women who ran in the election almost half (38) were elected. By party, the breakdown is as follows:

Liberal Party	- 5 candidates
Progressive Party	- 6 candidates
Social Democratic Party	- 8 candidates
Communist Party	- 1 candidate
Independents	- 10 candidates
Minor Parties	- 8 candidates

The only all-women's party, the New Japan Women's Party (Shin Nippon Fujin-to) succeeded in electing one candidate to the Diet.

Mrs. Michiko Yamazaki, Social Democrat from Shizuoka Prefecture, led all women candidates with an aggregate of 191,293 votes, as compared to 211,146 for the male candidate who received the greatest number of votes.

#### Interest In The Election.

Prior to election the apparent calm of the Japanese electorate misled even seasoned political observers into the delusion that Japan was apathetic toward the election. Miss Ichikawa Fusae, dean of women suffragists, for instance, told the Osaka Mainichi two days prior to the voting that in all probability ninety per cent of Japanese women would abstain from the polls. Political critics of the Osaka-Kyoto-Kobe area declared that not one woman had even the faintest chance of being elected to the Diet.

The unexpected attendance of women at the polls and the victory of so many women candidates disproved both contentions.



In this, and in other aspects of the election, it became evident that the Japanese people, despite the novelty of universal suffrage, have already made sound progress toward true democracy and that they have exercised shrewd judgment in differentiating among a host of candidates. Party labels meant comparatively little to them, as is evident in Tokyo District No. 1 where the three top contestants were the Liberal, Communist and Social Democratic candidates, the last named a woman. Japanese electors, cast their ballots for individuals rather than for parties.

#### The New Diet.

In Japanese pre-war Diets, an overwhelming preponderance of members have been lawyers, big business representatives and professional politicians. The new Japanese Diet, however, contains a large proportion of those who may be loosely described as "intellectuals". According to a survey made by the Kyodo news agency, only 52 lawyers, 82 corporation directors and but six "politicians" are included in the Diet just elected. Thirty-two teachers, 22 authors, 13 physicians and 49 farmers indicate the non-professional nature of the members comprising Japan's new law-making body.

Because the electorate took their civic responsibilities seriously, the composition of the new Diet will contrast sharply with former law-making bodies in Japan. It is noteworthy that in a country where age is given preference the average member in the coming legislature is two years younger than in the last Diet and that, in a nation where education is held in high esteem, three-fifths of the members hold college or university degrees.

The most convincing contrast, however, lies in the fact that while the last Diet, elected under the Tojo regime in 1942, was a one-party legislature, the new Diet represents no less than 33 political parties, plus 78 members classes as Independents. Never before in the history of Japan, and seldom in the parliamentary history of other nations, have so many different points of view been represented with nevertheless a few strong political groups at the center. In the pre-totalitarian Japanese Diets the major parties almost invariably monopolized membership, thus effectively silencing minority ideas.

The new Diet, composed in overwhelming degree of men whom the Japanese describe as "new faces" can bring a fresh point of view to bear upon the serious problems which Japan must face. The old-line politicians have all but disappeared, to be replaced by younger, earnest men, adequately prepared by education and by previous experience for the solution of Japan's difficulties. Unquestionably those chosen to represent the Japanese electorate are far less reactionary than were Diet members in former years -- witness the great increase from 17 Socialists in the last freely elected Diet to 93 Socialists, plus a scattering of Communists and radically



minded small party members and Independents in the coming legislature. Even those political parties which represent more conservative opinion are, by past Japanese standards, well to the left in their ideas.

"There is no question," says the Nippon Times, "that the old order is doomed and that the new liberal movement, though not yet in full tide, is sweeping onward toward unprecedented levels."

Communist spokesmen, in spite of their party's official denunciation of the election, profess satisfaction that their party strength grew from 10,000 to 20,000 during the campaign. Nosaka Sanzo declared in an interview that the 2,000,000 Communist votes indicate that the Emperor system is doomed. "The people's unexpectedly large support of the Communist Party," he said, "sounds the death knell for the Imperial institution."

#### Summary.

The general election of 10 April 1946, the first in which women voters participated and the first unregimented election in many years, was a free and untrammelled expression of the present political preference of the Japanese people. Over 27,000,000 people, or 73% of the entire electorate, cast their votes, despite the handicaps of transportation difficulties in present-day Japan. The previous all-time high was 11,250,000 voters. This time the voting ousted the party long entrenched in political power, apparently not so much for what they presently stand for as for what they formerly stood for, and moved sharply toward a more liberal conception of the relationship between government and people. It seated 38 women in the national Diet, despite the fact that this was the first occasion in Japan that women have had the right to vote, and despite predictions made by seasoned political observers that few if any women could succeed. It ignored professional politicians in favor of representatives from all walks of private life, resting the political future of the Japanese people in the hands of men and women with little or no political experience, but of the people's own free and unrestricted choice. It demonstrated to the people of the world a free, honest and orderly election such as few, if any, of the Western democracies can boast in more complete degree. It demonstrated democracy both in its form and in its substance.

The independence underlying the action of the electorate is probably best reflected in the results themselves, as no party has received anything like a majority vote. This is probably due to the fact that contrary to misconceptions in some quarters in the use of the word "democratic", "reactionary", "conservative", "right wing", and "left wing" as applied to Japanese politics, strong elements of all the major political parties espoused doctrines consistent with the development of democracy, and advocate programs embodying democratic principles for political, social,



financial and economic reforms of far-reaching significance and scope. All parties agree that the presentation of the platform, principles and personalities offered by each party, or by candidates running independently, was unhindered and adequate. No complaints have been voiced of unfairness in this regard. Nor have protests been received of coercion, surveillance or intimidation. Everyone agrees that the number of voters represented an unexpectedly high proportion of the electorate.

Through the new Diet to take office as a result of the election, the people of Japan have an opportunity to establish a responsible and representative government in full accord with the terms laid down by the Potsdam Declaration. In this legislative body they may initiate and enact measures that will for many years to come determine the direction of their national life. Because of the entry of new political figures into public life and because of the unprecedentedly large number of minority interests represented, all shades of public opinion will be well reflected. The men and women chosen by preferential voting may be relied upon to give vigorous expression to the views of all classes of the population, thus preparing the way for constructive legislation helpful to the nation.

Persons representing all shades of political opinion will use the forum thus provided for them and, by progressive education of the electorate, endeavor to convince the people of Japan of the essential justness of their ideas. This is the basic premise of orderly democratic procedure. Its operation will strengthen among the Japanese electorate the conviction that public opinion, freely and openly expressed, is the surest way to political and economic rehabilitation. The mandate of the people is the final word in a democracy.

/s/ Courtney Whitney  
COURTNEY WHITNEY  
Brigadier General, U. S. Army,  
Chief, Government Section.



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BRIEF PROGRESS REPORT ON

THE

POLITICAL REORIENTATION OF JAPAN

GOVERNMENT SECTION

GENERAL HEADQUARTERS, SUPREME COMMANDER FOR THE

ALLIED POWERS

1949



## POLITICAL REORIENTATION OF JAPAN

### MISSION OF GOVERNMENT SECTION

As the Staff Section of General Headquarters SCAP\* charged with advising the Supreme Commander on the structure of civil government in Japan, Government Section has had the mission of reorienting the Japanese Government in the direction of representative democracy. The basis of this mission rests on the declared objective of United States and Allied policy that there be established in Japan a peaceful and responsible government which would conform as closely as possible to principles of democratic self-government, supported by the freely expressed will of the Japanese people.

### PRE-WAR GOVERNMENT OF JAPAN

To appraise the nature and scope of the task which had to be accomplished to achieve this goal, a brief birds-eye view of the government of Japan before the Occupation is necessary. The pre-war Japanese governmental structure was one which had been erected almost in toto during the twenty-year period which began with the Meiji Restoration and culminated with the adoption of the Meiji Constitution in 1890. For the most part its institutions had been patterned after European models. The organization as a whole was complex and ill-defined. The Meiji Constitution was not the all-embracing organic law of the land but merely one of a collection of laws, rescripts and customs which all together made up the constitution of the Japanese State.

The formal structure of government as defined by law was only the slimmest kind of skeleton and gave no idea as to the manner of operation or even the elasticity of the internal organization. Its most salient feature was its pyramidal form with all authority concentrated in the Imperial institution and all powers exercised through a central executive answerable only to the Throne. Even the word "executive" is not descriptive, for there was no basic division of the three great branches of government - legislative, executive and judicial. It would be more accurate to describe the system as a national bureaucratic oligarchy exercising all three powers for and in the name of the Emperor.

The formulation of national policy was a matter of compromise among the various groups and factions which had access to the Emperor and controlled the

\*Supreme Commander for the Allied Powers



exercise of the Imperial will. These were mostly extra-constitutional and quasi-legal bodies of which only one, the Privy Council, was mentioned in the Meiji Constitution. None was strictly defined by law. A few should be mentioned:

1. Imperial Conference

This was not authorized by either Constitution or law but was the prerogative of the Throne and was attended by high ranking generals and admirals, the Prime Minister, the Genro, the Lord Keeper of the Privy Seal and various Ministers of State. It discussed major national problems, both executive and legislative, and reached final decisions in the presence of the Emperor whose sanction sufficed to give full authority to such decisions.

2. Genro (Elder Statesmen)

This was an informal group originally established in the Meiji Era, with six members consisting of old aristocrats. It acted as adviser to the executive sovereignty of the Emperor. It selected Prime Ministers and thus controlled successive Cabinets. It had become inactive about 1940 when Prince Saionji, the last of the Genro, died.

3. Jushin (Senior Statesmen)

This group appeared considerably later than the Genro and in some respects assumed its functions. It usually consisted of the Lord Keeper of the Privy Seal, the President of the Privy Council and former Prime Ministers. They met informally merely by virtue of their high office and had no fixed term of office.

4. The Emperor's Military Advisers

The war powers of the Japanese Government were vested exclusively in the Emperor to whom the military enjoyed direct access. Two formal bodies, the Supreme War Council and the Board of Field Marshals and Fleet Admirals, formulated military policies in the name of the Emperor. In theory the Board was the highest advisor to the Throne on Army and Navy affairs but in actual practice the Council formulated basic policy.

5. Privy Council

This had been created by Imperial Ordinance to deliberate on important matters of State when requested by the Emperor. Its functions were both legislative and executive. It consisted of a President, Vice-President, and twenty-five Councillors all of whom were appointed for life by the Emperor. It was probably the most important single agency in the Japanese Government. No laws could be enacted, no important appointments made, no rescripts issued without the approval of the Privy Council; and while access to the Emperor was possible without going through the Council, no formal action could be taken without its concurrence.



#### 6. Lord Keeper of the Privy Seal

The holder of this post was the Emperor's personal adviser on matters of importance to the State. He was appointed by the Emperor, made his recommendations to the Emperor and controlled all access to the Emperor, except for top ranking military and naval officials and a few others. Since all bills and petitions passed through his office for Imperial sanction, he had unquestioned power over governmental acts.

#### 7. Imperial Household Ministry

This was an entirely extra-constitutional body functioning under the old Imperial Household Law. It was not a ministry of the Cabinet at all but the State agency which managed the property, administered the needs and arranged the protocol and ceremonial functions of the Imperial institutions and the Imperial family, making it one of the most powerful bodies in Japanese political and economic society.

#### 8. Board of Audit

This agency, provided for in the Meiji Constitution, verified and confirmed the governmental accounts. While it had considerable formal prestige, it exercised little real power or influence in government.

#### 9. Court of Administrative Litigation

This was a special body, separate from the regular judicial system, which heard complaints against administrative acts and regulations. It determined both facts and law in cases in which it had jurisdiction and its decisions were final. The object of the framers of the law for the Court, which was to prevent the administrative authorities from being in a "state of subordination to judicial functionaries" and to allow them "freedom of action", seems to have been successfully accomplished in this Court.

#### 10. The Cabinet

The actual administration of government in Japan was carried on by the ministries, boards and bureaus of the Cabinet. The members of the Cabinet were the Ministers of State, with and without portfolio, who were appointed by and responsible to the Emperor. The Prime Minister was not the senior member of the Cabinet but he was its actual executive head. He exercised considerable authority over the Diet and maintained the chief liaison between the Diet and Cabinet. As the chief public figure in the government he bore responsibility for whatever happened but he had little real authority except through the use of his connections and influence. His job was to see that the Government carried out the policies determined by the powers behind the Throne. He was constantly forced to keep peace among contending factions. He had little control over the bureaucracy or the police and none at all over the military. His tenure was never long.



The State Ministers, when constituted in Cabinet council, passed on drafts of laws, budgets, treaties, Imperial Ordinances, etc. The Cabinet was not, strictly speaking, the executive organ of the Japanese Government for, according to Japanese theory, the Emperor combined in himself all powers of government and simply delegated the administration of law and the execution of Government policies. It had important governmental functions but generally speaking they were administrative rather than policy-making.

#### 11. The Bureaucracy

As previously noted, the actual administration of Government was carried on by the several ministries, each more or less cellularly compartmentalized in its own sphere and each exercising authority through ministerial regulations which had the force of law. Most important, therefore, in their impact on the daily lives of the people were the day-to-day decisions and actions of the officials who staffed these agencies. By and large these officials exercised the powers of government over the people in a feudalistic concept of dynastic rule by divine right. They were classified according to a rigid, complex system of official personal ranks without particular reference to their posts of duty. Their family background, the school from which they came, the year they graduated, their connections, influence and seniority, not any special training or qualifications for the job, determined the posts they attained.

The upper reaches of the bureaucracy particularly constituted an exclusive, tightly-knit and self-perpetuating oligarchy who owed their allegiance theoretically to the Emperor and had no tradition or sense of obligation or duty toward the people. In their official acts they spoke for the Emperor. Their authority was never challenged. The people had but to obey.

The lower ranks of the bureaucratic hierarchy were occupied by civil servants of less favored origins who had little hope of ever reaching the top levels. The system as a whole was deficient in the areas of examination, recruitment, position classification, compensation, employee evaluation and utilization, safety, recreation and retirement. Provisions for maintenance of discipline and for the equitable treatment of employees were inadequate. Yet so well entrenched and all-pervading was the allegiance to feudalistic principles and methods that even these little bureaucrats, subservient as they were to their superiors, shared the general attitude of all government officials, which was to rule over, not to serve, the citizenry.

#### 12. The Imperial Diet

This was a bicameral body consisting of a House of Representatives of 466 members elected by limited manhood suffrage and a House of Peers with 410 members Imperially appointed from among the nobility, the wealthy and the erudite. Its functions consisted of giving consent to laws and ordinances drafted by the executive, humbly addressing the Throne, and receiving petitions.



More significant than the functions it exercised, however, are the powers which it lacked, namely -

- (a) Its consent was not required for the bulk of legislation, which could be enacted by Imperial Ordinance.
- (b) It could not touch roughly two-thirds of the items in the annual budget, nor could it increase or decrease the budget as a whole, and if the Diet failed to approve any given budget the Government could simply adopt the budget of the preceding year.
- (c) It had no control over the organization of the executive agencies, or the salaries or appointments of either civil or military officials.
- (d) It could not initiate constitutional amendments.
- (e) Its actions were subject to veto by the Privy Council.
- (f) The Diet was convoked, opened and prorogued, and the House of Representatives was dissolved by Imperial Ordinance.
- (g) The annual Diet session was limited to three months.
- (h) Ministers of State were privileged at any time to "take seats and speak in either House."

Within the Diet itself the position of the House of Representatives was distinctly inferior to that of the House of Peers, for the latter could veto the acts of the former.

Admittedly, the statesmen of the Meiji Restoration had contrived the Diet purely as a convenient forum for relieving the public pressure through limited debate on selected issues, and even in that function it was controlled by the establishment of the aristocratically constituted House of Peers whose purpose was "to check the evil tendencies of irresponsible discussion in the lower chamber."

Notwithstanding these constitutional and statutory disabilities, a remarkable degree of progress toward parliamentary government was achieved between 1890 and 1932. Although the State Ministers were directly appointed by the Emperor, the Hara Cabinet of 1918, with the exception of the Ministries of War, Navy and Foreign Affairs, was composed of political party figures. From 1924 to 1932, Cabinets were actually selected on the basis of election returns. These gains were finally lost, however, because of the fundamental constitutional defect which gave the Army and Navy direct access to the Throne and the power to wreck any existing Cabinet or prevent the formation of a new one by withdrawing or withholding their support thru their right to nominate



and control the Ministers of War and Navy. The Diet, lacking control of the purse strings, was unable to check the militarists during the critical 1930's. Despite their telling advantages the militarists received setbacks in the elections of 1936 and 1937, evoking demands for restricting the electorate, reducing the Diet's powers and amending the Constitution. By 1938 Toshio Shiratori, former Ambassador to Italy, was able to write, "The once widely accepted theory of government which sees in parliament the real center of power now has been completely rejected and the country is fast reverting to totalitarianism, which has been the fundamental principle of Japan's national life for the past thirty centuries."

The end of parliamentary government was accomplished with the formation by Konoye of the Imperial Rule Assistance Association in 1940-41 and the incorporation of all political parties in the Imperial Rule Assistance Political Party in 1942. The Diet which was elected in 1942 contained 381 or fully 81% who bore the stamp of "recommendation" by Tojo.

The low estate to which the Diet had fallen and the innocuous part it played in government was illustrated in September 1945 when the Diet, called into special session, was read a report on Japan's acceptance of the Potsdam Declaration, the Emperor's Imperial Rescript on the Instrument of Surrender, the Instrument of Surrender and the Supreme Commander's General Order No. 1. This session lasted just two days, long enough to give a few members an opportunity to present a number of weak interpellations as to the cause of Japan's surrender and for the Diet to give its formal approval to the surrender documents. The Diet had just as little to do with the termination of the Pacific War as it had with its inception.

### 13. Judiciary

There was no independent judiciary. The administration of justice was centralized within the Ministry of Justice which controlled the courts, the procurators and the prisons. Judges held civil service ranks and were classified and remunerated like administrative officials. Appointments and promotions were determined by the Ministry. The procurators' offices were attached to the courts and the procurators dominated the conduct of public trials. In the trial proceedings, procurators' and police records of the examination of suspects, accused or witnesses were presented to the trial court with the indictment. Defense lawyers had no standing. There was no impartial forum for the settlement of the citizen's grievances, nor was there any place where he could challenge the Government.

### 14. Local Government

#### a. Administration

The basic structure of local government was that of administrative sub-divisions of the central government. There was no recognition of the prin-



ciple of home rule. The governors of the prefectures were Home Ministry officials appointed, transferred and promoted as members of the central bureaucracy belonging to the Home Ministry. There was a weak form of indirect election in the cities, towns and villages. A city mayor was appointed from a list of three candidates sent by the Assembly through the governor with his recommendation to the Minister of Home Affairs. The headman of a town or village was elected indirectly by the town or village assembly which sent his name to the prefectural governor who, on his own authority, either approved or disapproved. The local assemblies were elected but had little authority.

b. Neighborhood and Block Association System

This was a system inherited from feudal times but modernized in recent years to centralize the control over the civilian population in the hands of the Home Minister. These associations were formed from political units such as streets, blocks or administrative districts as determined by the mayors or headmen of the towns or villages. The basic organic unit was the household. The heads of the groups were appointed by city, town or village heads. The groups were departmentalized by functions such as women's, agricultural, cultural, health promotion, consumption economy, young men's tax payment and other titles. They served well the purposes of the Imperial Rule Assistance Association, the Thought Police and other instruments of regimentation.

15. The Police

The Japanese police system differed from the American in two ways. First, it was single nationwide force with control centralized in the Police Affairs Bureau of the Ministry of Home Affairs. There was a separate and independent chain of command and communication from every police box in Japan to the Home Ministry Police Affairs Bureau in Tokyo. Second, it performed a vast variety of activities which in our country are alien to police work. Most objectionable of these were, of course, the supervision and restriction of the people in the exercise of their fundamental rights under the so-called Peace Preservation Law. For this purpose there were "Thought Police" or "Special Higher Police" units in the municipalities, prefectures and in the Home Ministry. The activities of these bodies were supplemented by the "Protection and Surveillance Commission" and "Protection and Surveillance Stations" in the procuratorial system under the Ministry Justice.

Under an old "Ordinance for Punishment of Contravention of Police Regulations" the police actually had the power, in so-called Police Courts, to adjudicate and execute sentences for "police offenses" which under our laws would amount to misdemeanors. This power could be and was used politically to interfere with freedom of speech and assembly.



## REFORMATION

This brief outline of the pre-surrender government of Japan makes it clear that the Japanese had a government of men and not a government of law and that they were an extremely regimented people governed by an oligarchic dictatorship. The individual had no safeguard against arbitrary arrest or imprisonment, no right to speedy trial or arraignment, no practicable protection against search of his home or workshop or the summary seizure of his possessions by police or procurators, and no dignity of being. Reorientation of this system in the direction of democratic self-government required fundamental changes in three areas:

- (1) Its legal bases.
- (2) Its organic structure.
- (3) Its personnel composition.

### 1. Method

Of equal significance with the substance of the reformation is the manner in which it was brought about and the role the Occupation played in the process. There has never been direct military government in Japan as there was in Germany and Korea. The existing machinery of government has been used to accomplish all Occupation objectives, including its own reformation.

The first few months saw the issuance of a series of directives to the Japanese Government to establish the broad outlines of the reorientation desired in Japan's political, social and economic structure.

Once this outline was established, the emphasis shifted from direction to leadership. The Japanese were given the responsibility of carrying out the policies and reaching the goals laid down in the Supreme Commander's directives. They were to be given every opportunity to carry out this responsibility. If they failed they would be superseded. But in their internal administrative matters they were to be allowed to conduct their own affairs without being either hindered or pampered by the Occupation authorities. In the spring of 1946 after the new Constitution was submitted to the Diet, Government Section abandoned the use of directives, formal or informal, in favor of suggestion, persuasion or advice.

The response to this treatment has been one of the most satisfying experiences of the Occupation. Responsible officials--legislative, executive and judicial--came to exhibit increasing familiarity with the principles and processes of representative government. As time went on they assumed the initiative and by the end of the second session of the National Diet under the new Constitution, there was no occasion to doubt that the Japanese understood how representative government operates.



## 2. Legal bases of Government

### a. Initial Measures

The first direct step toward political reorientation was the removal of restrictions on freedom of thought, religion, assembly and speech, the liberation of political prisoners and restoration of their civil rights. This was carried out by the Japanese Government pursuant to two SCAP directives of October 4 and December 19, 1945 which ordered the abrogation of all laws, ordinances and regulations which restricted the civil liberties of the people and the dissolution of agencies engaged in carrying out activities repressive of civil liberties. The impact of these directives was instantaneous, resulting incidentally in the resignation of the Higashikuni Cabinet. An illuminating commentary on the mentality of the leadership then in power is afforded by the statement reported to have been made by the Prime Minister on that occasion, namely, that he could not govern Japan without "Thought Control" and the "Thought Police."

### b. Constitution

Democratizing the legal bases of government required, to begin with, liberalization of the Constitution. In September 1945 the Prime Minister was informed by General MacArthur that constitutional reform was considered a matter of first importance. Later the Japanese were informally advised that constitutional revision should embrace the following basic points:

- (1) Abolition of the influence of the military in government.
- (2) Curtailment of the Imperial power of legislation and of veto over Diet legislation.
- (3) Abolition of the Privy Council.
- (4) Establishment of the principle of parliamentary responsibility.
- (5) Democratization of the House of Peers and removal of its veto power over actions of the House of Representatives.
- (6) Expansion of the authority of the House of Representatives, particularly over budget matters.
- (7) An independent judiciary.
- (8) An effective Bill of Rights.
- (9) Impeachment and recall of public officials.
- (10) Amendments by popular initiative and referendum.



There followed a period of study and wide public discussion among groups of Japanese, official and unofficial, including government, scholars, publicists, and others. Eventually, after many conferences and consultations, a draft was evolved which met the requirements of United States and Allied policy, which the Cabinet presented to the Emperor and which he approved for introduction in the Diet in accord with the Meiji Constitution then in effect which made the initiation of constitutional amendments an Imperial prerogative. The new draft Constitution was widely discussed during the campaign for the general election of members of the House of Representatives which took place in April 1946. After thorough debate and some amendments in the Diet, it was promulgated on November 3, 1946. It is a concise document, drawing on the experience of other countries and incorporating the essentials of modern representative democracy.

Under the new Constitution of Japan, sovereignty resides with the people. The Emperor is retained as a limited or constitutional monarch, but with fewer prerogatives than those usually accorded the head of the State in other parliamentary governments. He is not even titular chief executive. He serves as "symbol of the State and of the unity of the people," holding that position by the will of the people, with no powers of government, but performing purely formal and ceremonial functions of State on behalf of the people and with the approval of the Cabinet.

The legislative power is vested in the Diet which is the "highest organ of State power" and the "sole law-making organ of the State." The Diet remains bicameral, consisting of the House of Representatives and House of Councillors, both elected by universal adult suffrage. The term of office of members of the House of Representatives is four years but is terminated earlier in case the House is dissolved before the full term is up. The term of office of members of the House of Councillors is six years, with one half of the membership being elected every three years. The Diet has complete control over the budget. It may request the presence of State Ministers to answer questions and give explanations, conduct investigations in relation to government, and summon witnesses and records. It initiates constitutional amendments to be submitted to the people for ratification. Within the Diet, the House of Representatives is the more powerful, being able to override a contrary decision of the House of Councillors by a two-thirds vote in ordinary legislation and by a simple majority in the election of the Prime Minister and in the enactment of the budget, which must be submitted to the House of Representatives first.

The executive power is vested in the Cabinet which is collectively responsible to the Diet. The Prime Minister is designated by the Diet from among its members. He appoints the Ministers of State who compose his Cabinet, but a majority of them must be chosen from among the members of the Diet. The Cabinet administers the laws, conducts affairs of State, manages foreign affairs, prepares the budget and enacts Cabinet orders in implementation of law. If the Cabinet loses the confidence of the Diet it must resign en masse or dissolve the House of Representatives and call a new general election of members of the House of Representatives.



The whole judicial power is vested in an independent judiciary elevated to a genuine third branch of government. Excepting the Chief Judge, who is appointed by the Emperor upon the designation of the Cabinet, the judges of the Supreme Court are appointed by the Cabinet. The judges of the inferior courts are appointed by the Cabinet from a list of persons nominated by the Supreme Court. The Supreme Court determines the rules of procedure and practice, internal discipline of the courts, and the administration of judicial affairs. The public procurators are subject to the rule-making power of the Supreme Court. The Supreme Court has the power to determine the constitutionality of any law, order, regulation or official act.

The principle of local government is recognized. Local public entities are guaranteed the right to manage their property, affairs and administration through local chief executives and assemblies elected by direct popular vote within their respective communities.

The fundamental human rights are guaranteed to the people, and the areas of individual freedom, into which the government may not move without their consent are defined in a chapter which has become known as the Japanese "Bill of Rights."

The threat or use of force as a means of settling international disputes is renounced.

#### c. Implementing Legislation

This was the constitutional foundation of the new Japan promulgated on November 3, 1946, to become effective May 3, 1947. The intervening six months were a period of intense activity, for a great deal of existing legislation had to be amended to conform to the new constitutional principles. Through sheer physical volume of work only the most urgent legislation could be enacted by May 3, 1947. Some of this legislation was necessarily of stop-gap nature until more permanent formulae could be worked out. In later months the less urgent laws were enacted, and interim measures replaced with long-term legislation. A whole body of law which under normal conditions would have required ten years or more was enacted within less than two years. The main burden of this work fell on the legal draftsmen of the Japanese Government and Diet with Government Section furnishing advice and assistance. The scope of these legislative enactments may be gauged from their titles:

##### (1) Emperor

- Law No. 3, January 16, 1947: Imperial House Law
- Law No. 4, January 16, 1947: Imperial House Economy Law
- Law No. 70, April 18, 1947: Imperial House Office Law
- Law No. 71, April 18, 1947: Imperial House Economy Enforcement Law