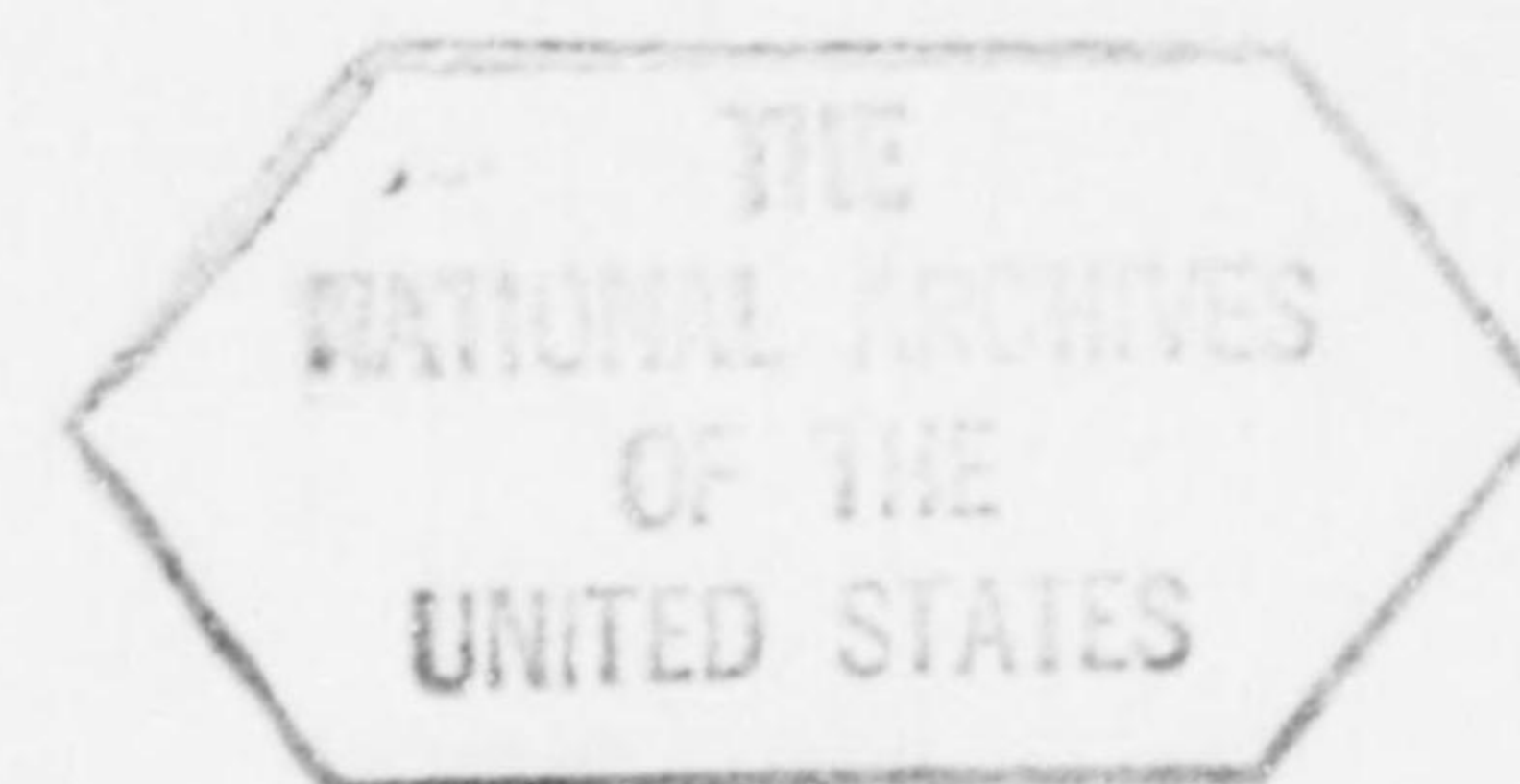


GHQ/SCAP Records(RG 331)
Description of contents



- (1) Box no. 2204
- (2) Folder title/number: (21)
Cabinet Board - 5th National Diet

(3) Date: Mar. 1949 - May 1949

(4) Subject:

Classification	Type of record
310	e, m, v

(5) Item description and comment:
Includes Contents list

(6) Reproduction: Yes No

(7) Film no. _____ Sheet no. _____

TITLE	CLCO NO	REMARKS
1. Pilot Bill (Revised 4/14: G-2/PSD-No obj-4/18 Ex0 CTS (STEINHAEVER)-No obj-4/18 LS (Appleton)-obj-4/19 <i>HC Amend 5/14 - OK</i>	11	cs to: GS/Ex 0 Info Only. CTS (Gillespie) No Objection LS (Appleton) Objection See cs G-2/PSD Objection See cs
2. Part Amend to Nat Gov't Org Law	13	cs to: GS/Ex 0. Info Only LS GS/CSD (HOOPER) NO OBJECTION 3/24 GS/Capt Diamantes Objection Seecs
3. Partial Amendment of Local Finance Committee Law	29	cs to: LS (APPLETON) NO OBJECTION 3/25 ESS GS/CS (HOOPER) NO FORMAL OBJECTION 3/24
4. Navigational Aids Bill.	39	cs to: G2/PSD (NEALON) APPROVED 3/31 CTS (STEINHAEVER) NO OBJECTION 4/8 LS (NOVOTNY) OBJECTION 4/7
5. Bill for Part Amend to Port Regulation Law.	48	GS/EX 0 LS (Appleton) No Obj ESS (SHARP) NO OBJ - 4/27 CTS (STEINHAEVER) NO OBJECTION 4/8 G2/PSD (GHR) APPROVED 4/8 LS (NOVOTNY) NO OBJECTION 4/14 GS/CS (MC COY) APPROVED 4/18
6. Part Amend to National Government Organization Law (No. 2)	91	cs: NRS (BARNETT) - NO OBJ - 5/7 ESS (FLW) - NO OBJ - 5/2 LS (Appleton) - NO OBJ - 5/2
8. Fixed Number of Personnel in Administrative Organizations	200	cs: ESS (Moss) GS/PA (Diamantes) GS/CS Eng. Off LS CI&E CCS CTS NRS PH&W <div style="float: right; margin-left: 20px;"> } INFO ONLY </div>
<i>HC Amend - 5/24 - Axiap. HC " - 5/23 - OK HC " - 5/23 - Axiap HR " - 5/20 - OK HC " - 5/23 - OK HC " - 5/23 - OK HR " - 5/20 - OK</i>		
9. Partial Amendment of NPSL <i>HR Amend 5/20 - OK</i>	208	Ex0 LS (NOVOTNY) - NO OBJ - 5/10 GS/CSD (HOOPER) APPROVED 5/9
10. Adjustment of Laws & Orders Concerned in Consequence of Enforcement of Law for Fixed Number of Personnel in Adm. Organizations	214	cs: LS GS/CS (Hoover) - No obj - 5/13 GS/PA
11. Partial Amend to National Government Organization Law <i>HR Amend 5/16</i>	213	cs: GS/CSD (Hoover) - No obj - 5/13 GS/PA LS/L&J

Cal Bd

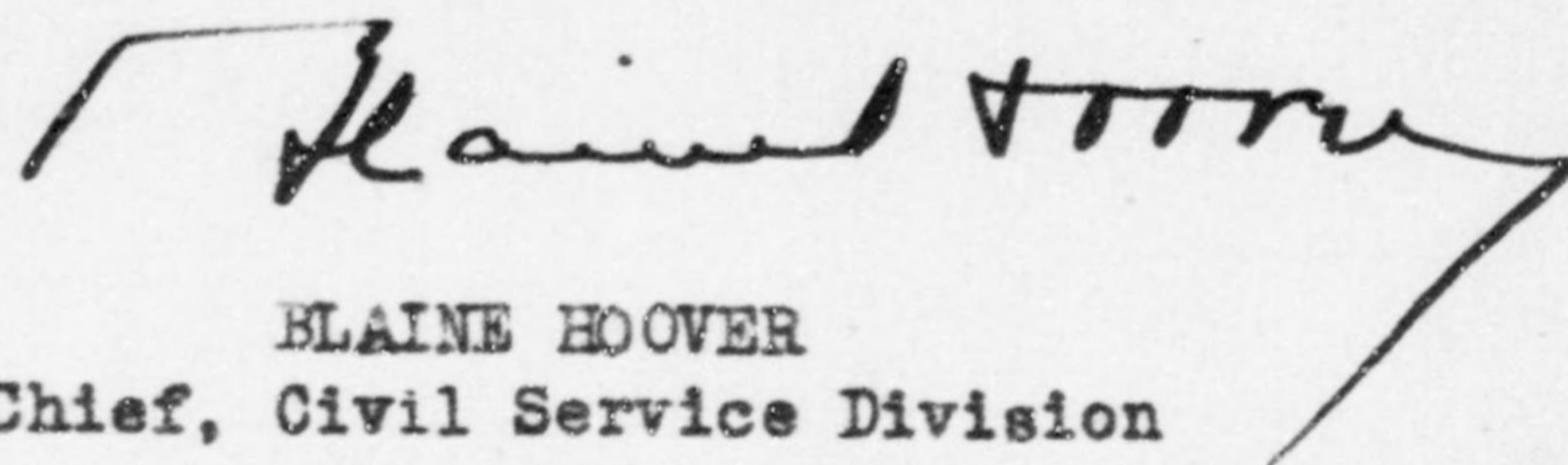
CIVIL SERVICE DIVISION
Government Section

May 13, 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Law for Partial Amendments to the National
Government Organization Law (Draft)

The Civil Service Division has no objection to the
subject bill.


BLAINE HOOVER
Chief, Civil Service Division

BH:GP:vr

(11)

DRAFT OF LAW

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

May 18, 1949

1. CLCO Number: 213
2. Name of Law: Bill for Partial Amendments to National Government Organization Law.

3. Competent Ministry: ^e Administrative Management Agency
4. Date of Cabinet Approval: 18/May
5. SCAP Section concerned:

6. Remarks: (reference:)

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

7. G.S. Reviewers: *Rec'd GS 5/14/49*
8. Date of G.S. Approval: *cc to: GS/CS*
9. G.S. Member Responsible: *GS/PA*
LS/LWT.

Conf. Bd

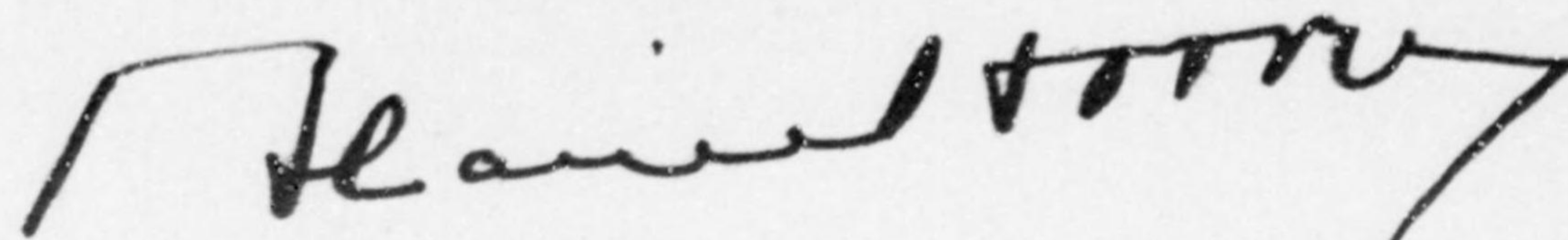
CIVIL SERVICE DIVISION
Government Section

May 13, 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Law for Adjustment of Laws and Orders Con-
cerned in Consequence of the Enforcement of
the Law for Fixed Number of Personnel in
the Administrative Organizations (Draft)

The Civil Service Division has no objection to the
subject bill.



BLAINE HOOVER
Chief, Civil Service Division

BH:GP:vr

DRAFT OF LAW

to be submitted for GS' approval
Coordination Section, CLCO (TEL. 57-6010)
7843)

May 12 1949

1. CLCO Number: 214
2. Name of Law: Bill for adjustment of Laws and Orders concerned in Consequence of the Enforcement of the Law for the Fixed Number of Personnel in the Administrative Organizations .
3. Competent Ministry: Administrative Management Agency
4. Date of Cabinet Approval: 11/May
5. SCAP Section concerned:

6. Remarks: (reference:)

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

7. G.S Reviewers: Rec'd GS 5/12/49
8. Date of G.S. Approval: CS& : LS
9. G.S. Member Responsible: GS/CS
GS/TA

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CH/JN/JW/RAH/vs**

Subject: Draft Legislation

Haj. Harris

26-6076

Note No. From: Govt Sec To: **IS** Date: **9 May 1949**

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Cabinet Board**.
2. Your prompt comment is requested.

1 Incl:
**Partial Amendment of the
National Public Service Law.**

C. W. _____

P & P DIV

9

Subject: Partial Amendment of the National Public Service Law.

Cabinet Bd.

From: IS

To: Govt Sec

EC Novotny; 2635-269

Date: 10 May 1949

2. This Section has no legal objections to subject bill.

1 Incl:

n/c

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

CIVIL SERVICE DIVISION
Government Section

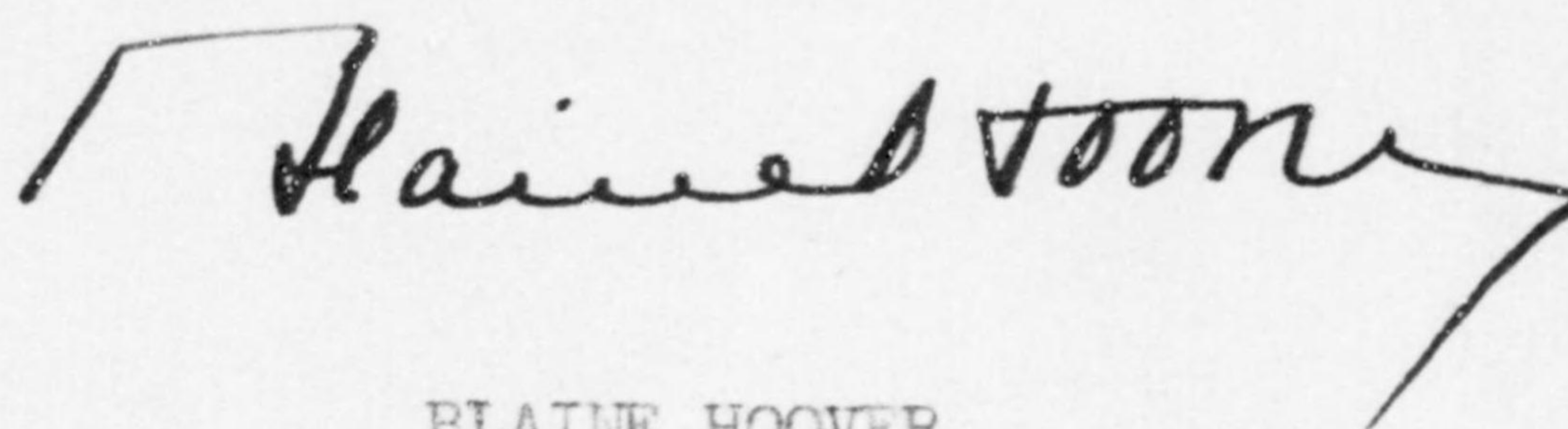
Cat. Bds.

May 9, 1949

MEMORANDUM TO: Parliamentary and Political Division
Government Section

SUBJECT : Law for Partial Amendment of the National Public
Service Law

1. The Civil Service Division concurs with the Draft of subject
Law received this date from Parliamentary and Political Division.



ELAINE HOOVER
Chief, Civil Service Division

BH:GP:rr

GOVERNMENT SECTION
Buck Slip

9 May 1949

From: P & P Div.
No: INITIAL DATE

<input checked="" type="checkbox"/>	CHIEF.....	.....	9
<input type="checkbox"/>	EX OFF.....	.....
<input type="checkbox"/>	Deputy Chief.....	.....
<input type="checkbox"/>	Maj Rizzo.....	.....
<input type="checkbox"/>	Chief Adm Div.....	.....
<input type="checkbox"/>	Statistics & Review Br.....	.....
<input type="checkbox"/>	Civil Service Div.....	.....
<input type="checkbox"/>	Parl & Pol Div.....	.....
<input type="checkbox"/>	Public Adm Div.....	.....
<input type="checkbox"/>	Public Aff Div.....	.....
<input type="checkbox"/>	File.....	.....
<input type="checkbox"/>	Chief Clerk.....	.....
<input type="checkbox"/>	Personnel Clerk.....	.....

FOR:

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

es: LS
GS/csd

4

DRAFT OF LAW

to be submitted for GS' approval
Coordination Section, CLCO (TEL. 57-6010)
7843)

May 9, 1949.

1. CLCO Number: 208
2. Name of Law: Bill for Partial Amendmend of the National
Public Service Law.

3. Competent Ministry: National Personnel Authority
4. Date of Cabinet Approval: 6/May
5. SCAP Section concerned: C.S. D. G.S.

Mr. Gordon W. Perterson

6. Remarks: (reference:)

. National Public Service Law. (Law No. 120. Oct. 21. 1949)

. As amended by Law No. 195. 1947.

..... Law No. 222. 1948.

Law No. 258 "

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

EX-0

LS

GS/CSJ

Recd GS 5/9/49

Cal. Bds

House of Representatives

May 20th, 1949.

Supplementary Amendment to the Bill for the Fixed
Number of Personnel in Administrative
Organizations

The Par. 1, of the Supplementary Provisions shall be amended as follows:

1. The present Law shall come into force as from June 1, 1949, provided that, in the provisions of this Law, the part concerning the National Offenders Prevention and Rehabilitation Commission shall be enforced as from July 1 of the same year, and the part concerning the Ministry of International Trade and Industry shall be applied as from the day of enforcement of the Law for Establishment of the Ministry of International Trade and Industry (Law No. , 1949).

Rec'd GS 5/21/49

Cleared by CS

Info Copy to: GS/CS, & GS/PA.

4

Cal. Bds

HOUSE OF COUNCILLORS

Mon. May, 23, 1949.

Amendment to the Bill for the Partial Amendment of
National Government Organization Law (~~Law No. 200~~)

Proposed by Mr. SHINTANI Torasaburo
(Ryo.)

The following shall be added ahead the provisions concern-
ing the Appendix:

In Paragraph 4, Article 3 and Paragraph 2, Article 22,
"appendix" shall be amended to read "appendix No. 1".

In the provisions concerning the Appendix, "appendix"
shall be amended to read "appendix No. 1".

Reason

It is necessary from the technical viewpoint to amend the
existing "appendix" to read "appendix No. 1", as appendix No. 2
and No. 3 are added in the separate amendments.

*Rec'd GS 5/23/49
Cleared GS 5/23*

8

Mon. 23th May, 1949.

Cab. Bds

Proposed Amendments to Draft of the Bill for
the Partial Amendment of National Government
Organization Law.

(Law No. 120 of 1949)

Proposed by SHINTANI, Torasaburo (Byo.)
and other members of the Cabinet
Committee.

Draft of the Bill for the Partial Amendments of
National Government Organization Law (Draft) shall be
partially amended as follows:

The provisions amending Article 7 shall be struck out.

Next to the provisions amending Article 18 shall be
added the following:

The following article shall be added to Article 24:

Article 24-2 Up to May 31, 1950, without regard to
the provisions of ^{Paragraph 1 of} Article 7, Division written on the right
column of Appendix 2 may, as prescribed by separate law,
be established under only Office; or Secretariat or Bureau
of Ministry or Board written on the left column of Appendix 2.

Rec'd GS 5/13/49

Cleared by JW

Info copy to: GS/CS

4

2. Up to May 31, 1950, without regard to the provisions of Article 7, Paragraph ² 3, Bureau written on the right column of Appendix 3 may, as prescribed by separate law, be established under only Agency written on the left column of the same Appendix.

3. Division or Bureau established in accordance with the preceding two paragraphs shall be abolished on the day after May 31, 1950.

Next to Appendix shall be added:

Appendix 2

Office; or Secretariat or Bureau of Ministry or Board	Division
Prime Minister's Office Minister's Secretariat Bureau of Statistics	Decorations Division Population Division Economic Division Tabulation Division
Attorney-General's Office Attorney-General's Secretariat	Accounting Division
Ministry of Foreign Affairs Bureau of Political Affairs	Public Information Division
Ministry of Finance Minister's Secretariat Taxation Bureau Banking Bureau K	Research Division Customs Division Inspection Division
Ministry of Education Administrative Bureau	Educational Facilities Division
Ministry of Welfare Minister's Secretariat Sanitation Bureau	Statistics and Investigation Division National Parks Division Environmental Sanitation Division
Ministry of Agriculture and Forestry Agricultural Administration Bureau Agricultural Land Bureau	Agricultural Cooperative Association Division Administrative Division Planning Division Construction Division

<p>Agricultural Improvement Bureau</p> <p>Livestock Bureau</p>	<p>Statistics and Research Division</p> <p>Research Division</p> <p>Extension Division</p> <p>Horse Racing Division</p>
<p>Ministry of International Trade and Industry</p> <p>Minister's Secretariat</p> <p>International Trade and Promotion Bureau</p> <p>International Trade and Enterprise Bureau</p> <p>International Trade and Machinery Bureau</p> <p>International Trade and Chemistry Bureau</p>	<p>Research and Statistics Division</p> <p>Account Division</p> <p>Reparations and Special Construction Materials Division</p> <p>Electric Communication Equipment Division</p> <p>Vehicles Division</p> <p>Chemical Fertilizer Division</p>
<p>Ministry of Transportation</p> <p>Minister's Secretariat</p> <p>Railway Bureau</p> <p>Highway Transportation Bureau</p>	<p>Transportation Coordination Division</p> <p>National Railways Division</p> <p>Private Railways Division</p> <p>Transportation Division</p> <p>Supply and Equipment Division</p>
<p>Ministry of Labor</p> <p>Minister's Secretariat</p>	<p>Labor Statistics and Research Division</p>
<p>Ministry of Construction</p> <p>Management and Superintendence Bureau</p>	<p>Building and Repairs Division</p>
<p>Economic Stabilization Board</p> <p>President's Secretariat</p>	<p>Maison Division</p>

Appendix 3

Agency	Bureau
Ministry of International Trade and Industry Resources Agency	Coal Control Bureau Coal Production Bureau Mine Bureau Mine Safety Bureau Electric Power Bureau

HOUSE OF COUNCILLORS

Mon, May, 23, 1949.

Reason

The National Government Organization Law is a fundamental law relating to administrative organizations. However, the existence of the National Government Organization Law as a fundamental law will become meaningless, if any of the ministry establishment law breaches the standard regulated in the National Government Organization Law on the ground that they are also laws.

Of the bills concerning establishment of each ministry now under deliberation, there are some provisions concerning internal bureaus which run counter to the standard regulated in the National Government Organization Law.

Such exceptions should not be recognized in principle, as pointed out above. However, now that the government in its replies to interpellations assured to improve the matter gradually.

It is the reason for amending the bill to seek the Government's reconsideration thereon within the period of one year time limit, on the one hand, and to give to the National Diet a chance for an overall examination of the administrative organizations during that period on the other hand.

See me
RATH

House of Representatives

May 20th, 1949.

AMENDMENT TO THE BILL FOR PARTIAL
AMENDMENT OF THE NATIONAL PUBLIC SERVICE LAW
(Standing Committee for National Personnel)

The Bill for Partial Amendment of the National Public Service Law shall be partially amended as follows:

(1) The provisions amending the Items 5 and 7, Para. 3, Art. 2, shall be amended as follows:

In Article 2, Paragraph 3, Item 5, "Deputy Director-General of the Cabinet Secretariat" (Naikaku-kambo-Jicho) shall be amended as "Deputy Director-General of the Cabinet Secretariat" (Naikaku-Kambo-Fukuchokan); and in Item 7 of the same Paragraph, "Director-General of the Central Liaison and Coordination Office" shall be amended as "Parliamentary Councillors" (Sansaikan).

(2) Next to the provisions amending the Items 8 and 10, Par. 3, Art. 2, the following shall be added:

In Article 2, Paragraph 3, Item 14, "on July 1, 1949" shall be amended as "on and after April 1, 1950".

OK - RATH
5/21/49

In art. 9 of supp Proo
Vice min shall read
adm V.M

Sent to m.c. log

House of Representatives

May 19, 1949.

Draft Amendment to Bill for the Fixed Number
of Personnel in the Administrative Organizations.

(Proposed by Standing Committee for Cabinet)

A part of the Bill for the Fixed Number of Personnel in
the Administrative Organizations shall be amended as follows:

In Article 2, paragraph 1,

Attorney General's Office

Office Proper 40,876

Among this number, 11,476 are personnel
of Procuratorial Office

National Offenders Preventive and Rehabilitation

Commission 1,029

Total 41,905

shall read,

Attorney General's Office

Office Proper 40,876

Among this number, 11,476 are personnel
of Procuratorial Office

National Offenders Preventive and Rehabilitation

Commission 1,029

Administration Commission of the Judicial

Examination -

Total 41,905;

*Rec'd GS 5/20/49
Cleared GS(CG) 5/20
Info copy to: GS/CS, GS/PA, LS, ESS, CTS,*

Ministry of Finance

Ministry Proper	73,816
Security Exchange Commission	145
Mint	2,023
Printing Agency	9,030
Total	85,014

shall read,

Ministry of Finance

Ministry Proper	13,321
Security Exchange Commission	145
State Tax Agency	60,495
Mint	2,023
Printing Agency	9,030
Total	85,014;

Ministry of Transportation

Ministry of Proper	18,435
Seamen's Labor Commission	59
Maritime Safety Agency	8,210
Total	26,704

shall read,

Ministry of Transportation

Ministry Proper	18,435
Seamen's Labor Commission	59
Maritime Safety Agency	8,137
Marine Court of Inquiry Board	73
Total	26,704;

Economic Stabilization Board

Board Proper	1,248
Price Agency	858
Economic Investigation Agency	3,719
Total	5,825

shall read,

Economic Stabilization Board

Board Proper	1,248
Price Agency	858
Economic Investigation Agency	3,719
Foreign Investment Commission	-
Total	5,825

YS

CIVIL SERVICE DIVISION
GOVERNMENT SECTION

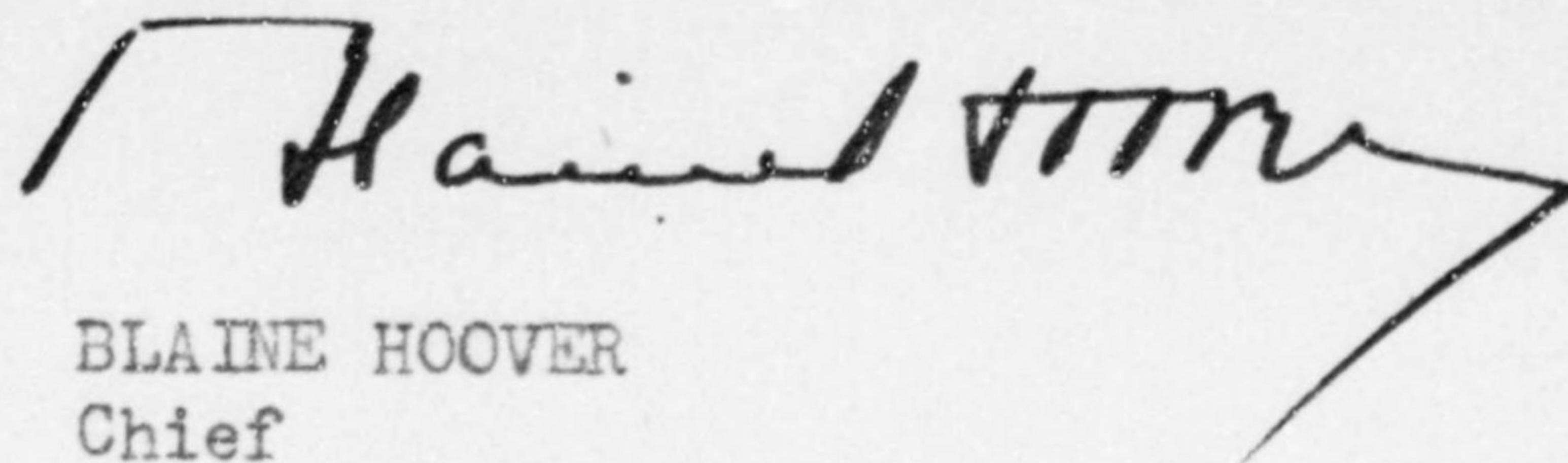
Cab. Bds

24 May 1949

MEMORANDUM FOR: Parliamentary and Political Division, Government Section

SUBJECT : Fixed Number of Personnel in Ministry of Agriculture
and Forestry

The Civil Service Division makes no objection to either draft of the Proposed Amendments to Law for the Fixed Number of Personnel in the Administrative Organizations submitted by the House of Councillors May 23, 1949. No opinion is here expressed regarding the financial aspects of the proposals, however.



BLAINE HOOVER
Chief
Civil Service Division

BH:jb

6

Mon. May 23rd, 1949

Proposed Amendment to Law for the Fixed Number of
Personnel in the Administrative Organizations (Draft)

(Minor Opinion)

Proposed by MIYOSHI, Hajime (Shinsei)

Law for the Fixed Number of Personnel in the Administrative
Organizations (Draft) shall be partially amended as follows:

In Article 2, Paragraph 1, under Ministry of Agriculture
and Forestry, "Forestry Agency 23,314" shall be amended to read
"Forestry Agency 25,272" and "Total 87,002" shall be amended to
read "Total 88,960", and "Grand Total 871,279" shall be amended
to read "Grand Total 873,237".

Reason

The fixed number of personnel of the District Forestry
Offices of the Forestry Agency must be increased by 1,958
persons over the original Bill of the Government. This is the
reason why this amendment is proposed.

ESS/FI/Harrison — This increase can be handled
within the budget. Hence, ^{ESS}
has no objections.

SS/CSB/Hoover — No obj. See memo, 24 May 49

Izayama advised to have
Chrm. make sure it is within
the budget.

Izayama notified
OK
JH 5/24/49

1958

Mon. May 23rd, 1949

Amendments proposed to Law for the Fixed Number of Personnel in the Administrative Organizations (Draft)

(Majority Opinion)

Proposed by SUZUKI, Naoto (Ryo.)

Law for the Fixed Number of Personnel in the Administrative Organization (Draft) shall be partially amended as follows:

In Article 2, Paragraph 1.

Ministry of Agriculture and Forestry

Ministry Proper	32,634
Food Agency	29,202
Forestry Agency	23,314
Fishery Agency	1,852
Total	87,002

shall be amended to read.

Ministry of Agriculture and Forestry

Ministry Proper	32,634
Food Agency	32,170
Forestry Agency	23,314
Fishery Agency	1,852
Total	89,970 "

"Grand Total 871,279 "

shall be amended to read.

"Grand Total 874,247 "

2968
90,000,000

Comm. Chem., Archives Sec. Chf. (Ag. For Men), Food Control Bd. Dir., + Budget & Pers. (Fin Min) propose using part of contingent fund of Spec. Acc't for Food Control. BS/FI/Harrison — "Against policy to use contingent fund for personnel. Therefore, disapproved."

*BS/FI/Harrison — This increase would be in excess of budget. Not approved.
BS/CSB/Hover — No obj. See memo, 24 May 49.
Inagawa notified
"Disapproved"
5/24/49*

Reason

In view of the important nature of food administration under the present impending food situation and with a view to perfecting the state control of staple food-stuffs, the reduction by 18 percent in the fixed number of the personnel of the Food Agency and Food Offices scheduled is changed to 10 percent flat, and its numerical adjustment is made by this amendment. This is the reason for the amendment.

Cat Bds

HOUSE OF COUNCILLORS

Tues. May 24th, 1949.

Amendment to the Bill for the Fixed Number
of Personnel in the Administrative Organizations

Proposed by: KANIE, Kunihiro (Soc.)
(minority)

Part of the Bill for the Fixed Number of Personnel in
the Administrative Organizations shall be amended as follows:

In the paragraph concerning Ministry of International
Trade and Industry in Article 2, paragraph 1, "94 persons"
shall read "133 persons", "21,259 persons" shall read "21,298
persons", and in the paragraph of the Total in paragraph 1,
"871,279 persons" shall read "871,318 persons".

Reasons for Amendment

It is necessary to increase the number of the fixed
personnel of the Agency of Smaller Enterprise of Ministry of
International Trade and Industry by 39 persons.

*ESS/Fi/Harrison - "Disapproved because
it does not fall within the
budget. The budget provides
for a total of 95 persons."*

*Inagawa
notified 5/25/49 - HR*

8

DRAFT OF LAW

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

May 5, 1949

1. CLCO Number: 200
2. Name of Law: Bill for the Fixed Number of Personnel in the Administrative Organizations.
3. Competent Ministry: Administrative Management Agency
4. Date of Cabinet Approval: 4/May
5. SCAP Section concerned:
G.S. General Whitney
Capt. Diamantes

6. Remarks: (Reference:)

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

7. G.S. Reviewers:

Rec'd GS 5/5/49

8. Date of G.S. Approval:

CR 6: ESS (mrs)

9. G.S. Member Responsible:

*GS/PA (Diamantes)
GS/CS CTS
ENG. OFF. NRS
LS PHW
C/4E
CCS*

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CFG/vs

Subject: Draft Legislation

Capt. Guida
26-6076

Note No. From: Govt Sec To: NRS Date: 29 April 1949

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by the Price Board.

2. Your prompt comment is requested.

1 Incl:
Partial Revision of Price
Adjustment Kodan Law

C. W.

2

From: NR To: GS

Lt Col N. P. Barnett, 26-6810
HGS/MWR/NPB/my
Date: 7 MAY 1949

NR has no objection to the draft legislation, "Partial Revision of Price Adjustment Kodan Law".

1 Incl
w/d

H. G. S.

-H. G. S.-

Rec'd GS 6/9/49

7

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No. From: Govt Sec To: **ESS** Date: **29 April 1949**

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **the Price Board.**
2. Your prompt comment is requested.

1 Incl:
Partial Revision of Price
Adjustment Kodan Law

C. W. _____

From: ESS

To: Govt Sec

WFM/FLM/es
Date: 2 May 1949

2. **Economic and Scientific Section concurs in the attached proposed revision of the Price Adjustment Kodan Law.**

1 Incl
n/c

-----**N. F. H.**-----

(7)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No. From: Govt Sec To: **LS** Date: **29 April 1949**

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **the Price Board.**

2. Your prompt comment is requested.

1 Incl:
Partial Revision of Price
Adjustment Kodan Law

C. W. _____

P & P DIV.

4/29

Revision of Price
adjustment Kodan Law

Col Bda

From: LS

To: GS

R.B. APPLETON-2635-479

Date: 2 May 1949

- 2. 1. No legal objection is made to subject bill.
- 2. No opinion is expressed concerning the policy of the bill, which partially amends the Price Adjustment Kodan Law (Law No. 62 of 1947).

Incl: n/c

----- U.R.L. -----

Rec'd GS 5/1/49
B

7

DRAFT OF LAW

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

April 28, 1949

1. CLCO Number: 191
2. Name of Law: Bill for Partial Amendment of Price Adjustment Kodan's Law.
3. Competent Ministry: Price Board
4. Date of Cabinet Approval: April 28
5. SCAP Section concerned:
Price Control & Distribution
Section. E.S.S.
Mr. F.E. Kito
6. Remarks: (reference:
.....
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.....
.....
.....
.....
7. G.S. Reviewers: *Rec'd OS 4/28/49*
8. Date of G.S. Approval: *CSG: NRS
ESS*
9. G.S. Member Responsible: *LS*

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

CH/JH/JW/CFG/vs

Subject: Draft Legislation

Capt. Guide

26-8076

Note No.

From: Govt Sec

To: 13

Date: 11 April 1949

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by **Administrative Management Agency.**

2. Your prompt comment is requested.

1 Incl:

**Partial Amendment of Natl.
Government Organization Law**

C. W.

P & P DIV.

(6)

00 - 03

Subject: Partial Amendment of National
Government Organization Law.

C.B.

From: IS

To: Govt Sec

F.C. Novotny; 2635-269

Date: 24 April 1949

2.

1. It should be noted that the proposed amendment will allow establishment of additional subdivisions below the bureau level in each Ministry and in offices on Ministerial level. Whether or not this will result in an increase in the number of government employees is a question which should be taken into consideration by SCAP Sections concerned with personnel and budgetary matters.

2. The proposal to amend Article 17 by taking the Vice-Minister out of the Special Government service is a policy question upon which no comment is made. The same applies to the proposal to increase the number of confidential secretaries in the Prime Minister's office from two to three.

1 Incl: n/e

C.B.L.

Reid GS 4/15/49
JD

GOVERNMENT SECTION
Buck Slip

11 Apr. 1948

From:	TVP	
No:	INITIAL	DATE
CHIEF.....		11
1 EX OFF.....		
Deputy Chief.....		
Maj Rizzo.....		
Chief Adm Div.....		
Statistics & Review Br.		
2 Civil Service Div. <i>WRM</i>		18
4 Parl & Pol Div.....		
3 Public Adm Div.....		
Public Aff Div.....		
File.....		
Chief Clerk.....		
Personnel Clerk.....		

FOR:

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

Capt. Guida

cc: LS
CSA concurs. *WRM 4/18/48*
Publ. adm. Div. - concurs.

[Signature]

DRAFT OF LAW

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

Apr. 11, 1949

1. CLCO Number: 91
2. Name of Law: Bill for the Partial Amendment of
National Government Organization Law.
3. Competent Ministry: Administrative Management Agency,
4. Date of Cabinet Approval: P.M.O.
Apr. 9, '49
5. SCAP Section concerned: Capt. Diamantes:
Public Administration Div.,
Gov. Sect.
6. Remarks: (Reference:)
Law No. 120, 1948
.....
.....
(National Government Organization Law)
.....
.....
.....
7. G.S. Reviewers: *Rec'd GS 4/11/49*
8. Date of G.S. Approval: *cc: LG*
9. G.S. Member Responsible: *GS/PA*
GS/CS

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CH/JN/JW/RAH/vs**

Subject: Draft Legislation

Maj. Harris

28-6076

Note No. From: Govt Sec To: **ESS** Date: **4 April 1949**

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Maritime Safety Board.**
2. Your prompt comment is requested.

1 Incl:
**Partial Amendment of Fort
Regulation Law**

C. W.

P & P DIV.

5

^{EPS}
WSV/GEM/eps/lf

E. P. Sharp, 26-8571
22 Apr 49

From: ESS To: G/S

2. 1. ESS offers no objection to the intents of the Port Regulations Law or the proposed changes thereto.
2. It is recommended that a more accurate translation be made of this law in order that it may be available for ready reference.
3. In view of the fact that this proposed law is purely an operations law, it is suggested it be forwarded to CTS for their comments.

1 Incl
n/c

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

(5)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CE/JW/JW/RAH/vs**

Subject: Draft Legislation

Maj. Harris

26-6076

Note No.

From: Govt Sec

To: **LS**

Date: **4 April 1949**

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by **Maritime Safety Board.**

2. Your prompt comment is requested.

1 Incl:

**Partial Amendment of Port
Regulation Law**

C. W.

P & P Div.

Subject: Partial Amendment of Port
Regulation Law.

From: IS

To: Govt Sec

R.B.Appleton 2635-532

Date: 11 April 1949

1. No legal objection is made to the introduction of the subject bill in the Diet.

2. However, with respect to policy, conversations with the Attorney General's Office have disclosed that Articles 10 through 16 of the subject bill, which increase by ten times the penal fines levied under the law, are based only on the arbitrary determination of the drafters of the bill. It is suggested that the difference in the cost-of-living indices between the time the original law became effective and the present would provide a proper multiplying factor. Some such policy on penal fines should be established and adhered to by the Japanese Government.

1 Incl:

n/s

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

Recd ES 4/14/49

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CW/JH/JW/RAH/vs**

Subject: Draft Legislation

Note No.	From:	To:	Date:	Signature
1.	Govt Sec	CTS	4 April 1949	Maj. Harris 26-6076
	1. Immediate introduction of the attached draft bill in the Diet is proposed by Maritime Safety Board.			
	2. Your prompt comment is requested.			
	1 Incl: Partial Amendment of Port Regulation Law			
Note No.	From:	To:	Date:	Signature
2.	CTS	Govt Sec	8 April 1949	C. W. Mr. Steinhauser-26-6049
	1. Chief, Civil Transportation Section offers no objection to the attached draft to the partial amendment of Port Regulation Law.			
	1 Incl n/e			
	H.T.M.			

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CW/JN/JW/RAH/vs**

Subject: Draft Legislation

Maj. Harris

26-6076

Note No. From: Govt Sec To: **G-2/RSD** Date: **6 April 1949**

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Maritime Safety Board.**

2. Your prompt comment is requested.

1 Incl:
**Partial Amendment of Port
Regulation Law.**

C. W.

From: G-2

To: GS

CIS/PSD/HBP/GHR/sm
8 April 1949

2

Public Safety Division/G-2 concurs in the proposed draft
of Bill for Partial Amendment of the Port Regulation Law.

Withdrawn Incl 1.

C.A.W. _____

Rec'd GS 4/9/49
J

GOVERNMENT SECTION
Buck Slip

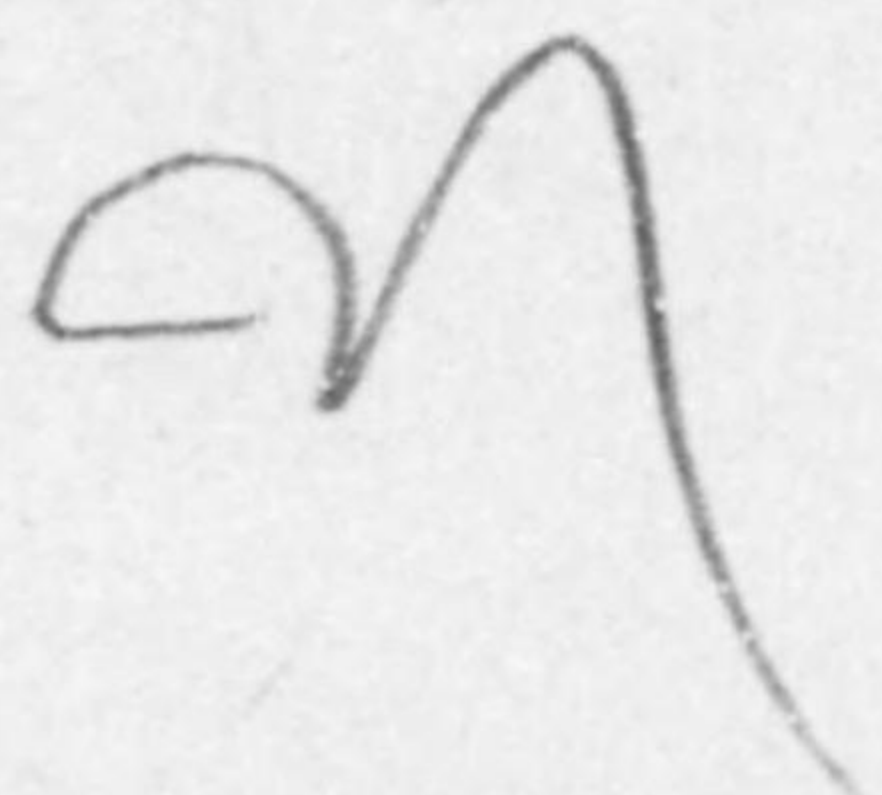
4 Apr 1948

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

FOR:

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

CS: G-2/PSD
LS
ESS
CTS



File

Bill

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

Apr. 4, 1949

- 1. CLCO Number: 48
- 2. Name of Law: Bill for Partial Amendment of the Port Regulation Law.

- 3. Competent Ministry: Maritime Safety Board
- 4. Date of Cabinet Approval: 1/Apr.
- 5. SCAP Section concerned: G-2 Public Safety Div.

Mr. G.H. Rettew

- 6. Remarks: (Reference:)

Port Regulations Law (Law No. 174 of 1948)

- 7. G.S. Reviewers:

Rec'd GS 4/4/49

- 8. Date of G.S. Approval:

*ES-EXO
G-2/PSD LS-ESS-CTS*

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CW/JW/JW/CO/vs**

Subject: Draft Legislation

Capt. Guida

26-6076

Note No. From: Govt Sec To: **LS** Date: **28 March 1949**

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Maritime Safety Board.**

2. Your prompt comment is requested.

1 Incl:
Draft for Navigational Aids Law

C. W.

P & P

4

Draft for Navigational Aids Law

From: IS

To: OS

Capt. F.C. Novotny -2635-Ext 269
Date: 7 April 1949

2.

1. Subject bill contains several objectionable provisions which are hereinafter commented on.

2. Article 2 would authorize the Maritime Safety Board to permit establishment and operation of Navigation Aids by private firms or persons when special reasons exist. Without commenting on the policy of entrusting private enterprises with responsibilities of the Board, it must be pointed out that not only is the term "special reasons" indefinite, but the draft is silent as to essential details such as costs of construction and of operation which presumably will be paid for with government funds.

3. Articles 3 and 4 give to the Director-General of the Maritime Safety Board broad power to issue orders to private owners of Navigational Aids for removal of hindrances and improvement of Navigation Aids. He is also empowered to expropriate such private property when he deems it necessary for safety of navigation, compensation to be made as ordained by Cabinet Order. Where private property rights are concerned, the law should specify what compensation will be paid when such property is taken over by the state and adequate provision should be made for judicial review. Reference is made to Art. 29 of the Constitution of Japan.

2.
(Cont'd)

4. Articles 8 and 9 authorize issuance of orders by the Director. Except in emergency cases, a method of administrative hearing and appeal in case the orders are in violation of individual rights, or are arbitrary should be provided. The same comment as made in preceding paragraph applies to Art. 10, which also leaves the fixing of compensation standards to Cabinet Order.

Incl: n/e

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

Reid GS 4/14/49

Mr. Katz, CLCO notified 4/22/49

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CG/vs

Subject: Draft Legislation

Capt. Guida

26-6076

Note No. From: Govt Sec To: CTS Date: 28 March 1949

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Maritime Safety Board**.
2. Your prompt comment is requested.

1 Incl:
Draft for Navigational Aids Law

C. W.

2. From: CTS To: Govt Sec Date: 8 April 1949 Mr. Steinhauser-26-6049

Chief, Civil Transportation Section interposes no objection to the attached draft of Navigational Aids Law.

1 Incl n/e

H.T.M.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CFG/vs

Subject: Draft Legislation

Capt. Guida

26-6076

Note No. From: Govt Sec To: G-2/PSD Date: 28 March 1949

1.
 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Maritime Safety Board.**
 2. Your prompt comment is requested.

1 Incl:

Draft for Navigational Aids Law

C. W.

P & P

0517

From: G-2

To: GS

CIS/PSD/HEP/JFM/sm
Date: 31 Mar 1949

2 Public Safety Division/G-2 concurs in the proposed draft for
Navigational Aids Law.

Withdrawn Incl 1.

G.A.W.

Rec'd GS 4/1/49
DB

GOVERNMENT SECTION
Book Slip

28 Mar. 1948

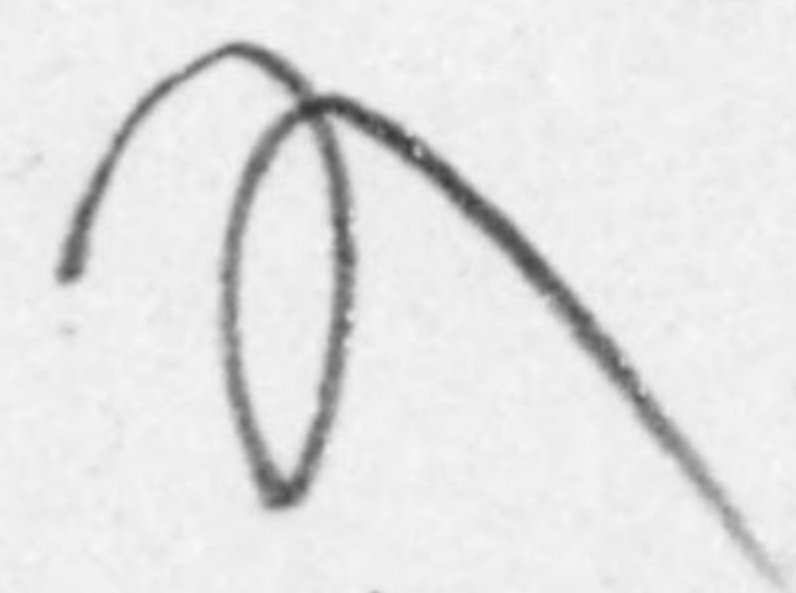
From: <i>F.P.D.</i>	
No:	INITIAL DATE
_____	CHIEF.....
<u>1</u>	EX OFF.....
<u>2</u>	Deputy Chief..... <i>HR</i>
	Maj Rizzo.....
_____	Chief Adm Div.....
_____	Statistics & Review Br.....
_____	Civil Service Div.....
<u>3</u>	Parl & Pol Div.....
_____	Public Adm Div.....
_____	Public Aff Div.....
_____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

FOR:

- 1+2 INFORMATION
- _____ NECESSARY ACTION
- _____ ACTION (Prepare Reply)
- _____ APPROVAL
- _____ SIGNATURE
- _____ INITIAL
- _____ COMMENT OR CONCUR.
- _____ RETAIN
- _____ RETURN
- 2 FILE

Capt. Guinta

cc 'x: CTS
G2/PSB
LS



Bill

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

Mar. 28, 1949

1. CLCO Number: 39.
2. Name of Law: Navigational Aids Bill
3. Competent Ministry: Maritime Safety Board
4. Date of Cabinet Approval: 25/Mar.
5. SCAP Section concerned: G-2 Public Safety Division
Mr. G.H. Retter
6. Remarks: (Reference:)
.....
.....
.....
.....
.....
7. G.S Reviewers: *Rec'd GS 3/28/49*
CS 6: G2/PSD
LS
CTS
8. Date of Approval:

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CW/JTB/JW/CPG/mar**

Subject: Draft Legislation

Capt Guide

26-6076

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

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Local Finance Committee.**

2. Your prompt comment is requested.

1 Incl **Partial Amendment of Local Finance Committee Law.**

C. W.

P & FD

166

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) ~~CR/JFH/JW/CFG/mmr~~

Subject: Draft Legislation

Capt Guida

Note No. From: Govt Sec To: ~~IS~~ Date: 24 Mar 49 26-6076

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Local Finance Committee.**

2. Your prompt comment is requested.

1 Incl. **Partial Amendment of Local Finance Committee Law.**

C. W.

P & H

121

Subject: Partial Amendment of Local
Finance Committee Law.

Mr. R.B.Appleton; 2635-502

From: IS

To: Govt Sec

Date: 25 March 1949

2. No legal objection is made to introduction of the subject bill
in the Diet

1 Encl:
n/s

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

Rec'd 55 3/28/49
D

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

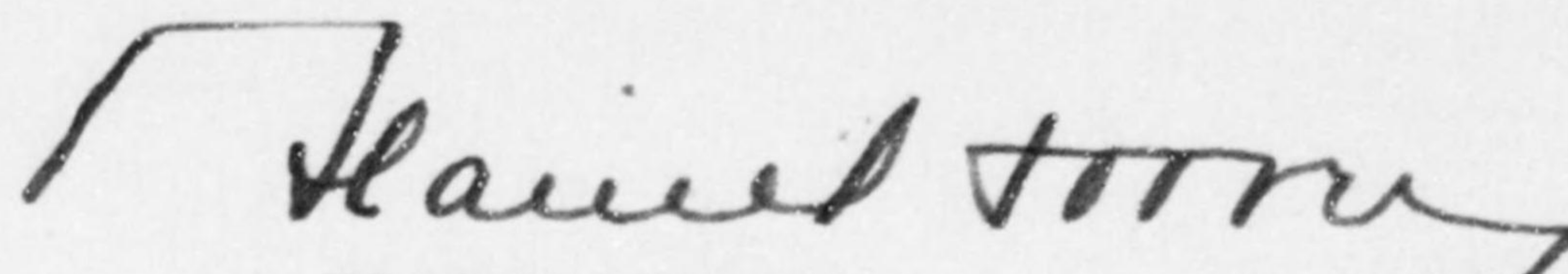
24 March 1949

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

SUBJECT : Bill for Partial Amendment of the Local Finance
Committee Law (Law No. 155, 1947).

This division makes no formal objection to the above named
bill.

GWP/em
Attachment


BLAINE HOOVER
Chief
Civil Service Division

DRAFT OF LAW

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

Mar. 23, '49

1. CLCO Number: 29
2. Name of Law: Bill for Partial Amendment of the Local Finance Committee Law.
3. Competent Ministry: ~~22/Mar.~~ Local Finance Committee
4. Date of Cabinet Approval: 22/Mar.
5. SCAP Section concerned: Finance Mr. Bradshaw
Internal Revenue Mr. Baron

Remarks: (Reference:)

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

7. G.S. Reviewers: *Rec'd GS 3/24/49.*
CS & ESS
LS
8. Date of G.S. Approval:
9. G.S. Member Responsible: H. Kobayashi

M

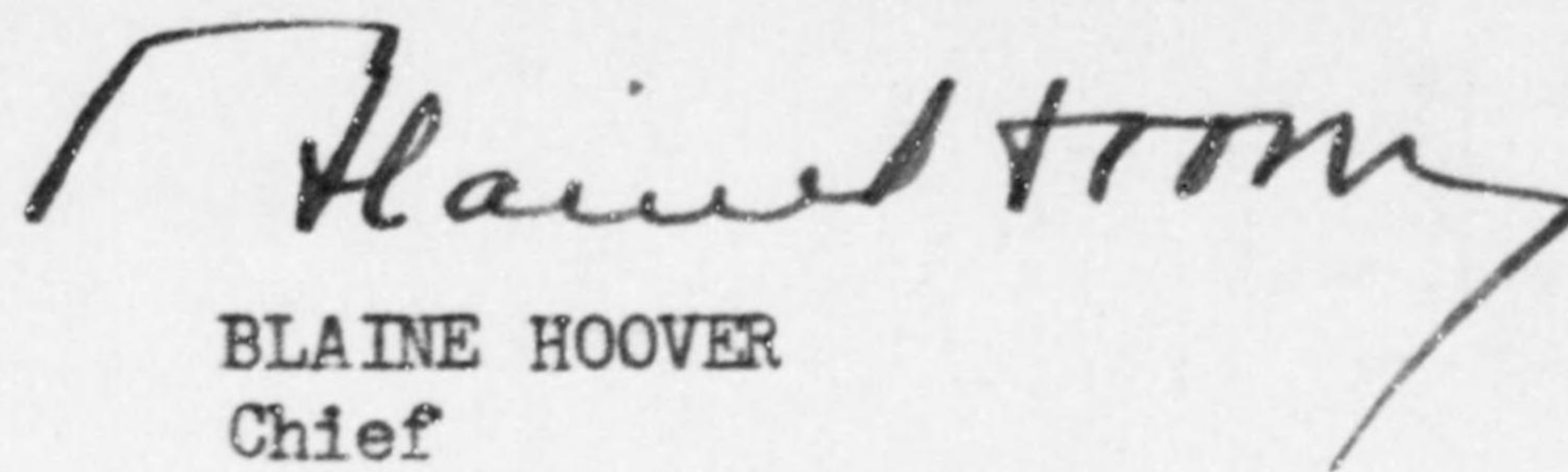
D D
GOVERNMENT SECTION
CIVIL SERVICE DIVISION

24 March 1949

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

SUBJECT : Bill for the Partial Amendment of National Government
Organization Law. (Law No. 120 of 1948).

This division makes no formal objection to the above named
bill.



BLAINE HOOVER
Chief
Civil Service Division

GWP/lm
Attachment

(2)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

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

(Do not remove from attached sheet)

Subject: Draft Legislation

Maj. Harris

26-6076

Note No. From: Govt Sec To: **LS** Date: **21 March 1949**

1.
 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Administrative Management Agency.**
 2. Your prompt comment is requested.

1 Incl:

**Bill for Partial Amendment of National
Government Organisation Law**

C. W.

P&P DIV

181

GOVERNMENT SECTION
Buck Slip

3/21 1949

From: Parl. & Pol. Div.
No: INITIAL DATE

<input checked="" type="checkbox"/>	CHIEF.....		
<input checked="" type="checkbox"/>	EX OFF.....	<u>M</u>	<u>21</u>
<input type="checkbox"/>	Deputy Chief.....		
<input type="checkbox"/>	Maj Rizzo.....		
<input type="checkbox"/>	Chief Adm Div.....		
<input type="checkbox"/>	Statistics & Review Br.....		
<input type="checkbox"/>	Civil Service Div.....		
<input type="checkbox"/>	Parl & Pol Div.....		
<input type="checkbox"/>	Public Adm Div.....		
<input type="checkbox"/>	Public Aff Div.....		
<input type="checkbox"/>	File.....		
<input type="checkbox"/>	Chief Clerk.....		
<input type="checkbox"/>	Personnel Clerk.....		

FOR:

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

CS: LS
GS/CSO
GS/DIAMANTES

GOVERNMENT SECTION
Buck Slip

3/21 1949

From: Parl. Political Div.
No: INITIAL DATE

_____	CHIEF.....	.....
_____	EX OFF .....	.....
_____	Deputy Chief .....	.....
_____	Maj Rizzo .....	.....
_____	Chief Adm Div .....	.....
_____	Statistics & Review Br. ....	.....
<input checked="" type="checkbox"/>	Civil Service Div. <u>RMH</u> <u>3/24</u>	.....
_____	Parl & Pol Div.....	.....
_____	Public Adm Div.....	.....
_____	Public Aff Div.....	.....
_____	File.....	.....
_____	Chief Clerk.....	.....
_____	Personnel Clerk.....	.....

FOR:

_____	INFORMATION
_____	NECESSARY ACTION
_____	ACTION (Prepare Reply)
_____	APPROVAL
_____	SIGNATURE
<input checked="" type="checkbox"/>	INITIAL
<input checked="" type="checkbox"/>	COMMENT OR CONCUR
_____	RETAIN
_____	RETURN
_____	FILE

Memorandum attached
Horn

CIVIL SERVICE DIVISION
Government Section

24 March 1949

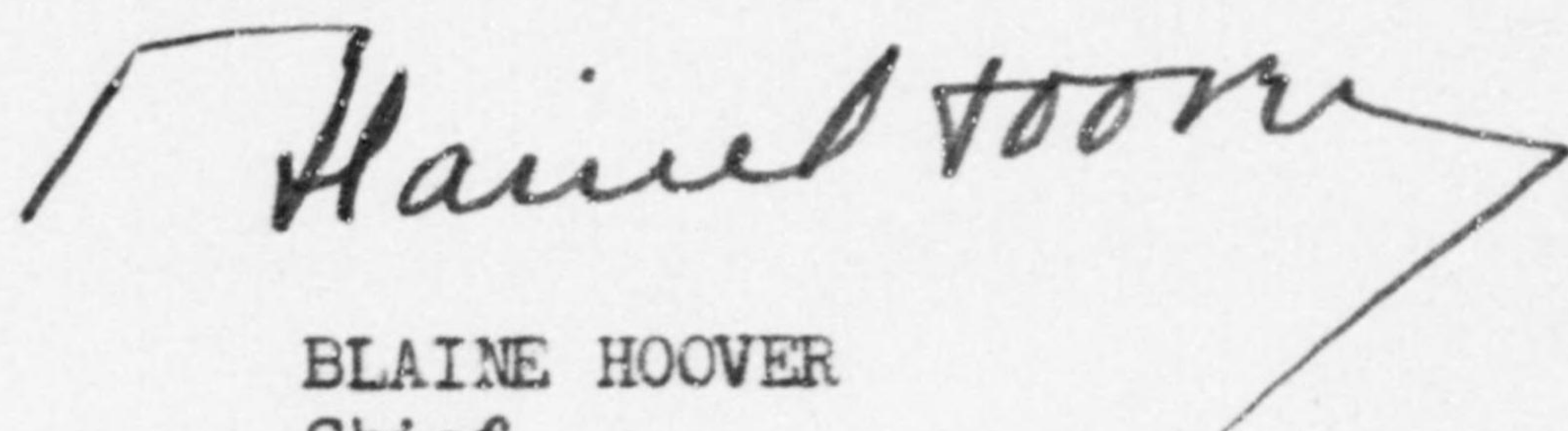
MEMORANDUM FOR : Parliamentary & Political Division
Government Section

SUBJECT : Bill for the Partial Amendment of the National
Government Organization Law

1. No objection is entered to the amendment of Articles 23, 25 and 27 by the inclusion of June 1 instead of April 1.

2. It is our understanding that other elements in the law will be subject to later ^{revisions} ~~revision~~ by the several divisions of Government Section.

3. In general, we direct attention to the fact that the delays in effecting the ^{re}organization of the administrative structure of the government of Japan in turn delay initiation of certain vital operations in the program of bureaucratic reform.



BLAINE HOOVER
Chief
Civil Service Division

BH:mw

121

GOVERNMENT SECTION
Public Administration Division

22 March 1949

SUBJECT: Draft Bill for Partial Amendment of National
Government Organization Law.

TO: Parliamentary and Political Division

FROM: Public Administration Division

Recommend that attached bill be returned to Administrative Management Agency with recommendations to submit amendments only to postpone effective date of Law at this time.

T. Diamantes
CAPT. T. DIAMANTES

121

DRAFT OF LAW

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

21 Mar. ,

1. CLCO Number: 13.
2. Name of Law: Bill for the Partial Amendment of
National Government Organization Law.
3. Competent Ministry: Administrative Management Agency.
4. Date of Cabinet Approval: 18 Mar.
5. SCAP Section concerned: Cap. diamantes; GS.

6. Remarks: (Reference:)

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

7. G.S. Reviewers:

Rec'd GS 3/21/49

*GS-Ex O
LS
GS/CSU.*

8. Date of G.S. Approval:

GS/DIAMANTES

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

2

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CR/JR/JW/BAH/vls

(Do not remove from attached sheet)

Subject: Draft Legislation

Major Harris

26-6076

Note No. From: Govt Sec To: LS Date: 14 April 1949

1.
 1. Immediate introduction of the attached ^{revised} draft bill in the Diet is proposed by **Maritime Safety Commission.**
 2. Your prompt comment is requested.

1 Incl:
Marine Pilot Law

C. W.

P&P DIV

*

Revised (D)

Commit

19

Marine Pilot Law

From: LS

To: GS

R.B. APPLETON-2635-582

Date: 19 April 1949

2.

1. Objection is made to paragraph 3 of revised Article 25 because it conflicts with paragraph 1 of the same Article. Para. 3 implies that the Director-General of the Maritime Safety Board may issue an order "contrary to the recommendation of the Pilot Advisory Committee". Paragraph 1 provides that the Director-General may only issue the order "after receiving a recommendation of the Pilot Advisory Committee that the order should be issued".

2. Legal Section reiterates its suggestion in Checknote dated 24 March 1949 that an appeal from the order to a higher administrative official be provided. Specifically, paragraph 1 should be left as it is now written, but paragraph 3 should be amended to read somewhat as follows:

"3. An appeal may be taken from the order of the Director-General of the Maritime Safety Board to the Minister of Transportation in accordance with the provisions of Law No. 105 of 1890".

3. Because of the possibility that Art. 5, Item 1 might be challenged as contrary to the Constitution of Japan and to occupation directives, agreement has been reached with G-2, PSD, that this provision be deleted.

Incl: n/c

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

Recd GS 4/21/49

(1)

GOVERNMENT SECTION
Buck Slip

4-14- 1949

From: James Pelletier
No: _____ INITIAL DATE

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

FOR:

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

CS: CTS

G-2/PSD

LS

James Pelletier (Lensed)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

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

(Do not remove from attached sheet)

Subject: Draft Legislation

Major Harris

26-6076

Note No.

From: Govt Sec

To:

CTS

Date: 14 April 1949

1.

1. Immediate introduction of the attached ^{revised} draft bill in the Diet is proposed by **Maritime Safety Commission.**

2. Your prompt comment is requested.

1 Incl:

Marine Pilot Law

C. W.

2.

From: CTS

To: Govt Sec

Mr. Steinhauser, 26-6049
18 April 1949

The Chief of CTS considers desirable legislation in accordance with the attached revised draft bill.

1 Incl

W/D

H. T. M.

Recd GS 4/20/49



GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

CW/JH/JR/RAH/vls

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.

From: Govt Sec

To: G-2/PSD

Date:

~~Major Morris~~
14 April 1949

1.

1. Immediate introduction of the attached ^{revised} draft bill in the Diet is proposed by **Maritime Safety Commission.**

2. Your prompt comment is requested.

1 Incl:

Marine Pilot Law

C. W.

P&P Div

From: G-2

To: GS

CIS/PSD/HEP/sm
18 April 1949

2

Public Safety Division/G-2 concurs in the proposed second draft
of Pilot bill.

Incl 1 w/d

G.A.W.

APR 18 1949
RICHARD E. LEE
CWO, USA

Reed GS 4/19/49

①

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JH/JW/RAH/vs

Subject: Draft Legislation

Maj. Harris

26-6076

Note No.	From: Govt Sec	To: CTS	Date: 21 March 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Maritime Safety Board .		
	2. Your prompt comment is requested.		
	1 Incl: Pilot Law		

C. W.

2.	From: CTS	To: Government Section	Date: 24 March 1949	Lt. Col. Gillespie-26-6251
----	-----------	------------------------	---------------------	----------------------------

Chief, Civil Transportation Section has no material objection to the attached draft of the Pilot Law, however suggests that in order to make Article 13, Chapter III less rigid and more discretionary, the first sentence be reworded to read:

"When, in his opinion, the local conditions so warrant, the Director, General of the Maritime Safety Board may require compulsory pilotage for all foreign vessels, all vessels sailing to and from a foreign port, and all vessels of 500 gross tons or over engaged in the business of passenger and cargo trade in the ports and waters of Japan - provided that any such requirements by the Director General shall be imposed uniformly upon all vessels in these categories. Provided further that....."

1 Incl: n/e

-----H.T.M.-----

Rec'd ^{GS} 3/25/49

From: G-2

To: GS

CIS/PSD/HEP/sm
24 March 1949

2

1. Public Safety Division/G-2 concurs in the proposed draft Pilot bill except as noted below.

2. Add the following paragraph to proposed draft bill of Pilot Law as Article 22, paragraph 3:

"Shipowners or Ships' agents shall not provide any payment as pilotage bonus to the shipmaster who handles his ship in the pilot district without a pilot aboard."

Withdrawn Incl 1.

C.A.W.

Rec'd GS 3/25/49

Pilot Law

From: GS

To: GS

Mr. R.B. Appleton 2635-582

Date: 24 March 1949

2.

1. Legal Section makes the following objections to this bill:

a. Article 25 provides that the Director-General of the Maritime Safety Board, when he deems that a pilot or pilot's association "is acting contrary to public interest, convenience, necessity", and based on the recommendations of the Pilot Advisory Committee, may order such action to cease. A fine not exceeding fifty thousand yen is provided for violation of such orders. (See Art. 39 (h). The standard is exceedingly broad and vague and no provision is made for reasonable notice and hearing prior to issuance of the order. Suggestion is made that Art. 25 be rewritten so as to set forth explicitly the acts which are deemed contrary to public interest, and to provide for notice and hearing before the Pilot Advisory Committee, with an appeal from its findings to the Maritime Safety Board prior to issuance of the order.

b. Article 34, Par. 2 (3) provides for dismissal of a member of the Pilot Advisory Committee "In case where he has been under prosecution with reference to a criminal code." This seems unfair in view of the presumption that a man is innocent until proven guilty. Disqualification from public office should only come after conviction, and only in case of sentence to imprisonment or penal servitude, a device which would follow the usual practice.

2
(Cont'd)

c. Article 41 provides that Ministerial Ordinances issued pursuant to Article 9 (concerning examination for pilot, for pilot license and for pilot certificate) may include penal clauses providing a fine of not exceeding ten thousand yen for violations of such Ordinances. This provision appears to be unconstitutional. Although Article 73 of the Constitution provides that the Cabinet may enact Cabinet Orders to execute the provisions of the Constitution and of the law, and may include penal provisions in such Cabinet Orders when authorized by such law, no authority is granted for the inclusion of penal provisions in Ministerial Ordinances. Even inclusion of penal provisions in Cabinet Orders has been rarely approved by this Headquarters, since it has been considered preferable to insist wherever possible that substantive criminal law be made only by the Diet.

2. The following additional comment is made:

Article 5 (1) provides that no person who is a non-citizen of Japan shall become a pilot. It is doubtful whether this provision complies with Article 22 of the Constitution which guarantees every person freedom to choose his occupation "to the extent that it does not interfere with the public welfare". Moreover, by Imperial Ordinance No. 262 of 6 May 1946 the former provision in Article 2, par. 1 of the old Pilot Law (Law No. 63 of 1899) that a pilot's certificate should only be granted to a subject of the Japanese Empire, was deleted. This Imperial Ordinance was issued pursuant to the Potsdam Declaration, on the basis of SCAPIN 93 of 4 October 1945, Subject: Removal of Restrictions on Political, Civil and Religious Liberties, which provides in Par. 1 a (3) that the Japanese Government shall abrogate all laws which:

"By the terms of their application, operate unequally in favor of or against any person by reason of race, nationality, creed or political opinion."

Legal Section does not, however, object to the provision from the constitutional point of view, preferring to leave the interpretation to future decisions by the Japanese Courts. It is understood that in the field of professional requirements the admission of foreigners might in specific cases be regarded as contrary to the public welfare. In the United States also pilots must be citizens. SCAPIN 93 may likewise be interpreted in this more restrictive sense.

Incl: n/c

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

GOVERNMENT SECTION
Buok Slip

3/21 1949

From: Parl. & Political Div
No: _____ INITIAL DATE

<u> </u>	CHIEF.....	.....
<u> </u>	EX OFF .....	.....
<u> </u>	Deputy Chief .....	.....
<u> </u>	Maj Rizzo .....	.....
<u> </u>	Chief Adm Div .....	.....
<u> </u>	Statistics & Review Br.....	.....
<u> </u>	Civil Service Div.....	.....
<u> </u>	Parl & Pol Div.....	.....
<u> </u>	Public Adm Div.....	.....
<u> </u>	Public Aff Div.....	.....
<u> </u>	File.....	.....
<u> </u>	Chief Clerk.....	.....
<u> </u>	Personnel Clerk.....	.....

FOR:

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

Checksheet: 25
G-2/PSD
CTS

DRAFT OF LAW

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

Mar 18, 1948

1. CLCO Number: *11*
2. Name of Law: *Bill of Pilot Law*

3. Competent Ministry: *Maritime Safety Board*
4. Date of Cabinet Approval: *Mar. 15, 1948*
5. SCAP Section concerned: *G-2. Public Safety Division
Mr. G. H. Ratten*

Remarks: (Reference:)

Pilot Law (Law No. 63 of 1938).....
The Sea Casualties Inquiry Law (Law No. 135
of 1947)

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

Rec'd GS 3/19/49

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GS-EX 0
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G-2 PSD