DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 775 012

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 773 072

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.	
1.	From: Govt Sec To: CI&E Date: 23 November 1949 1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Representatives. 2. Your prompt comment is requested. 1 Incl Bill re the Election for the Public Offices C. W.
2	000.1 (23 Nov 49)CIE From: CIE To: GS Mr. O'Brien 26-5993 6 December 1949 1. Reference is made to the attached "Draft Bill Concerning the Election for the Public Offices" which was referred to the Civil Information and Education Section for comment. 2. This Section supports the attempt to consolidate laws governing elections, and does not object, in principle, to the inclusion of Boards of Education in the draft. The complexities of the problems presented, however, indicate a need for further study and consultation with appropriate Japanese agencies. It is conceivable that this might result in a recommendation that proposed legislation include provisions which would apply solely to Boards of Education. 3. CIE is opposed to restrictions now in effect upon the dissemination of information relative to election campaigning. It is unfortunate that the authors of the draft propose to continue many of these prohibitions (Articles 137-166, inclusive, Article 178). Particular concern is felt over Article 148, which relates to the press, and Articles 150 and 151, which relate to radio. The ambiguous language of Article 148 should be corrected so that there can be no doubt that constitutional guarantees of freedom of the press remain inviolate. Similarly, Articles 150 and 151 can be interpreted as compelling broadcasters to provide certain services. This would be in conflict with proposed legislation relating to broadcasting in Japan.

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GENERAL HEADQUARTERS
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File No.: 000.1 Subject: Draft Legislation

Note No.	From: CIE To: GS Date: 6 December 1949
2. (Con't)	4. In view of the objections cited above, CIE requests: a. That GS encourage the fullest possible discussion of proposed election laws by the Diet and the Japanese Government. b. That CIE and GS confer on points of mutual interest. 1 Incl n/c F. C. D.

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C H E C K S H E E T

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Subject: Draft Legislation

Capt. Guida
26-6076

Note No.	
1.	From: Govt Sec To: LS/L&J Date: 23 November 1949 1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Representatives. 2. Your prompt comment is requested. 1 Incl Bill re the Election for Public Offices C. W.
2.	From: LS To: GS Date: 17 December 1949 1. Reference is made to Check Sheet of December 7, 1949, same subject, in which Legal Section clarified its preliminary position with regard to the bill. The present Check Sheet is designed to substantiate and elaborate on the general objections made in the previous Check Sheet. Although the bill has been studied as carefully as the limited time available permitted, it is impossible for Legal Section to go into all technical aspects of the proposed legislation, since any expression of opinion on these matters would require a great amount of factual information which could only be obtained by further research and continuous conferences with other SCAP Sections, Civil Affairs units, and representatives of the Japanese authorities. Such procedure is obviously not practicable because the Diet wishes to pass the bill into law during the current session. Legal Section will, therefore, concentrate on the major constitutional and legal issues. 2. Subject bill, while combining a number of existing statutes connected with elections into one statute, appears nevertheless to be a new codification of all regulations connected with elections of various types and in various levels of the government. Inasmuch as Legal Section never reviewed any of the former election laws, subject bill, for purposes of review, will be treated as a new piece of legislation regardless of whether it repeats or amends provisions already existing. 3. As pointed out in the previous Check Sheet of December 7, 1949, the most serious constitutional and policy objections of Legal

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Note No.:	From: LS	To: GS	Date: 17 Dec. 1949

2 (cont'd)

Section are being raised to Chapter XIII of the bill which drastically restricts the nature and conduct of election campaigns. Therefore, the discussion of the bill in the Check Sheet itself will be restricted to this most important part while the less fundamental issues of the remaining parts will be dealt with in an Appendix.

4. Some additional remarks of a general nature in connection with Chapter XIII may be appropriate.

a. In his article The New Election Law in Contemporary Japan, Volume 15, No. 1 to 4 of 1946, Ichiro Kiyose, defense counsel of Tojo and well known as a conservative, gives an interesting historical analysis of the regulations for electoral campaigns in Japan. He shows that in the first Japanese Election Law the campaign regulations were modeled after the British Law and were relatively mild. However, their severity was subsequently increased with each revision. The most drastic restrictions were adopted in 1925 when universal suffrage was granted. This tightening of controls took place at the same time when the vicious Peace Preservation Law was enacted. Kiyose points out that this Law was "evidently the price paid for passing the universal suffrage bill and that to the chagrin of all people it was belatedly found out to be too high". By implication it may be concluded that the further restrictions on campaign activities were another part of the price the people had to pay for finally having been granted the benefit of universal suffrage. It must be added that in 1934 another revision was enacted for the purpose of further strengthening the restrictive regulations. The new Election Law under the Occupation in 1945 did away with most of the restrictions. For instance, the limitation on the number of public meetings and speakers, as well as the number of posters advertising public meetings, was eliminated. This alleviation has been hailed as a substantial progress on the road to free elections. It cannot be denied that the present bill aims at putting the clock back to 1934 when the climax of severe restrictions on election campaigns was reached. Legal Section realizes that the proposed bill in some instances slightly lessens restrictions imposed by previous legislation during the Occupation such as the Law concerning Exceptions to Election Campaigns and Others (Law No. 196 of 1948). However, the present codification, in combining all scattered restrictions into one statute, makes the extent of infringements upon constitutionally guaranteed civil liberties particularly conspicuous and embarrassing. Legal Section cannot conceal its apprehension that if the bill is passed in its present form it will be exposed to severe criticism in the United States as well as in the Allied World. The critics may very well argue that if such severe restrictions on the freedom of elections are still necessary, the democratization of Japan cannot possibly have been completed to the extent indicated by this Headquarters. The American point of view on infringements upon the freedom of the press in the bill has

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Note No.:	From: LS To: GS Date: 17 Dec. 1949
2 (cont'd)	already been indicated by a statement in the New York Herald Tribune which praises the "strenuous resistance by Japanese newspapers to the proposed amendment to the national Election Law that would forbid criticism of politicians". Even though the political parties in the Diet may have come to an agreement on the bill, it appears rather doubtful whether the Japanese people at large approve of the restrictions in the bill which, while motivated by good intentions, breathes the same paternalistic spirit which in the past dominated the Ministry of Home Affairs. The vigorous opposition of the leading newspaper concerns against Article 148 of the bill justifies the assumption that the representatives of the press were not given sufficient opportunity to express their opinion during the process of drafting. The concentration on this single item of the bill and the relative silence on other equally objectionable parts can easily be explained by the power of a well organized press which naturally shows primary concern about restrictions on its own activities. Even if that is taken into account, the absence of comments in the press on other elements of the bill indicates that the public at large has not been adequately informed about the contents of this legislation. For instance, the Japan Civil Liberties Union has never been consulted, although the issues involved are evidently of vital interest to that organization. b. The severe restrictions on election campaigns, as imposed by the more recent legislation, aroused severe criticism during the last election to the House of Representatives. This criticism is reflected in the Election Report of the Eighth Army of 17 February 1949, which deserves particular attention because the Civil Affairs officers of the regions and teams had the opportunity to observe the practical operation of elections on the spot throughout the country. Reference is made to Chapter VI of the Report and particularly to pages 31 to 35 dealing with the number and types of election violations. Here, again, the main issue was the restriction on the freedom of the press. The confusion resulting from the uncertainty with regard to the interpretation of this restriction had finally become so unbearable that an authoritative statement by the Chief, Government Section, Brig. General Courtney Whitney, was necessary to prevent the Japanese authorities from applying this legislation. At least this was actually the effect of General Whitney's statement which contained the admonition to apply a broad statesmanlike instead of a narrow, literal, arbitrary interpretation of the body of the law which governs the elections. General Whitney continued: "My advice to you and to every section of the government here represented, in the interest of insuring free election and an untrammelled expression of public will, construe all laws which you are called on to administer in the light of constitutional mandates." It is understood that the action taken by the Military Government Section of Eighth Army, pursuant to the statement of the Chief, Government Section, had the consequence that actually many other violations of the restricting provisions of the law

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Note No.:	From: LS To: GS Date: 17 Dec. 1949
2 (cont'd)	were not enforced. The recommendations in Chapter IX of the Eighth Army report also speak a strong language. They read:

> "It is recommended that the Law Concerning the Provisional Exceptions to Election Campaign and Others, Law No. 196, promulgated 29 July 1948, be modified substantially so as to remove the controlling and regimentational effects of governmental operation in the administration of the function of elections. The placement for the direct execution by governmental officials and agencies of such manifold duties carried out normally and currently in Western countries by the people themselves--candidates, political party members and voters--results not only in the re-creation of a dependence upon an autocratic bureaucracy but also in the executive branch of government encroaching, if not circumventing, the judicial branch in the performance of its solemn requirements. The multiplicity of incidents resulting from restrictive provisions of a law such as this, produce wholly impracticable and undesirable conditions: (1) Too painful an amount of conflicting official opinions on the same issue calling for action, and (2) laxity in the principle of enforcement of laws."

That restrictions on campaign activities work in favor of incumbent and well known politicians is pointed out in the same Election Report, which says that as in the past many of the prominent old-time politicians disdained to enter into active campaigning or engaged in what is known as kao mise or "face showing" type of campaigning.

A similar criticism in connection with evaluations of the last general election to the House of Representatives appeared in the vernacular press, as quoted, for instance, in ATIS Press Translations and Summaries, 29 January, 1949. Thus, Mainichi made the following analysis:

> "The recent public managed election imposed many strict regulations upon candidates. They could not stage election campaigns satisfactorily...
>
> The recent public managed election was certainly a failure since it placed emphasis upon the impositions of restrictions. However, this does not justify the assertion that public management itself was a failure. The chief means of election campaigns are naturally speech and literature and so it is detrimental to the election to impose too many restrictions upon these two campaign methods. Once the limit of election funds is set, creative election campaigns should be allowed candidates.

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Free and creative campaigns through speeches and literature should be allowed to as great an extent as possible. Only malicious violations of law should be strictly punished."

Asahi made the following statement:

".....We must remove unnatural and unnecessary restrictions upon electioneering and adopt methods of making election campaigns more vigorous.

The special election campaign law puts unduly strict restrictions upon electioneering with literature. Especially the prohibition of recommendation by third persons result in the suppression of voluntary election campaigns on the part of the people. This promoted the development of a tendency to entrust electioneering to election bosses. The fact that free press comments on parties and candidates was approved during the electioneering period as an exception to the aforementioned law, clearly proves the irrationality of the prohibition of recommendation by third persons.

We urge the Government and political parties to revise existing laws immediately, in view of their fresh experiences in the recent election campaign."

5. The following provisions of Chapter XIII appear to exceed constitutional limitations as well as to violate basic objectives of the Occupation:

a. Article 129 limits the time for election campaigns to less than thirty days and is apparently intended to restrict public duscussion of questions relating to political matters, even by persons who contemplate being candidates, unless and until they become such under the law. Legal Section is of the opinion that before a declaration of candidacy, discussion and political activity by any office seeker or anybody else should be absolutely free and unrestricted. Since a violation of Article 129 is made a criminal offense under Article 239, item 1, any critical exposure of the party in power by speeches of an opposition leader who intends to run for office in a subsequent election might be subject to punishment even long before the election has started. This would be all the more absurd as the democratic process requires that issues are debated as long as they are "hot". The law should at least clearly define what is meant by election campaign. This term should in no case include pre-election discussion of public issues which might play a role in a future election, but only certain systematic and continuous campaign actions. Since the necessity of limitations on campaign

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expenditures is generally recognized, certain limitations may be introduced on the total expenditures made by an office seeker before the formal declaration of candidacy, provided that such procedure is restricted to a fixed period of time before the candidacy. Another possibility would be to apply the overall limit to both the pre-candidacy campaign and the campaign proper. However, any restriction on the money spent before the candidacy should only be on activities which are reasonably calculated to affect decisively a particular election.

b. Article 131 severely restricts the number of election offices. In the light of Article 113, which provides that election offices shall not be established except by the candidate himself or by a person who files as recommending the candidate, it would be very difficult to evade the limitation on the campaign expenditures by establishing an excessive number of election offices. Legal Section does not consider this restriction necessary or reasonable. In respect to establishing election offices there is a natural law of diminishing returns and there are only a certain number of offices which can be set up with any effect so that in this case the danger of a rich man having an advantage does not seem to be great. The restriction may very well operate in practice against the poor because he may be able to have more offices without expenditure of money from friends and others, while the rich man who is well known might not desire to set up a large number of election offices because he would feel an extended campaign is not necessary. The restriction might also have a discriminating effect against labor organizations, women's organizations, farmers, etc., interested in promoting a candidacy or a law or any political reform. Furthermore, the designation of election districts, where because of communication difficulties the election offices may be established up to five, should not be left to the Cabinet, as Article 131 proposes, since the Cabinet may represent one party or a coalition party and could use this power to operate officially in favor of such.

c. Article 133 provides that a resting place and other kindred establishment for the election campaign shall not be established. This should not be construed to limit the use of the election office. There is no plausible reason why the latter should not incidentally serve as a resting place. The ambiguity of the provision would suggest a clear definition of the term Election Office.

d. Article 137 provides that no educator "shall be engaged in the election campaign by utilizing his position toward the school children, pupils and students as educators." The ambiguous language of this provision illustrates again the necessity of a clear definition of the term 'election campaign' and also of the term 'utilizing his position' because this prohibition may be construed as including any reference in the classroom, in parent-teachers association meetings, or elsewhere, to political issues which may have connection with the election. Legal Section does not believe that the freedom of expression of educators should be

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restricted to that extent. Election law restrictions should prevent such abuse of their authority and position as using students as tools of communication and propaganda in electioneering or as 'hostages' in the campaign. Previously, the provision applied only to children under twenty years of age. To extend it to persons of voting age, appears inadvisable and unnecessarily restrictive.

e. Article 138 forbids house to house visits for the purpose of obtaining the votes or to cause others to vote or not to vote. This restriction was first introduced in the aforementioned 1925 revision of the Election Law. It is, in the opinion of Legal Section, unconstitutional because it limits the freedom of expression and also unreasonably restricts the right of the people to choose their public officials, (Article 15 of the Constitution of Japan). The drafters probably had in mind the danger of bribery connected with such house to house visits. However, such danger is met by the severe penal provisions in other sections of the law. Any person, candidate or otherwise, should be permitted to make visits to any place for the purpose of campaigning. If the owner or tenant of the house does not wish to receive the visitor, he does not have to do so, and if the Japanese experience is such that the people do not favor house to house visits, the candidate would defeat his own purpose by using this device.

f. Article 139 forbids any person to serve food and drinks or to be served with such "with regard to the election campaign". The language of this provision is much too broad. As it reads now, leaders and members of one specific political party would not be allowed to have dinner together and simultaneously discuss election matters. It is suggested that Article 139 be clarified to say that no food and drinks should be served with the purpose of influencing the vote of the person to whom they are served.

g. Article 140 which provides that "no person shall engage in demonstrative acts by processions of automobiles or by marching in rank and file on the streets, etc., for the election campaign", clearly and seriously violates Article 21 of the Constitution of Japan, which grants freedom of assembly and association as well as speech, press and other forms of expression. The following points must be emphasized in connection with this all-embracing exclusion: GS and LS previously supported a model ordinance by which local entities would regulate mass parades and demonstrations. In this model ordinance parades and demonstrations, during election campaigns, were exempted, upon the explicit suggestions of these two Sections, from the normal requirement of advance notice so that they should, if anything, be less restricted than those held at other times. The provision of the present Article, instead of being less restrictive actually forbids all parades and demonstrations during election campaigns.

h. Article 141, which restricts the use of automobiles, loud speakers and ships, should either be completely deleted or, at least, drastically liberalized. No objection would be raised to a provision restricting the use of

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automobiles by candidates, or persons operating on behalf of candidates or with their knowledge, in order to carry voters to the polls. Such a provision would logically belong in Article 129 which prohibits election campaigning on the day of election, or, this matter could be taken care of by including in the definition of "election campaign" the taking of voters to the polls. Moreover, the question of whether the restriction is intended only for automobiles used by the candidates or for all automobiles used in the election campaign should be clarified. If the number of automobiles, etc., is increased, some thought should be given to the question of transportation. Whether such transportation should be permitted or not, of voters, depends upon whether or not it is only transportation, or transportation plus influence. The transportation of old or ailing voters to the polling place may be desired. In any case, it may be considered proper to make available means of transportation either by the election committee or by a device insuring equal distribution.

i. Articles 142 to 147, inclusive, with the exception of Article 145 to which there is no objection, unduly restrict freedom of expression and should be eliminated completely. These provisions are concerned with distribution of literature and drawings; posting literature and drawings; posters; and, distribution or display of writings and pictures. While it is a good idea to allow a certain number of postal cards and posters to be made free of charge by the government, these postal cards and posters should not be exclusive and the candidate should, in addition, have within the limitation of the campaign expenditures, the right to display and distribute additional literature, posters, pictures, etc. Article 146 also appears contrary to the idea behind the revised Criminal Code which explicitly recognizes that the publication of adverse criticism of a candidate for public office is not criminal libel provided that the asserted facts are true. With the elimination of these Articles, Article 147 which provides for the removal of unlawful posters and literature would become meaningless.

j. Article 148 which euphemistically is called "Freedom of Reporting by Newspapers" has been sufficiently criticized as most serious suppression of the freedom of the press. Reference is made to Nippon Times' of December 8, 1949, front page: "Freedom of the Press is Feared Endangered" and editorial "Freedom of the Press Endangered". Since Legal Section understands that this restriction which could not be enforced in the last election to the House of Representatives will be abandoned, no further argument appears necessary in this matter.

k. Article 149 restricts newspaper advertisements concerning the election to one (two in the case of the election for the House of Councillors) during

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the period of the election campaign. This provision goes far beyond acts passed in some jurisdictions of the United States requiring each candidate to file a statement as to his financial interest in newspapers and as to the value of publicity received. Such statutes are designed to compel publicity with respect to these matters and to prevent, by such publicity, rather than by a drastic arbitrary legal restriction, the improper use of moneys devoted by candidates to the furtherance of their ambitions. The proposed provision is considered excessivly restrictive inasmuch as there is no longer a serious shortage of newsprint which might have justified such far reaching restriction in the past.

l. In connection with Article 161 (Individual Election Speeches Using Public Facilities), it is strongly suggested that a clear statement be made in the law that this article does not restrict in any way private campaign speeches whereby the facilities mentioned in the article are not used.

m. It is suggested that the last sentence of Article 165 which provides that "To make a speech for election campaign on the street is likewise prohibited" should be clarified to indicate that street speeches are only forbidden within three Cho of the meeting hall.

n. Article 178 is objected to in all items. This article contains restrictions of "Salutory Acts After the Day of Election". It prohibits "any person after election day from greeting the electors in regard to his success or failure in the election by house-to-house visits to the electors; distribution or displaying writing or pictures other than letters written in one's own handwriting or letters written in reply to congratulation or consolation, etc., for success or failure; utilizing newspapers or magazines; holding celebration or other meetings; making demonstration by marching in a cavalade of motor cars or in procession; or calling out the name of a candidate or party or other political body in expression of gratitude for success." This provision seems unreasonable, arbitrary, and without any real or substantial relation to the object of securing fair and legitimate elections. It is a clear abridgment of the liberty and freedom of expression guaranteed by the Japanese Constitution.

As far as Items 1 and 4 of Article 178 are concerned, the drafters of the law apparently have in mind to prevent pre-election promises of post-election celebrations as a form of bribery. Here again it must be emphasized that a calculated risk has to be taken. It is absolutely impossible to prevent by legislation all possibilities of corruptive practices. Any attempt to do so would result in increasing suppression of civil liberties. Also, a terrific machinery of control by the police would be necessary. To sacrifice the freedom of election for the purpose of excluding any irregularities is bad enough and has

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2 (cont'd)	been ably characterized in the aforementioned statement of Asahi, Mainichi, and Yomiuri as "Killing the bull in an attempt to correct the shape of its horns". However, to go even beyond that and to continue the restrictions on civil activities after the election without any time limitation does not appear reconcilable with common sense. Thus, it is inconceivable why a candidate or other person should not display a picture after the election (Item 2), or make a statement to newspapers or magazines (Item 3), or why it should be forbidden for a friend or political adherent of the candidate to propose a toast to celebrate his victory. 6. Apart from the aspect of civil liberties, the practical effect of the restrictions should be considered. The restrictions of Chapter XIII may be defended by the argument that they prevent rich men from securing undue advantages over the poor during the election campaign by various evasions of the limitations on campaign expenditures contained in Chapter XIV. However, no matter how specific restrictions may be made, they can always be circumvented by ingenious devices to make money felt. In addition, while honest people will comply with the restrictions, those elements of the population who have no respect for law and order, but try to create anarchy and chaos, will not be deterred from violating the law. Thus, instead of helping the poor man, the restrictions may very well really help the dishonest and lawless. However, since Legal Section has recommended the deletion of many restrictions, it is believed that there should be a provision requiring that any person who, even without the knowledge of the candidate, makes any donation or contribution, or expenditure in excess of a specified amount should be required to report to the election administration commission. The purpose of this would be to make known the total amount of money expended for the person's candidacy, with or without his knowledge, so that if the total amount was so large as to indicate that the election was actually purchased, it might be grounds for action by the House Disqualifying Committee. Upon receipt of these reports by Election Commission, the reports and the expenditures should be given publicity in a specified number of newspapers, or broadcasts, etc. 7. Conclusion and Recommendations. In conclusion, Legal Section most seriously objects to the Election Bill in its present form for the following reasons: a. The bill is irreconcilable with solemnly announced basic objectives of the occupation and violates the fundamental human rights guaranteed in the new Constitution of Japan; b. The bill, if passed into law, would put the clock back to the

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paternalistic system of the past, according to which all phases of the people's civic activities were controlled by regulations to be enforced by the police;

c. The practical effect of the restrictions on civil liberties is, to say the least, doubtful. These restrictions may, apart from giving advantage to the incumbent, very well help the dishonest and the lawless;

d. The bill, if passed into law, will arouse severe criticism in the American press as well as in the Allied world. The critics will argue that democratization in Japan cannot have been achieved to a large extent if it is necessary to drastically restrict the freedom of her people in connection with election to public office.

It is recognized that in the present stage of the occupation interference by GHQ in legislation originating in the Diet should be avoided, as a matter of principle. However, for the reasons pointed out in this Check Sheet, subject bill not only justifies, but absolutely requires that an exception be made to this rule. The momentous importance of elections to public office for the prospects of democracy in Japan makes, in the opinion of Legal Section, a passive attitude impossible. As long as GHQ continues to clear legislation, even though not in the form of approval, the Occupation will be held responsible for basic statutes enacted pursuant to such clearance.

It is therefore recommended that negotiations be initiated with leading representatives of both Houses of the Diet and that they be advised to reconsider the objectionable parts of the bill. The purpose of these negotiations would be to convince the legislators that the progressive democratization of Japan warrants the loosening of restrictions previously considered necessary. Such action would simultaneously indicate to the public that the Supreme Commander has sufficient confidence in the maturity of the Japanese people to allow them genuinely free elections.

2 Incl:
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APPENDIX

(This Appendix covers portions of the Election Bill other than Chapter XIII)

1. Legal Section feels that most careful consideration should be given to the question of whether elections within local entities and elections to Boards of Education should be dealt with in the same law that regulates national elections. At present, rules for national elections are scattered throughout a number of laws and the necessity of codifying these laws is appreciated. To include the provisions for local entities, however, would mean that any change in local election procedure, if incorporated in this law, would automatically affect the national election procedure and vice versa, unless special exemptions in the law are made each time, in which case the inclusion of provisions regarding local elections would serve no good purpose, since it would not constitute any simplification.

Similar considerations apply to the Board of Education elections, which are of a nature different from other elections. Members of the Board of Education are elected without regard to their political affiliations, because they are supposed to be qualified to administer efficiently such affairs as the operation of schools, selection of textbooks, etc.

The above considerations would not preclude amendments to the Local Autonomy Law, and to the Board of Education Law, making the election procedure generally identical with those used in national elections to an extent compatible with the different character of those elections.

Aside from this general observation, it is not possible to state to what extent the bill unduly encroaches upon the control of the local entities over their own elections as compared with the present status, or whether it sufficiently takes into account the particular nature of Board of Education Elections. The draft which was submitted does not show what part of the Local Autonomy Law or of the Board of Education Law is to be deleted or amended. This applies also to the adjustment of other laws such as the law concerning regulation of political contributions, etc. Until a complete draft showing such adjustment provisions is received, Legal Section reserves further comments and possible objections on this question. However, the subsequent comments (see Items 4 and 7 below) show two instances in which the proposed bill may have the effect of weakening local autonomy.

2. Article 6, paragraph 2 and Article 40:

Article 6, paragraph 2, states that measures shall be taken to give necessary time to enable the electors to exercise their right of voting on the day of election, unless there exist special reasons to be otherwise. The meaning of this provision is unclear. If its intention is to guarantee

Incl. #2

exercise of franchise to employees, it must be pointed out that this guarantee exists already in a much clearer and more precise form in Article 7 of the Labor Standards Law. It is, therefore, suggested to delete Article 6, paragraph 2. If, however, a provision in this respect in the election law is considered desirable, it should either make reference to Article 7 of the Labor Standards Law or repeat substantially the language of that provision.

It is the more important to state this guarantee in unequivocal form as Article 40 of the bill provides for closing of polling places at 6:00 p.m. instead of 8:00 p.m. as heretofore, thus eliminating the hours which are generally used for the exercise of the franchise by employees.

At any rate, the phrase "unless there exist special reasons to be otherwise" is objectionable as being too vague.

3. Article 11. The bill gives quasi-incompetent persons the right to vote and to be elected. It is suggested that those who have been adjudged quasi-incompetent because of feeble-mindedness be excluded by adding the following words to Item 1, "and a person adjudged quasi-incompetent because of feeble mindedness".

4. Article 15. In case of election of assemblymen of a city, etc., the local entity had heretofore the right to set up election districts. The bill restricts this right to "cases of special necessity". It must be considered that these elections are purely local matters. The election provisions of the Local Autonomy Law already limit the control of local entities over their own elections in the interest of uniformity to a minimum. To restrict the authority of local entities to regulate these elections even further seems an unwarranted and undue encroachment on the principle of local autonomy.

5. Articles 21 and 49. Article 21 deals with registration procedures for mariners and Article 49 with absentee voting. It is suggested that instead of these provisions some absentee registration and voting system be worked out which would:

a. be applicable not only to mariners but to all justified absentees,
b. be effective not only for national but also for local elections,
c. permit absentee registration through public agencies rather than through the ship owner or employer because the latter procedure involves the danger of undue influence and of block voting, and
d. contain proper safeguards against such undue influence.

In addition, it is believed that absentee voting affecting one of the most important rights of the citizen should not be left completely to cabinet order (as is the case in Article 49 of the bill) but that the law should set some standard in that respect.

6. Article 23. The existing statutes (e.g., Article 14 and 15 of the House of Representatives Election Law) state that electors who have objection regarding omission or wrong registration in the basic electors list may adduce evidence and that the decision of the Election Administration Committee shall be based on such evidence. Article 23 of the bill omits this provision. It is felt that a provision giving the right to adduce evidence to the objecting party should be included in the bill.

7. Article 38. Thisprovision contains another deviation from the local autonomy law (Article 30) in that it no longer allows candidates to select voting witnesses. In addition to the fact that this is a further restriction on candidates, it is also inconsistent with Article 62 of the bill according to which ballot counting witnesses are still selected by the candidates.

8. Article 92. This provision is unclear in that its first sentence exempts candidates for Board of Education elections from the necessity of making a deposit while the rest of the article stipulates that they have to make a deposit of 10,000 yen and 5,000 yen respectively for prefectural and city Boards of Education (Items 7 and 8). It is believed that in view of the character of the office involved, no deposit should be required, as was the case heretofore.

9. Articles 101, 102, and 105. The question of relief for a candidate who has been elected but upon whom the Election Administration Committee fails to confer notification and certification on which the validation of his success hinges should be considered.

10. While actions are provided for contesting the success in an election, there are no provisions for actions to remove a person who is actually prohibited from being a candidate (Article 87, 88, 89, etc.) from the list of candidates. Thus the question of enforcement of these prohibitions is unclear except for the case where the person who should not have been a candidate in the first place was actually elected. It is felt that this constitutes a serious omission in the bill.

11. No major objections are raised to Chapter XIV which deals with income and payment as well as contributions concerning election campaigns. The following suggestions, however, are offered:

a. In Article 187, paragraph 2, the phrase "settle account" is not clear.
b. In connection with Article 199, the prohibitions are limited to contributions. It is believed that all the provisions of Article 199 should apply to payments as well as contributions. In any event, the definition of the two terms in Article 179 should be clarified.

12. The provisions of Chapter XV of this bill, dealing with actions, should be made consistent with the recently proposed amendment of the Direct Demand provisions of the Local Autonomy Law, which permits resort to the Courts immediately following a determination by the Local Election Administration Commission.

The idea of immediate resort to the Courts without going through a second administrative procedure serves two purposes, first, to speed up the final decision, and second, to avoid having the prefectural administrative body making a determination in a matter of purely local concern.

To make the two bills consistent would require the following revisions:

a. Delete Par. 3 of Article 202.
b. Delete from Article 203 the following:
   In line 4 — "of the To, Do, Fu or Prefecture";
   In line 6 and 7 -- "or with the decision of the same regarding the appeal under paragraph 3 of the preceding article,"
c. Delete from Article 215 the following: Beginning in line two -- "and the decision to an appeal under the provisions of Article 202, paragraph 3"
d. Delete Par. 3 of Article 206.
e. Delete Article 216.
f. Alter Article 213 by deleting the words enclosed in parentheses, and adding that which is underlined:
   Article 213. With regard to the actions provided for in this Chapter, (efforts shall be made to give) determinations against filing of objections must be made within thirty days from the day the objection was received, (decisions to appeals within sixty days from the day the appeal was received,) and efforts shall be made to give judgments to lawsuits within one hundred days from the day the case was received.

13. Article 213, Par. 2 is objectionable. It provides: "With regard to the lawsuits...the Court shall immediately sit in judgment notwithstanding the order of other lawsuits on hand". According to this provision, even pending Habeas Corpus proceedings would give way to the precedence of election litigation. The provisions violate Article 76 and Article 77 of the Constitution, which vest the whole judicial power and the rule making power for determination of rules of procedure and practice in the Courts.

14. Article 203, Par. 2 is objectionable, in that it provides that no suit may be brought until after the Prefectural Election Administration Commission makes a decision on the appeal (in the case of town or village election) or a determination on the objection (in the case of Prefectural election). No exceptions are made to the provision requring administrative disposition before suit, either in this bill or in the applicable provisions of the Administrative Litigations Law, #81 1948. If the Commission fails to act, or delays unduly, or for some reason is unable to act, the required procedure for going to the Courts cannot be met. A proviso to Par. 2 of Art. 203 in the following sense, would cure the objection: "provided, however, that if the determination or decision heretofore mentioned has not been received within the time limits specified in Article 213, suit may be instituted".

15. No provision is made for presenting evidence or argument in the administrative hearing. The law should state that all parties interested in

the objection may present evidence, cross-examine witnesses, etc.

16. Chapter XVI contains the penal provisions.

a. It is understood that since Legal Section suggests the deletion of a great number of restrictions in Chapter XIII, all penal provisions making violations of such restrictions punishable must also be deleted. As far as can be seen, this applies to Articles 239, 240, 243 Items 2 thru 7, Article 244 Item 4, and Article 245.

b. The penalty for election fraud in Article 236 (fine not to exceed 2,500 yen) appears too light inasmuch as the maximum penalty for fraud in the Criminal Code is 10 years penal servitude.

c. The prescription periods in Article 253 appear much too short.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheets)

File No.: Subject: Bill concerning the Election for the Public Offices

Note No.: From: LS To: GS Date: 7 December 1949
2635-582 - A.C.Carpenter

1. Legal Section which never had the opportunity to review the various laws concerning elections to public office has received subject bill only on 24 November 1949. Since the bill represents a comprehensive codification of all statutory regulations dealing with elections, it requires a thorough study if the contribution of Legal Section is to be of any value. An elaborate comment will be made subsequently as soon as possible.

2. However, Legal Section wishes to clarify its preliminary position since time may be of the essence. Serious objections are made to numerous parts of the bill from both points of view, namely, the occupation objectives and the Constitution of Japan. This applies most of all to Chapter XIII of the bill which contains detailed regulations drastically restricting the nature and conduct of election campaigns. The Potsdam Declaration requires the Japanese Government "to remove all obstacles to the revival and strengthening of democratic tendencies. Freedom of speech, of religion, and of thought as well as respect for the fundamental human rights shall be established." The Constitution of Japan implements these principles in its bill of rights by establishing as fundamental human rights the freedom of expression, including freedom of ~~speech~~ the press; the freedom to vote; the freedom of assembly; and the freedom of the people to choose their officials. A full exercise of the right of citizenship includes, not only the right to vote, but the right to present one's view to one's own fellow citizens, and the right to submit one's claim to leadership to the people. These rights are of the very essence of democracy. When a citizen declares himself to be a candidate for public office, he does not forfeit these rights. He is subject to restraint in their exercise by reasonable regulations in the public interest, but not by restrictions having no real or substantial relationship to the object sought to be attained.

3. In the light of these principles, Legal Section seriously objects to substantial parts of Chapter XIII because numerous provisions thereof restrict the fundamental human rights to an extent which would result in elections no longer resembling free elections. Whatever political reasons or considerations of expediency may have motivated the drafters, Legal Section feels that the crucial issue involved in this proposed legislation is a real test of democracy or government by law versus government by men. Unless the objectives of the occupation are to be abandoned and the Constitution of Japan made ineffective, a calculated risk must be taken by allowing the people a really free election.

4. It may be argued that the Constitutional aspect of the problem could be left to determination by the Japanese Courts. But such procedure would appear proper only if the Constitutional problem is doubtful. In the present case Legal

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CHECK SHEET

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File No.: Subject: Bill concerning the Election for the Public Offices (cont'd)

Note No.:	From:	To:	Date:
1 cont'd	LS	GS	7 December 1949

Section is of the opinion that parts of the bill clearly and obviously violate the Constitutional safeguards and therewith established policies of the occupation.

5. Because of the great importance of the bill, Legal Section would appreciate it if any further action on the bill could be delayed until its more elaborate comment on specific provisions has been made.

A.C.C.

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DIET SEATS GAINED BY POLITICAL PARTIES
IN MILITARY GOVERNMENT REGIONS, DISTRICTS, AND METROPOLITAN AREAS

AREA	SEATS BY PARTY											TOTAL SEATS	PERCENTAGE	
	Dem-Lib	Dem	Soc	Comm	New Farmers	People's Co-op	Social Renov	New Liberal	Labor Farmer	Japan Farmer	Others		Dem-Lib	Comm
Hokkaido	11	2		1	6				1		1	22	50	4.5
Tohoku	42	12	9	1		1	1			1		67	54.5	1.3
Kanto	48	11	4	5		3			2		3	76	63.2	6.6
Tokyo-Kanagawa	18	2	7	10		1			1		1	40	45	25
Shizuoka	9	1	1	1		1					1	14	64.3	7.1
Tokai-Hokuriku	27	10	4	2		2			1		3	49	55.1	4.1
*Kinki	32	9	10	10		2	2	1			1	67	47.7	14.9
Shikoku	14	6	2			2	1					25	56	-
Kyushu	42	11	5	1			1	1			5	66	63.6	1.5
Chugoku	21	4	7	4		2			2			40	52.5	10
TOTAL	264	68	49	35	6	14	5	2	7	1	15	466	56.8	7.5
*-Osaka-Kyoto-Hyogo	23	6	8	8		1	1						48.9	17

HEADQUARTERS EIGHTH ARMY
UNITED STATES ARMY
Military Government Section

REPORT OF SURVEILLANCE

Third National Election
First Popular Review of Supreme Court Judges
(23 January 1949)

Prepared by
Legal and Government Division

17 February 1949

HEADQUARTERS EIGHTH UNITED STATES ARMY
MILITARY GOVERNMENT SECTION

REPORT OF SURVEILLANCE

Third National Election
First Popular Review of Supreme Court Judges

17 February 1949

I. CAUSES OF ELECTION AND JUDGES' REVIEW

As the summer and fall of the year 1948 bore on, speeches of prominent governmental and political figures in national and local circles and continued press editorials and articles throughout Japan demonstrated clearly that the existing Diet was short lived and would be dissolved and that only the date of the new election was in doubt. These few months constituted a period of time in which there was a culmination of many conditions to produce a national election.

1. The Election

Two successive experimentations of coalition cabinets composed of Socialists, Democrats, and People's Cooperatives headed first by KATAYAMA Tetsu, president of the Socialist Party and then by ASHIDA Hitoshi, president of the Democratic Party, had failed seemingly to alleviate or correct the factors bringing on the alleged continued deterioration of the national economy. A series of national scandals involving very important personages in the government and business world finally forced the ASHIDA Cabinet to resign and yield to the opposition. Although because of their relatively clean political and governmental record, the Democratic-Liberal Party formed the essential nucleus of the opposition to become the leading contender to form a cabinet with their own Premier, their number of members fell far short of constituting the required majority in the Diet. Following a cabinet crisis, YOSHIDA Shigeru, president of the Democratic-Liberal Party formed in October 1948, his second cabinet in the Occupation, a one-party "caretaker" government. It was formed to tide the situation over until the Diet passed a sorely needed supplementary budget and a bill of important amendments revising the National Public Service Law in accordance with the recommendations contained in a letter from the Supreme Commander to the Japanese Government. After a series of political maneuvers and clever strategy as to the most practical method of effecting a dissolution of the Diet, a vote of non-confidence against the YOSHIDA Government was passed finally by the House of Representatives 23 December 1948. Following the procedure of the parliamentary system of government which obtains in Japan for the national administration, the Prime Minister immediately dissolved the Lower House Christmas Day and announced on 27 December 1948 that a general election would be held on 23 January 1949.

2. Popular Review of the Judges

Upon the determination and announcement of the official date of the national election and because of the recent fulfillment in the appointment of the justices to the Supreme Court of Japan, the provisions of Article 79 of the Constitution required automatically that the citizens of the nation would perform another function of representative government quite separated from that as voters electing candidates to fill the high offices of the executive and legislative branches of government. The citizens would now be called upon to act as direct examiners of the careers of members of the judiciary. In part, the Article states, "The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of members of the House of Representatives following their appointment, and shall be reviewed again at the first general election of members of the House of Representatives after a lapse of ten (10) years, and in the same manner thereafter."

The judges are appointed by the Cabinet but the right of final decision as to whether they can remain on the bench for a period of service rests with the people. Because of the resignation of one of the judges, SHONO Riichi, there were printed on the special ballot the names of the fourteen justices whose careers were to be reviewed. Important for the future government of Japan is the fact that this examination was the first to take place in its history.

II. ELECTION LAWS AND ORDINANCES

Directly concerned with the mission assigned to the Commanding General, Eighth United States Army, for execution are the following national laws and cabinet orders. These establish and circumscribe the procedures and limitations upon which the national election and the popular review of the judges must be administered and carried out. The following summaries make clear the nature of the functions for all surveillance teams in the field.

1. The Law Concerning Local Autonomy, Law No. 167, as of 17 April 1947 with amendments, and Cabinet Order No. 16 as of 3 May 1947, with amendments, provides in Articles 181 to 190 of the law for the establishment and general functioning of village, town, city and prefectural Election Administration Committees. Other laws empower the committees with additional functions and duties. These 10,608 agencies are the authoritative bodies for the determination of the (a) registration and eligibility of voters as well as of all candidates seeking elective office; (b) the balloting and counting processes, and (c) the official announcement of results. This is the second time during the Occupation that these or similar committees have functioned in national elections.

2. The Law Concerning the National Election Management Commission, Law No. 154 as of 7 December 1947 established a central agency to administer national elections as well as the popular review of the supreme

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2. The Law Concerning the National Election Management Commission, Law No. 154 as of 7 December 1947 established a central agency to administer national elections as well as the popular review of the supreme

court judges, to maintain supervision over local election committees to administer national elections and to collect data on all elections. Although the Commission was placed under the jurisdiction of the Prime Minister, its members operate independently of the executive branch and owe their positions primarily to the decisions made by the political parties represented in the Diet. The 1949 election marked the first time that the National Election Management Commission exercised its new powers in regard to national elections--powers which were formerly the exclusive province of the now defunct Home Ministry.

The mechanics of their administration is summarized briefly to illustrate the nature of the required action. Within each of the 117 electoral districts, balloting for the election and for the popular review of supreme court judges is carried out in numerous polling districts under the direction of superintendents chosen by the local Election Administration Committees and presided over by a Chairman of Election, prefectural election meetings are held in each prefecture for the announcement of official statements and for replies to requests. The last step in local election procedure occurs here. The final returns as sent in from all ballot counting stations are received and tabulated according to election districts. The winning candidates are then announced. Reports of the results and other relevant data are then forwarded to the National Election Management Commission.

3. The Law for Election of Members of House of Representatives, Law No. 47 as of 5 May 1923 and Imperial Ordinance 3 as of 30 January 1926 (both with amendments) have long been the fundamental authorities by which national elections have been conducted in Japan both before the Occupation as well as during it. Substantial modifications through the passage of other laws as given below have altered their full application. Nevertheless, many of the provisions of both the Law and Imperial Ordinance are in force. Among the more important of these which have remained essentially the same, several may be given which have a bearing on the mission:

a. Eligibility to Vote

All Japanese citizens twenty years of age or over who have resided six months or more in their city, town or village are eligible to vote with the exception of incompetents, quasi-incompetents and persons sentenced to penal servitude who have not served out their terms.

b. Eligibility for Candidacy

In general, any Japanese voter of twenty-five years of age or over is entitled to become a candidate for the House of Representatives. Certain exceptions and restrictions exist. Incompetents, quasi-incompetents and persons who have not completed or who have yet to serve prison sentences cannot run for office. Certain categories of public officials

in active service, such as judges, procurators, government auditors, revenue officials, and the police cannot stand for election. In addition, election officials are ineligible for candidacy within the districts in which they serve.

No person can declare his or her candidacy or begin campaigning before the official announcement of the date of election. With certain exceptions, candidates must file their applications not later than ten (10) days prior to the official day of election.

c. Voting Districts and Ballot-Counting Districts

The boundaries of the 117 election districts of Japan in general follow those of a city, town or village. Most of the election districts have within their boundaries several cities, towns and villages although in some of the larger cities, such as Osaka and Kyoto, more than one election district are within their boundaries.

Voting districts within the election district are subject to the boundaries of a city, town or village and usually there is one in number unless the local election administration committee for the city, town or village establishes and announces more than one.

Ballot counting district boundaries are formed similarily to voting districts.

In each voting district there may be several polling places established and located for the convenience of the voters, likewise ballot counting places are established within ballot counting districts usually one for several polling places. Extensive use of schools, tempels and public buildings are made for polling and ballot counting places.

d. The Ballot

The Law for Election of Members of House of Representatives, in conformity with the past laws of Japan, provides for the system of restricted plural voting in national elections. Thus the elector does not vote for the names of candidates for all vacancies to be filled; he is restricted to a number substantially less than the total number to be elected. In Japan today the voter can cast his ballot for only one candidate.

Moreover, the ballot used is the write-in type; the voter personally must write in the name of his single choice of the registered candidates. To inscribe the name of any person other than the registered candidates invalidates his ballot. When the voter, after identification, receives the blank ballot, he must either deposit it in the ballot box or return it; he cannot leave the polling station with it.

e. Campaign Regulations

Campaign periods in Japan normally approximate twenty to twenty-five days. All electioneering must be accomplished within this short interval of time. At sharp variance to most all Western countries' practices are the types and degrees of the many legal restrictions placed upon the candidates. There are bans and rigid prohibitions upon house-to-house canvassing for votes, active solicitation of contributions, misuse of school children, size and number of newspaper advertisements, letters, visiting cards, posters, motor cars or boats and gasoline, mechanical contraptions such as loud speakers, parades, and food and drink for campaigning both before and after the day of election.

In the laws given below for the practices just named, even more drastic limitations exist and specific articles are listed to illustrate them. Moreover, additional prohibitions have been evolved for candidates to obey.

f. Financial Limitations

By the fixing of a low figure for a candidate's total campaign fund, the framers of the law have hoped to equate the financial element of the election campaigning among all candidates. This action would prevent the bank accounts and economic status of the more fortunate individual dominating the political opportunity.

Penalties have been meted out in the past for violations of prohibitions against vote-buying and all forms of bribery.

4. The Law Concerning the Provisional Exception to Election Campaign and Others, being Law 196 promulgated on 29 July 1948, applies only to the election of Members of the House of Representatives. It was enacted for the purposes of extending public management in the administration of fair and legitimate elections and of preventing corruption. Its passage was based on the present economic situation of Japan, a fact which the law so states. While its provisions do not repeal any of those of the basic House of Representatives Election Law, they do supersede those provisions which are in contradiction.

The basic law for the Election of the Members of the House of Representatives does not contain such stringent regulations concerning the actual campaign of a candidate or political party, nor does it provide for extensive public management of elections. This latter new step is illustrated by the degree of governmental control exercised over competitive and private speech meetings, the use of newspaper advertisements, broadcasting, and the limitation on the use of motor cars, boats and loudspeakers.

Speech meetings are divided into three classifications: competitive, private and street. The street speech meetings for a candidate are

unrestricted in number, but it is required that the candidate himself has to be present while any supporters speak in his behalf. The competitive speech meetings and private speech meetings are entirely controlled by the Prefectural Election Administration Committee, which provides and pays for the facilities in which the meeting is held. This Committee regulates (1) the competitive speech meetings by designating the place of the meeting, (2) the number which can be held, (3) the number of speakers at each meeting, (4) the order of speaking and the time allowed for each speaker, and (5) posts such notices as are required by law advertising such a meeting. These notices are limited in number to not more than 20 for each city, town or village, in which such a competitive speech meeting is held. The notices cannot be posted prior to two days before the meeting and can contain only the location of the meeting and the names and political party of the various speakers. At this competitive speech meeting, only the candidate or his delegate can orate.

Private speech meetings are likewise controlled by the Prefectural Election Administration Committee because it designates the time and location of such meetings and limits the number not to exceed 30. The private speech meetings cannot last longer than five hours and anyone supporting the candidate can speak. All other types of speech meetings for the purpose of the campaign are prohibited.

Although the principle of competitive speech meetings is not practiced widely in the United States, a few states have used this method for some time as part of the campaign procedure for candidates and political parties.

Broadcasting by candidates and political parties is likewise under public management. The National Election Management Commission, upon consultation with the Japan Broadcasting Corporation, decides on the times and dates of any broadcasts anywhere in Japan.

Newspaper advertising is restricted so that only one advertisement can be inserted for the exclusive benefit of a candidate and then only in the size and the newspaper designated by the Prefectural Election Administration Committee. All candidates and political parties are required to advertise in the same newspaper and at a designated time. No other advertisement for a single candidate is allowed. If two advertisements are desired, accomplishment can only be made by two candidates joining together in one advertisement which can then be inserted twice. This restriction on newspaper advertising is new to this election.

Articles 19, 20 and 21 of the Provisional Exception Law are especially restrictive in that they provide that no postal cards, handwritten letters, visiting cards or any other writings or pictures shall be distributed for the purpose of campaigning, with the exception of certain few posters which are allowed by the Law, such as posters which might

be attached to one motor car or boat. These severe limitations are applied as it was thought that it would be a drain upon the economic recovery of Japan if a large number of printed materials were used.

In the previous election of 1947, posters were allowed to be used by the various candidates or political parties. The number of postal cards, formerly 10,000 in 1947, was reduced to 1,000 in this election. The wording allowed on those cards was confined solely to matters connected with election business rather than with election campaigning as previously had been allowed.

Likewise to reduce the expenses of the election and so as not to interfere with the economic recovery of Japan, the Law limited the number of motor cars, loudspeakers, boats and sledges to one each at any one time, as against unrestricted use in previous elections.

Food or drink is likewise prohibited for the purpose of election campaign, with the exception of hot water or tea.

Under further provisions of the Law which again are entirely new in Japan, a candidate is required to pay 20,000 yen into the national treasury as his share of the cost of public managment of elections. In return the national treasury bears the following expenses:

a. Expenses for holding competitive speech meetings.

b. Expenses for notification of private speech meetings and expenses concerning facilities.

c. Expenses for broadcasting.

d. Expenses for advertisements and newspapers.

e. Expenses for postal cards.

f. Expenses for the use of transportation.

Campaigns in former elections in Japan have been far less rigid legally. Prohibitions existed against more than one campaign headquarters, establishment of resting places, the use of school children under twenty years of age by certain persons, house-to-house visiting for the solicitation of votes, and some limitation by ordinance upon the use of letters and pictures. The prohibitions established by the Provisional Exception Law practically eliminate all forms of campaigning with the exception of the three types of speech meetings, plus the limited use of newspapers, radio and vehicles.

5. The Law Concerning the Regulation of Political Contributions and Expenditures, being Law No. 194, promulgated on 29 July 1948, aims at the sound development of democratic government by regulating the political activities of political parties, associations and other organizations and candidates for public office, especially in regards to political contributions and expenditures. The Law applies not only to the election for members of the House of Representatives, but also to that for members of the House of Councillors, and to those falling within the scope of the Law Concerning Local Autonomy.

This Law clearly defines a political party, the candidate for public office, income, contribution and payments. It provides for the appointment of persons who shall be responsible for the accounting of political funds and provides for the reporting of political contributions and expenditures to the proper Election Administration Committee. Through detailed reports which are required to be made, desirable evidence can be obtained to determine which individuals or organizations support certain candidates or political parties and likewise for what purpose these candidates or political parties use their funds. These reports also show excessive expenditures by candidates or political parties.

In addition to the reports, the Law restricts contributions for political campaigns for certain types of individuals; for example, contractors who have contracts for work with the local entity in which the election is being held, and, which is more important, from anonymous donors.

This Law takes the place of Article 101 of the Law for the Election of the Members of the House of Representatives. This repealed Article provided for the appointment of a person responsible for the disbursement of election campaign funds as well as some restriction upon donations and disbursements for political purposes. However, it was very lax; no provision was made for the detailed accounting contained in the new Law, which is now generally referred to as Japan's Corrupt Practices Act.

6. The Law Concerning Special Exceptions to Article 12 of the Law for Election of Members, as amended, the final amendment being dated 1 December 1948, applied to this election. This provided for the preparation of supplemental electoral lists subsequent to the 15th of September, the final date of preparation as provided in Article 12 of the basic Law. This provision for preparation of a supplemental electoral list is fixed by the governor of the prefecture and while it may vary in different prefectures, it generally is within a few days of the actual voting day.

7. The Law of the People's Examination of the Supreme Court Judges, Law No. 136 as of 20 November 1947 and Cabinet Order No. 122 as of 26 May 1948 as has been stated above, implements Article 79 of the Constitution. Summarized in essentials, the Law establishes an administrative system to conduct the people's examination or popular review, and penal provisions for infractions of the regulations; i.e., false statements against a judge, intimidation and wrongful use of official position and power.

Functioning in the national government is the People's Examination of Supreme Court Judges Administration Committee composed of ten members elected by the House of Councillors from among its members. It functions as the counterpart of the National Election Management Commission by issuing all necessary instructions in connection with the examination. Under its control and supervision the Prefectural Election Administration Committees administer direction over all the committees of the villages, towns and cities as the proper agencies to conduct the examination. Although in village, town and city levels the ballot counting places for the election of the House of Representatives serve also for the popular review of the judges at the prefectural level, they do not serve the same way in compiling the results. These are supplanted by special Examination Councils which tabulate the statistics and forward the results to the Central Examination Council in Tokyo which, in turn, after final compilation, makes its report to the People's Examination of Supreme Court Judges Administration Committee. From its offices the final results are made public and, if a judge is dismissed, announcement is accomplished through notification to the Prime Minister and in the Official Gazette.

Because of the large number of names of judges more than likely to be voted upon at one time, the Judicial Committee of the House of Representatives realized that a ballot form which required writing in the name of each judge would place an undue burden on the voter and hence be impractical. Therefore, for the first time the use of a printed ballot was advocated and enacted into law. The use of the familiar "X" is only for the case in which the voter (or examiner) desires the judge dismissed; the voter uses the "X" to vote against a judge. The appropriate column opposite the judge's name is left blank by the voter when he desires the judge retained; the voter does not mark the ballot at all to vote for a judge. Moreover, there are no restrictions as to the number for or against whom he can vote as in the fixed condition for all other elections.

Although the judges may not engage in "outright political campaigning," they can "state their case" and defend their careers against accusations by making speeches and issuing statements publicly.

A judge who is dismissed under the Law cannot be reappointed to the Supreme Court until after the elapse of a five year period.

III. PARTY STRENGTH

The strength of the political parties in the Diet is illustrated by the number of seats obtained in the second national election, April 1947, measured against those finally held at the close of the Session upon its dissolution. Political party organizations in Japan is yet fluid as to membership; resignations and switches by members of one party to another and party identification and alignment by independents after election have been common.

COMPOSITION OF THE OLD DIET

	1947 House of Representatives Election	At time of Dissolution 23 January 1949
Democratic-Liberal Party (formerly Liberal Party)	132	152
Socialists	143	111
Democrats	126	90
People's Cooperatives	31	29
Communists	4	4
Japan Farmers	5	7
Labor-Farmer	--	12
Social Renovation	--	20
New Liberals	--	11
Independent Club	--	8
Minor Parties	17	--
Independents	8	3
TOTAL	466	447 (19 vacancies)

IV. ELECTION SURVEILLANCE PROGRAM

1. Preliminaries

In November 1948 the members of the staffs of the Legal and Government Division and the Civil Information Branch, Social Affairs Division, had worked informally in conference with members of Government Section and Civil Information and Education Section, GHQ, SCAP, on the preparation and compilation of a mimeographed booklet of the English translations of all laws and cabinet orders relating to elections and the popular review of judges. Upon completion, copies were distributed to the Legal and Government Officer and the Information Officer of all military government teams in the field. Immediately thereafter Civil Information Branch forwarded copies of a staff study, information plan and material on political parties prepared by CI&E, GHQ, SCAP to the teams for planning purposes. It contained (1) discussion of the organization on five major and four minor parties and (2) objectives for a plan with procedural data, media means on radio, press, exhibits, films, printed materials, libraries and adult and child education.

Because of the developing political crisis. particularly after mid-December 1948, and with a view to making preliminary preparations of an assured national election and the consequent review of judges, the Chief, Military Government Section, Headquarters Eighth United States Army assigned the responsibility of legal and government affairs in the contemplated mission of election surveillance to the Legal and Government Division. He directed also that the Social Affairs Division through its Civil Information Branch would have the responsibility of all informational matters to be developed with the mission.

The Civil Information Branch then prepared and dispatched a political information program for all Military Government Teams. See Tab A. This supplemented and reinforced the CI&E Section's political parties information program, from a local viewpoint and was forwarded to the teams for their implementation. Telephonic communication was used to speed the execution of the plans.

2. Command Letter

The official communication from GHQ, SCAP, to the Commanding General, Eighth United States Army announcing that there would be a national election as well as the people's examination of the judges of the Supreme Court and assigning a mission for complete surveillance, was the command letter, dated 25 December 1948. The specific date on which the election was to be held was to be given as soon as the Japanese announced it officially. The letter has been initiated by Government Section whose responsibility for national political affairs is primary in the General Headquarters.

Differing essentially from those command letters regarding the elections for April 1946 and for April 1947, this letter gave the Commanding General, Eighth United States Army expressed authority to take action as deemed appropriate on serious violations and thereafter promptly report what had been done to Government Section. Hitherto, Headquarters Eighth United States Army had been required merely to report the number and nature of serious illegal acts committed.

The letter explained the purpose of the elections and directed a close surveillance over the administration of all applicable laws during the campaign period, on election and ballot counting days, and until the final results were made public. It requested that Election Administration Committees, chief executives, candidates, and the general public be informed of the Occupation Forces' intention to maintain surveillance over the entire election activities and that they would report to the proper Japanese authorities for corrective action all violations of the election laws, as well as any laxity in their enforcement.

Information media were to be encouraged to publicize the elections and emphasize the need to adhere to the provisions of election laws.

Furthermore, it was requested that complete freedom of political activity during the election period and thereafter be insured by the suspension of all orders requiring advance notice or clearance of political meetings and speeches and the maintenance of an attitude of strict impartiality.

Lastly, informal reports on the development of the election were required to be made at intervals and a final written report with statistical summations within an approximate two weeks interval after election day.

Attached to the command letter was the official copy of the mimeographed booklet of the English translations of the principal laws and cabinet orders which would concern the election and the examination of the judges. Previously copies of the booklet had been transmitted to submordinate commands.

Similar to the other command letters, this one also placed the responsibility for the complete surveillance operation upon military government.

Upon receipt of the command letter 27 December 1948, immediate telephonic communication based in terms of it was made to the Chief, Military Government Section, Headquarters I and IX Corps and to Commanding Officers, Shizuoka, Kanagawa and Tokyo Military Government Teams. On the same day confirming radio messages were dispatched.

Upon receipt of official radio notification from SCAP, on 29 December 1948, this headquarters dispatched additional radio messages to the Commanding Generals, I Corps and IX Corps and the Commanding Officers of Tokyo, Kanagawa and Shizuoka Military Government Teams informing them that 23 January 1949 had been set as the date for the election and review of the judges and that the campaign had commenced officially.

3. Operational Directive

Having been drafted by Military Government Section, Operational Directive Number 1, dated 3 January 1949, was published and copies sent on 3 January to all subordinate commands for action. This Directive confirmed previous telephonic and radio messages and implemented the command letter from SCAP to Eighth Army. Emphasizing the importance of insuring free and unfettered elections in accordance with the will of the people,

it directed Eighth Army units to conduct continuous surveillance on an impartial basis during the election campaign and particularly on election day.

Verbal reports were required to be submitted directly to Eighth Army by the fastest means of communication available in case of serious violations of the election laws. These were also to be confirmed by written reports later.

Two special reports during the election campaign period were required from each military government team covering the initial activities and their developments.

The first of these reports covered the first four days of the campaign ending 30 December 1949, and the second covered the first eighteen days of the campaign ending 13 January 1949, the date by which, barring exceptional circumstances, all candidates were to have been declared.

In addition to instructions contained in SCAP's letter, subordinate commanders were issued warning instructions to provide election surveillance teams from military government teams, augmented greatly by troops from tactical units, upon definite announcement of the election day. An outline of reports to be submitted to Military Government Section, Headquarters Eighth United States Army during the election period was also transmitted. Radio messages similar to those above were dispatched also to Commanding General, Kobe Base, and Commanding General, Yokohama Command for information.

The Directive also called for a final summary on the whole election to be submitted to Headquarters Eighth United States Army not later than 2 February 1949, the report to conform with the "Report Form on Surveillance of Elections" called for in Tab A of the command letter.

4. Orientation

In order that the mission would be coordinated properly in the field and as much guidance and aid given as rapidly as possible, orientational conferences were held in Headquarters Eighth United States Army, Yokohama; I Corps, Kyoto; and IX Corps, Sendai, on 29 December 1948. Although the conferences were called essentially for the Legal and Government Officers and the Information Officers of the two Corps and their respective regional teams, there were in attendance many civilians and officers from nearby prefectural teams. The officer and civilian personnel attending the conference in Yokohama included Kyoto Military Government Region and the Tokyo, Kanagawa and Shizuoka Military Government Teams.

Members of the staff of the Legal and Government Division conducted the briefings and distributed additional copies of the booklet on the translations of the laws and ordinances as well as the checklist of suggestions for pre-voting day surveillance teams. Salient features of the election laws and Law of People's Examination of the Supreme Court Judges were explained in some detail and suggestions provided for many anticipated problems.

It was urged that members of the surveillance teams confer with all members of the Election Administration Committees within their assigned areas, members of police commissions, other prefectural and municipal officials, executives of the political parties when available, the candidates themselves within the team's locality and newspaper reporters.

Request was made that the surveillance teams: (1) maintain lists of candidates, their backgrounds as to associates and party affiliations, (2) attend as many political meetings as possible, and (3) observe all activities in compliance with the laws and report all violations to the proper Japanese authorities for corrective action, and especially the more serious, to the military government teams. Cautioning surveillance teams against unwarranted interference in the election campaign, it also urged that team members obtain the name, rank and organization of any member of the Occupation or person accredited thereto who interfered or participated in the campaign and report such to the nearest Provost Marshal.

Instruction was also given for the teams in observing the general campaign to report to the local military government team at least once every two days, and to give something of the general trend of the campaign, such as the activities of candidates and political parties, number of meetings and type, approximate attendance, decorum of the meetings, complaints and violation of the laws, activities of local officials, extent of local interest and attitude of various groups, and the disposition by Japanese authorities of the matters which had been referred to them.

Because of the special authority exercised by the United States Navy in the city and harbor vicinity of Yokosuka, called the Yokosuka Naval Zone of Responsibility, special conferences were held by members of the Legal and Government Division with the officer in charge of surveillance for the Zone, Captain H. E. Fuller, Jr., United States Marine Corps.

Four teams were assigned at once for the preliminary and interim task prior to election day. These were augmented by additional teams on election day and ballot counting day. All teams were issued an election booklet which contained similar regulations to those mentioned above.

The following excerpts epitomize the desire for and careful administration of the surveillance mission: "Your first day, 20 January

1949, is for orientation and for getting yourselves settled in your area of surveillance. On this day, after having been oriented, you should move to your areas of surveillance and make the acquaintance of as many officials as you can, and where necessary, make arrangements to claim your reservations for lodging. For those who stay in Japanese hotels, it will be necessary to provide your own food.

"On your second day, 21 January 1949, it will be necessary to spend a good bit of time making the acquaintance of all officials with whom you will come in contact during the course of the election, and in familiarizing yourself and your driver with the road nets in your districts. Find routes of entry into all towns which have polling places and arrange for guides within the town.

"On your third day, you should further your acquaintance and in addition, make sure that guides will be furnished to show you to your respective polling places. Those guides will be furnished by village offices. During the course of your travels on this day, interview the man on the street, using the enclosed questionair forms to get the reaction of the voting public. This will necessitate a full day's work and you should strive to contact as many people as possible in all villages and towns so that the fact of Military Government surveillance will be well known.

"On 23 January 1949, the election day, <u>all</u> polling places should be visited."

"On 24 January 1949, <u>all</u> ballot counting places should be visited."

"No Occupation Force personnel are to be allowed to loiter in polling places or in their vicinity."

This orientational work was carried on two steps further. The corps and regional Legal and Government Officers and the Information Officers in turn held conferences in their areas and gave the information which they had obtained from this headquarters to their respective counterparts in the prefectural teams. Moreover, additional printed material was given out in this manner. The second series of conferences had to do with orienting the tactical officer and enlisted personnel who very largely would compose the surveillance teams. In many instances both of these officers conducted joint meetings. The nature of this important work is discussed below.

5. <u>Work of Military Government Teams</u>

The fundamental task of the actual operation of the surveillance mission rested with the forty six prefectural military government teams.

The necessary administration and coordination of them came from their next two higher headquarters, the regions and corps.

This responsibility was divided between (1) adequate orientation of the tactical officer and enlisted personnel who were to be assigned for temporary duty to augment the number of surveillance teams supplied by the military government teams themselves, including the important coordination of logistic support, arrangments for billets, making of maps and assignments of area responsibility; and (2) the manifold duties connected with the surveillance of the Japanese officials, agencies, political parties and candidates and public in general.

Military Government Section, Headquarters Eighth United States Army established the minimum requirements for the type and number of the surveillance teams.

a. Each of these was to be composed of an officer or non-commissioned officer of the first three grades and an interpreter and driver; the latter two could be the same person. Moreover, each team was to be equipped with a motor vehicle.

b. The minimum number of surveillance teams for the whole of Japan was ordered as 117, one for each electoral district and throughout the campaign period including ballot counting days at least one was to remain in the electoral districts.

The decision as to the number of supplementary teams needed for the election and ballot counting days was left to the two corps which assigned these teams in terms of the estimates of the prefectural military government teams. The total number of all teams put in the field by Headquarters, IX Corps was 304 and that for I Corps was 686. In three areas in which the two corps did not supply tactical troops for additional teams the following was provided:

a. In the Yokosuka Naval Zone of Responsibility the United States Marine Corps furnished 6 and the Navy, 2;

b. In the British area of tactical responsibility, the British Commonwealth Occupation Forces furnished 29;

c. In the immediate vicinity of Headquarters Eighth United States Army, the tactical units attached furnished 139. Thus the total number of surveillance teams was 1,166.

The orientation of the members of the surveillance teams and the preparation for their actual operation in the electoral districts and further sub-divided areas of surveillance responsibility, required careful

and patient planning.. Although variations existed among the forty six military government teams as to the preparation and action followed to accomplish this most important objective the following, executed by the Shizuoka Military Government Team, can be considered as typical.

After reporting for duty and other preliminaries, the entire group was thoroughly briefed on the purpose of the mission which included the reasons for the election. Emphasis was placed upon working with Japanese officials, Japanese election laws and types of ballots to be used. The following items illustrate the many additional and necessary details on which proper action was taken by giving out printed material and through verbal instructions. The printed material included:

a. A map for the driver and interpreter and an overlay for the surveillance officer, on which was marked the assigned area to cover, cities, towns and villages together with number of polling places and ballot counting stations.

b. A sheet of instructions

c. Check lists for polling and counting stations

d. Transient hotel service receipts

The verbal instructions covered:

a. Japanese hotel customs

b. Terrain and climatic conditions

c. Jeep trouble service

d. Deportment and impartial action.

The significance of this careful and most necessary work is not to be underestimated. No better illustration can be observed in the use of tactical troops supplementing the military government teams in the execution and performance of the function of military government in either combat or occupational mission than this operation. Indeed it should be stated that this operation for this election both as to execution in mechanics of requirements and spirit of action is one not only of impressive magnitude to the Japanese but also to the Occupation Forces.

Moreover, for the election as a whole, the record of surveillance teams is highly commendable and creditable to the Occupation. A zest for the task and a satisfaction in the effort by the teams are discernable in their results. Over 90% of the 42,900 polling places and

100% of the 11,120 ballot counting stations were visited and checked at least once, a feat which demanded all types of travel and much over difficult terrain. In Nogami-gun in Yamagata Prefecture the surveillance team went in on skis much to the amazement of the voters.

While the work of briefing and orienting the personnel for all the surveillance teams was carried on essentially by the Legal and Government Officer of each military government team, the duties of the mission in working with the Japanese were divided according to their function between the Legal and Government Officer and the Information Officer. While the one was concerned with the laws, regulations and procedures to be followed by officials, candidates and all others involved, the other was concerned with all media of information and matters of publicity.

The specific work of the Civil Information Officer was directed toward a number of goals which were enumerated in the information plan; these were on substance as well as techniques. Emphasis was placed upon (1) getting out an informed vote both as to election of qualified candidates for the Diet and as to the importance of the judges' review, (2) explaining the "reverse" voting procedure on the ballot for the judges' review, (3) tieing the whole campaign to the already developed Political Reorientation Program and the broader Local Autonomy and Civil Liberties campaigns, (4) using the local organizations as media of political information, (5) developing extensive local press and radio coverage and (6) supervising the distribution of the visual material prepared nationally and augmenting this with the vast quantity of locally produced material.

The Information Officer aided the Japanese in securing women's organizations to inform their memberships on campaign issues and of candidates' positions. Many such groups invited candidates to speak before them. Questions were asked by all candidates and each spoke for a period in reply. Better Government Leagues of Citizens' Public Halls sponsored town meetings to give the populace opportunity to participate in forum discussions of issues and to hear candidates or their representatives. Social Education classes in higher schools studied election procedures and held mock elections. In some prefectures the students were as "town criers" to urge all to vote.

The poster and exhibit material emphasizing that free elections produce democratic government were truly vast in quantity and effective in use.

a. Prepared by the League for Political Education, 25,000 sets of posters, 14 exhibits to a set, were divided among the prefectures.

b. Prepared by the same league were 50,000 kabe shimbun or wall posters and 6,150 sets of kami shibai or paper slide shows.

c. Prepared by the National Election Management Commission were six posters of which there were a total of 900,000 copies.

d. 1,000,000 small posters in four different election ideas or 250,000 copies of each were prepared. Moreover the League prepared two booklets entitled The People and the Election and Abstention from Voting Is A Danger; 200,000 copies of each of these were distributed to officials, organizations and libraries.

All the military government teams for some period of time had been expecting a national election. Its actual announcement was not a surprise. Moreover advanced planning and some action had taken place. Thus for example: "Dissolution of the Diet had been anticipated in Hokkaido since the formation of the Yoshida Cabinet. All political parties in the Island expected a general election to be held prior to the year's end. Preliminary preparations were made upon this basis."

Again: "During the first week of December the Ken Election Administration Committee held a conference with the cities' and towns' local election committee concerned with the apparent coming election. Discussion of the 'Election Law' and its admendments. Pamphlets concerning the same were released."

At the beginning of the campaign the Legal and Government Officer had meetings with:

a. The Prefectural Election Administration Committee and its prefectural staff

b. Members of the city, town and village committees

c. Police commissioners and chiefs of municipal and National Rural Police

d. Procurators and judges

e. Candidates and political party executives in the prefecture.

In the earlier meetings with these officials and candidates, they all were informed as to the nature of the action of the Occupation Forces toward the election, that adherance and enforcement of all laws would be demanded and that surveillance would be maintained.

In the later meetings specific issues and problems were entertained and suggestions offered but at all times the Japanese were made aware that the Supreme Commander would permit of nothing other than an impartial, freely conducted and fair election indicative of democratic government.

6. The Allied Council of Japan

On 17 January 1949 a letter from GHQ, SCAP informed the Commanding General, Eighth United States Army that approval had been given to members of the missions of the Allied Council of Japan to travel throughout the nation to observe the national elections and review of Supreme Court Judges. In its request for making the arrangements, it was emphasized that the Eighth United States Army units would not be expected to make such arrangements as would interfere with the schedule of personnel engaged in the election surveillance program or would impose upon them obligations for assistance.

Information was sent on 18 January 1949 to the Military Government Section, Headquarters I Corps and IX Corps and the Legal and Government Officers of the Shizuoka, Kanagawa and Tokyo Military Government Teams so that preparations could be accomplished.

In order to facilitate the observance trips of these members of the missions, the Chief, Legal and Government Division arranged with the Foreign Liaison Division, G-2, GHQ, SCAP for a conference in which they could be given proper orientation. Conferences were given on 20 and 21 January 1949 at GHQ, SCAP. At the first conference members attended from the United Kingdom Liaison Mission representing Australia, England and India, from the Chinese Liaison Mission and from the Union of Soviet Socialist Republics. Representatives from G-2, Headquarters Eighth United States Army, Government Section and Diplomatic Section, GHQ, SCAP also attended. The second conference was arranged especially for additional members of the Union of Soviet Socialist Republics Mission.

The areas visited by the members of the mission were Fukuoka, Shimonoseki, Mihara, Kobe, Osaka, Kyoto, Nagoya, Ito, Tokyo Katsuta, Mito, Funatsu and Sapporo. Officer personnel from the Union of Soviet Socialist Republics Mission were accompanied by officer personnel from Liaison Division G-2, GHQ, SCAP; the civilian personnel were unaccompanied. Proper reception was given by the military government teams.

7. Election Day

Members of all Eighth United States Army military government organizations were on duty Sunday, 23 January 1949.

The staff of the Legal and Government Division were in appointed places: Sendai, Nagoya, Kobe; in Yokohama at the Military Government Section, Headquarters Eighth United States Army, a senior officer of the National Election Management Commission from Tokyo was present with the Division personnel not only for election day but also for three ballot counting days. Moreover a radio message had been sent out to subordinate

commanders on 14 January 1949 (with information copies to United States Fleet Activities, Yokosuka, and Commanding General, FEAF) requesting that all Japanese nationals employed by the Occupation be given an opportunity to vote on election day without reduction in pay or allowances.

V. CANDIDATES

Indicative of the manner in which registration began and the candidates announced themselves is the following: "Public announcement was made by the Nagasaki Ken Election Administration Committee at 0900 hours 27 December 1948, that registry of candidates would be accepted by the Committee. That same day twelve candidates registered and entered into an active campaign from the first district. From the second district five candidates entered into an active campaign. All of the former members of the House of Representatives have announced candidacy."

The total number of candidates reached 1,364, compared with 1,590 for the April 1947 House of Representatives election, a decrease which can be accounted for by the fact that all parties were taking a more realistic view of their chances than before. The Democratic-Liberals, though confident of their predominant strength, did not anticipate gaining a majority and were considerably alarmed at the large number of party members who attempted to run under the party label without official sanction. Leaders were hurridly dispatched from party headquarters to all parts of the country with orders to persuade the weaker candidates to drop out. The Democratic-Liberals finally succeeded in paring their list of candidates to 416, a little less than one-third of the total, although they were forced actually to expel certain recalcitrant members from the party. In the light of their expectations of no more than 220 winners at most, they were still worried at their inability to maintain party discipline sufficiently to reduce the total even further.

As for the Socialists and the Democrats, although pessimism reigned in their camps, due to the tremendous loss in their popularity during the KATAYAMA and ASHIDA administrations, they put up 186 and 212 seats respectively and hoped for 100 winners.

The People's Cooperatives, fourth ranking party in the old Diet had suffered a constant decline in strength ever since their total number of seats dropped from seventy to thirty in April 1947. However, they still ran sixty three candidates, with the hope of capturing at least twenty five seats.

Owing to widespread dissatisfaction over domestic economic conditions, coupled with a favorable international situation, the Communist Party, through its opposition tactics, was riding the crest of a wave of popularity, and although it could not hope for a majority, yet the time was

felt to be propitious to strengthen its position as a minor party. Accordingly, with the aim of maximizing their chances and placing, as evidenced from press reports, at least ten or perhaps twenty members in the Diet, the Communists hit the basic point of the system of restricted plural voting for which the system was partially devised, namely, to assure in any relatively large group, the election of minority representation. The Communist Party capitalized upon this element even further by allowing one candidate and only one to run in each of the electoral districts. The sole exception was Akita, in which it was felt that the party would have a better chance in backing SHIMADA Kenzo, a fellow traveler and candidate of the Labor-Farmer Party.

The Social Renovation Party, which owes its origin to a personal feud between its purged former leader HIRANO Rikizo, a right-wing Socialist who bolted the Socialist Party, backed thirty candidates, many of them former Socialists.

The Labor-Farmer Party is a new party composed of former extreme left-wing Socialists. Headed by Chairman KURODA Hisao, leader of the powerful red-tinged Japan Farmers' Union, the party backed forty five candidates and entertained high hopes of replacing the Communists as the most powerful of the extreme left-wingers in the House of Representatives.

The only other minor party of importance was the Japan Farmers Party whose stronghold is Hokkaido. Although it backed sixteen candidates, just prior to the opening of the election campaign nearly every important official, including several candidates, bolted the party with the exception of Chairman NAKANO Shiro. The seceders formed a new party known as the "New Farmers Party."

The remaining 281 candidates were principally independents, other minor party candidates amounting to only seventy candidates. The latter figure represents a large drop from 1946 and 1947 figures.

Evaluation of Candidates

The Democratic-Liberal Party, which had emerged practically unscathed from the long series of political scandals preceding dissolution of the Diet in December 1948, put in the field almost all previous members of the last Diet, with the exception of former Finance Minister IZUMIYAMA Sanroku.

As for the Democrats and the Socialists, despite their sagging fortunes all former members of the scandal-ridden Socialist--Democrat--People's Cooperative coalition governments stood for re-election. Socialist NAGAE Kazuo, former Agricultural and Forestry Minister, having been expelled from the Party owing to his implication in a textile scandal, ran as an Independent.

VI. ELECTION CAMPAIGN.

General Comments

Although the election campaign seemed at first to move slowly in some prefectures, it started at once in others. In Nagasaki "Immediately after registering, the candidates set up their campaign offices and entered into an active campaign. One of the first actions of candidates was to procure a truck and install a loudspeaker system in the truck. Candidates are presently very actively using these loudspeaker systems."

"Competitive speech meetings have started in both the first and second districts as of 7 January 1949 and are gathering good crowds. In some places at the initial meetings the halls were crowded to full capacity. The interest shown by the audience in competitive speech meetings is intense but the candidates seem to show no interest in these meetings. Candidates seem to concentrate more on street speeches. Unlike the outset of the competitive speech meetings when the candidates enthusiastically expounded their party platforms they now resort to announcing their names only--just to imprint their names in the minds of the people. The Democratic-Liberal Party seems to be increasing their popularity among the people."

In Tottori "The candidates began their campaign activities on 3 January 1949. At this time the eleven candidates, divided into two groups started their dialogue debates in accordance with the schedule set up by the Election Administration Committee. This schedule included both radio broadcasting time and public meetings. The election has gained wide publicity and large crowds, mostly men, have attended the public meetings. A total of 534,900 posters, pamphlets, cartoons and information sheets have been distributed throughout the prefecture."

The Election Administration Committee in each of the local public entities performed the function well throughout the campaign. Its essential work initially is illustrated in Tottori: "The Election Commission has prepared and distributed information relative to forms of ballots, appointment of Election Superintendent, authorized amount of expenses in campaigns, the plan for joint election campaign forums and radio time, final date for acceptance of candidates' career profiles, and final date for acceptance of applicants for candidacy. Acceptance of applications for candidacy was begun on 27 December. Active campaigning has not begun, although a few street speeches are being made. Supplemental registration is in progress and old voter lists are being inspected."

Because of the severe restrictions on campaign activity on which there was wide complaint, the New Year's holidays, and the apparent general lack of interest on the part of the people, the first few days of

the election campaign were dull. The early speech meetings of all types were poorly attended, sometimes only a few people being present; in several instances speech meetings were cancelled. However, after the holidays, election interest began to pick up noticeably and the people began to show more enthusiasm towards the competitive speech meetings arranged by local Election Administration Committees. As in the past, many of the prominent old-line politicians disdained to enter into active campaigning contenting themselves with a few brief appearances and making a few short speeches replete with cliches and vague promises of a more honest, vigorous administration if they and their party were elected. An example of the "kao mise" or "face showing" type of campaing, is that of INOUE Shikio, an Independent, and self-styled richest man in the Kansai District. INOUE, a leather manufacturer from Nara, who is currently on trial for falsification of his inventory of critical materials, virtually boycotted competitive speech meetings. On at least one occasion, he operated a sound truck in a street outside and drew a larger crowd than the meeting did. At one competitive speech meeting, he made the shortest speech on record: "I am INOUE Shikio. I will do my best." With no visible platform, INOUE banked on money and prestige and was generally conceded election. (He was subsequently elected).

In Kochi, Premier YOSHIDA Shigeru did not arrive until 10 January and was scheduled to depart for Tokyo again on 14 January 1949. He and Deputy Premier HAYASHI Joji, who arrived for a one week's campaign, toured the prefecture and attracted large crowds. Despite the unpopularity of their party, former Prime Minister KATAYAMA and former Agricultural and Forestry Minister NOMIZO, both Socialists, were so confident of their own personal chances that they made very few campaign speeches in their respective electoral districts and spent the rest of the time campaigning for other members of the party. Ex-Prime Minister and ex-President of the Democratic Party, ASHIDA Hitoshi, who was recently released from Kosuge Detention House and is currently under indictment for alleged participation in the Showa Denko scandal, ran for re-election from his native prefecture of Kyoto. ASHIDA campaigned with a large casket beside him, explaining that on two occasions he had been in danger of being buried politically. According to ASHIDA, the first occasion was during the war when the militarists attempted to end his political career. The second occasion, he explained, was now when certain high politicians were making a similar effort. ASHIDA, pointing to the casket, exhorted the crowd to come to his rescue, saying that only they stood between him and political death.

The Communists' strategy was to put as many prominent candidates into the field as possible, allowing each individual full play in following his own tactics. HAYASHI Hyakuro, running from the 3rd District in Nagano, campaigned more as an individual than as a member of a political party. He is said to be an excellent speaker with a pleasing personality,

and had been jointly supported in the 1947 election campaign by the Socialists and the Communists. SHIGA Yoshio, a member of the Communist Party's Central Committee and defeated for re-election in 1947, declared his intention to run from the 1st District in Osaka. According to newspaper accounts and other sources SHIGA was reputedly backed by members of the powerful Osaka merchant class who for business reasons believed that to do business with Communist China, Japan, too, must go Communist; they as individuals believed it necessary to play safe, hoping to escape the purge in the event of a future Communist victory.

Old OZAKI Yukio, an Independent, who because of his advanced age of 91 years was unable to campaign actively, was assisted by friends who played phonograph recordings of his speeches.

"As for scandal," reports Shizuoka Military Government Team, "it appears to be helping at least one candidate. A Mr. GOSHIMA, recently convicted in a large blackmarket case and fined 1,000,000 yen, is campaigning as 'One Million Yen Case GOSHIMA.' He is running on the plea that there are too many laws in Japan. He seems to get a good reception at political meetings." (He was elected).

Platforms

All political parties promised the voters an honest, efficient government; even the Democrats and the Socialists vied with each other to disclaim responsibility for the recent political scandals. The parties were in common agreement over the desirability of stabilizing the people's livelihood by checking inflation, increasing the supply of food and consumers goods and importing foreign capital--even the Communists supported the last point, provided it did not result in what they call the "enslavement" of the Japanese race. There was also unanimous agreement over the necessity of revising the tax system with a view to decreasing the tax burden on the people--specifically, the abolition of the Business Transactions Tax was advocated. It was universally agreed that economic controls were too comprehensive and must be lifted to a certain extent, although each political party differed as to degree. All parties agreed on the desirability of an early peace treaty.

Most campaign issues were general, vague in nature, and consisted of catch-words, cliches and empty promises designed more to capitalize on the general dissatisfaction with current economic conditions rather than provide the voter with facts and information.

The Democratic-Liberal Party, as in previous elections, again advocated (1) a minimum of economic controls (2) opposition to any increase in rice collection quotas, (3) rationalization of government and management, and (4) a firm anti-communist stand.

The Democratic Party, whose political philosophy differs in actual practice very little from that of the Democratic-Liberals, nevertheless set itself up as a middle-of-the-road party which believed in a policy of "revised capitalism." If it urged a laxity in economic controls and promotion of free competition in business, it plumped at the same time for abolition of monoplies and a thorough-going system of unemployment insurance, public works projects and the like. It, too, believed in rationalization of government and industry and relaxation of controls on farm products.

The Socialist Party defended its stand for a gradual system of social reform through peaceful parliamentary methods. The Socialists advocated strengthened control over coal mines and called for government management of the electrical, steel and fertilizer industries. In an appeal to the farmers, the Socialists advocated abolition of controls on fresh foodstuffs, revision of the Business Transactions Tax, and exemption from taxes on incentive goods and income earned on over-quota deliveries, as well as favoring the execution of a second Land Reform Program. In the field of labor, they were in favor of establishment of a sliding system of wage controls and opposed the recent revision of the National Public Service Law which they had previously supported as participants in the ASHIDA regime. Throughout the campaign the Socialist Party was continually embarrassed by statements emanating from the Communist Party to the effect that the two parties had formed a common front against the "capitalists." Although the party's central headquarters was forced to deny these statements repeatedly and on the contrary maintained a firm anti-Communist stand, many people continued to be misled by talk of a common front. Some local branches of the party as in Hokkaido, actually concluded working agreements with the Communists, while many former left-wing Socialists deserted the party and went over to the Communists.

The Communist Party stepped up its pre-election campaign activity and carried on a more vigorous campaign than any other party. It promised everything to everybody. It argued for examption of the working class from income taxes and elimination of "oppressively" large rice collections, while on the other hand opposing rationalization of government workers, opposition to large budgets "which may lead to war," and larger staple food rations. To the workers the party promised higher wages; to the consumer, lower prices. And to reinforce party arguments concerning taxes at the same time that it was able to point out reckless expenditures of the people's tax money on entertainment and corrupt loans (Showa Denko case), it was able to trumpet over the practical results obtained by its tax consultation offices which actually succeeded in reducing personal taxes. The Communists posed as the only honest party in Japan and railed against the "Kosuge cabinets," promising to establish a people's government to include all "democratic elements" and exclude "fascists." As usual, the Communists pilloried the bureaucrats, yet favored complete government

ownership of industry. Exploiting recent Communist victories in China, the party subtly played against the people's fears of Russian domination and warned them of the fate in store for all "fascist oppressors" who collaborated with their enemies. A rumor was spread at Nagoya that an invasion of Japan by Russian paratroopers would be expected by mid-summer 1949. At the same time in an obvious slap at the Occupation, the Communists called for strict observance of the Potsdam Declaration, according to the "party line," recent revision of the National Public Service Law and proposed changes in Japanese labor laws are violations of the Potsdam Declaration, and the establishment of complete racial independence. The Communists in Tachikawa city organized their own election surveillance team and kept an eye on the activities of all candidates with the aim of reporting election violations. At speech meetings the Communists employed paid hecklers to interrupt opposing speakers, and in their own speeches they not only engaged in discussions of political issues but also launched into vicious personal attacks against their opponents. Generally speaking, the Communists were better prepared and from the point of view of their numbers, used better tactics than their opponents.

Moreover, and quite significant from a financial stand, was their large sum of contributions as of 31 December 1948. The National Election Management Commission announced the political contributions made to the four major political parties since July and August (when the Political Fund Adjustment Law came into force) to 31 December 1948, to be as follows:

Democrat-Liberals		¥13,171,444
Democrats		2,038,850
Social-Democrats		4,312,501
Communists	)Central Region	26,124,597
	)Kanto Region	1,395,449
	)Kansai Region	878,245

Although when analyzed, their arguments are inconsistent and fallacious, to many Communists and non-Communists alike they appealed because they apparently offered specific solutions to pressing individual economic problems.

The People's Cooperative Party pursued the same vague political objectives as in 1947 when their main platform was based on "humanism." They offered to purify the political circles, stabilize the lives of working classes, especially school teachers, improve the culture of farming villages, protect bereaved families and repatriates, advance religious education, elevate the social status of women and re-establish Japan within the family of nations. Specific issues were their advocation of cooperatives similar to those in Denmark and Sweden and industrialization of agriculture.

The Social Renovation Party, though it had a party platform advocating administrative reform of the government, local autonomy, minimum economic controls, abolition of the Business Transactions Tax, establishment of agricultural cooperatives, and opposition to both capitalism and Communism, was actually little more than a political organization to advance the personal ambitions of the followers of HIRANO Rikizo. The party split away from the Socialist Party shortly after the resignation of HIRANO from the KATAYAMA Cabinet, and has functioned primarily as a bargaining group.

Another party which was formed by a bolt of its members from the Socialist Party is the Labor-Farmer Party, composed of extreme left-wing dissentients headed by KURODA Hisao. In spite of the fact that the Labor-Farmer Party claimed to be just left of the Socialist Party but right of the Communist Party, it faithfully espoused the Communist Party line and even used the same Communist catch-words and slogans. In many prefectures there was evidence of close cooperation between the Labor-Farmers and the Communists, as in Akita prefecture where the Communists withdrew one of their candidates and backed the Labor-Farmer candidate. The party was reputed to enjoy the backing of the powerful Japan Farmers Union, of which KURODA is the president.

Press Coverage

At the commencement of the election campaign, severe restrictions on campaign literature resulted in an inadequate expression of the candidates' views. Since newspaper support of a particular candidate was deemed at first to be an evasion of the election laws the Japanese Government ruled that a liberal view should be taken whenever it appeared that strict interpretation of the election laws would infringe upon constitutional guarantees of freedom of speech. Military Government Information Officers did much to publicize the election for members of the House of Representatives and the People's Review of the Supreme Court Judges. A report from Tochigi Military Government Team gives a typical example of the information program undertaken: "Press conferences were held with representatives of all the daily newspapers. Representatives were urged to devote maximum publicity by giving impartial publicity to the party platforms, profiles of all the candidates, publicity on the election laws, voting procedure, encourage an informed vote, prevent absenteeism and invalid votes, and to disseminate the information on campaign rules. Emphasis was also placed on the importance of review of the Supreme Court Judges and the technique required in marking the review ballots. All of which was accomplished by the press.

"Press Releases and Material for Editorials concerned the following:

a. General announcement of election and rules for candidates.

b. Prevent absenteeism and explanation of review of Supreme Court Judges.

c. How to vote and registered voters.

d. Election campaign rules.

e. Review of Supreme Court Judges.

f. 'Do you Know' election items, which appeared every day in the Shimotsuke Shimbun from 1 January to 23 January 1949."

A report from Nagano Military Government Team contains an interesting account of the use of election material, some of which was effective as anti-Communist propaganda: "Prefectural Election Administration Committee published election items and advertisements eight times in the local papers. They made seven broadcasts and distributed 41,000 placards and handbills. One hundred short news releases were prepared by the Information Section, this team. Themes from the Headquarters Eighth Army Information Plan for the General Election, dated 3 January 1949, and the GHQ, SCAP, Civil Information and Education Section Plan for the General Election were used and proved to be valuable guides in preparing the press releases and assisted in furthering the political consciousness of the Japanese people. An item based on themes 9 and 10 of the GHQ, SCAP CI&E Plan was released to the newspapers on 22 January. During a conference with the vice-governor and the Chief of the Prefectural General Affairs Department, they agreed to prepare copies of this release and distribute them throughout the prefecture. Arrangements were also made to post copies of this release on bulletin boards throughout the prefecture as additional election information and political education material. The officials posted these more efficiently than usual. As a result, on election day, our surveillance teams found them posted on bulletin boards at polling station buildings. Frequently our surveillance teams found another poster on the same bulletin board protesting that the Nagano Prefectural Election Administration Committee was violating the election laws and the constitution in allowing the first poster to be distributed and posted. In the absence of the governor, the above mentioned release had been read by the vice-governor, the Chief of the General Affairs Department, representatives of the procurator's office, and police officials. All were in agreement that the release did not violate either the letter or spirit of any Japanese laws. The protest posters were signed by the Nagano Prefecture Democratic Protection League, a Communist front organization. The prefectural government was immediately notified of the protest poster. The governor's office, Election Administration Committee representatives, police and procurator's representatives immediately held a conference and ruled that no illegal act could be found in posting the original poster. However, they ruled the contents of the

Communist poster illegal and ordered all polling stations to immediately remove the poster. The procurator's office requested the police to furnish names of the persons who posted the protest poster. However, since the poster was posted during hours of darkness, it has been difficult for the police to ascertain the identity of the responsible parties. Inclosed herewith are copies of the release and the Communist poster in both Japanese and English."

Yamaguchi Military Government Team reports that newspapers felt a sense of responsibility in fully publicizing the election, particularly in view of the limited funds available to the prefecture for that purpose. According to the report: "Due to a reduction in the amount of funds this prefecture expected to receive to finance election expenses, newspapers volunteered every possible assistance to the governmental officials in providing space. Prior to election week the press gave continued attention to election information, newstories were run daily during the weeks prior to the election in local newspapers.

"From 20 thru 22 January messages from the election administration committee were run urging the people to vote.

"On 22 January personal messages from the Governor and the head of the prefectural election committee were published on the importance of the election and the necessity of people to vote.

"Speeches given by the Civil Information Officer, Labor Officer and Legal-Government Officer were fully covered by the press."

Radio

Use of the radio as an election campaign medium apparently varied greatly from prefecture to prefecture, although one military government team reports that only fifteen minutes of radio time was used throughout the whole election for campaign purposes. Fukushima Military Government Team states as follows: "The radio stations were outstanding in their coverage of the election. The Fukushima station had ninety seven (97) broadcast covering such things as: registration, screening of candidates, duties of voters, announcements on speeches, life histories of candidates, election expenditures, review of Supreme Court Judges, women and the election, getting out the vote, and other related topics. Twenty-seven (27) of the thirty-six (36) candidates asked for radio time. Of these, twenty-five (25) used their time. Each candidate was allowed two seven (7) minute broadcasts."

Throughout most of the prefectures extensive use was made of the radio, calling attention to the election and urging the people to vote. Personal histories of candidates and information concerning speech meetings to be held were broadcast. Members of the Election Administration

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Committee, prefectural officials and other prominent citizens explained the importance of the coming election sometimes by means of round table discussions.

Other Media

With the cooperation of Allied Air Forces, leaflets were dropped by military planes. According to Kanagawa Military Government Team, approximately 750,000 official leaflets were dropped by military planes in the Yokohama area. Yamaguchi Military Government Team reports as follows: "At the request of the Governor, 250,000 handbills urging people to vote were dropped over all major communities by air. In this matter the utmost cooperation was extended by Headquarters British Commonwealth Air Group at Iwakuni City and Bofu Air Force Base, APO 75, who divided the prefecture."

Other media of communication utilized included the theaters, advertising firms, railway stations, loud speakers and mobile sound trucks.

Number and Types of Election Violations

It was expected that numerous violations would take place, expecially those of a minor nature, arising out of the prohibitions of the Law Concerning the Provisional Exception to Election Campaign and Others, summation of which is given in section II of this report. Many of these restrictions, if disregarded, carried heavy penalties which made the violation a serious offense. The Law was not well known to the general public, a fact which in itself produced an avenue for unintentional illegal acts. Violations of this Law were reported almost instantly with the beginning of the campaign. Examples of these violations were: (1) supporters of a candidate at other than a government-arranged meeting or on the street when the candidate was not present, (2) writing several letters asking for the support of a candidate or political party, (3) sending New Year's cards into the electoral district bearing a candidate's name, (4) newspapers supporting candidates, and (5) erecting or using a poster and other such items which in the western world would be taken for granted as desirable on a large scale.

The interpretation of the provisions of the Law "by parties on the spot" created embarrasing and manifold problems to Japanese authorities and occupation personnel. Many questions were asked by the various military government teams. The rigid provisions invoked much criticism throughout the nation from the candidates and the Japanese people. The candidates were of the opinion that the Law favored former members of the Diet and other prominent men and that new candidates could not adequately acquaint the electorate with their platform. There was also severe criticism from

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students of the Constitution who were of the opinion that the Law was unconstitutional for the reason that it abridged the right of freedom of speech and freedom of the press.

In the middle of this campaign several representatives of the Japanese press finally made direct inquiry of Major Daniel Imboden, Chief of the Press Unit, CI&E Section, GHQ, SCAP, as to whether or not a newspaper could support or oppose a candidate or a political party. On the 14th of January 1949 the latter expressed the opinion that newspapers could engage in partisan support or opposition without restriction. This position was at first violently opposed by representatives of the Japanese Government, especially the National Election Management Commission and the Attorney General. To do so in their opinion would be a violation of articles 19 and 21 of the Law Concerning Provisional Exceptions to Election Campaign. Brigadier-General Courtney Whitney, Chief, Government Section, GHQ, SCAP in a conference with the Japanese officials stated an opinion after some discussion as follows; "Now that is precisely the issue presently involved: a narrow, literal, arbitrary interpretation of the body of law which governs the elections or a broad statesmanlike interpretation which serves the public interest. My advice to you and to every section of the government here represented, in the interest of insuring free election and an untrammelled expression of public will, construe all laws which you are called on to administer in the light of constitutional mandates."

On 18 January 1949, the National Election Management Commission, with approval of the Cabinet, issued the following statement: "Needless to say, it is the true function of the press to report to the public all news freely and impartially. The Constitution guarantees the press freedom to express opinion. This also is the spirit of the Press Code. It is therefore desired that the press at the time of an election especially demonstrate their true function and speedily and actively supply to the voting public fair and just opinions on political parties and candidates. We believe that in the administration of election laws also these principles naturally should be fully respected.

"The foregoing imposes on the press the obligation to perform its functions as a responsible media of public information, at all times giving paramountcy to respect for the interests of the people."

This official announcement was interpreted as allowing the press full freedom to express an opinion for or against a candidate or political party and was far-reaching in its effect.

On 11 January 1949, Akahata, the official organ of the Japan Communist Party with a nationwide circulation, issued a special edition containing the names of all Communist candidates and urged support. The police in various parts of Japan took action immediately and in some localities

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made arrests and confiscated the edition as a violation of the election law. Opinions were even expressed and printed that this might disqualify all Communist candidates, especially if they had knowledge of and sanctioned this edition. The statement of 18 January 1949 curtailed all further action in connection with the Akahata incident.

Previous to that date the Military Government Section, in response to inquiries, had received numerous interpretations of the provisions of this Law from Government Section, GHQ, SCAP. At all times a liberal interpretation was given to its enforcement, allowing full consideration of the "Bill of Rights" as contained in the Constitution of Japan. These interpretations were confirmed by a Government Section statement issued also on 18 January 1949: "The National Election Management Commission, the Attorney General's Office, the National Rural Police, and other agencies of the Japanese Government agree that a too literal interpretation of all provisions of the Law Concerning Provisional Exceptions to Election Campaigns would in some degree violate the basic rights guaranteed by the Constitution. These agencies therefore have instructed all prefectural and local subsidiaries to give full consideration to the Bill of Rights contained in the Constitution in applying all provisions of the law."

The Military Government Section, based upon the two statements of 18 January 1949 and official conferences, instructed military government teams to inform their surveillance teams that for the purpose of their mission no acts which might be considered violations of Articles 14, 15, 16, 17, 18, 19, 20, 21 (as amended), and 24 of the Law Concerning Provisional Exceptions to Election Campaigns, and Article 100 of the Law for the Election of Members of the House of Representatives, would be reported or taken cognizance of and that items number 11, 12, 13, 15, 17 and 19 should be eliminated in the list of possible violations which were noted to be observed in the Suggestions for Pre-Voting Day Surveillance Teams, 29 December 1948, by this Section, see Tab B.

In connection with these instructions, it was made clear that the validity of the Articles of the Law was not suspended and that if the Japanese Government desired to prosecute, it would be regarded solely as a Japanese Government matter; military government teams would not advise for or against prosecution.

These instructions resulted in many military government teams not reporting acts as illegal under these Articles although the Japanese Government continued to enforce them. It is possible that the Supreme Court will have an opportunity to pass on the constitutionality of this Law.

The military government teams thus far have reported a total of 2,783 violations throughout Japan. The military government teams obtained

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their knowledge of violations through extended personal observations, direct complaints from citizens, special reports from the police and the various Election Administration Committees. Team reports were sent directly to this headquarters, major violations being reported by telephone with confirmation by letter, and minor violations by routine election reports.

The great majority of the violations reported were in connection with the Law Concerning Provisional Exceptions to Election Campaigns, such as soliciting votes, improper use of posters, cards and writings, making unauthorized speeches, repeated calling of the names of a candidate and heckling at meetings.

There were a sizeable number of illegalities involving buying of votes, but very few involving coercion, intimidation, interference with the right to vote, violation of purge regulations, riots or police intereference. There were no reports of dishonest tabulation of votes or willful violations on the part of election officials.

In most cases the persons committing the violations were minor supporters of candidates rather than prominent persons or the candidates themselves, although such incidents did occur and it is possible that some elected persons may be disqualified.

Many of the violations were so trivial in nature without real intent to violate the Law that the offenses were corrected on the spot and offenders merely warned; in other cases arrests were made, and the persons are now awaiting trial. As yet no cases have been reported as concluded. Many incidents are still under investigation by the police and the procurators.

Various types of violations by specific localities are as follows:

a. In Hyogo Prefecture some Communists were soliciting names for a petition to recall a city assembly. Inasmuch as their harangues were being conducted at the entrances to the polling places, they were ordered to desist. No further trouble was encountered.

b. In Shimane Prefecture a certain canvasser invited eleven voters to his house for "a drinking party" for the purpose of influencing their votes. The procurator is investigating.

c. In Wakayama Prefecture a purged former public official violated Imperial Ordinance No. 1, Article 15, as follows:

(1) Attended a political meeting and assisted in selecting a candidate;

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(2) Accompanied a candidate on a campaign tour;

(3) Was active in a political rally.

The local procurator forwarded all pertinent papers to the Attorney General's Office in Tokyo and is awaiting advice.

d. In Tokushima Prefecture Governor ABE Goro had been investigated for violation of the election laws, because of an impromptu, unauthorized speech of about two minutes supporting a candidate. This matter was referred to the procurator who, after consultation in the Attorney General's Office in Tokyo, has determined not to prosecute.

e. Also in Tokushima Prefecture is the reported incident that OKADA Seiichi, a People's Cooperative Party member of the House of Representatives and eight others were arrested on the charge of bribery and their case referred properly to the local procurator.

f. In Aomori Prefecture with the intention of conducting a meeting of farmers to protest the proposed rice quota for the year, one person put up posters to advertise the meeting. The local Election Administration Committee considered this a violation of the rule on posters and referred the matter to the Prefectural Election Administration Committee.

No one geographical area in Japan seems thus far to predominate in violations. The urban and rural areas have an approximately equal scatter and dispersion of incidents.

Since it is expected that additional cases will appear, it is very likely that some elected candidates will be disqualified as a result of convictions. At this time the results of court actions are unobtainable as no case has been announced as completed.

Important for the record of Japan is the fact that no violations were reported which could definitely be connected with the balloting in the examination of the Supreme Court Judges.

For an informative though detailed list of violations as reported by the various military government teams, see Tab C.

VII. ELECTION RESULTS

A mild, sunny, spring-like day except in the northern part of Japan, the fact that the election was not held during the farmers' busy season, the use of school children to encourage the citizens to cast a ballot and the many types of competitive prize awards contributed to so large a registered vote.

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Composition of New Diet

When the ballots had been counted the composition to the new Diet was as follows:

Political Party	Seats Obtained
Democratic-Liberal	264
Socialists	49
Democrats	68
People's Cooperatives	14
Communists	35
Social Renovation	5
Labor-Farmer	7
New Liberals	2
Japan Farmers	1
New Farmers	6
Other Parties	3
Independents	12
TOTAL	466

Out of a total of 42,090,916 registered voters, 31,168,625 men and women, or 74.1%, went to the polls on election day. Voters included 16,192,775 men and 14,975,850 women, 80.7% and 68.0% of the total registered vote, respectively. Although the press reported a complete lack of interest in the election on the part of the Japanese people, the turn-out was actually 6.2% better than the 1947 House of Representatives election. Abstention rates were lowest for Shimane (10.1%), followed by Shizuoka (14.8%) and Saga (17.3%). The poorest turn-out were recorded by Tokyo, with an abstention rate of 38.4%, followed by Nagasaki, 36.3%, and Ibaraki, 34.8%. In general, participation in the election was greater in rural areas than in the cities. The Democratic-Liberals polled by far the largest number of votes--43.7% of the total--and won a clear cut majority of 264 seats in the Diet. Spectacular gains were also made by the Communists, who, though polling but 3.7% of the total vote in 1947, garnered 9.7% of the votes in 1949, and captured 35 seats in the House of Representatives compared to 4 in 1947. The gains of the Democratic-Liberals and the Communists were at the expense of the Democrats and the Socialists whose representation in the Diet fell from 90 and 112, to 68 and 49 in 1947 and 1949 respectively. The People's Cooperative Party, which lost ground in the 1947 election, won only 14 seats compared to 30 in the preceding Diet. The number of winning candidates from minor parties were: Social Renovation Party 5; Labor-Farmer Party 7; New Farmers Party 6; New Liberal Party 2; and one for each of the remaining four parties. Indicating a preference for political parties in the House of Representatives, the Japanese people elected but 12 candidates.

Again as to seats in the Diet, the Democratic-Liberal strongholds were in the regions of Kyushu, Kanto, Shikoku, Tokai-Hokuriku and Tohoku with

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63.6%, 63.2%, 56.0%, 55.1% and 54.5%, respectively. The Democrats showed conspicuous strength only in Shikoku. The Socialists were successful primarily in the urban areas, although they were not noticeably strong in any one area. On the other hand, the Communists showed their greatest strength in the Kanto and Kansai areas. In the Tokyo-Kanagawa area alone, they garnered 25% of the total number of seats in the Osaka-Kobe-Kyoto area, 17%. Moderate strength was shown also in Chugoku, where they elected one candidate in each of four prefectures.

As contrasted with the strength of the parties as measured by seats held in the Diet, the popular vote showed a total of 13,381,610 for the Democratic-Liberals, 4,835,534 for the Democrats, 4,129,724 for the Socialists, 2,984,583 for the Communists and 1,042,123 for the People's Cooperatives.

In popular vote, the Democratic-Liberals were strongest in the prefectures of Yamaguchi, Kagoshima and Oita, and weakest in Shimane, Kyoto, Kagawa, Fukuoka and Yamanashi. The Democrats who gained a majority of the votes in Shimane were strong also in Kagawa, Gumma and Aomori, and weakest in Shizuoka, Osaka and Iwate. The Socialists were strongest in Fukuoka, Tokyo, Aichi, Shimane and Kanagawa, and weakest in Miyazaki, Oita, Kochi, Tokushima, Okayama, and Nara.

The Communists were strongest in respective order in Osaka, Tokyo, Nagano, Tottori and Kanagawa, and weakest in Kagoshima, Fukui, Miyagi and Miyazaki. The People's Cooperatives showed moderate strength in Tokushima, Nagano and Hiroshima.

The three top vote-getters in the 1949 House of Representatives election were MORI Kotaro, Democratic-Liberal (87,525), YOSHIDA Shigeru, Democratic-Liberal (81,289), and SHIGA Yoshio, Communist (80,933).

Considering that the latter was defeated for re-election in 1947, the heavy vote for SHIGA, compared to the other members of the Communist triumvirate, NOZAKA and TOKUDA, is surprising. NOZAKA received 61,202 votes and TOKUDA, only 20,711.

TOKUDA, who was imprisoned for many years before and during the war, has been the No. 1 party member since its formation and is at present Secretary-General. NOZAKA, who had operated an indoctrination camp for Japanese prisoners of war at Yenan during the war, did not return to Japan until the beginning of 1946. He opposed the blunt violent tactics advocated by old-line Communists such as TOKUDA and SHIGA and stated that they must make the Party "beloved by the people." While TOKUDA has continued to be outspoken and undiplomatic in his tactics, the suave, oily NOZAKA has quietly built up sizeable support for the Party as well as himself. SHIGA, too, has become less antagonistic in his approach to current problems.

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The youngest candidate to be elected in the new Diet was twenty-nine year old AMANO K[illegible]iyoshi, former secretary to Prime Minister YOSHIDA, and the oldest, OZAKI Yukio, 91, the "grand old man" of Japanese politics who has been elected to every single Diet in Japanese history.

Elected Candidates of the House of Representatives by Age
(Source: National Election Management Commission)

Age Group	Number
25-29	1
30-39	59
40-49	177
50-59	160
60-69	59
70-	10
Total:	466

Elected Candidates of the House of Representatives by Occupations
(Source: National Election Management Commission)

Occupation	Number
Government Official	16
Educator	16
Religionist	5
Commerce	14
Industry Mining	19
Agriculture and Forest	50
Fishing	11
Lawyer & Public Accountant	51
Doctor	5
Writer	29
Company Employee	152
Without Occupation	44
Journalist	5
Others	49
Total:	466

Diet seats gained in Military Government regions are shown in table, see Tab D.

Fewer women were elected in 1949 than in either of the two preceding House of Representatives elections, only twelve appearing among the successful candidates.

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In the Yokosuka Naval Zone of Responsibility 67% of the voters went to the polls. The table gives the contrast between the number of ballots cast by political parties in the election of 1947 and that of 1949.

Contrast of the 1947 and 1949 Elections in Yokosuka City

	April 1947	January 1949	Increase	Decrease
Democratic-Liberal Party	33,302	33,308	6	
Socialist Party	28,912	17,317		11,585
Democratic Party	4,635	14,228	8,593	
People's Cooperative Party	2,027	417		1,610
Communist Party	6,354	14,579	8,225	
Minor Parties	13,132	14,460	2,328	
Independent	4,502	2,510		1,992

Popular Review of Judges

Out of more than 30,000,000 votes cast in the People's Examination of Supreme Court Judges, results showed an average of 95.6% of the electorate as favoring the retention of the fourteen judges. Voters expressed few marked likes or dislikes, percentages varying only .8% for all judges, except Chief Justice MIBUCHI. Most popular with the people appeared to be Justice SAWAMURA who received a confirmation vote of 96.0%. Least popular was Chief Justice MIBUCHI with 94.5%. The judges had agreed among themsleves that for the dignity of the bench they would not enter into speech making, press interviews or "campaigning." The results of the examination indicate that an overwhelming majority of the people approved of these members serving on the highest tribunal and in doing so confirmed the cabinet's choice of their appointments.

Results of People's Examination of Supreme Court Judges
(Source: National Election Management Commission)

	Name of Judge	Votes for Retention	Percentage for Retention	Votes for Dismissal	Percentage for Dismissal
1.	SHIMOYAMA Seiichi	28,678,639	95.2	1,444,983	4.8
2.	OTANI Katsushige	28,762,482	94.5	1,367,242	4.5
3.	SAITO Yusuke	28,762,969	94.5	1,356,242	4.5
4.	IWAMATSU Saburo	28,800,512	95.6	1,327,465	4.4
5.	TSUKASAKI Naoyoshi	28,807,528	95.6	1,318,425	4.4
6.	KURIYAMA Shigeru	28,789,911	95.6	1,339,515	4.4
7.	HASEGAWA Taiichiro	28,798,217	95.6	1,330,531	4.4
8.	INOUE Noboru	28,832,369	95.7	1,295,515	4.3
9.	MIBUCHI Tadahiko	28,462,160	95.9	1,665,270	5.5
10.	KAWAMURA Matasuke	28,889,782	95.9	1,238,262	4.1
11.	MANO Tsuyoshi	28,884,052	95.9	1,243,661	4.1
12.	SHIMA Tamotsu	28,861,062	95.8	1,258,852	4.2
13.	FUJITA Hachiro	28,909,018	96.0	1,215,965	4.0
14.	SAWADA Takejiro	28,917,190	96.4	1,211,957	4.0

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VIII. COMMENTS ON THE CONDUCT OF THE ELECTION AND ELECTION CAMPAIGN

The following are examples of current comments by military government teams. They indicate, among other things, the decided general dissatisfaction with the burdensome restrictions on campaigning which are felt by the voters if not by the law makers:

1. Yokosuka Naval Zone of Responsibility

"During the campaign period there were no major violations of election laws reported or observed, although some degree of activity on the part of the Communist Party members sought to establish numerous violations on the part of other political party representatives. It is known that such action on the part of the Communist Party members represents an avowed tactic and credence was given to their reports accordingly, although in each instance the alleged violations were investigated thoroughly and found to be within the bounds of the law."

"It is recommended that in future elections electoral districts be split into local districts or wards with one vacancy for each ward rather than the present system of several vacancies in each district."

2. Yamaguchi Military Government Team

"The following suggestions received from Japanese officials and made by this team in regard to change of election laws are--

"Restrictions on campaign activity - speeches, use of posters, finances insofar as candidates are concerned - are overly strict.

"Central government appropriations to finance election expenses were inadequate.

"Inasmuch as registration lists are checked on the average once a year it is possible for a person to change his address in the interim and be registered in two places and vote twice."

3. Fukui Military Government Team

"The most significant trend in political thinking by the people in general was the fact that the Democratic-Liberal Party received most of the votes together with the Democratic Party. It is also significant that in an agrarian prefecture such as this the Communist Party made a small showing.

"Democratic-Liberal Party	120,884 votes
"Democratic Party	99,831 votes

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"Social Democratic Party	45,857 votes
"Farmers League Party	26,437 votes
"Farmers New Party	20,991 votes
"Communist Party	9,716 votes"

4. Niigata Military Government Team

"It is considered that the election laws could be improved by:

"1) Eliminating all provisions restricting freedom of speech and press by candidates and people in general;

"2) Eliminating the system of each voter only voting for one (1) candidate, rather than for the number of vacancies;

"3) Using the printed ballots;

"4) And removing from the government and the officials the administrative burden of supervising the speeches and making all of the necessary arrangements therefor."

Moreover some significant political trends in the prefecture were depicted:

"a. The election shows that the trend in Niigata Prefecture is toward the two extremes.

"b. The Democratic-Liberal Party actively supported 9 candidates, of whom 8 were elected. There were 4 other candidates who announced as belonging to the party but were not recognized. These 13 candidates received 49.5% of the total votes cast. The nine recognized candidates received 44% of the ballots cast.

"c. The Democratic Party supported 6 candidates, one of whom was elected.

"d. The Socialist Party sponsored 5 candidates of whom 3 were elected.

"e. There were two Farmer Labor candidates, one of whom was elected. The two candidates received about five percent of the total votes cast.

"f. There were four Communist candidates, one of whom was elected. These candidates received 9% of the total ballots cast. In the April election of 1947, four Communist candidates received 25,718 votes and in this election four candidates received 82,777 votes."

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5. Ehime Military Government Team

"Because of the limitations on private and street speeches the smaller rural communities had no opportunity to see or hear campaign speakers. It is therefore recommended that private speech meetings be unlimited for the benefit of the smaller communities."

6. Hokkaido Military Government District

"Local election officials suggest that they be furnished a simplified copy of all election laws. None of them are lawyers and they are confused with so many references to the Local Autonomy Law, the Laws Relating to the House of Councillors General Election, etc. A special booklet for election officials would be helpful.

"The ballot form used in the Popular Review of Supreme Court Judges should be changed. Either a 'Yes' or 'No' system should be used or the name of the undesirable incumbent be written thereon in the voter's own handwriting. Election surveillance teams commented on the fact that most voters did not know the proper procedure for marking the ballot, although much publicity was given the matter and additional instructions were given at the polls."

7. Kanagawa Military Government Team

"No criticism was voiced regarding the activities of the Occupation Forces. Rather, the Japanese seemed highly impressed by the interest and activity of military personnel used in maintaining surveillance and at the impartial attitude displayed by these surveillance teams.

"Some local Election Administration committees were relatively inactive at the beginning of the campaign. However, as the campaign progressed and because of stress laid on the importance of their duty, they began working. For the most part, the Election Administration committees were well informed and were doing a good job.

"Both candidates and voters complained about the rigid election control laws. Candidates felt that the present restrictions favored the old candidates and that younger candidates could not make themselves known under the present restrictions. Voters stated that they could not make an honest and judicious choice as long as they could not see and hear the candidates, and they requested that less stringent regulations be promulgated so that they could get to know the candidates.

"On 4 January 1949, four surveillance teams were sent into the field to make initial contacts with candidates and officials. These teams operated in assigned areas, submitting daily reports and keeping this headquarters fully informed. On 20 January, thirty additional teams were sent

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out to maintain surveillance and to show Occupation interest in this election. Reports received indicated that Japanese were favorably impressed and that probably this interest of the Occupation Forces did much to stimulate voters to cast their ballots.

"All teams exercising surveillance over the election, as well as Japanese officials and candidates complained about the activities of Communist groups. Reports indicated that many people felt that the Communists were being given an undue advantage in that they were permitted to agitate to attract members to the party in such a way that it did not constitute a violation of election laws. Slogans such as 'Join the Communist Party and we will help you in your struggle against taxes' and 'Join the Communist Party to improve your living conditions' etc. It is felt that since they are soliciting members to their party, such action is actually a violation of election laws. This campaigning is a continuing program, and had increased the Communists in Kanagawa Prefecture from 35,000 in October 1948 to 127,000 during this election. Candidates complained especially about the sale of Akahata, the official organ of the Communist Party, and of other Communist propaganda during meetings held by candidates. The procurator of Yokohama District Court is now investigating the sale of Akahata extras during such meetings. The Minshu Shoko Kai (Democratic Commerce and Industrial Association), a Communist organization which is agitating against taxes, has helped materially in the increase. It is interesting to note that one of the successful candidates, KASUGA Shoji, is an active worker with this organization, often leading marches on tax offices. He is also an adviser of the Labor Farmers Relief Association, which was actively engaged in collecting votes for Communist candidates. Surveillance officers reported that at many polling places Communists demanded that they be permitted to watch the sealing of the ballot boxes after the polls were closed, but that election officials refused permission, stating that they might watch from windows, but they would not be permitted to enter the polls after closing time."

"It seems that the election of representatives to the Diet may be called a protest vote. People were dissatisfied with the incumbents and wanted a change. Only six of thirteen former Diet members from Kanagawa Prefecture were elected. It is felt that the fact that all three Communist candidates were elected is not a true picture of people's feelings. Rather, in view of the many promises made by the Communist candidates, such as reduction of taxes, increased wages, improved working conditions and in view of the well controlled party discipline, it appears that people are willing to try any candidate to get rid of corrupt officials. Some complaints were made regarding the purge directives. Some Japanese people feel that their former leaders, while militaristic and ultra-nationalistic during the war, would conform to democratic ideals and be far better leaders than those who never gained any previous recognition and

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therefore do not come under the purge directive and are now eligible to hold public office.

"Little interest was shown in the popular review of Supreme Court Judges. People generally did not know who the judges were, what they represented, or even in some cases, the meaning of the review. A total of 859,524 votes were cast, of which 20,128 were void."

8. Nagano Military Government Team

"No criticism was voiced in regard to activities of the Occupation Forces.

"The local election administration committees functioned in an effective manner. However, instances were found in this election where chief executives and their officials failed to deliver all pertinent laws and regulations to the committee. Considerable time and effort was expended by this headquarters in outlining the duties and responsibilities of the committees. The committees continue to be too prone to feel subservient to the chief executives and their staffs. Continued publicity and education will be carried on to build more prestige for the election administration committees.

"Many Japanese have expressed the opinion that the election laws could be improved if each candidate were allowed to designate persons to assist in his campaign. The candidate should be held responsible for the acts of his assistants. Under the present law, candidates often encourage their assistants to carry out acts of bribery and other illegal acts. If these illegal acts by assistants are discovered, it is nearly impossible to prosecute the candidate.

"Confusion results from paid political advertisements. It is suggested that all paid political advertisements in newspapers and magazines carry the statement: 'This is a paid political advertisement and the views are those of a political party or candidate and not necessarily the views of this newspaper.'

"Pre-election visits to outlying areas definitely demonstrated that posters, handbills and other election information material often goes no farther than the chief executive's office. The statement by the prefectural government that so many thousand posters are being displayed means nothing. In many cases distribution was not consistent with area and population. Spot checks throughout the prefecture must be made in order to assure proper display and distribution.

"The strict limitation on speeches, posters, and hand bills appeared to be an advantage to the old time candidates and hindered the newcomers.

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"The Korean Democratic Youth League (Communist front) was very active and posted hundreds of huge posters at strategic points throughout the prefecture. These posters, although attacking the South Korean Government, were written in such a vein as to assist the Communist campaign in Japan. More information and facts regarding the true Korean situation were continually requested by the newspapers in order to correctly inform the Japanese people. Release of more facts to Japanese news services would assist in answering the campaign by this organization.

"More facts need to be disseminated regarding true conditions in Japan. The fact that the Occupation Forces are being supplied from America with food, clothing, vehicles, gasoline and other necessary items is often not known to the people of this prefecture.

"The restrictions on dissemination of literature was of great assistance to the Communist party since their own party newspaper was available for their use."

IX EVALUATION OF RESULTS

For the first time since the beginning of the Occupation the Japanese people indicated an awareness, if yet vague, of political parties and what they appeared to stand for--an awareness which had been underestimated prior to the election. Veteran observers of the Japanese political scene had predicted that although the Democratic-Liberals and the Communists would achieve their gains at the expense of the Democratic Party and the Socialist Party, respectively, the vast majority of voters would vote, as they always had, for strong personalities regardless of party affiliations. To seasoned politicians who counted upon a loyal, docile constituency which would follow them personally, despite either their political meanderings in and out of political parties, or their personal integrity or the lack of it, the election was a novel reversal of form. There is much evidence to show also that the old tobatsu or "party bosses" could not hold "their constituency" in line. Even the two parties which stood most to gain from the sagging fortunes of the Democratic Party, Socialist Party and People's Cooperative Party were not prepared for such an unexpected windfall. The Democratic-Liberal Party had hardly dared hope for more than 220 seats, much less a majority, and the Communist Party opined that it would consider as a victory anything over 14. The exceptions as to individuals stand out: ASHIDA and TOMABECHI won despite their beclouded reputations; NISHIO, TAKEDA, NAGAE, the two KATO's, AZUMA, UBUKATA and YAMASHITA Harue lost because of their misdeeds or alleged misdeeds. Furthermore, KATAYAMA, TOMIYOSHI, NOMIZO, HITOTSUMATSU, BANDO, and NARAHASHI were dragged down to defeat owing to their affiliations with unpopular parties. Even the Democratic-Liberal Party did not escape unscathed. The people demonstrated furthermore that they can single out the careers of their representatives of whom they consider undesirable and hold them strictly

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accountable for their actions. As a result of their alleged involvement in political corruption, KITAURA, ONO, and HARA were defeated.

Despite a growing political awareness, the Japanese displayed an unfortunate tendency, not without precedent, to vote for extremes. The people have always throughout their history given evidence of their distaste for the moderate, middle-of-the-road course, and though the KATAYAMA and ASHIDA administrations were hailed as evidence of a general desire for moderation in government, the recent election shows an ominous reversion to extremes in thinking. Although the Democratic-Liberal Party cannot be classed as "reactionaries," yet they represent the far right in Japanese politics today. The leaders are well known for their lack of sympathy with some of the Occupation's policies. Their president, YOSHIDA Shigeru fought hard against transferring sovereignty from the emperor to the people. He attempted only recently to revive the power of the emperor by claiming that he, the emperor, with the consent of the Cabinet, could under Article 7 of the new Constitution dissolve the Diet without the passage of a non-confidence motion, as provided for in Article 69. Again it was the Democratic-Liberal Party more than all the others which opposed many SCAP sponsored economic measures, such as the strict price controls, liquidation of control associations and formation of government corporations to take their place, and the business transactions taxes.

The gains made by the Communist Party, particularly at the expense of the Socialist Party, are the fruits of an increasingly successful campaign of agitation waged against all government parties--past and present--as well as against the Occupation. In an era of economic scarcity, political and social upheavel following in the wake of disastrous war, the Communists lost no time in planting, systematically, seeds of discord. Establishing a legal post-war Communist Party in the midst of a violent swing from militarism, its leaders took advantage of a disillusioned people, receptive to, but bewildered by the many new reforms to set themselves up as the sole disciples of the new order. They have eagerly pounced upon the word "democracy" and twisted it into so many grotesque shapes that to many Japanese it has become synonomous with mob rule and the party line. Even conservative newspapers still refer to the Communists as "progressives." Given a people accustomed to years of regimentation, the Communists have charmed the ranks of the gullible--laborer and intellectual alike--with a barrage of loose theories, catchwords, cliches, and generalities, of which many Japanese are apparently extremely fond.

As has been shown above, the Party capitalized quickly and well upon the mistakes of its enemies, and its well disciplined members pushed its platform aggressively and purposefully. Moreover many favorable conditions existed for its "victory."

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To climax these factors one more "Japanese reason" must be entered upon the record. In this election the Communist Party did not interject the emotional and highly controversial issue of the emperor system. In the two former elections the Party did introduce it and the effects proved baneful. This deliberate omission acted as a positive remover of resistance.

These factors amassed account for the spectacular rise of the Communist Party in three elections to fourth place in the Diet. As a potent force in Japanese politics, it must be brought to time; it can not be ignored. With few exceptions, its members largely determine many labor union activities. It has gained many sympathizers among the intellectuals. Moreover, its hold as it is credited to be, on a percentage of teachers and professors should be alarming to all interested in representative government. This "education" is fast indoctrinating many of the young future leaders and voters of Japan.

Popular Vote vs Number of Seats Obtained

The Democratic-Liberal Party elected 63.5% of the candidates put in the field. Next most successful was the Communist Party with 30.4% because of their strategy of only one candidate to a district. Compared to the Democratic-Liberal Party, however, this was a simpler strategy suited only to a minor party without opportunity of winning more than a minority of the seats.

Urban vs Rural Vote

As forecast, the Democratic-Liberal Party was most popular in the conservative rural areas, such as the regions of Kyushu, Shikoku and Tohoku. They polled their highest proportion of votes in Kyushu, traditionally the most conservative area in Japan, as well as in Yamaguchi, the stronghold of the feudalistic Choshu clan which generally controlled the Army in pre-war Japan.

Considering the large amount of Communist activity in Tohoku Region, Hokkaido District and Nagano Prefecture, it is surprising that only one seat was obtained by the Party.

Traditionally in the cities the leftists showed their greatest strength, polling nearly half the total in the Tokyo-Kanagawa area and better than a third in the Osaka-Kyoto-Kobe area. The Communists alone polled nearly one-fourth of the total votes in these two areas. Moderate leftist strength was evidenced also in the Chugoku Region.

Although most organized pressure groups including labor unions did not endorse particular parties, the results demonstrate that some supported

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the Socialists and the Communists. For example, some of the largest labor unions called upon their members to defeat all previous Diet members who had voted for the revision of the National Public Service Law, or who had by their actions demonstrated "anti-labor" attitudes. Much publicity was given to the role of American labor in defeating the proponents of the Taft-Hartley Act.

The People's Examination of Supreme Court Judges

Voters were poorly informed as to the purpose of the examination or popular review of the Supreme Court Judges, and heavy abstentions were averted only by insuring that each voter was handed the Examination ballot together with the House of Representatives election ballot and advised as to the manner of depositing them in the ballot box at the same time. The efficiency and manner of dispatch in which the officials handled the voters within the polling stations were most creditable.

The surprising uniformity in the confirmation vote for each judge can be accounted for by an instructed vote. It is current knowledge that Akahata, the Communist Party organ, and certain Communist-dominated organizations such as the All-Japan Communication Workers Union, the Liberal Lawyers Association, and the Democracy Defense League instructed their followers to vote against confirmation of the judges. If this was an instructed vote, it amounted to a maximum of 4% of the total vote cast in the judges' review. On the other hand, it is also known that for various reasons many voters who are non-Communist at heart made a protest vote in the election for members of the House of Representatives. This increased the Communist vote by 5.6% to an overall total of 9.6% of the vote cast. It can be assumed that this indicates that the Communist-dominated and instructed vote was actually 4% of the total and that the 5.6% represented the protest vote in the House of Representatives' election.

Election Expenses

It will never be known how much the 1949 general election, plus the People's Review of Supreme Court Judges, cost the Japanese taxpayers because of the probable existence of large unreported contributions. It is nevertheless most probable that the total amount topped ¥1,500,000,000 and may even have been as high as ¥2,000,000,000. The sum of ¥770,000,000 was set aside by the national government for the election campaign, the bulk of which the National Election Management Commission was to have allocated to the prefectures for ballot paper, non-partisan posters and other campaign literature, printing and clerical expenses, and those other costs incurred in holding government-sponsored competitive speech meetings. Inasmuch as this was a national election, the national government should have shouldered the financial burden completely, if not because of this being a national function, then at least because of the impoverished state of local government finances. Local entities have been forced continuously by this type

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of vicious legislation to absorb financial burdens wholly incommensurate with their dwindling budgets. Local governments are provided with a wholly inadequate share of taxes collected locally and therefore should not be required to assume financial obligations which are the responsibility of the national government.

Discussions by members of this headquarters brought out the fact that Osaka, Hyogo, Tokushima, and Kanagawa were allotted only ¥36,000,000, ¥30,000,000, ¥7,000,000 and ¥7,000,000 respectively, although they estimated total expenses to reach ¥54,000,000, ¥75,000,000, ¥10,000,000 and ¥10,000,000, respectively. As of 13 January they had not even received the full amount allotted. Hokkaido Military Government Team reported that actual election expenses were ¥70,000,000 of which only ¥42,500,000 from the National Election Management Commission was earmarked for Hokkaido. Thus it appears that perhaps another ¥400,000,000 to ¥500,000,000 was disbursed by the local governments.

As for the sums expended by individual candidates, there was an official limit fixed by law according to a formula. Each candidate was allowed to spend an amount equivalent to the total number of registered voters in his election district, divided by the total number of seats in the same district and multiplied by one yen. Thus, official expenditure ceilings ranged from approximately ¥50,000 to around ¥150,000 per candidate, apart from party disbursements. However, many news reports stated that candidates would actually have to spend in the neighborhood of ¥1,000,000 each to be successful.

Receipts and disbursements by individual candidates, together with legal limits established for the latter item, may be illustrated by referring to the following figures submitted by Tokyo metropolis:

Electoral District	Name of Successful Candidate	Receipts	Disbursements	Legal Limits on Disbursements
1st	NOSAKA, Senzo (Communist)	¥276,166	¥130,078	¥150,210
2nd	MATSUOKA, Komakichi (Socialist)	62,125	62,125	117,947
3rd	HIROKAWA, Kozen (Democratic-Liberal)	65,000	47,028	110,702
3rd	SUZUKI, Mosaburo (Socialist)	119,750	91,035	110,702
3rd	TOKUDA, Kyuichi (Communist)	157,000	100,725	110,702
5th	ISHIDA, Ichimatsu (People's Cooperative)	60,000	36,309	99,309

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The following are examples of individual campaign expenditures by candidates in Miyagi Prefecture:

Electoral District	Name of Successful Candidate	Disbursements	Legal Limits on Disbursements
1st	SHIBA Saburo (Democrat)	¥35,180	¥97,100
1st	ABE Shunzo (Democratic-Liberal)	24,726	97,100
1st	ASAKI Kozo (Socialist)	27,880	97,100
1st	HONMA Shunichi (Democratic-Liberal)	52,167	97,100
1st	KIKUCHI Sotaro (Constitutional Justice)	27,430	97,100
1st	SUZUKI Zengo (Communist)	4,300	97,100

X. SUMMARY STATEMENT

1. Japanese Administration

The administration of this third national election and this first popular review of the Supreme Court judges under the Occupation, was conducted by the Japanese officials and agencies in exemplary manner. Particular recognition should be given because of the decorum exercised by the members of the local Election Administration Committees and the officials of the polling and ballot counting stations. The execution of the requirements of the laws demonstrated proper knowledge of the functioning of representative government.

In the field of law enforcement, however, the police and procurators were shoved into a virtual sisyphean position because of the results of the restrictive snares contained in the laws. A backlog of cases has resulted, the constitutionality of all of which is most doubtful. The law enforcement officials even though faced with a task which appeared to be most futile, attempted to perform their duties. Proper acknowledgment must be made.

2. The Function of Military Government

Particular attention should be drawn to the execution of the function of military government in accomplishing so grave a responsibility in the mission of Occupation.

Significant results obtained through the coordination of tactical units and military government units in the surveillance provided for elections

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The following are examples of individual campaign expenditures by candidates in Miyagi Prefecture:

Electoral District	Name of Successful Candidate	Disbursements	Legal Limits on Disbursements
1st	SHIBA Saburo (Democrat)	¥35,180	¥97,100
1st	ABE Shunzo (Democratic-Liberal)	24,726	97,100
1st	ASAKI Kozo (Socialist)	27,880	97,100
1st	HOMMA Shunichi (Democratic-Liberal)	52,167	97,100
1st	KIKUCHI Sotaro (Constitutional Justice)	27,430	97,100
1st	SUZUKI Zengo (Communist)	4,300	97,100

X. SUMMARY STATEMENT

1. Japanese Administration

The administration of this third national election and this first popular review of the Supreme Court judges under the Occupation, was conducted by the Japanese officials and agencies in exemplary manner. Particular recognition should be given because of the decorum exercised by the members of the local Election Administration Committees and the officials of the polling and ballot counting stations. The execution of the requirements of the laws demonstrated proper knowledge of the functioning of representative government.

In the field of law enforcement, however, the police and procurators were shoved into a virtual sisyphean position because of the results of the restrictive snares contained in the laws. A backlog of cases has resulted, the constitutionality of all of which is most doubtful. The law enforcement officials even though faced with a task which appeared to be most futile, attempted to perform their duties. Proper acknowledgment must be made.

2. The Function of Military Government

Particular attention should be drawn to the execution of the function of military government in accomplishing so grave a responsibility in the mission of Occupation.

Significant results obtained through the coordination of tactical units and military government units in the surveillance provided for elections

DECLASSIFIED E.O. 11,652 SEC. 3(E) AND 3(D) OR (E) NNDG # 775 012

is two-fold. The first is the effect upon the thinking and reaction of the Japanese populace regarding the interest of the Occupation Forces in their responsibilities as citizens of a democratic government and the consequential desire for protection of their rights and privileges. The appearance alone of members of the Occupation in remote areas in which little or no contact has ever been established with these persons is a healthful and desirable nullification of many stories told these remotely located persons by militarists, priests who had served in the Japanese Army and others as to the attitudes, actions and general objectives of the Occupation. The second is that tactically all the knowledge secured regarding these remote areas such as developing routes and maps, ferreting out billet locations and communication facilities and studying the terrain and other features of their zone of responsibility, can be utilized advantageously in the case of disturbance, disaster or other incidents affecting the policies of the Occupation.

XI. RECOMMENDATION

It is recommended that the Law Concerning the Provisional Exceptions to Election Campaign and Others, Law No. 196, promulgated 29 July 1948, be modified substantially so as to remove the controlling and regimentational effects of governmental operation in the administration of the function of elections. The placement for the direct execution by governmental officials and agencies of such manifold duties carried out normally and currently in Western countries by the people themselves--candidates, political party members and voters--results not only in the re-creation of a dependence upon an autocratic bureaucracy but also in the executive branch of government encroaching, if not circumventing, the judicial branch in the performance of its solemn requirements. The multiplicity of incidents resulting from restrictive provisions of a law such as this, produce wholly impracticable and undesirable conditions: (1) Too painful an amount of conflicting official opinions on the same issue calling for action, and (2) Laxity in the principle of enforcement of laws.

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HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Commanding General
APO 343

AGMGCI 091 (Japan)

3 January 1949

SUBJECT: Transmittal of Information Plan for the January 1949 General Election

TO: See Distribution

1. Transmitted herewith is a suggested information plan for the coming general election. Information activities are outlined in Operational Directive 1, this headquarters, 3 January 1949, subject, National Election, and the attached plan, and should be pointed toward general political reorientation of the populace and engendering a strong desire for and appreciation of representative government.

2. This material is being sent directly to all echelons. Supplementary information and instructions may be issued by corps and regions as desired. The material is non-directive.

BY COMMAND OF LIEUTENANT GENERAL WALKER:

Monroe M. Hiney

MONROE M. HINEY
Major, AGD
Asst Adj Gen

2 Incls:
1. Information plan
2. The Use of Radio in a General Election, CI&E, GHQ, SCAP.

DISTRIBUTION:
CGs I and IX Corps
COs All MG Regions
COs All MG Teams

DECLASSIFIED E.O. 12958 SEC. 3(E) AND 3(D) OR (E) NNDG # 775 012

HEADQUARTERS EIGHTH ARMY
United States Army
APO 343

INFORMATION PLAN
for the
JANUARY 1949 GENERAL ELECTION

References:

Compilation of the Laws Relating to House of Representatives' General Election, January 1949, distributed to all military government echelons, 21 December 1948, and supplement. Particularly, attention is called to the introductory statement.

Compilation of the Laws Relating to Popular Review of Supreme Court Judges, January 1949, distributed with above.

Election material distributed 24 December 1948, containing CI&E, SCAP staff study, CI&E Plan for General Election, and "The Status of Japan's Principal Political Parties."

OD 1 (1949).

General:

The mission of civil information during the election campaign period is particularly set forth in paragraphs 5a. and c. of OD 1 (1949). In addition, OD 57 (1947) assigns the broad responsibility of guiding and assisting at local levels, the implementation of national information programs of GHQ, SCAP.

Suggested means of executing these responsibilities are discussed below:

Rather than handle the election as an isolated campaign, it could be tied to the Political Reorientation program. An underlying theme could be that voting is the civil liberty around which representative government is built. Another theme could be that full knowledge of political parties and backgrounds of the candidates is essential for wise voting.

As an underlying note of the campaign every information outlet could stress the importance of each individual voting according to his own convictions without regard to "suggestions" from political "bosses" and outlawed Tonari-gumi heads.

Much effort in information activities can profitably be made toward educating women and youthful voters in the importance of independent voting, the mechanics of voting and the basic issues before the electorate. This will go far to undercut the pernicious influence of "bosses" and the Tonari-gumi.

Inclosure 1

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Official election education will be carried on by the National Election Management Commission and local Election Administration Committees. To buttress these activities, any non-political group is free to engage in general political education as long as it does not favor any political party or candidate.

Political parties and candidates, however, are restricted in using posters, placards or lanterns and may only display them at campaign headquarters, at meetings where speeches are being made only while the candidate is present, and on one motor car, sound truck or boat per candidate. Each candidate and each political party are permitted to insert one advertisement in one newspaper designated by the local Election Administration Committee. No postal cards, hand-written letters, visiting cards or any other writings or pictures may be distributed for the purpose of election campaigning. A limited number of postal cards may be used for conducting necessary business arrangements. (See Art. 19 of the Law Concerning the Provisional Exceptions to Election Campaigns and Others).

Supervision of the distribution of printed materials from the National Election Management Commission and the League for Democratic Political Education will insure that maximum use is made of it. These materials are now being distributed and recognition copies will be forwarded as they are available. Pre-election surveillance teams could check town and village offices to determine what distribution has been made of these.

Press:

Newspapers and periodicals could be encouraged to give impartial publicity to party platforms and to present profiles of candidates. These could include their voting records if they are incumbents. In addition, the press is encouraged to publicize election laws and voting procedures. Of the 132 daily newspapers in Japan most are independent politically, and by the Japanese "Canons of Journalism" are committed to present political material impartially in news columns, and confine favorable or unfavorable comment on issues and candidates to the editorial columns. Editors may be encouraged to make editorial comments on the evils of the "boss system" and the Tonari-gumi and their deadly influence on representative government.

The press could stress the importance of review of Supreme Court judges and should explain the technique of marking the review ballots. The voting technique is particularly essential since in this phase of the election a blank ballot indicates approval of the judges.

Radio:

Local radio stations may be encouraged to participate in the general election education program, but they should give due consideration to the heavy schedule of candidates' speeches. Spot announcements on voting education and general reminders of the election date and the importance of voting could be broadcast.

Inclosure 2 is a staff study prepared by CI&E, GHQ, SCAP and was used as a basis for recommendations to BCJ on broadcasting matters during the election campaign. It is non-directive.

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Meetings:

To avoid prejudicing the election, use of films or projection equipment under direct or indirect control of military government teams at any meeting being sponsored by a political party or a candidate is undesirable. However, no restriction need be placed on use of films or projectors to be used in meetings sponsored by non-political organizations. Non-political organizations may be encouraged to participate in political education by holding discussions on political topics not directly concerned with political parties or candidates.

Visual Material:

The 16-mm film, "Dawning Tower," which has direct application to democratic elections, was distributed to all military government teams, 24 December 1948. Prints (35-mm) are being distributed for showing in 1,200 commercial picture houses.

Printed Materials:

Non-political printed materials are permissible at any meeting not connected with an election campaign. However, political parties and candidates are restricted by Art. 19 of The Law Concerning the Provisional Exceptions to Election Campaigns and Others, which reads in part: "No postal cards, handwritten letters, visiting cards or any other writings or pictures shall be distributed for the purpose of election campaign."

Schools:

General political education, particularly features of representative government, voting procedures and the importance of well informed voting, may be included in social studies courses in schools. However, all school officials and teachers should be familiar with Art. 96 of The Law For Election of Members of the House of Representatives, which reads: "No persons shall conduct the election campaign by making use of their positions specially related to children, pupils or students of schools under the age of twenty (20)." This does not prohibit non-partisan political education. Mock elections could make clear the procedures of voting.

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HEADQUARTERS EIGHTH ARMY
MILITARY GOVERNMENT SECTION
LEGAL AND GOVERNMENT DIVISION

29 December 1948

SUGGESTIONS FOR PRE-VOTING DAY SURVEILLANCE TEAMS

1. You should familiarize yourself with the pertinent election laws, cabinet orders and ordinances set forth in the pamphlets issued by GHQ, SCAP, entitled "Laws Relating to House of Representatives' General Election , January 1949", "Laws Relating to Popular Review of Supreme Court Judges, January 1949" and the supplements thereto.

2. As promptly as possible confer in person with all local election administration committees, chiefs of all local entities, all public safety commissions, all political parties and all candidates in your election district and inform them as follows:

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

b. Your intention to conduct close and extensive surveillarce of all phases of the election, especially the administration and enforcement of all election laws and other laws and regulations pertinent to the conduct of this election;

c. Your intention to refer to the proper Japanese authorities all violations that you observe and all complaints of violations that you receive;

d. Your determination not to interfere with the election or their administrative responsibility.

3. Maintain a list of all candidates containing his name,age, residence, occupation, political party, address of his headquarters, name of his accountant, campaign manager, if any, and supporting organizations.

4. Maintain a list of all political parties and political organizations containing the name of each, address of its headquarters, name of its head and its treasurer in your district

5. Attend as many competitive speech meetings, private speech meetings and street speech meetings as possible.

6. Observe that all election laws are complied with. Enforced and refer, not correct, to the proper Japarese authorities, (usually the local election administration officials or the local law enforcement authorities, and the local military government team), all violations of election laws and SCAPINS applicable to the election that you may observe or which are reported to you, giving name and address of violators, name and address of complainant and witnesses, if possible, time, place and nature of the violation. Serious violations will be reported immediately to the local Military Government team by the fastest means of communication. A record of all violations and complaints will be kept. The following violations may be noted:

(1) Privileges granted to favored candidates;
(2) Unlawful exclusions from the registration lists;
(3) Police interference with legal campaign activity;
(4) Efforts on the part of either political bosses or political machines to buy votes by monetary bribes or gifts of scarce commodities;

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(5) Excessive campaign expenditures, in cash or kind, or failure to report campaign expenses;
(6) Interference with legitimate election meetings, with access to the polls, or with free and secret voting;
(7) Denial of legitimate candidacy; improper candidacies; evasion of the purge ordinances: failure of responsible officials to make purge questionnaires available for public inspection;
(8) Dishonest tabulation or reporting of results;
(9) Failure of authorities to prosecute violators;
(10) Use of violence, threat of violence or other intimidation;
(11) Campaigning for election on the day of election
(12) Calling repeatedly the names of a party candidate, political party or political organization for the purpose of election campaigns in whatever manner, except when authorized by law;
(13) To act demonstratively by having parades or processions by motor cars, bicycles or otherwise;
(14) Because of their special position, using children, pupils or students of schools under the age of 20;
(15) Improper use of writings and pictures, including New Years and other greeting cards;
(16) Excessive use of motor cars, loud speakers, sledges and boats;
(17) Street speeches in favor of a candidate when the candidate concerned is not present;
(18) Providing food or drink, other than hot water or tea, for campaign purposes;
(19) Speeches other than at competitive or private speech meetings, and street speeches;
(20) Use of motor fuel other than authorized and failure to return unused motor fuel if candidacy is terminated;
(21) Statements concerning allied troop movements which have not been officially released and false or destructive criticism of the Allied Powers;
(22) Collection of funds at meetings without obtaining the name, address and occupation of the contributors as well as the amount and date;
(23) Failure to post the names and political parties of candidates;
(24) National Government officials participating in the election, other than voting or in their official capacity;
(25) Publication of false matter in relation to the judges;

7. Obtain the name, rank and organization of any member of the occupation forces or persons accredited thereto, who interferes or participates in any manner in the election and report the incident immediately to the local Military Government team and, if necessary, to the nearest Provost Marshal.

8. All personnel of each surveillance team must be unbiases and impartial. This is a Japanese election. The following must be especially guarded against:

(1) Acceptance or giving of gifts, food or drink from or to any candidate, political party or political organization or person affiliated therewith or election administration officials.

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(2) Expression of opinion either for or against any candidate, political party or political organization;
(3) Appearance at some political meetings and campaign headquarters in preference to others;
(4) Participation in any manner in the election;
(5) Participation in political meetings such as making speeches, appearing on the stage, excessive or unnecessary appearances with candidates or persons closely connected with the campaign;
(6) Transporting a candidate, or persons closely connected with the campaign, in government or private vehicles;
(7) Social visits with candidate or persons closely affiliated with him and election administration officials;

(8) Criticism of the election laws and the administration thereof.

9. Observe the general campaign and report to the local military government team at least once every two days giving the general trend of the campaign, including activities of candidates and political parties, number of meetings and type, approximate attendance, decorum of the meetings, complaints and violation of laws, activities of local officials, extent of local interest and attitude of various groups such as labor, business, professional, Communist and Koreans, disposition by Japanese authorities of matters referred to them, and such other information as the team may desire.

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PREFECTURE	Riots	Improper Disqual of Voters	Violations of Purge	Others	Pre-elect Campaign Violations Prior to 27 Dec	Speech Notice Violations	Documents Printing	Coercion	Soliciting for votes	Interference with free & secret voting
Aichi			2				1		14	
Akita			2	70				1	7	
Aomori							15			
Chiba			2		21	9	287		42	
Ehime				37					15	
Fukui									4	
Fukuoka				8		6	6		28	
Fukushima			1			6	25		6	
Gifu		1						1	1	
Gumma	1			19					13	
Hiroshima	1			45					12	
Hokkaido				9	14	33	117	6	44	
Hyogo									10	
Ibaraki									9	
Ishikawa										
Iwate					5	7	10			1
Kagawa				11	3	1	26		14	
Kagoshima				56					23	
Kanagawa				17		1	76		65	
Kochi				15						
Kumamoto				31					15	
Kyoto										
Mie				5						
Miyagi									84	
Miyazaki										
Nagano				47						
Nagasaki				5	4	4	8		1	4
Nara					2				3	
Niigata			1	6					12	
Oita				34					5	
Okayama			2	24					40	1
Osaka				3		2	3		1	4
Saga									27	
Saitama			2	41					5	
Shiga				19						
Shimane			1			1	10			
Shizuoka									30	
Tochigi				2					11	
Tokushima									2	
Tokyo				529						
Tottori					3		2			
Toyama			3	1	1		3		21	
Wakayama			2						4	
Yamagata				3			16		14	
Yamaguchi			1	34		1	31		1	
Yamanashi				2						
TOTAL	2	1	19	544	53	71	636	8	583	10

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PECTURE	Interference with access to polls	Buying votes	Excessive Expenditure	Police Interference	Repeated Calling of name	Supplying Food & Entertainment	Interference with meeting	Excessive Noise	Donations	
Aichi							1			
Akita		6					1			
Aomori										
Chiba		20				21	5	2	3	
Ehime		2								
Fukui										
Fukuoka		22								
Fukushima		4				1				
Gifu										
Gumma		3								
Hiroshima		2								
Hokkaido		4			27	2	8			
Hyogo	9		1							
Ibaraki										
Ishikawa										
Iwate		12							5	
Kagawa		2					2			
Kagoshima		15		2						
Kanagawa		2			6	3				
Kochi										
Kumamoto			11							
Kyoto										
Mie										
Miyagi										
Miyazaki										
Nagano		52								
Nagasaki		1			2					
Nara		1								
Niigata		1	1							
Oita		2								
Okayama		5								
Osaka							12			
Saga										
Saitama		3								
Shiga		2								
Shimane						1				
Shizuoka		3								
Tochigi										
Tokushima		1								
Tokyo										
Tottori		1								
Toyama					2	7				
Wakayama		4	2							
Yamagata		16	3							
Yamaguchi		1								
Yamanashi										
TOTAL	9	187	18	2	37	35	29	2	8	