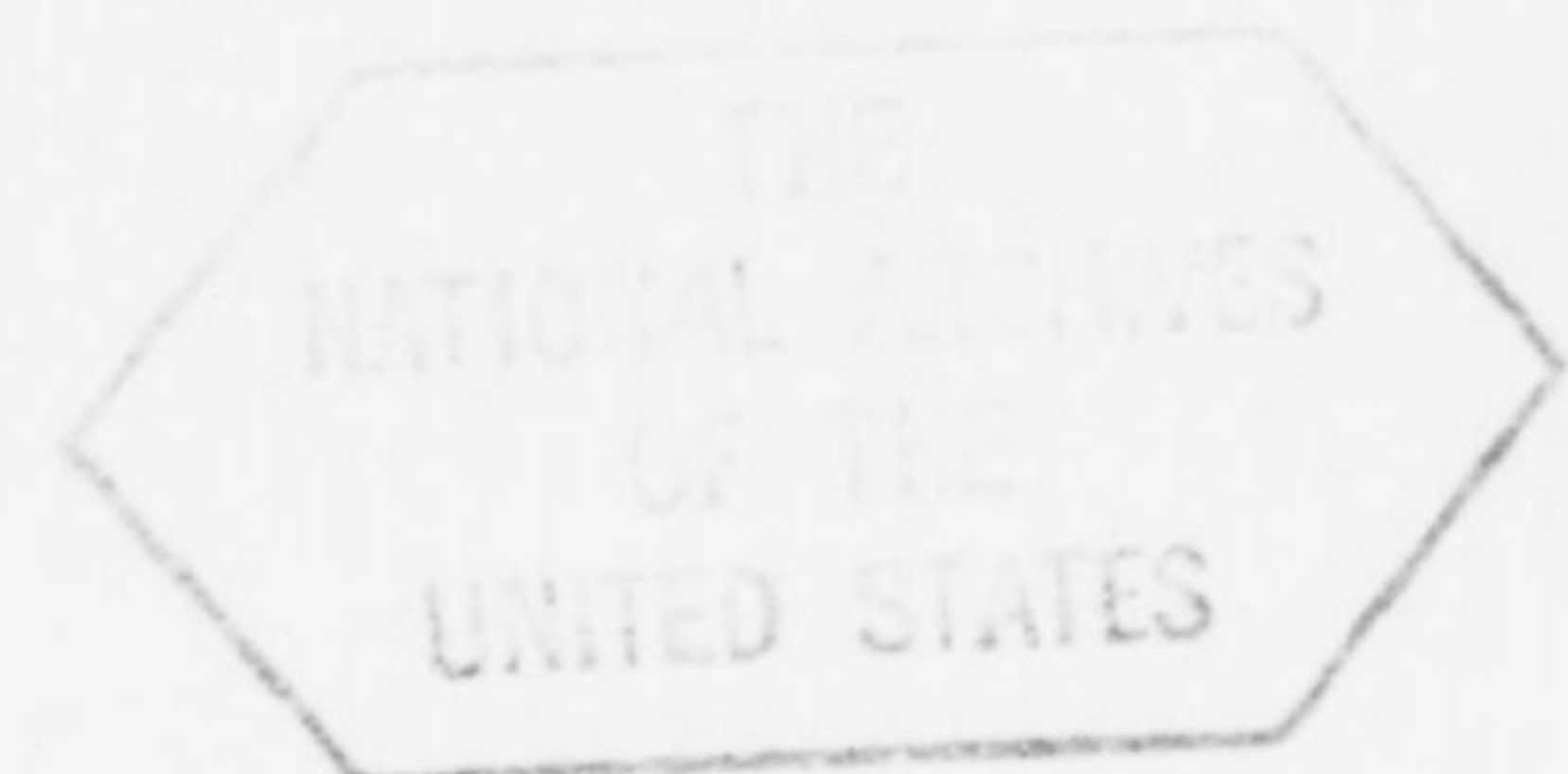


GHQ/SCAP Records(RG 331)
Description of contents



- (1) Box no. 2205
- (2) Folder title/number: (2)
Agriculture & Forestry Ministry - 6th National Diet
- (3) Date: Oct. 1949, Nov. 1949

(4) Subject :

Classification	Type of record
610	m

- (5) Item description and comment :
Includes Contents List

(6) Reproduction : Yes No

(7) Film no. _____ Sheet no. _____

Title	Comment
1. Amendments to Compensation Against Agricultural Loss Law	LS (Goodman) No obj ESS (Larsen) No obj NR (Cooper) No obj
2. Amendment to Central Cooperative Bank for Agriculture and Forestry Law	ESS (Henry) Obj NR (Barnett) Obj LS (Smith) No obj
3. Amendment to Fertilizer Distribution Kodan Ordinance	ESS (Jeffers) No obj
4. Amendments to Food Maintenance Temporary Measures Law	GS/CS (Hoover) No obj NR (Hardie) No obj ESS (Smith) No obj LS (Appleton) No obj
5. Fisheries Law	NR (Yoe) No obj ESS (Reed) Comment LS (Steiner) Obj GS/CS (Hoover) Obj
6. Amendment to Oilstuff Distribution Kodan Law	ESS (Jeffers) No obj
7. Enforcement Bill of Fisheries Law	ESS NR (Yoe) No obj LS (Steiner) Obj GS/CS (Hoover) No obj
8. Amendment to Law for Prevention of Infectious Diseases of Domestic Animals	PHW (Beechwood) No obj ESS () No obj

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: **IS/LAJ**

Date: **22 November 1949**

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by **the Ministry of Agriculture & Forestry.**

2. Your prompt comment is requested.

1 Incl

**Partial Amendments to Com-
pensation Against Agricultural
Loss Law**

C. W.

P & P DIV

①

11/22

Subject: Partial Amendments to Compensation
Against Agricultural Loss Law.

(A+F)

From: LS

To: GS

F.C. Goodman-2635-269

Date: 20 December 1949

2.

No legal objection is made to subject bill. The amendments are technical in nature and of primary concern to NRS.

1 Incl. w/d

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

Rec'd GS 12/23/49

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec To: **ESS**

Date: **22 November 1949**

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by **the Ministry of Agriculture & Forestry.**

2. Your prompt comment is requested.

1 Incl
Partial Amendments to Com-
pensation Against Agricultural
Loss Law

C. W.

File: **010(22 Nov 49)ESS/JF**

From: **ESS**

To: **Govt Sec**

W.F.M.
WFM/JRA/ESS/BL/emb
Mr. Larsen, 57- 8306
Date: **25 November 1949**

The attached draft bill, Partial Amendments to Compensation Against Agricultural Loss Law, is approved as submitted.

1 Incl:
n/c

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

Rec'd CS 12/17/49

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No.

From: Govt Sec To: NRS

Date: 22 November 1949

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Agriculture & Forestry.

2. Your prompt comment is requested.

1 Incl

Partial Amendments to Com-
pensation Against Agricultural
Loss Law

C. W.

Mr J. L. Cooper 26-5503
HGS/MBW/JLC/ts
Date

From: NR

To: GS

2

NR has no objection to subject draft legislation.

28 NOV 1949

1 Incl

w/d

H.G.S.

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL. 57-6010)

November 21, 1949

1. FOM Number: 61
2. Name of Bill: The Law for Partial Amendments to the Compensation Against Agricultural Loss Law (Draft)

3. Competent Ministry: Ministry of Agriculture and Forestry

4. Date of Cabinet Approval: November 18, 1949

5. SCAP Section concerned:
NR/A S. Takahashi ESS/Finance Div. B. N. Larsen

6. Remarks: (Reference:)

..... See attached paper.
.....
.....
.....
.....
.....

7. G.S Reviewers:

CSX: NRS
ESS

Received by GS

Date 11/21/49

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No. From: Govt Sec To: ESS Date: 19 October 1949

1.
 1. Immediate introduction of the attached draft bill in the Diet is proposed by Agriculture & Forestry Ministry.
 2. Your prompt comment is requested.

1 Incl:
Law for Partial Amendment to Central
Cooperative Bank for Agriculture &
Forestry Law

C. W.

P & P DIV

(2)

C O P Y

Mr. Henry-57-8595
WFM/JRA/JCS/WNR/HJR/JJH/eb
Date: 4 Nov 49

From: ESS/JF To: Govt Sec

1. Proposed legislation if enacted into law would greatly increase the legal borrowing capacity of the Central Cooperative Bank for Agriculture and Forestry.

2. While this Section is cognizant of the general demand for increased lending facilities generating from agricultural, forestry and fishing circles, it is recognized that such needs cannot prudently be met by this bank, notwithstanding the proposed legislation, owing to its present unsatisfactory condition regarding solvency. "Supplemental Report of the Central Cooperative Bank of Agriculture and Forestry" submitted as of 30 September 1949, discloses a sum of ¥1,473,891,320.46 outstanding in Loans Past Due, Loans with Interest in arrears exceeding three months, and other doubtful loans, which means a possible 100% impairment of the bank's Capital and Reserve Accounts amounting to ¥427,348,359.15 plus indicated inability to liquidate its present liabilities approximating ¥53,000,000,000 by about ¥1,000,000,000.

3. It should also be noted that present borrowings by the CCB for A & F amount to approximately ¥20,000,000,000 predicated upon capital funds of ¥427,348,359.15. This in itself is a gravely inflated and unwarranted borrowing position measured by standards of sound banking, and it must be realized that the principal lender to the CCB for A & F, namely the Bank of Japan, is holding ¥24,000,000,000 of the best assets of the CCB for A & F as collateral security to its loan of ¥17,000,000,000.

4. The only realistic approach to the problem of how to meet the demand for loans stemming from agricultural, forestry and fishing industries is to financially rehabilitate the CCB for A & F before increasing its legal borrowing power.

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

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No. From: Govt Sec To: NRS Date: 19 October 1949

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl:

Law for Partial Amendment to Central
Cooperative Bank for Agriculture &
Forestry Law



Lt Col N. P. Barnett, 26-6810

HGS/MWR/NFB/my

Date: 1 NOV 1949

From: NR To: GS

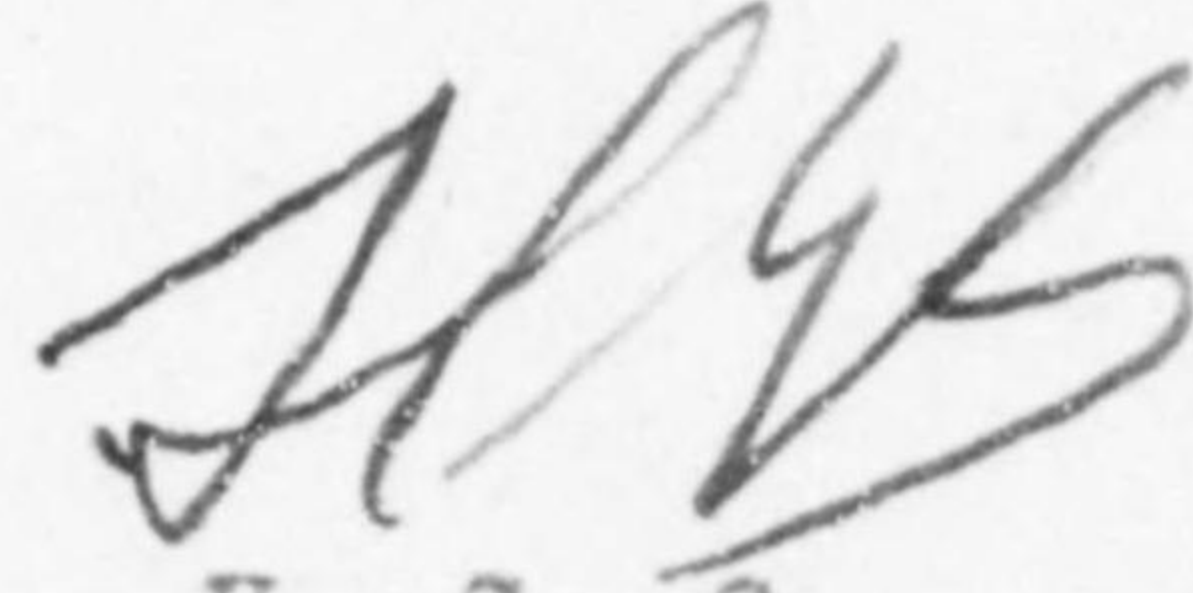
2 1. NR recommends that the proposed bill for amendment of the Central Cooperative Bank for Agriculture and Forestry Law be modified to provide:

a. Proper safeguards against the use of cooperative funds for financing of unsound business ventures.

b. Adequate government participation, either in the form of capital subscription, support of debentures or guarantee of loans.

1 Incl:

n/c



-H. G. S.-

Rec'd GS 11/2/49

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No. From: Govt Sec To: LS/LAJ Date: 19 October 1949

1.
 1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.
 2. Your prompt comment is requested.

1 Incl:
Law for Partial Amendment to Central
Cooperative Bank for Agriculture &
Forestry Law

C. W.

P & P DIV

From: LS

To: GS

C.J. Smith-2635-269

Date: 28 October 1949

2.
 1. Subject bill is of a purely fiscal nature, and this Section makes no legal objections thereto.

Encl: 1 W/D

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

*Rec'd 10/31/49
GS.*

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL. 57-6010)

October 18, 1949

1. FOM Number: 26
2. Name of Bill: Bill for Partial Amendment to the Central
Co-operative Bank for Agriculture and Forestry
Law.
3. Competent Ministry: Agriculture and Forestry Ministry
4. Date of Cabinet Approval: October 12, 1949
5. SCAP Section concerned:
Money and Banking , E.S.S.

Mr. J.J. Henry
6. Remarks: (Reference:)
Reference is attached herewith.
.....
.....
.....
.....
.....
7. G.S Reviewers:

CS & : ESS
NRS
LS/LVS

Received by GS
Date 10/18/49

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No.

From: Govt Sec To: ESS

Date: 1 December 1949

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl

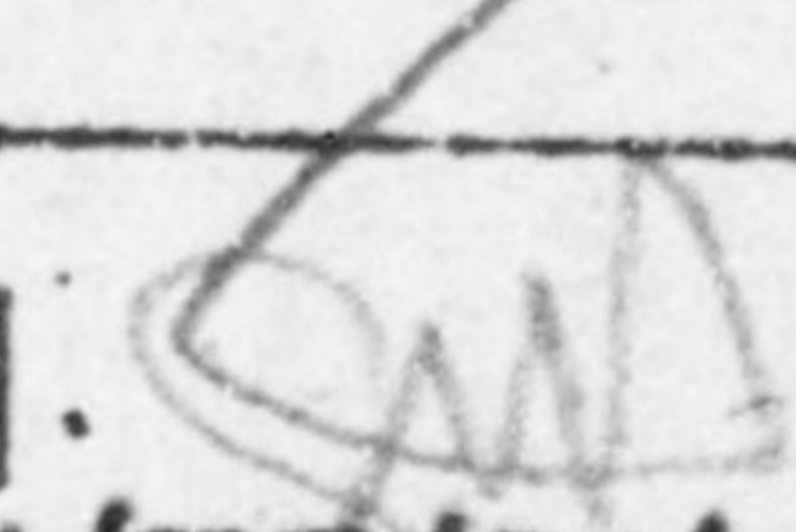
Partial Amendment to
Fertiliser Distribution
Kodan Ordinance

C. W.

010(1 Dec 49)ESS/JF

From: ESS

To: Govt Sec

RA. 
WFM/JRA/HR/LJ/nn
Mr. Jeffers, 57-8564
Date: 2 December 1949

2.

No objection is made to introduction in the Diet of the Partial Amendment to Fertiliser Distribution Kodan Ordinance as proposed by the Agriculture and Forestry Ministry.

1 Incl
n/c

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

Rec'd GS 12/8/49

(3)

Bill

to be submitted for CS approval
Legislative Affairs Section, FOM
(TEL.57-6010)

Dec. 1
~~November 30~~, 1949

1. FOM Number: 70
2. Name of Bill: Law for Partial Amendment to the Fertilizer Distribution Kodan (Public Corporation) Ordinance (Draft)
3. Competent Ministry: Ministry of Agriculture and Forestry
4. Date of Cabinet Approval: November 30, 1949
5. SCAP Section concerned:
Mr. H. Jeffers Public Finance Branch Japanese Finance Division E.S.S.
6. Remarks: (Reference:)
The Fertilizer Distribution Kodan (Public Corporation) Ordinance.....
Imperial Ordinance No. 171 April 30, 1947 (Official Gazette No. Extra).
Amended on: Dec. 19, 1947 Law No. 213 (Official Gazette No. 516).
March 31, 1948 Law No. 16 (Official Gazette No. Extra).
July 7, 1948 Law No. 110 (Official Gazette No. 679)
July 13, 1948 Law No. 157 (Official Gazette No. 684)
March 30, 1949 Law No. 3 (Official Gazette Extra 26)
7. G.S Reviewers: May 31, 1949 Law No. 171 (Official Gazette Extra 62)

Received by _____

Date _____

CIVIL SERVICE DIVISION
Government Section

aw

April 20, 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : The Law Concerning A Partial Amendment To The
Foodstuffs Maintenance (Security) Temporary
Measures Law (Draft)

No objection is made by the Civil Service Division to the bill
named above.

Blaine Hoover
BLAINE HOOVER
Chief, Civil Service Division

GP: BH: rj

④

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Maj. Harris

Note No. From: Govt Sec To: NRS Date: 7 April 1949

26-6076

- 1.
1. Immediate introduction of the attached draft bill in the Diet is proposed by Agriculture & Forestry Ministry.
 2. Your prompt comment is requested.

1 Incl:
Partial Amendments to Food
Maintenance Temporary Measures
Law

2 From: NR To: GS

[Signature]
C. W.
Mr R S Hardie -26-5503
HGS/WHL/RSH/deg
Date: 11 APR 1949

Proposed Partial Amendments to Food Maintenance
Temporary Measures Law are favorably considered by NR.

1 Incl
w/d

[Signature]
-H.G.S.-

sent file

Rec'd GS 4/11/49

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Maj. Harris
26-6076

Note No. From: Govt Sec To: **ESS** Date: **7 April 1949**

1.
 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Agriculture & Forestry Ministry.**
 2. Your prompt comment is requested.

1 Incl:
**Partial Amendments to Food
Maintenance Temporary Measures
Law**

C. W.

P & P DIV.

Food Maintenance Temporary
Measure Law

H. P. Smith, 57-8387

W.P.
W.P./PLW/H.P.S./eb

2. From: ESS To: Govt Sec Date: 11 April 1949

This law, which provides for the amendment of collection
quotas, is primarily of interest to ESS and ESS has no objections
to its submission to the Diet.

1 Incl
n/c

-----W.P.M.-----

Recd GS 4/12/49

(10)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Note No.	From: Govt Sec	To: IS	Date: 7 April 1949
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by Agriculture & Forestry Ministry.</p> <p>2. Your prompt comment is requested.</p>		
	<p>1 Incl: Partial Amendments to Food Maintenance Temporary Measures Law</p>		
			C. W.

Mr. Harris
26-6076

P & P DIV.

Partial Amendments to Food Maintenance Temporary Measures Law

From: LS

To: GS

R.B. APPLETON-2635-582

Date: 19 April 1949

2.

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

2. No opinion is expressed concerning the policy behind the bill, which changes the methods of execution of the agricultural program in places where local agricultural adjustment commissions are established and makes certain other partial amendments of the Food-stuffs Maintenance Temporary Measures Law (Law No. 182 of 1948).

3. The following obvious errors are noted in the English translation:

a. In line 5 of proposed paragraph 5 of Art. 4 the word "within" should be changed to "without".

b. In line 3 of proposed paragraph 7 of Art. 4 the phrase "the desires" should be changed to "who desires".

c. The first word of paragraph 2 of proposed Art. 8 should be changed from "To" to "In"; and the same change should be made in paragraph 4 of the same proposed Article.

d. In the proposed amendment to Art. ~~4~~⁸ par. 1 the phrase "folling of obstructive bamboos and trees" should be changed to "felling of....".

Incl: n/c

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

*Correction made
Mr. Nishida C.L.C.
4/20
B*

GOVERNMENT SECTION
Buck Slip

7 Apr 1948

From: P & P DIV.	
No:	INITIAL DATE
<input type="checkbox"/> CHIEF.....	
<input checked="" type="checkbox"/> EX OFF.....	<i>W</i> <i>7</i>
<input type="checkbox"/> Deputy Chief.....	
<input type="checkbox"/> Maj Rizzo.....	
<input type="checkbox"/> Chief Adm Div.....	
<input type="checkbox"/> Statistics & Review Br.	
<input type="checkbox"/> Civil Service Div.....	
<input type="checkbox"/> Parl & Pol Div.....	
<input type="checkbox"/> Public Adm Div.....	
<input type="checkbox"/> Public Aff Div.....	
<input type="checkbox"/> File.....	
<input type="checkbox"/> Chief Clerk.....	
<input type="checkbox"/> Personnel Clerk.....	

FOR:

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

CS: LS
NRS
ESS
GS/CSD

DRAFT OF LAW

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

- Apr. 7, 1949

1. CLCO Number: 70
2. Name of Law: Bill concerning Partial Amendments to the Food Maintenance Temporary Measures Law.
3. Competent Ministry: Agriculture and Forestry Ministry
4. Date of Cabinet Approval: 5/Apr.
5. SCAP Section concerned: N.R.S. Agriculture Div
Mr. Boulware
E.S.S. Price and Distribution Div.
Mr. Dolgin
6. Remarks: (Reference:)
Staple Food Maintenance Temporary Measures Law.
.....
..... (Law No. 182, 1948)
7. G.S. Reviewers: *Recd GS 4/7/49* GS-EX-0
LS
NRS
ESS
8. Date of G.S. Approval:
9. G.S. Member Responsible: H. Kobayashi
ES-CSD

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

Note No.

From: Govt Sec

To: NRS

Date: 7 April 1949

26-6076

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl.
The Fisheries Law

C. W.

2

From: NR

To: GS

Mr H W Yoe, 26-8492

HGS/WCH/EWY/re

Date: *Handwritten* APR 1949

1. It is recommended that the Japanese Government make the following changes in the draft bill referred to in paragraph 1, check note 1, prior to introducing the bill in the Diet.

a. Delete paragraph 8, article 16. This deletion will provide for issuance of fixed-net rights in Hokkaido on the same priority basis as elsewhere in Japan and is necessary for democratic allocation and administration of fishing rights.

b. Delete paragraph 6, article 58. Whaling licenses should be issued and administered in the same manner as licenses for other designated high sea fisheries.

c. Paragraph 2, article 86 be rewritten so as to grant the governor the power to modify the eligibility requirements for voters set forth in paragraph 1, article 86 where special circumstances exist. These modifications to be limited to reducing the minimum number of days engaged in fishing and/or waiving the requirement that fishing be done by boat. This paragraph was apparently intended to permit the granting of voting privileges to women divers and part-time fishermen in localities where justified.

5

C/N GS to NR, subj: Draft Legislation, 7 Apr 49.

2. Attention is invited to the following items which NR considers to fall within the scope of GS responsibility. It is requested that GS make whatever recommendations deemed appropriate, relative to these items, to the Japanese Government:

a. Item 3, paragraph 1, article 14, Democratic principles may be violated by a biased interpretation of this item.

b. Article 86 permits a juridical person to be a commissioner on a public body.

c. Article 86 permits a juridical person to vote in the election of public officials.

3. NR believes the attached bill will comply with the general basic principles set forth in NR's staff study, "Enactment of a law to reform the fisheries rights system in Japan", 10 May 1948, and concurred with by GS, 15 May 1948 and ESS, 22 May 1948, if recommendation referred to in paragraph 1, above, is accepted.

4. Owing to the profound effect that this legislation will have on the fishing industry of Japan, it is requested that NR be accorded the privilege of commenting on any proposed changes in the subject bill, other than those set forth in paragraphs 1 and 2, above, prior to such information being transmitted to the Japanese Government.

5. NR urges that SCAP clearance of the subject legislation be expedited in order that it may be presented to the current session of the Diet.

1 Incl
n/c


----- H. G. S. -----

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

Note No. From: Govt Sec To: **ESS** Date: 7 April 1949 26-6076

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Agriculture & Forestry Ministry**.
2. Your prompt comment is requested.

1 Incl:
The Fisheries Law

C. W.

010(7 May 49)ESS/FIN

From: **ESS** To: **GS**

WFM/WEL/ENR/mn
Mr. Reed, 57-8806
Date: 5 May 1949

2. 1. Financial provisions appear to be in accord with the budget.
2. No opinion is expressed as to the wisdom of the proposed reform.
3. It has been impossible to determine the equity of distribution of fishing rights because of the confused language of the draft.
4. Attention is called to the arbitrary action possible under Article 14 paragraph 1 and it is suggested that:
- a. Sub-paragraph 1 be amended by striking the words "acted in" and inserting in lieu thereof "convicted in a court of competent jurisdiction of" and
- b. That sub-paragraph 2, 3 and 4 be stricken from the law.

1 incl
n/c

-----H.F.M.-----

Reed GS 5/11/49

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Note No.	From: Govt Sec	To: IS	Date: 7 April 1949	Capt. Guide 26-6076
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Agriculture & Forestry Ministry.			P & P DIV.
	2. Your prompt comment is requested.			
	1 Incl: The Fisheries Law			
			C. W.	

47

*Fisheries Law
Agri + For. Min.*

From: LS

To: Govt Sec

K. Steiner; 2635-473
Date: 9 May 1949

2.

A Legal Section representative conferred with the legal advisors of the House of Representatives and House of Councillors, and was informed that in all probability the Fisheries Bill either will not be submitted to the Diet or will be referred to a standing committee upon the Diet's adjournment. The opportunity was taken, however, to raise objections to certain portions of the Bill along the lines indicated in File Note, 4 May 1949, appended hereto as inclosure No. 2.

2 Incls:

1-Fisheries Law

2-File Note, 4 May '49

C.R.L.

Reid GS 5/11/49
[Signature]

11

4 May 1949

FILE NOTE:

SUBJECT: Fisheries Law.

1. Legal Section objects to the Fisheries Bill in its present form for the following reasons:

a. In many instances instructions or decisions vitally affecting the interest of either a fishing community or individual fisherman are issued by the prefectural governor or various fisheries adjustment commissions without public hearing, reasonable notice or even without hearing of the applicant (e.g. previous determination or alteration of continuance of grant in Article 11; granting or denying of individual applications in Article 12; determination of eligibility in Article 14; approval for mortgages in Article 24; restrictions of fisheries rights in Article 34; also Articles 36, 37, 38, 39, 40, 60, 62, 65, 66 and others). In most of the cases where the order or decision is issued by the Governor, provision is made that he "must hear the opinion of the Sea Area Fisheries Adjustment Commission (e.g. Articles 11, 12, 14, 24, etc.). This is an entirely insufficient safeguard which cannot replace the above mentioned requirements of due process, particularly in view of the fact that Sea Area Fisheries Adjustment Commission, United Sea Area Fisheries Adjustment Commission, Central Fisheries Adjustment Council and Inland Water Fisheries Ground Adjustment Commission are to a varying degree appointed by the competent Minister or Governor -- in the last mentioned case all commissioners are so appointed -- and that these administrative authorities may issue orders and supervise the commissions, the opinions of which they must hear (e.g. Article 67, Par. 3 and Article 117).

In case of an application for creation of a common of piscary right the party against whom such right is to be created may only "submit their opinion in writing" (Article 45, Par 3). The same is true in case of application for creation of a using right (Article 125). Even such questions as the non-eligibility for a license because of lack of proper funds for the fisheries applied for may be decided without representation of the applicant (Article 57, Par. 4). There is also no provision that a decision denying an application should contain the reasons for such denial such as the existence of a clearly described higher priority (Article 16 and the following).

Throughout this law provision should be made for representation of the interested parties, reasonable notice and public hearing.

b. No general system of appeals from the various Sea Area Fisheries Commissions to the administrative authorities and between the various administrative authorities is provided other than the statement in Article 135 that petitions may be instituted against measures of the administrative authorities including grants, licenses, etc. There is also no appeal provided against

Incl # 2

assessments of right and license fees (Article 75 and the following). In this connection it must be pointed out that the standards set are frequently so vague that both presentation and decision of an appeal based on the law would be extremely difficult.

c. An example of an extremely vague standard coupled with a complete lack of representation of the interested party, public hearing and appeal is to be found in Article 14. Paragraph 1, Items 1 and 2 of that Article state that "persons who have acted in malicious violation of the laws or ordinances or concerning labor" are ineligible for grants. Item 3 enables two-thirds of the Sea Areas Fisheries Adjustment Commission to decide without a hearing of the person concerned, without any notice, and without proper investigation that an applicant "impedes democratization of fishing villages". No appeal is provided against such a decision which is binding on the governor acting on an application for a fishery grant. This is extended further in Item 4 to cases where "there exists any fear" that persons ineligible in accordance with Items 1 to 3 "substantially dominate the management of the fishery applied for" (The word "not" in this item is obviously a translation error). Again, whether such a person dominates the management may be determined by the governor without public hearing, etc.

Another example of lack of standards is Article 24, Paras. 2 and 3 which provide that the governor's approval is necessary for the creation of a mortgage or a fishery right but does not provide a basis on which the approval shall be given or denied.

Article 14, Par. 3, ~~8~~ 8 states that the Sea Area Fisheries Adjustment Commission shall issue orders to effect an adequate exercise of the common fishery right between Fisheries Cooperative Associations comprising two-thirds of the fishermen in the area and those fishermen who do not belong to that Association. Neither in Article 14 nor in Article 67 is there any standard for the exercise of this authority. The remedy against such orders is a complaint, but no standard is given when such a complaint is to be considered "without due reason" (Article 67, Par. 7).

The Governor may increase or restrict the number of fisheries operators eligible to vote for the Sea Areas Fisheries Adjustment Commission "considering any special circumstances of the Sea Areas concern". No further standard is given and the only limitation imposed is that he "must hear the opinion of the Sea Areas Fisheries Adjustment Commission".

Repeatedly the term "in cases where it is deemed necessary for fisheries adjustment and other public interests" is used as a standard for decision on grants, etc. (see Article 13,4). This seems too vague a standard to allow legal remedies to the aggrieved party.

d. The authority conveyed on the fisheries supervisors and fisheries supervising officials in Article 74 is in violation of Article 34 of the Constitution. These officials may "enter the fishing grounds, ships, operation places, offices or warehouses concerned and make investigations into the conditions thereof or books, documents and other objects, or may question the persons concerned" without warrant. Refusal to allow them to investigate as described is punishable (Article 141, Par. 5). The same is true for the authority conveyed upon Sea Areas Adjustment Commissioners in Article 116 and to "officials concerned" acting upon orders of the Ministry in accordance with Article 134.

e. The purpose and authority of the various Adjustment Commissions should be clearly stated. A limit for the number of members, experts, secretaries, supervisors, etc. should be set.

f. Certain provisions constitute a considerable limitation of private property rights and the constitutionality of such limitation without just compensation is open to question. In this connection it may be pointed out that according to Article 4 private waters adjoining public waters are subject to provisions of this law. This means that they may be the subject of grants of fishery rights, etc. (the old law allowed the owner to restrict or discontinue fishery in those waters with the permission of the administrative authorities, but even this limitation has been dropped in the new law). There is a provision that the owner may refuse his consent if he can show just cause, but no provision for compensation in case the owner either permits or unsuccessfully objects to such use is made. Lapses of mortgage by deed of transfer of a delegated fishery right to a Fisheries Cooperative Association except for the case where the mortgagee objects to the transfer with due cause is another example of limitation of property rights without just compensation. In Article 71, Par. 3, "reasonable compensation" should be changed to "just compensation" to conform with the provisions of the Constitution.

g. Article 13, Par. 3 in its present form is objectionable. An appeal to a higher court should be provided for in general and not left open to the specification by the Supreme Court.

KURT STEINER
Legislation and Justice Division

CIVIL SERVICE DIVISION
Government Section

Agree For Min

26 April 1949

MEMORANDUM FOR: Chief, Parliamentary and Political Division,
Government Section

SUBJECT : The Fisheries Law

1. It is recommended that Article 74 be amended as follows:
 - a. In paragraph 1, lines 3-4, delete the words, "from among the officials attached to his office."
 - b. In paragraph 2, line 1, delete the words, "and qualifications."
2. It is recommended that Article 113 be amended as follows:
 - a. In paragraph 4, line 2, after the words, "the competent Minister", add the words, "in accordance with the provisions of the National Public Service Law."
3. It is recommended that Article 114 be amended as follows:
 - a. In paragraph 1, line 10, after the words, "competent Minister", add the words, "Nothing in this article shall be construed to amend or modify the National Public Service Law."
4. Except as noted above, the Civil Service Division has no objection to the passage of the proposed subject law.

Blaine Hoover
BLAINE HOOVER
Chief, Civil Service Division

BH:MNS:rp

//

Bill

CABINET/ORDER/(CLCO/No./.../)

To be reported for GS' information
Coordination Section, 2nd Div., C.L.C.O.

Apr. 7, 1949

1. ~~Title~~ CLCO No. 74
Name of Bill: Fisheries Bill
2. Competent Ministry: Agriculture and Forestry Ministry
3. Date of Cabinet Approval: 5/Apr.
4. SCAP Section concerned: N.R.S. Mr. Yoo
5. Remarks: Exemption of the Civil Code
(Law No. 89 of 1896)
6. CLCO Member Responsible:
7. Received by:

Rec'd GS 4/7/49
CS & NRS
LS
ESS
GS/CS

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Note No.	From: Govt Sec	To: LS/LAJ	Date: 25 November 1949 Capt. Guida 26-6076
1.	<ol style="list-style-type: none">1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors.2. Your prompt comment is requested.		
	1-Incl Amendments to Bill of the Fisheries Law		
	C. W.		

P & P DIV

Subject: Amendments to Bill of
the Fisheries Law

K. Steiner
2635-479

2. From: IS/L&J To: Govt Sec Date: 6 December 1949

The proposed new draft which cures the main objections raised by IS against the original draft of subject Bill has been passed by the Diet. No further comment appears therefore necessary.

1 Incl:
a/d

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

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/CPG/vs

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec To: ESS

Date: 25 November 1949

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors.

2. Your prompt comment is requested.

1 Incl

Proposed Amendments to the
Bill of the Fisheries Law

C. W.

File: 010(25 Nov 49)ESS/JF

KFW/JRA/ESR/EL/emb
Mr. Larsen, 57-8206
28 November 1949

From: ESS

To: Govt Sec

2

There is no objection to the attached draft bill on Proposed Amendments to the Bill of the Fisheries Law.

1 Incl:

n/c

-W.F.M.-

Rec'd ESS 12/5/49

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec To: NRS

Date: 25 November 1949

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors.

2. Your prompt comment is requested.

1 Incl

Amendments to the Bill
of the Fisheries Law

C. W.

2.

From: NR

To: GS

Mr H W Yee 26-8569

HGS/WCH/HWY/re

Date: *W*

26 NOV 1949

1. NR favorably considers the amendments to the bill of the Fisheries Law as prepared by the House of Councillors.

2. It is recommended that the attached amendments be released for immediate introduction in the Diet and that the chairman of the Committee of the House of Councillors be commended for the constructive work of his Committee in preparing these amendments.

1 Incl

n/c

H. G. S.

DISPATCH

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No.

From: Govt Sec

To: ESS

Date: 1 December 1949

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl

Partial Amendment to Oilstuff
Distribution Kodan Law

C. W.

010(1 Dec 49)ESS/JF

From: ESS

To: Govt Sec

WFM/JRA/HR/EJ/HR
Mr. Jeffers, 57-8564
Date: 2 December 1949

2.

No objection is made to introduction in the Diet of the Partial Amendment to Oilstuff Distribution Kodan Law as proposed by the Agriculture and Forestry Ministry.

1 Incl
n/c

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

Lead 65 12/6/49

6

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL.57-6010)

Sec. 1
November 30, 1949

1. FOM Number: 69
2. Name of Bill: Law for Partial Amendment to the Oilstuff Distribution Kodan Law (Draft)
3. Competent Ministry: Ministry of Agriculture and Forestry
4. Date of Cabinet Approval: November 30, 1949
5. SCAP Section concerned:
Mr. H. Jeffers Public Finance Branch Japanese
Finance Division E.S.S.
6. Remarks: (Reference:)
Oilstuff Distribution Kodan Law. Law No. 203 Dec. 17, 1947
(Official Gazette No. 516)
Amended on: March 31, 1948 Law 16 (Official Gazette No. Extra)
..... July 7, 1948 Law 110 (Official Gazette No. 679)
..... March 30, 1949 Law 3 (Official Gazette No. Extra
26)
..... May 31, 1949 Law 171 (Official Gazette No.
..... Extra 62)
.....
.....
7. G.S Reviewers:

Received by _____

Date _____

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

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

(Do not remove from attached sheet)

Subject: Draft Legislation

Major Harris
26-6076

Note No.	From: Govt Sec	To: ESS	Date: 7 April 1948
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Agriculture & Forestry Ministry.		
	2. Your prompt comment is requested.		
	1 Incl: Enforcement Bill re Fisheries Law		

C. W.

P&P Div

(7)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

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

(Do not remove from attached sheet)

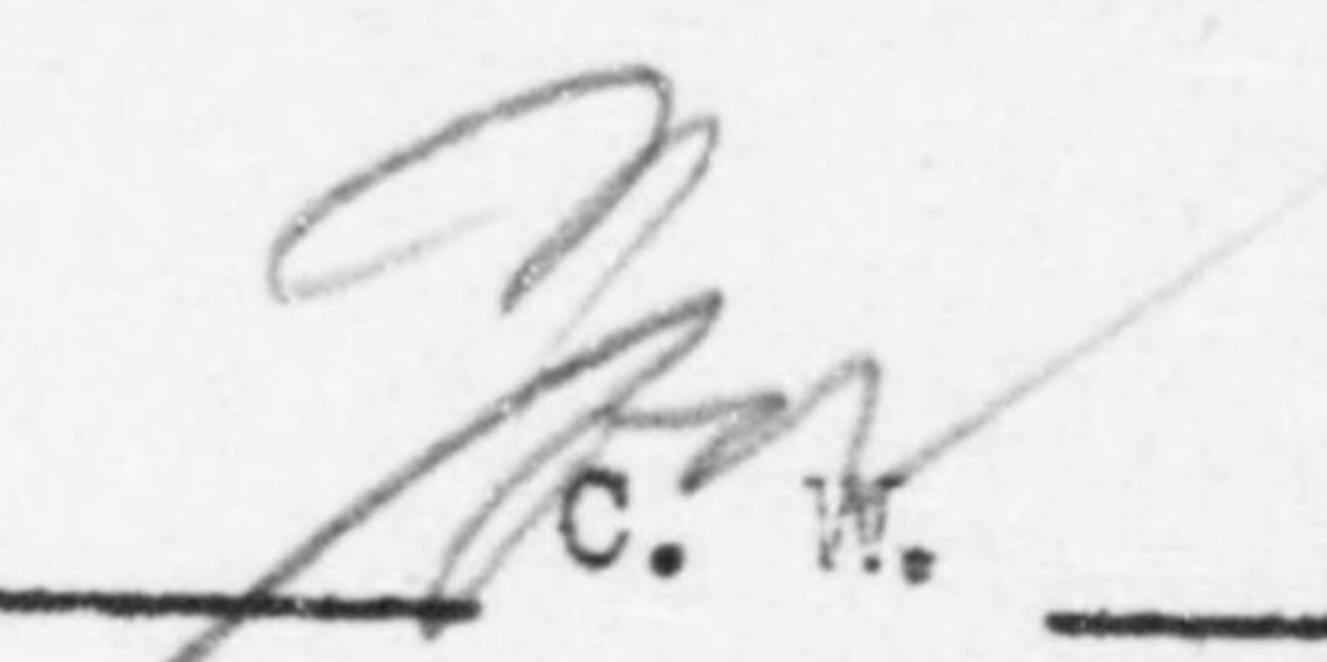
Subject: Draft Legislation

Major Harris

Note No. From: Govt Sec To: NRS Date: 7 April 1949 26-6076

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by Agriculture & Forestry Ministry
2. Your prompt comment is requested.

1 Incl:
Bill of Enforcement re Fisheries Law


C. W.

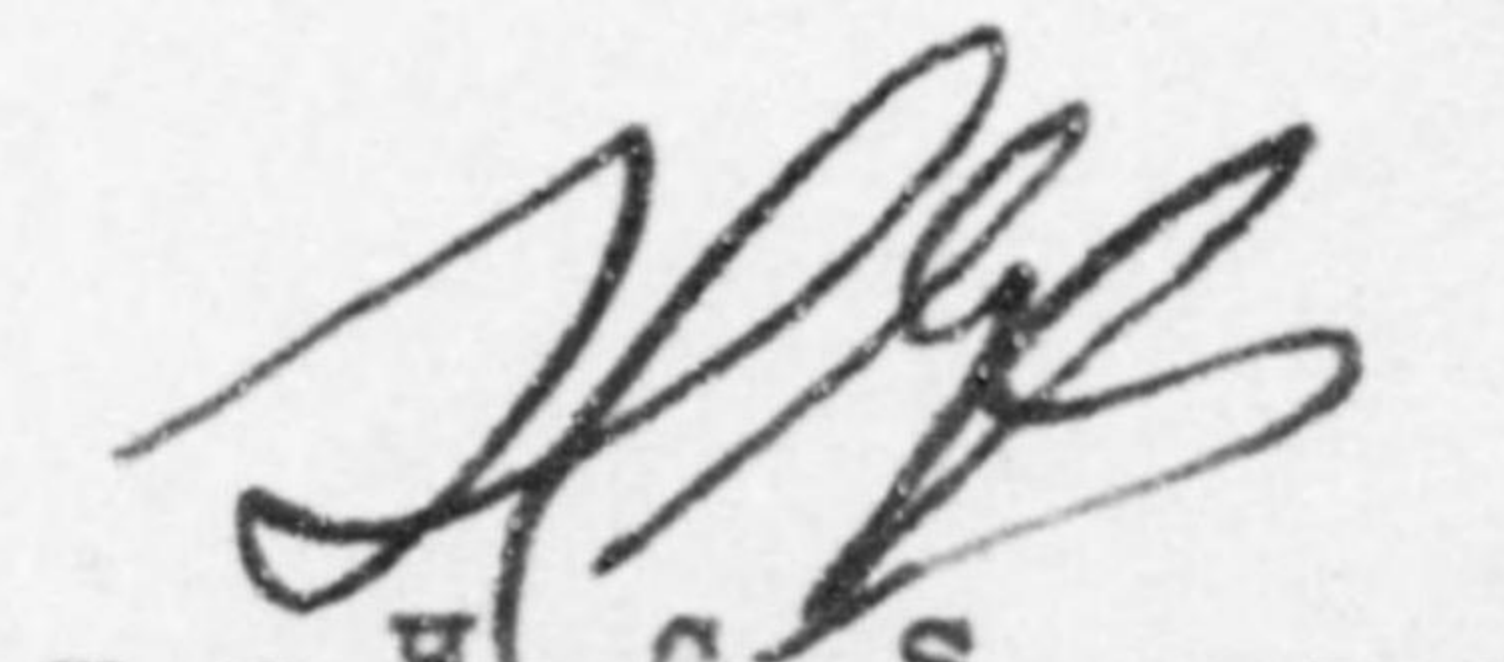
Mr H W Yoe 26-8492
HGS/WCH/HWY/re

2 From: NR To: GS

Date: 20 APR 1949

1. NR offers no objection to the principles embodied in the attached legislation.
2. The enforcement of the proposed fisheries law will be difficult and the details of its enforcement law should be as developed by the Japanese Government.
3. NR recommends that the Japanese Government be permitted to introduce the draft bill referred to in paragraph 1, check note 1, in the Diet at the time the proposed fisheries law (Fisheries Rights Reform) is introduced.
4. NR requests an opportunity to comment on any proposed changes in the subject bill.

1 Incl
n/c


H. G. S.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CW/JH/JW/RAH/VE

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec	To: LS	Date: 7 April 1949
1.	<p data-bbox="1614 946 1915 1022">Major Harris 26-6076</p> <p data-bbox="490 1098 1915 1220">1. Immediate introduction of the attached draft bill in the Diet is proposed by Agriculture & Forestry Ministry.</p> <p data-bbox="490 1251 1915 1327">2. Your prompt comment is requested.</p> <p data-bbox="490 1342 1915 1449">1 Incl: Enforcement Bill re Fisheries Law</p> <p data-bbox="1410 1495 1915 1556">C. W.</p>		

P&P Div

4/7

Enf. of Fisheries Law
Ag. for Min

From: LS

To: Govt Sec

K. Steiner; 2635-473
Date: 9 May 1949

2.

A Legal Section representative conferred with the legal advisors of the House of Representatives and House of Councillors, and was informed that in all probability the Fisheries Bill either will not be submitted to the Diet or will be referred to a standing committee upon the Diet's adjournment. The opportunity was taken, however, to raise objections to certain portions of the Bill along the lines indicated in File Note, 5 May 1949, appended hereto as inclosure No. 2.

2 Incls:

1-Fisheries Law Enforcement Bill

2-File Note, 5 May 1949

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

Rec'd GS 5/12/49
Q

8

5 May 1949

FILE NOTE:

SUBJECT: Enforcement Bill for Fisheries Law.

The objections against subject bill are generally in line with those raised against the Fisheries Law itself:

a. No satisfactory provision is made for hearing of the applicant, public hearing or reasonable notice and insufficient standards are set for decisions on applications. For instance, Article 3 makes approval of the governor necessary for any transfer of fisheries. No standard is set when such approval is to be given or denied. Only in case a governor wishes to approve does he have to "hear the opinion of the Sea Areas Adjustment Commission". (In this connection see the objection given in the Fisheries Law, Item a.) No provision is made for hearing of the applicant, public hearing and reasonable notice.

The same objection applies to Article 4, Paragraphs 2 and 3, specially in view of the fact that the approval of the governor is necessary even when the lease contract is to be terminated by mutual agreement (see also Article 7).

b. Article ⁵6, Par. 2, is objected to inasmuch as it delegates the right to alter substantive rights of individuals to an ordinance.

c. Article 9 should set the standard for compensation by inserting the word "just" before the words "monetary compensation".

d. The notice should also include the notification that objections may be raised as stated in Article 11 giving in particular the time limit for such objections.

e. Article 11, Par. 3; the remedy given the decision of the Fisheries Rights Compensation Committee should not be a "petition" but an appeal for which a proper procedure should be stipulated. This appeal should be extended to the provision of Article 12.

f. Article 15 is objectionable inasmuch as it stipulates a special prescription of one month for legal actions against the State in case of unjust compensation.

KURT STEINER
Legislation & Justice Division

Incl # 2

CIVIL SERVICE DIVISION
Government Section

26 April 1949

Agmt. & For. Div.

MEMORANDUM FOR: Chief, Parliamentary and Political Division,
Government Section

SUBJECT : Enforcement Law Concerning the Fisheries Law;
Bill of the Special Measures Law for the
Consolidation of the Fisheries Organization

The Civil Service Division has no objection to the passage
of the subject proposed laws.

Blaine Hoover
BLAINE HOOVER
Chief, Civil Service Division

BH:MNS:rp

GOVERNMENT SECTION
Buck Slip

5/7 1949

From:	INITIAL	DATE
CHIEF.....		
<input checked="" type="checkbox"/> BY OFF.....	<i>J</i>	<i>7</i>
Deputy Chief.....		
Maj Rizzo.....		
Chief Adm Div.....		
Statistics & Review Br.....		
Civil Service Div.....		
Parl & Pol Div.....		
Public Adm Div.....		
Public Aff Div.....		
File.....		
Chief Clerk.....		
Personnel Clerk.....		

FOR:

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

Enforcement Law Re. Fisheries Law

CS: NRS
LS
ESS
GS/CSO

Bill

CABINET/ORDER/CLCO/No./111111

To be reported for GS' information
Coordination Section, 2nd Div., C.L.C.O.

Apr. 7, 1949

1. ~~TATA/~~ CLCO No. 73

Name of Bill : Bill of Enforcement concerning the
Fisheries Law.

2. Competent Ministry: Agriculture and Forestry Ministry

3. Date of Cabinet Approval: 5/Apr.

4. SCAP Section concerned: N.R.S. Mr/Voe

5. Remarks: Excerpts of Law No.78, 1948 and Law No.42, 1923.

Law No. 9, 1925,

Law No.242, 1948

Law No.243, 1948

6. CLCO Member Responsible: _____

7. Received by: _____

Reed 9/7/49

GS-EX 0
NRS
LS
ESS
GS-CSD

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No. From: Govt Sec To: PH&W Date: 20 October 1949

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Agriculture & Forestry.
2. Your prompt comment is requested.

1 Incl:
Law for Partial Amendment to Law
re Prevention of Infectious Diseases
of Domestic Animals

C. W.

2. From: PH&W To: Govt Sec Dr. Beechwood 26-6149
Date: 25 October 1949

1. PH&W offers no objection to an amendment to the law concerning Prevention of Infectious Diseases of Domestic Animals proposing changes in Article 24, Paragraph 1 as follows:
- "30,000 yen" shall be amended as "90,000 yen" with Supplementary Provisions as stated.

1 Incl
w/d

-C.F.S.-

Rec'd GS 19/10/49

8

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL.57-6010)

October 20, 1949

1. FOM Number: 31
2. Name of Bill: Bill for Partial Amendment to the Law concerning the Prevention of Infectious Diseases of Domestic Animals.
3. Competent Ministry: Ministry of Agriculture & Forestry
4. Date of Cabinet Approval: October 12, 1949
5. SCAP Section concerned:
Lt. Col. M.W. Scothorn, Chief Veterinary Affairs ,
R.H.W.
6. Remarks: (Reference:)
Reference is attached herewith.
.....
.....
.....
.....
.....
7. G.S Reviewers:

CSX: ESS
PHxW.

Received by GS
Date 10/20/49

C H E C K S H E E T CW/JN/JW/CFG/vs

Subject: Draft Legislation

Capt, Guida 26-6076

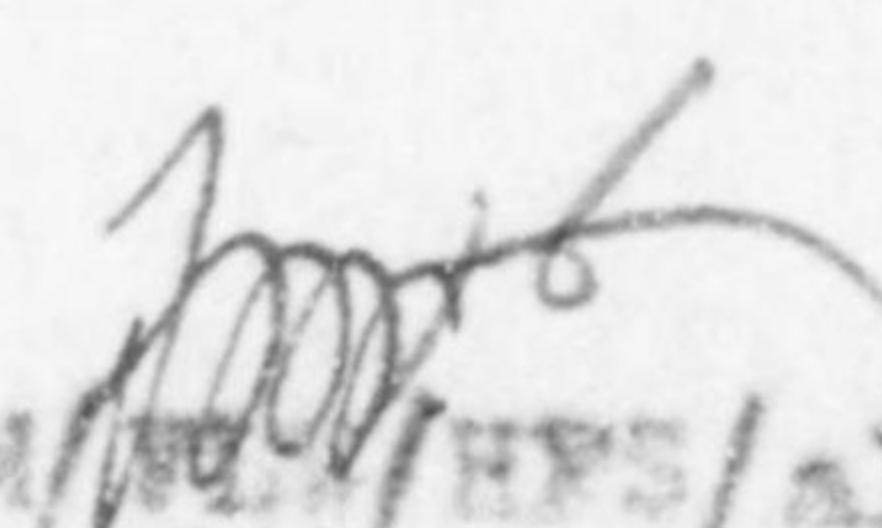
Note No. From: Govt Sec To: ESS Date: 20 October 1949

- 1
1. Immediate introduction of the attached draft bill in the diet is proposed by the Ministry of Agriculture & Forestry.
 2. Your prompt comment is requested.

1 Incl:
Law for Partial Amendment to Law
re Prevention of Infectious Diseases
of Domestic Animals

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

From: ESS To: Govt Sec


WFM/PLA/HPS/alk
Date: 21 October 1949

- 2
- No objection is offered to the subject draft legislation.

1 Incl:
n/c

----- V.F.M. -----

Rec'd GS 10/25/49

SS 001