

FAR EAST

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FEC-087 -

FEC-087/17

FEC-087

23 August 1946

FAR EASTERN COMMISSION

DRAFT CONSTITUTION

(21 August 1946)

(Reference: FEC-031 Series
MI-003 Series)

Note by the Secretary General

1. The enclosure, the Draft Constitution as approved on 21 August 1946 by the Constitution Committee of the House of Representatives, has been received by the United States Government from the Supreme Commander for the Allied Powers and is circulated herewith for the information of the Far Eastern Commission, and is referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM, for consideration.

NELSON T. JOHNSON
Secretary General

FEC-087

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ENCLOSURE

DRAFT CONSTITUTION (21 August 1946)
(Reference: FEC-031 and MI-003 Series)

PREAMBLE

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim the sovereignty of the people's will and do ordain and establish this Constitution, founded upon the universal principle that government is a sacred trust the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people; and we reject and revoke all constitutions, law, ordinances, and rescripts in conflict herewith.

Desiring peace for all time and fully conscious of the high ideals controlling human relationship now stirring man-

kind, we have determined to rely for our security and survival upon the justice and good faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society designed and dedicated to the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize and acknowledge that all peoples have the right to live in peace, free from fear and want.

We hold that no people is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all peoples who would sustain their own sovereignty and justify their sovereign relationship with other peoples.

To these high principles and purposes we, the Japanese people, pledge our national honor, determined will and full resources.

Chapter I The Emperor

Article I. The Emperor shall be the symbol of the state and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power.

Article II. The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

Article III. The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor.

Article IV. The Emperor shall perform only such acts in matters of state as are provided for in this constitution. Never shall he have powers related to government.

The Emperor may delegate the performance of his acts in matters of state as may be provided by law.

Article V. When, in accordance with the Imperial House Law, a Regency is established, the Regent shall perform his acts in matters of state in the Emperor's name. In this case, paragraph one of the preceding article will be applicable.

Article VI. The Emperor shall appoint the Prime Minister as designated by the Diet.

The Emperor shall appoint the judge to head the Supreme Court, as designated by the Cabinet.

Article VII. The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people:

Promulgation of amendments of the constitution, laws, cabinet orders and treaties.

Convocation of the Diet.

Dissolution of the House of Representatives.

Proclamation of General Election.

Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law, and of full powers and credentials of Ambassadors and Ministers.

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.

Awarding of honors.

Attestation of instruments of ratification and other diplomatic documents as provided for by law.

Receiving Foreign Ambassadors and Ministers.

Performance of ceremonial functions.

Article VIII. No property can be given to, or received by, the Imperial House, and no gifts can be made thereby, without the authorization of the Diet.

Chapter 2
Renunciation of War

Article IX. Aspiring to an international peace based on justice and order, the Japanese people renounce war forever as a sovereign right of the nation, and the threat or use of force as a means of settling disputes with other nations.

For the above purpose, land, sea, and air forces, as well as other war potential will never be maintained. The right of belligerency of the state will not be recognized.

Chapter 3
Rights and Duties of the People

Article X. The qualifications for Japanese citizenship shall be determined by law.

Article XI. The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

Article XII. The enjoyment of the freedoms and rights guaranteed to the people by this constitution shall be maintained by the eternal vigilance of the people, and the people shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Article XIII. All of the people shall be respected as individuals, and their right to life, liberty, and the pursuit of happiness shall, within the limits of the public welfare, be the supreme consideration in legislation and in governmental affairs.

Article XIV. All of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin. Peers and peerage shall not be recognized. No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

Article XV. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any special group.

In all elections, secrecy of the ballot shall be preserved inviolate, nor shall any voter be answerable, publicly or privately, for the choice he has made.

Article XVI. Every person has the right of peaceful petition for the redress of damage and other matters, for the

removal of public officials and for the enactment, repeal or amendment of laws, ordinances or regulations; nor shall any person be in any way discriminated against for sponsoring such a petition.

Article XVII. Every person has the right to sue for redress as provided by law from the state or a public entity, in case he has suffered damage through illegal act of any public official.

Article XVIII. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article XIX. Freedom of thought and conscience shall be held inviolable.

Article XX. Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice.

The State and its organs shall refrain from religious education or any other religious activity.

Article XXI. Freedom of assembly, association; speech, and press and all other forms of expression are guaranteed. No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Article XXII. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

Article XXIII. Academic freedom is guaranteed.

Article XXIV. Marriage shall be based only on the mutual

consent of both sexes and it shall be maintained through mutual cooperation, with the equal rights of husband and wife as a basis. Laws shall be enacted considering choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family from the standpoint of individual dignity and the essential equality of the sexes.

Article XXV. All people shall have the right to maintain the minimum standards of wholesome and cultured living.

Article XXVI. All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to insure that all of the children under their protection receive elementary education as provided for by law. Such education shall be free.

Article XXVII. All people have the right and the obligation to work. Standards for working conditions, wages and hours, and rest shall be fixed by law. The exploitation of children shall be prohibited.

Article XXVIII. The right of workers to organize and to bargain and act collectively is guaranteed.

Article XXIX. The right to own property is inviolable, but property rights shall be defined by law, in conformity with the public welfare. Private property may be taken for public use upon just compensation therefor.

Article XXX. The people are liable to taxation as fixed by law.

Article XXXI. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

Article XXXII. No person shall be denied the right of access to the courts.

Article XXXIII. No person shall be apprehended except upon warrant issued by a competent judicial officer which specified the offense with which the person is charged, unless he is apprehended while committing a crime.

Article XXXIV. No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; he shall not be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

Article XXXV. The right of the people to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued only for probable cause, and particularly describing the place to be searched and things to be seized, or except as provided by Article XXX.

Each search or seizure shall be made upon separate warrant issued for the purpose by a competent judicial officer.

Article XXXVI. The infliction of torture by any public officer and cruel punishments are absolutely forbidden.

Article XXXVII. In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.

He shall be permitted full opportunity to examine all witnesses, and he shall have the right to compulsory process for obtaining witnesses on his behalf at public expense.

At all times the accused shall have the assistance of competent counsel who shall, if the accused be unable to secure the same by his own efforts, be assigned to his use by the government.

Article XXXVIII. No person shall be compelled to testify against himself.

No confession shall be admitted in evidence if made under compulsion, torture or threat, or after prolonged arrest or detention.

No person shall be convicted or punished in cases where the only proof against him is his own confession.

Article XXXIX. No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he, in any way, be placed in double jeopardy.

Article XL. Any person, in case he is acquitted after he has been arrested or detained, may sue the state for redress as provided by law.

Chapter 4
The Diet

Article XLI. The Diet shall be the highest organ of state power, and shall be the sole law-making authority of the State

Article XLII. The Diet shall consist of two houses, namely the House of Representatives and the House of Councillors.

Article XLIII. Both Houses shall consist of elected members, representative of all the people.

The number of the members of each House shall be fixed by law.

Article XLIV. The qualifications of electors and members of both Houses shall be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income.

Article XLV. The term of office of members of the House of Representatives shall be 4 years. However, the term may be terminated before the full term is up by dissolution of the House of Representatives.

Article XLVI. The term of office of the members of the House of Councillors shall be six years. Election for half the members shall take place every three years.

Article XLVII. Matters pertaining to the method of election of members of both Houses, electoral districts, and method of voting, shall be fixed by law.

Article XLVIII. No person shall be permitted to be a member of both Houses simultaneously.

Article XLIX. Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with the law.

Article L. Except in cases provided by law, members of both houses shall be exempt from arrest while the Diet is in session. Any members arrested before the opening of the session shall be freed during the term of the session upon demand of the House.

Article LI. Members of both Houses shall not be held liable outside the House for speeches, debates, or votes cast inside the House.

Article LII. An ordinary session of the Diet shall be convoked once per year.

Article LIII. The Cabinet may call extraordinary sessions of the Diet. When a quarter or more of the total members of either house makes the demand, the Diet must be called into session.

Article LIV. When the House of Representatives is ordered dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election. When the House of Representatives is ordered dissolved, the House of Councillors must, at the same time, be closed, except that the Cabinet may in time of national emergency convoke the House of Councillors in emergency session.

Measures enacted at such session shall be provisional and shall become null and void, unless agreed to by the House of Representatives within a period of ten (10) days after the opening of the next session of the Diet.

Article LV. Each House shall judge disputes related to qualifications of its members. However, in order to deny a seat to any member, it is necessary to pass a resolution by a majority of two-thirds or more of the members present.

Article LVI. Business cannot be transacted in either House unless at least one-third of the total membership is present.

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution. In case of a tie, the presiding officer shall decide the issue.

Article LVII. Deliberation in each House shall be public. However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefor.

Each House shall keep a record of proceedings. This record shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy.

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be present, votes of the members be recorded in the minutes.

Article LVIII. Each House shall select its own president and other officials.

Each House shall establish its rules pertaining to meetings and proceedings and internal discipline ^{and} may punish members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more of those members present must pass a resolution thereon.

Article LIX. A bill becomes a law on passage by both Houses, except as otherwise provided by this Constitution.

A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members

Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives time in recess excepted, may be determined by the House of Representatives to constitute a rejection.

Article LX. The budget must first be submitted to the House of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when a joint committee of both Houses, provided for by law, cannot come to an agreement, or in the case of failure by the House of Councillors to take final action within thirty (30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives will be considered the decision of the Diet.

Article LXI. The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties.

Article LXII. Each House may conduct investigations in relations to government, and may compel the presence and testimony of witnesses, and the production of records.

Article LXIII. The Prime Minister, and the Ministers of State, may at any time appear in either House for the purpose of debating on bills, regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

Article LXIV. The Diet shall set up an impeachment court from the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted.

Matters relating to impeachment shall be provided by law.

Chapter 5
The Cabinet

Article LXV. Executive power shall be vested in the Cabinet.

Article LXVI. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State as provided for by law.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

Article LXVII. The Prime Minister shall be designated from among / the members of the Diet by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Councillors disagree and if a joint committee of both houses, provided for by law, cannot reach an agreement, or the House of Councillors fails to make designation within ten (10) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives shall be the decision of the Diet.

Article LXVIII. The Prime Minister shall appoint the Ministers of State. However, a majority of their number must be chosen from among the members of the Diet.

The Prime Minister may remove the Ministers of State as he chooses.

Article LXIX. If the House of Representatives passes a non-confidence resolution, or rejects a confidence resolution, the Cabinet shall resign en masse, unless the House of Representatives is dissolved within ten days.

Article LXX. When there is a vacancy in the post of Prime Minister, or upon the convocation of the Diet after a general election, the Cabinet shall resign en masse.

Article LXXI. In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

Article LXXII. The Prime Minister representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet and exercises supervision and control over various administrative branches.

Article LXXIII. The Cabinet, in addition to other general administrative functions shall:

Administer the law faithfully, conduct affairs of State.

Manage foreign affairs.

Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

In accordance with standards established by law, administer the civil service.

Prepare the budget, and present it to the Diet.

Enact cabinet orders in order to carry out the provisions of this Constitution and of the law. However, it cannot include penal provisions in such cabinet orders unless authorized by such law.

Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

Article LXXIV. All laws and cabinet orders shall be signed by the competent Minister of State and countersigned by the Prime Minister.

Article LXXV. The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister, but the right to take that action is not impaired hereby.

Chapter 6
Judiciary

Article LXXVI. The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.

No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power.

All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws enacted pursuant thereto.

Article LXXVII. The Supreme Court is vested with the rulemaking power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs.

Public procurators shall be subject to the rulemaking power of the Supreme Court.

The Supreme Court may delegate the power to make rules for inferior courts to such courts.

Article LXXVIII. Removals of judges shall be accomplished by public impeachment only unless judicially declared mentally or physically incompetent. No disciplinary action shall be administered by any executive organ or agency.

Article LXXIX. The Supreme Court shall consist of a judge who is its head and such number of judges as may be determined by law; all such judges, excepting the judge who is its head, shall be appointed by the Cabinet.

The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election

of the House of Representatives following their appointment, and shall be reviewed again at the first general election of the House of Representatives after a lapse of ten days, and in the same manner thereafter.

In cases mentioned in the foregoing paragraph, when the majority of the voters show that they favor the dismissal of a judge concerned, he shall be dismissed.

Matters pertaining to the review mentioned in the foregoing paragraphs shall be prescribed by law.

The judges of the Supreme Court shall be retired upon the attainment of the age as fixed by law.

All such judges shall receive, at regular, stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article LXXX. The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court. All such judges shall hold office for a term of ten years with privilege of reappointment, provided that they shall be retired upon the attainment of the age as fixed by law.

The judges of the inferior courts shall receive, at regular, stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article LXXXI. The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act.

Article LXXXII. Trials shall be conducted and judgment declared publicly. Where, however, a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press, and cases wherein the rights of people as reserved in Chapter 3 of this Constitution are in question, shall be conducted publicly without exception.

Chapter 7
Finance

Article LXXXIII. The power to administer national finances shall be exercised as the Diet shall determine.

Article LXXXIV. No new taxes shall be imposed or existing ones modified except by law or under such conditions as law may prescribe.

Article LXXXV. No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

Article LXXXVI. The Cabinet shall prepare and submit to the Diet for its consideration and decision an annual budget for each fiscal year.

Article LXXXVII. In order to provide for unforeseen deficiencies in the budget a reserve fund may be authorized by the Diet to be expended upon the responsibility of the Cabinet.

The Cabinet shall be held accountable to the Diet for all payments from the reserve fund.

Article LXXXVIII. All property of the Imperial Household shall belong to the State. All expenses of the Imperial Household shall be appropriated by the Diet in the annual budget.

Article LXXXIX. No public money or property shall be appropriated for the use, benefit or support of any system of religion, or religious institution or association or for any charitable, educational or benevolent purposes not under the control of Public authority.

Article XC. A final audit of all expenditures and revenues of the State shall be made annually by a board of audit and submitted by the Cabinet to the Diet during the fiscal year immediately following the period covered.

The organization and competency of the board of audit shall be determined by law.

Article XCI. At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.

Chapter 8
Local Self Government

Article XCII. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

Article XCIII. The local public entities shall establish assemblies as their deliberative organs, in accordance with law.

The chief executive officers of all local public entities, the members of their legislative assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

Article XCIV. Local public entities shall have the right to manage their property, affairs and administration, and to enact their own regulations within such laws as the Diet may enact.

Article XCV. A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

Chapter 9
Amendments

Article XCVI. Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast at a special referendum thereon, or at such election as the diet shall specify.

Amendments when so ratified shall immediately be proclaimed by the Emperor in name of the People, as an integral part of this Constitution.

Chapter 10
Supreme Law

Article XCVII. The fundamental human rights by this Constitution guaranteed to the people of Japan result from age-old struggle of man to be free. They have survived the exacting test for durability in the crucible of time and experience, and are conferred upon this and future generations in sacred trust, to be held for all time inviolate.

Article XCVIII. This Constitution shall be the Supreme Law of the State and no Public Law or Ordinance and no Imperial rescript or other act of Government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

The treaties concluded by Japan and established of nations shall be faithfully observed.

Article XCIX. The Emperor or the Regent as well as the Ministers of State, the members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

Chapter 11
Supplementary Provisions

Article C. This Constitution shall be enforced as from the day when the period of six months will have elapsed counting from the day of its promulgation.

The enactment of laws necessary for the enforcement of this Constitution, the election of members of the House of Councillors and the procedure for the convocation of the Diet and other preparatory procedures necessary for the enforcement of this Constitution may be executed before the day prescribed in the preceding paragraph.

Article CI. If the house of Councillors is not constituted before the effective date of this Constitution, the House of Representatives shall sit as the Diet on that date and until such time as the House of Councillors shall be constituted.

Article CII. The term of office for half the members of the House of Councillors serving in the first term under this Constitution shall be three years. Members falling under this category shall be determined in accordance with law.

Article CIII. The Ministers of State, members of the House of Representatives and judges in office on the effective date of this Constitution, and all other public officials who occupy positions corresponding to such positions as are recognized by this Constitution shall not forfeit their positions automatically on the effective date of this Constitution unless otherwise specified by law. When, however, successors are elected or appointed under the provisions of this Constitution they shall forfeit their positions as a matter of course.

FEC-087/1

27 August 1946

FAR EASTERN COMMISSION

DRAFT CONSTITUTION
(21 August 1946)

(Reference: FEC-031 Series
MI-003 Series)

Note by the Secretary General

1. The enclosure, a revision of FEC-087 incorporating corrections of certain typographical errors, is circulated herewith for the information of the Far Eastern Commission, and is referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. The enclosure has also been prepared to indicate, by means of appropriate interlineations and underlinings, the extent to which the original version of the Draft Constitution circulated to the Far Eastern Commission as MI-003/1 and MI-003/3, and under consideration by Committee No. 3, has been amended in the Diet.

3. Members are requested to substitute the enclosure for FEC-087 as the official text of the Draft Constitution approved on 21 August 1946 by the Constitution Committee of the House of Representatives of the Japanese Diet.

4. The United States Representative on the Commission has advised the Secretary General that the enclosure also represents the official text of the Draft Constitution as adopted by the House of Representatives on 24 August 1946, and now before the House of Peers.

HUGH D. FARLEY
Acting Secretary General

FEC-087/1

E N C L O S U R EDRAFT CONSTITUTION (21 August 1946)

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PREAMBLE

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Desiring peace for all time and fully conscious of the high ideals controlling human relationship now stirring mankind, we have determined to rely for our security and survival upon the justice and good faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society designed and dedicated to the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize and acknowledge that all peoples have the right to live in peace, free from fear and want.

We hold that no people is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all peoples who would sustain their own sovereignty and justify their sovereign relationship with other peoples.

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The Emperor may delegate the performance of his functions acts in matters of state as may be provided by law.

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Chapter 2

Renunciation of War

Article IX. War Aspiring to an international peace based on justice and order, the Japanese people renounce war forever as a sovereign right of the nation, and the threat or use of force is forever-repealed as a means of settling disputes with other nations.

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Rights and Duties of the People

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Article ~~XIII~~ XIII. All of the people shall be respected as individuals, and their right to life, liberty, and the pursuit of happiness shall, within the limits of the public welfare, be the supreme consideration in legislation and in governmental affairs.

Article ~~XIII~~ XIV. All of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin. No peers and peerage shall not be created-recognized. No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

Article ~~XIV~~ XV. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any special group.

In all elections, secrecy of the ballot shall be preserved inviolate, nor shall any voter be answerable, publicly or privately, for the choice he has made.

Article ~~XV~~ XVI. Every person has the right of peaceful petition for the redress of damage for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations; and for other matters nor shall any person be in any way discriminated against for sponsoring such a petition.

Article XVII. Every person has the right to sue for redress as provided by law from the state or a public entity, in case he has suffered damage through illegal act of any public official.

Article ~~XVI~~ XVIII. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article ~~XVII~~ XIX. Freedom of thought and conscience shall be held inviolable.

Article ~~XVIII~~ XX. Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice.

The State and its organs shall refrain from religious education or any other religious activity.

Article ~~XX~~ XXI. Freedom of assembly, association, speech, and press and all other forms of expression are guaranteed. No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Article ~~XXI~~ XXII. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

Article ~~XXII~~ XXIII. Academic freedom is guaranteed.

Article ~~XXIII~~ XXIV. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation, with the equal rights of husband and wife as a basis. Laws shall be enacted considering choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family from the standpoint of individual dignity and the essential equality of the sexes.

Article ~~XXIV~~ XXV. ~~In-all-spheres-of-life,-laws-shall-be-designed-for-the-promotion-and-extension-of-social-welfare-and-security,~~
~~and-of-public-health.~~ All people shall have the right to maintain the minimum standards of wholesome and cultured living.

Article ~~XXV~~ XXVI. All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to insure that all of the children under their protection receive elementary education as provided for by law. Such education shall be free.

Article ~~XXVI~~ XXVII. All people have the right and the obligation to work. Standards for working conditions, wages, ~~and~~ hours, and rest shall be fixed by law. The exploitation of children shall be prohibited.

Article ~~XXVII~~ XXVIII. The right of workers to organize and to bargain and act collectively is guaranteed.

Article ~~XXVIII~~ XXIX. The right to own property is inviolable, but property rights shall be defined by law, in conformity with the public welfare. Private property may be taken for public use upon just compensation therefor.

Article ~~XXX~~ XXX. The people are liable to taxation as fixed by law.

Article ~~XXXVIII~~ XXXI. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

Article ~~XXXIX~~ XXXII. No person shall be denied the right of access to the courts.

Article ~~XXX-XXXIII~~ XXXIII. No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offense with which the person is charged, unless he is apprehended while committing a crime.

Article ~~XXXI~~ XXXIV. No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

Article ~~XXXII~~ XXXV. The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued only for probable cause, and particularly describing the place to be searched and things to be seized, or except as provided by Article ~~XXX~~ XXXIII

Each search or seizure shall be made upon separate warrant issued for the purpose by a competent judicial officer.

Article ~~XXXIII~~ XXXVI. The infliction of torture by any public officer and cruel punishments are absolutely forbidden.

Article ~~XXXIV~~ XXXVII. In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.

He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense.

At all times the accused shall have the assistance of competent counsel who shall, if the accused be unable to secure the same by his own efforts, be assigned to his use by the government.

Article ~~XXXV~~ XXXVIII. No person shall be compelled to testify against himself.

No confession shall be admitted in evidence if made under compulsion, torture or threat, or after prolonged arrest or detention.

No person shall be convicted or punished in cases where the only proof against him is his own confession.

Article ~~XXXVI~~ XXXIX. No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted nor shall he, in any way, be placed in double jeopardy.

Article XL. Any person, in case he is acquitted after he has been arrested or detained, may sue the state for redress as provided by law.

Chapter 4

The Diet

Article ~~XXXVII~~ XLI. The Diet shall be the highest organ of state power, and shall be the sole law-making authority of the State.

Article ~~XXXVII~~ XLII. The Diet shall consist of two houses, namely the House of Representatives and the House of Councillors.

Article ~~XXXIX~~ XLIII. Both Houses shall consist of elected members, representative of all the people.

The number of the members of each House shall be fixed by law.

Article ~~XL~~ XLIV. The qualifications of electors and members of both Houses shall be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, or family origin, education, property or income.

Article ~~XLII~~ XLV. The term of office of members of the House of Representatives shall be 4 years. However, the term may be terminated before the full term is up by dissolution of the House of Representatives.

Article ~~XLIII~~ XLVI. The term of office of the members of the House of Councillors shall be six years. Election for half the members shall take place every three years.

Article ~~XLIV~~ XLVII. Matters pertaining to the method of election of members of both Houses, electoral districts, and method of voting, shall be fixed by law.

Article ~~XLV~~ XLVIII. No person shall be permitted to be a member of both Houses simultaneously.

Article ~~XLVI~~ XLIX. Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with law.

Article ~~XLVII~~ L. Except in cases provided by law, members of both Houses shall be exempt from arrest while the Diet is in session. Any members arrested before the opening of the session shall be freed during the term of the session upon demand of the House.

Article ~~XLVIII~~ LI. Members of both Houses shall not be held liable outside the House for speeches, debates, or votes cast inside the House.

Article ~~XLIX~~ LII. An ordinary session of the Diet shall be convoked once per year.

Article ~~XLX~~ LIII. The Cabinet may call extraordinary sessions of the Diet. When a quarter or more of the total members of either House makes the demand, the Diet must be called into session.

Article ~~L~~ LIV. When the House of Representatives is ordered dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election. When the House of Representatives is ordered dissolved, the House of Councillors must, at the same time, be closed, except that the Cabinet may in time of national emergency convoke the House of Councillors in emergency session.

Measures enacted at such session shall be provisional and shall become null and void unless agreed to by the House of Representatives within a period of ten (10) days after the opening of the next session of the Diet.

Article ~~LII~~ LV. Each House shall judge disputes related to qualifications ~~and elections~~ of its members. However, in order to deny a seat to any member, it is necessary to pass a resolution by a majority of two-thirds or more of the members present.

Article ~~LV~~ LVI. Business cannot be transacted in either House unless at least one-third of the total membership is present.

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution. In case of a tie, the presiding officer shall decide the issue.

Article ~~LVI~~ LVII. Deliberation in each House shall be public. However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefor.

Each House shall keep a record of proceedings. This record shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy.

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be recorded in the minutes.

Article ~~LVI~~ LVIII. Each House shall select its own president and other officials.

Each House shall establish its rules pertaining to meetings, proceedings and internal discipline, and may punish members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more of those members present must pass a resolution thereon.

Article ~~LVI~~ LIX. A bill becomes a law on passage by both Houses, except as otherwise provided by the Constitution.

A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection.

Article ~~LVI~~ LX. The budget must first be submitted to the House of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when a joint committee of both Houses, provided for by law, cannot come to an agreement, or in the case of failure by the House of Councillors to take final action within ~~forty-(40)~~ thirty (30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives will be considered the decision of the Diet.

Article ~~LVIII~~ LXI. The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties.

Article ~~LVIII~~ LXII. Each House may conduct investigations in relation to ~~national-affairs~~ government, and may compel the presence and testimony of witnesses, and the production of records.

Article ~~LIX~~ LXIII. The Prime Minister and the Ministers of State may, at any time, appear in either House for the purpose of debating on bills, regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

Article ~~LX~~ LXIV. The Diet shall set up an impeachment court from the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted.

Matters relating to impeachment shall be provided by law.

Chapter 5 The Cabinet

Article ~~LXI~~ LXV. Executive power shall be vested in the Cabinet.

Article ~~LXII~~ LXVI. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State as provided for by law.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

Article ~~LXIII~~ LXVII. The Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Councillors

disagree and if a joint committee of both Houses, provided for by law, cannot reach an agreement, or the House of Councillors fails to make designation within ~~twenty-(20)~~ ten (10) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives shall be the decision of the Diet.

Article ~~LXIV~~ LXVIII. The Prime Minister shall ~~with-the-approval~~ ~~of-the-Diet~~ appoint the Ministers of State. ~~The-second-paragraph-of~~ ~~the-preceding-article-shall-apply-to-this-approval.~~ However, a majority of their number must be chosen from among the members of the Diet.

The Prime Minister may remove the Ministers of State as he chooses.

Article ~~LXV~~ LXIX. If the House of Representatives passes a non confidence resolution, or rejects a confidence resolution, the Cabinet shall resign en masse, unless the House of Representatives is dissolved with ten (10) days.

Article ~~LXVI~~ LXX. When there is a vacancy in the post of Prime Minister, or upon the convocation of the Diet after a general election, the Cabinet shall resign en masse.

Article ~~LXVII~~ LXXI. In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

Article ~~LXVIII~~ LXXII. The Prime Minister representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet and exercises supervision and control over various administrative branches.

Article ~~LXIX~~ LXXIII. The Cabinet, in addition to other general administrative functions shall:

Administer the law faithfully; conduct affairs of State.

Manage foreign affairs.

Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

In accordance with standards established by law, administer the civil service.

Prepare the budget, and present it to the Diet.

Enact cabinet orders in order to carry out the provisions of this Constitution and of the law. However, it cannot include penal provisions in such cabinet orders unless authorized by such law.

Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

Article ~~LXX~~ LXXIV. All laws and cabinet orders shall be signed by the competent Minister of State and countersigned by the Prime Minister.

Article ~~LXXF~~ LXXV. The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister, but the right to take that action is not impaired hereby.

Chapter 6
Judiciary

Article ~~LXXIII~~ LXXVI. The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.

No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power.

All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws enacted pursuant thereto.

Article ~~LXXIII~~ LXXVII. The Supreme Court is vested with the rule-making power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs.

Public procurators shall be subject to the rule-making power of the Supreme Court.

The Supreme Court may delegate the power to make rules for inferior courts to such courts.

Article ~~LXXIV~~ LXXVIII. Removals of judges shall be accomplished by public impeachment only unless judicially declared mentally or physically incompetent. No disciplinary action shall be administered by any executive organ or agency.

Article ~~LXXV~~ LXXIX. The Supreme Court shall consist of a judge who is its head and such number of judges as may be determined by law; all such judges, excepting the judge who is its head, shall be appointed by the Cabinet. ~~and shall be retired upon the attainment of the age as fixed by law.~~

The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of the House of Representatives following their appointment, and shall be reviewed again at the first general election of the House of Representatives after a lapse of ten (10) years, and in the same manner thereafter.

In cases mentioned in the foregoing paragraph, when the majority of the voters show that they favor the dismissal of a judge concerned, he shall be dismissed.

Matters pertaining to the review mentioned in the foregoing paragraphs shall be prescribed by law.

The judges of the Supreme Court shall be retired upon the attainment of the age as fixed by law.

All such judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article ~~LXXVI~~ LXXX. The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court. All such judges shall hold office for a term of ten (10) years with privilege of reappointment, provided that they shall be retired upon the attainment of the age as fixed by law.

The judges of the inferior courts shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article ~~LXXVII~~ LXXXI. The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act.

Article ~~LXXVIII~~ LXXXII. Trials shall be conducted and judgment declared publicly. Where, however, a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press and cases wherein the rights of people as reserved in Chapter 3 of this Constitution are in question shall be conducted publicly without exception.

Chapter 7 Finance

Article ~~LXXIX~~ LXXXIII. The power to administer national finances shall be exercised as the Diet shall determine.

Article ~~LXXX~~ LXXXIV. No new taxes shall be imposed or existing ones modified except by law or under such conditions as law may prescribe.

Article ~~LXXXI~~ LXXXV. No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

Article ~~LXXXII~~ LXXXVI. The Cabinet shall prepare and submit to the Diet for its consideration and decision an annual budget for each fiscal year.

Article ~~LXXXIII~~ LXXXVII. In order to provide for unforeseen deficiencies in the budget a reserve fund may be authorized by the Diet to be expended upon the responsibility of the Cabinet.

The Cabinet shall be held accountable to the Diet for all payments from the reserve fund.

Article ~~LXXXIV~~ LXXXVIII. All property of the Imperial Household ~~ether-than-the-hereditary-estates~~ shall belong to the State. ~~The-income-from-all-Imperial-properties-shall-be-paid-into-the-national-treasury,-and-allowances-and~~ All expenses of the Imperial Household ~~as-defined-by-law~~ shall be appropriated by the Diet in the ~~annual~~ budget.

Article ~~LXXXV~~ LXXXIX. No public money or property shall be appropriated for the use, benefit or support of any system of religion, or religious institution or association, or for any charitable, educational or benevolent purposes not under the control of public authority.

Article ~~LXXXVI~~ XC. A final audit of all expenditures and revenues of the State shall be made annually by a Board of Audit and submitted by the Cabinet to the Diet during the fiscal year immediately following the period covered.

The organization and competency of the Board of Audit shall be determined by law.

Article ~~LXXXVII~~ XCI. At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.

Chapter 8 Local Self Government

Article ~~LXXXVIII~~ XCII. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

Article ~~LXXXIX~~ XCIII. The local public entities shall establish assemblies as their deliberative organs, in accordance with law.

The chief executive officers of all local public entities, the members of their legislative assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

Article ~~XG~~ XCIV. Local public entities shall have the right to manage their property, affairs and ~~government~~ administration, and to ~~frame~~ enact their own ~~charters~~ regulations within such laws as the Diet may enact.

Article ~~XGE~~ XCV. A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

Chapter 9 Amendments

Article ~~XGHI~~ XCVI. Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.

Amendments when so ratified shall immediately be proclaimed by the Emperor in name of the People, as an integral part of this Constitution.

Chapter 10 Supreme Law

Article ~~XGIII~~ XCVII. The fundamental human rights by this Constitution guaranteed to the people of Japan result from the age-old struggle of man to be free. They have survived the exacting test for durability in the crucible of time and experience, and are conferred upon this and future generations in sacred trust, to be held for all time inviolate.

Article ~~XCV~~ XCVIII. This Constitution ~~and the laws and~~
~~treaties made in pursuance hereof~~ shall be the supreme law of
of the State, and no public law or ordinance and no Imperial
rescript or other act of government, or part thereof, contrary
to the provisions hereof, shall have legal force or validity.

The treaties concluded by Japan and established of nations
shall be faithfully observed.

Article ~~XCVI~~ XCIX. The Emperor or the Regent, as well
as the Ministers of State, the members of the Diet, judges, and
all other public officials have the obligation to respect and
uphold this Constitution.

Chapter 11
Supplementary Provisions

Article ~~XCVI~~ C. This Constitution shall be enforced
as from the day when the period of six months will have elapsed
counting from the day of its promulgation.

The enactment of laws necessary for the enforcement of
this Constitution, the election of members of the House of
Councillors and the procedure for the convocation of the Diet
and other preparatory procedures necessary for the enforcement
of this Constitution may be executed before the day prescribed
in the preceding paragraph.

~~Article XCVII. As regards those who held peerage on~~
~~the effective date of this Constitution, their title shall re-~~
~~main valid for their lives, but no right of peerage shall from~~
~~this time forth embody within itself any power of government.~~

Article ~~XCVIII~~ CI. If the House of Councillors is not
constituted before the effective date of this Constitution, the
House of Representatives shall sit as the Diet on that date and
until such time as the House of Councillors shall be constituted.

Article ~~XCIX~~ CII. The term of office for half the members
of the House of Councillors serving in the first term under this
Constitution shall be three years. Members falling under this
category shall be determined in accordance with law.

Article 6 CIII. The Ministers of State, members of the House of Representatives and judges in office on the effective date of this Constitution, and all other public officials who occupy positions corresponding to such positions as are recognized by this Constitution shall not forfeit their positions automatically on the effective date of this Constitution unless otherwise specified by law. When, however, successors are elected or appointed under the provisions of this Constitution they shall forfeit their positions as a matter of course.

FEC 087/2

27 August 1946

FAR EASTERN COMMISSION

REPORT OF COMMITTEE NO. 3 ON ITS STUDY OF THE DRAFT
CONSTITUTION

Note by the Secretary General

1. The enclosure, a report by Committee No. 3: Constitutional and Legal Reform of its study of the Japanese Draft Constitution containing a list of items which in the opinion of Committee No. 3 should receive further consideration, was considered and amended by the Steering Committee at its twenty-seventh meeting, 27 August 1946, and is forwarded herewith for the consideration of the Far Eastern Commission.

2. The Steering Committee unanimously agreed to forward the enclosure as a basis for discussion by the Commission without recommendation as to action.

HUGH D. FARLEY
Acting Secretary General

FEC 087/2

E N C L O S U R EREPORT OF COMMITTEE NO. 3 ON ITS STUDY OF THE DRAFT CONSTITUTION

1. The Constitutional Committee has extensively considered the latest available draft of the Constitution (FEC-087). It presents to the Commission an attached list of matters which in the Committee's opinion should receive further consideration.

2. The Committee recommends that the proposed communication to the Supreme Commander for the Allied Powers (FEC-031/34) which was approved by the Committee on 8 August 1946 and forwarded to the Commission, be not now sent, as subsequent developments have rendered it partially, at least, out of date, and as further consultation of this type would no longer appear necessary.

3. It was agreed that the present draft would appear in Articles I, LXVII, and LXVIII to meet the questions previously raised in FEC-031/29 regarding sovereignty and the selection of a majority of Cabinet members from the Diet.

4. The Committee further recommends that the Commission give early consideration to the proposal for a review of the Constitution (FEC-031/36) because the attitudes of many member governments to the present draft Constitution may be conditioned by the knowledge of whether or not there is to be a further review.

ATTACHED LIST

a. Suffrage. The Committee still considers, as indicated in previous documents (FEC-031/29 and FEC-031/34) that it is questionable whether the Commission's basic principle that the Constitution should provide for a government "based on universal adult suffrage" is adequately provided for in the present draft, as it is still not clear that there may not be discrimination between the electors of the two Houses on the basis of age.

b. Implementing Legislation. The Committee notes that the draft Constitution leaves many matters to be determined by subsequent legislation. This is of particular importance with regard to the status of the House of Councillors. The Committee considers, therefore, that if such matters are to be left for determination in subsequent legislation, drafts of such legislation should be made available for the Far Eastern Commission as soon as these drafts are submitted to the Diet.

c. In addition to the two main points discussed above, certain members of the Committee also questioned the adequacy of the provisions in the present draft with regard to the following:

(1) House of Councillors (Arts. 59 and 60). The question was raised as to whether these Articles as they stand may not give the House of Councillors undue power in obstructing legislation passed by the Lower House: first, in the requirement that with regard to ordinary legislation an adverse decision by the Upper House can only be overridden by a two-thirds majority in the House of Representatives; second, in that failure of the House of Councillors to take final action within sixty days may be determined to be a rejection; and third, in the rather vague provision for a joint committee of both Houses in the case of budget bills.

(2) Hereditary Estates (Art. 88). Although the hereditary estates are no longer exempt from this Article, it was suggested that further information be obtained as to what disposition has been made of the hereditary estates.

FEC-087/329 August 1946FAR EASTERN COMMISSIONREPORT BY COMMITTEE NO. 3 ON ITS STUDY OF THE
DRAFT CONSTITUTIONNote by the Secretary General

1. The enclosure, a revision of FEC-087/2, Report by Committee No. 3 on its Study of the Draft Constitution, is circulated herewith for the information of and further consideration by the Far Eastern Commission.

2. The Far Eastern Commission at its twenty-fourth meeting, 28 August 1946, unanimously agreed to adopt the recommendation of Committee No. 3 contained in paragraph 2 page 1 of the enclosure to FEC-087/2. Consequently this paragraph has been deleted.

HUGH D. FARLEY
Acting Secretary General

FEC-087/3

ENCLOSUREREPORT BY COMMITTEE NO. 3 ON ITS STUDY OF THE DRAFT CONSTITUTION

1. The Constitutional Committee has extensively considered the latest available draft of the Constitution (FEC 087). It presents to the Commission an attached list of matters which in the Committee's opinion should receive further consideration.

2. It was agreed that the present draft would appear in Articles I, LXVII, and LXVIII to meet the questions previously raised in FEC 031/29 regarding sovereignty and the selection of a majority of Cabinet members from the Diet.

3. The Committee further recommends that the Commission give early consideration to the proposal for a review of the Constitution (FEC 031/36) because the attitudes of many member governments to the present draft Constitution may be conditioned by the knowledge of whether or not there is to be a further review.

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(2) Hereditary Estates (Art. 88). Although the hereditary estates are no longer exempt from this Article, it was suggested that further information be obtained as to what disposition has been made of the hereditary estates.

FEC-087/4

13 September 1946

FAR EASTERN COMMISSION

PASSAGE OF DRAFT CONSTITUTION BY HOUSE OF PEERS

Note by the Secretary General

1. At the twenty-fifth meeting of the Far Eastern Commission, 12 September 1946, the Chairman stated that the War Department has sent a cable to the Supreme Commander for the Allied Powers asking him to advise immediately whether he estimated that the draft Constitution would remain in the House of Peers at least until 20 September

2. The following reply from the War Department has been received and is hereby circulated for the information of the Far Eastern Commission:

"General MacArthur believes that the Constitution will not be acted upon in the House of Peers prior to September 20."

NELSON T. JOHNSON
Secretary General

FEC-087/4

FEC-087/519 September 1946FAR EASTERN COMMISSIONSTATEMENT OF SOVIET VIEWS WITH REGARD TO FEC-087/1,
DRAFT CONSTITUTIONNote by the Secretary General

At its twenty-sixth meeting on 19 September 1946, the Far Eastern Commission unanimously agreed to refer the enclosure, a statement of Soviet views with regard to FEC-087/1, Draft Constitution, to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM for consideration and report back to the Commission at a special meeting on Saturday, 21 September 1946.

NELSON T. JOHNSON
Secretary General

FEC-087/5

ENCLOSURESTATEMENT OF SOVIET VIEWS WITH REGARD TO FEC 087/1 DRAFT
CONSTITUTION

After careful and exhaustive study of the draft of the Japanese Constitution from the angle of its conformity with the Potsdam Declaration and FEC 031/19 the Soviet government considers that the below mentioned amendments must be included in the Constitution:

1. The Sovereign power of the people should be defined in the constitution more precisely and clearly. The provision to the effect that "sovereign power resides with the people" should constitute a separate Article and have no connection with the definition of the role of the Emperor.

2. The Diet should have the right to appoint not only the prime-minister, but also the remaining ministers of the Cabinet. All the ministers should be civilians.

3. Members of the Supreme Court should be elected by the Diet for 5 years service.

4. The Article concerning regency should be worded in the sense that regency is established on the principle of the free expression of will of the people with whom the sovereign power resides. Such principle of establishing the regency is in compliance with the spirit of the Potsdam Declaration and also with the decision of the Far Eastern Commission on "Basic Principles of a New Japanese Constitution", in which it is stated that "the Japanese people should be encouraged to abolish the Emperor Institution or to reform it along more democratic lines".

5. The Soviet Delegation does not insist on the unicameral system, provided the House of Councillors has no predominance over the House of Representatives.

FEC-087/6

20 September 1946

FAR EASTERN COMMISSION

STATEMENT BY COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM
ON FEC-087/5, SOVIET PROPOSALS CONCERNING THE DRAFT CONSTITUTION
(Reference: FEC-087/5; FEC-087/1)

Note by the Secretary General

1. The enclosure, a statement by COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM on FEC-087/5, Soviet Proposals Concerning the Draft Constitution, is forwarded herewith to the Far Eastern Commission for consideration, in accordance with special instructions of the Far Eastern Commission at its twenty-sixth meeting on 19 September 1946.

2. The Soviet member reserved his position on the enclosure. The United States member and the Netherlands member reserved their positions on sub-paragraph 2 of Paragraph 2.

NELSON T. JOHNSON
Secretary General

FEC-087/6

ENCLOSURESTATEMENT BY COMMITTEE NO. 3 ON FEC-087/5,
SOVIET PROPOSALS CONCERNING THE DRAFT CONSTITUTION1. Sovereign Power.

Committee No. 3 considers that the draft Constitution now adequately provides in Article I and in the Preamble that sovereign power resides in the people. The Committee notes that the Japanese text of the draft Constitution has been modified to express this principle more clearly.

2. Cabinet Ministers.

With regard to the Soviet proposal as to the appointment of Cabinet Ministers by the Diet, it is the opinion of Committee No. 3 that the present provisions of the draft Constitution are in general accord with practice in political systems where the executive is responsible to the legislature, and that Articles 68 and 69 give the Diet sufficient power to prevent the appointment or secure the removal of Ministers not acceptable to it.

The Committee gave careful consideration to the Soviet suggestion that "All Ministers should be civilians," which is a principle specifically set forth in paragraph 3b of the Commission's statement of policy (FEC-031/19). In view of the total prohibition of the maintenance of armed forces contained in the earlier draft of the Constitution, the Committee had not previously recommended the insertion in the draft of this provision. The Committee observed, however, that the second sub-paragraph of Article IX of the draft Constitution has been amended in the House of Representatives and that the Japanese text might now be interpreted by the Japanese to permit the maintenance of forces for purposes other than those specified in the first sub-paragraph. In such case, it would be possible, as the Constitution now stands, to include members of the armed forces in the Cabinet. The Committee therefore recommends that the Commission should ask the United States member to communicate its misgivings to the Supreme Commander and that it should insist that the Japanese should include in their Constitution a provision that all Ministers of State

including the Prime Minister, should be civilians.

3. Supreme Court Judges.

The Committee considers that the existing provisions of the draft Constitution with regard to the selection and term of office of Supreme Court judges are not obviously inconsistent with the controlling documents and therefore sees no ground for altering them.

4. Regency.

Committee No. 3 agrees that matters concerning the Regency not already covered in the draft Constitution should appropriately be considered by the Commission when the Imperial House Law comes before it.

5. Unicameral Legislature.

The Committee agrees that the House of Councillors should not have any predominance over the House of Representatives and considers that it will be essential to scrutinize the implementing legislation very carefully to ensure that such predominance shall not be established.

FEC-087/7

21 September 1946

FAR EASTERN COMMISSION

DISPOSITION OF HEREDITARY ESTATES

Note by the Secretary General

The following information from the Supreme Commander for the Allied Powers has been received relative to the disposition of hereditary estates of the Imperial Household, and is circulated herewith by the United States member for the information of the Far Eastern Commission:

The original draft of Article 84 of the proposed Constitution reads:

"All property of the Imperial Household, other than the hereditary estates, shall belong to the State. The income from all Imperial properties shall be paid into the national treasury, and allowances and expenses of the Imperial Household, as defined by law, shall be appropriated by the Diet in the annual budget."

In order to conform to the requirements of Sub-paragraph d. of Paragraph 4. of the statement of policy adopted by the Far Eastern Commission on 2 July 1946, the provision now reads, as Article 88:

"All property of the Imperial Household shall belong to the State. All expenses of the Imperial Household shall be appropriated by the Diet in the budget."

Thus the provision excepting the hereditary estates of the Emperor from transfer to the State has been removed. The actual transfer of the property of the Imperial Household to the State is to be effected when the new Constitution becomes effective.

NELSON T. JOHNSON
Secretary General

FEC-087/7

CONFIDENTIALCOPY NO. 84FEC 087/825 September 1946FAR EASTERN COMMISSIONAMENDMENTS TO THE CONSTITUTION

(Reference: FEC 087/1)

Note by the Secretary General

1. Following consultation with the Supreme Commander for the Allied Powers after the last meeting of the Commission on 21 September 1946, the enclosed information has been received by the United States Representative on the Commission and is circulated herewith for information.

2. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

FEC 087/8

CONFIDENTIALE N C L O S U R EAMENDMENTS TO THE CONSTITUTION

The United States Government has received the following message from the Supreme Commander for the Allied Powers:

"In deference to the views of the other Governments, I have persuaded the Japanese Government to accept the following amendments to the Constitution: Article 15 by adding the following sentence 'universal adult suffrage is hereby guaranteed'; and Article 66 by adding the following sentence 'the Prime Minister and the Ministers of State shall be civilians'.

"At the same time, in view of the delicacy involved in the Government's sponsorship of amendments at this late date, I assured the Japanese Government that I would seek no further modifications so long as there is no legislative change in the principles embodied in the draft as it now stands. You will be at once advised of any amendments made in the course of the completion of legislative action. The House of Peers is currently expected to complete its action within this week."

/s/ Ernest A. Gross
for J. H. HILLDRING

~~CONFIDENTIAL~~
FEC-087/92 October 1946~~CONFIDENTIAL~~
**DOWNGRADED TO
UNCLASSIFIED**COPY NO. 162FAR EASTERN COMMISSIONFURTHER POLICIES RELATING TO THE JAPANESE CONSTITUTION
(Reference: FEC-087/5; FEC-087/6)Note by the Secretary General

1. Enclosure "A", a policy statement approved by the Far Eastern Commission at its twenty-eighth meeting 25 September 1946, is circulated herewith for the information of the Far Eastern Commission.
2. The letter of transmittal of the Secretary General, forwarding this decision on behalf of the Far Eastern Commission to the Acting Secretary of State of the United States Government in accordance with the Terms of Reference, is circulated herewith as Enclosure "B".
3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

FEC-087/9

CONFIDENTIALENCLOSURE "A"FURTHER POLICIES RELATING TO A NEW JAPANESE CONSTITUTION

The Far Eastern Commission reaffirms its previous decision, taken in FEC-031/19, Basic Principles for a New Japanese Constitution that all cabinet ministers should be civilians, and further decides as a matter of policy that the House of Councillors should not have any predominance over the House of Representatives. The Commission considers essential its continuing right to scrutinize the implementing legislation very carefully to insure that such predominance is not established.

CONFIDENTIALENCLOSURE "B"LETTER OF TRANSMITTAL

1 October 1946

The Honorable William L. Clayton
Acting Secretary of State
Washington, D. C.

My dear Mr. Secretary:

The Terms of Reference of the Far Eastern Commission provide that one of the functions of the Commission should be to "formulate the policies, principles and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished."

It is further provided that when such decisions are made by the Far Eastern Commission, "The United States Government shall prepare directives in accordance with the policy decisions of the Commission and shall transmit them to the Supreme Commander through the appropriate United States Government agency."

At the twenty-eighth meeting of the Far Eastern Commission held at 2516 Massachusetts Avenue, Northwest, Washington, D. C., on 25 September 1946, the enclosed policy decision relative to Further Policies Relating to a New Japanese Constitution was unanimously approved.

As Secretary General of the Far Eastern Commission, I have been instructed to forward this decision to you on behalf of the Commission, in order that the appropriate directives may be prepared and transmitted to the Supreme Commander in accordance with the Terms of Reference.

Your attention is invited to a second enclosure, an excerpt from the minutes of the twenty-eighth meeting of the Far Eastern Commission on 25 September 1946, as indicating the circumstances under which the enclosed policy decision was approved.

Sincerely yours,

NELSON T. JOHNSON
Secretary General

Enclosures:

- (a) Policy Decision.
- (b) Excerpt from Minutes.

FEC-087/107 October 1946FAR EASTERN COMMISSIONAMENDMENT AND ADOPTION OF THE DRAFT CONSTITUTION
BY THE JAPANESE DIETNote by the Secretary General

The enclosure, a communication from the Supreme Commander for the Allied Powers relative to the final amendment and adoption of the draft constitution by the Japanese Diet, received on noon, 7 October 1946, is circulated herewith by the Chairman for the information of the Far Eastern Commission.

NELSON T. JOHNSON
Secretary General

FEC-087/10

ENCLOSUREAMENDMENT AND ADOPTION OF THE DRAFT CONSTITUTION
BY THE JAPANESE DIET

1. The House of Peers on 6 October by standing vote of 298 to 2 passed proposed new constitution for Japan with following amendments and revisions:

a. There are few minor changes in Japanese text of preamble, but they are stylistic changes only which do not alter English translation.

b. Article XV is revised to read: "The people have the inalienable right to choose their public officials and to dismiss them."

"All public officials are servants of the whole community and not of any special group."

"Universal adult suffrage is guaranteed with regard to the election of public officials."

"In all elections, secrecy of the ballot shall be preserved inviolate, nor shall any voter be answerable, publicly or privately, for the choice he has made."

c. Article LIX is revised to read: "A bill becomes a law on passage by both houses, except as otherwise provided by the Constitution."

"A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives becomes a law when passed a second time by the House of Representatives by a majority of 2/3 or more of the members present."

"The provision of the preceding paragraph does not preclude the House of Representatives from calling for the meeting of a Joint Committee of both houses, as provided for by law."

"Failure by the House of Councillors to take final action within 60 days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection".

d. Article LXVI is revised to read:

"The cabinet shall consist of the Prime Minister, who shall be its head, and other ministers of state as provided for by law."

"The Prime Minister and other ministers of state shall be civilians."

"The cabinet, in the exercise of executive power, shall be collectively responsible to the Diet".

2. House of Representatives this date by standing vote of 342 to 5 adopted new version with amendments approved by upper house. Prior to this final action by House of Representatives members of lower house constitution committee had deliberated of all changes adopted by House of Peers.

This ends all legislative action on constitution.

Action by Privy Council and date of promulgation will be reported. Promulgation not expected prior to 20 October.

FEC-087/11

25 October 1946

FAR EASTERN COMMISSION

FURTHER POLICIES RELATING TO A NEW JAPANESE CONSTITUTION

Note by the Secretary General

1. The enclosure, a United States directive to the Supreme Commander for the Allied Powers forwarding further statements of policy of the Far Eastern Commission relating to a new Japanese Constitution, is circulated herewith for the information of the Commission.

2. This directive was forwarded to the Supreme Commander for the Allied Powers on 10 October 1946.

3. A certified copy of the United States directive to the Supreme Commander for the Allied Powers has been filed with the Commission in accordance with Section III, paragraph 4, of the Terms of Reference.

NELSON T. JOHNSON
Secretary General

FLC-087/11

Serial No. 60

ENCLOSURE

10 October 1946

FURTHER POLICIES RELATING TO A NEW JAPANESE CONSTITUTION

The following directive, prepared by the State Department to implement the policy adopted by the Far Eastern Commission on 25 September 1946 under the provisions of paragraph II, A, 1, of its terms of reference, has been received from the State, War, and Navy Departments for transmission to you for guidance in accordance with paragraph III, 1, of those terms of reference:

"The Far Eastern Commission reaffirms its previous decision, taken in FEC-031/19,* basic principles for a new Japanese Constitution, that all cabinet ministers should be civilians, and further decides as a matter of policy that the House of Councilors should not have any predominance over the House of Representatives. The Commission considers essential its continuing right to scrutinize the implementing legislation very carefully to insure that such predominance is not established."

* Serial No. 54.

FEC-087/12

4 November 1946

FAR EASTERN COMMISSION

AMENDMENTS IN ROMAJI TO THE NEW JAPANESE CONSTITUTION
AS PASSED BY THE HOUSE OF PEERS ON 5 October 1946
(Reference: FEC-087/10)

Note by the Secretary General

1. The enclosure, a list of amendments and the revised preamble in Romaji to the new Japanese Constitution as passed by the House of Peers has been forwarded by the Supreme Commander for the Allied Powers and is circulated herewith by the U. S. Representative for the information of the Far Eastern Commission.

2. The particular attention of Committee No. 3: Constitutional and Legal Reform is invited to the enclosure.

NELSON T. JOHNSON
Secretary General

FEC-087/12

E N C L O S U R EAMENDMENTS IN ROMAJI TO THE NEW JAPANESE CONSTITUTION
AS PASSED BY THE HOUSE OF PEERS ON 6 OCTOBER 1946

1. The following provisions have been added:

Article 15: (as third paragraph of the article)

KOMIN NO SENKYO NI TSUITE WA, SEINENSHA NI YORU FUTSU SENKYO
WO HOSHO SURU.

Article 59: (as third paragraph of the article)

ZENKO NO KITEI WA, HORITSU NO SADAMERU TOKORO NI YORI, SHUGIIN
NO KYOGIKAI

WO HIRAKU KOTO WO MOTOMERU KOTO WO SAMATAGENAI.

Article 66: (as second paragraph of the article)

NAIKAKU NO SORIDAIJIN SONO TA NO KOKUMUDAIJIN WA, BUMMIN DE
NAKEREBA NARANU.

2. Draft constitution preamble as finally approved by the Diet on
7 October.

NIHON KOKUMIN WA, SEITO NI SENKYO SARETA KOKKAI NI OKERU
DAIHYOSHA WO TSUJITE KODO SHI, WARERA TO WARERA NO SHISON NO TAMENI,
SHOKOKUMIN TONO KYOWA NI YORU SEIKA TO, WAGA KUNI ZENDO NI WATATTE
JIYU NO MOTARASU KEITAKU WO KAKUHO SHI, SEIFU NO KOI NI YOTTE
FUTATABI SENSO NO SANKA GA OKORU KOTO NO NAI YO NI SURU KOTO WO
KETSUI SHI, KOKO NI SHUKEN GA KOKUMIN NI SONZURU KOTO WO SENGEN
SHI, KONO KEMPO WO KAKUTEI SURU. SOMOSOMO KOKUSEI WA, KOKUMIN NO
GENSHUKU NA SHINTAKU NI YORU MONO DE ATTE, SONO KENI WA KOKUMIN
NI YURAI SHI, SONO KENRYOKU WA KOKUMIN NO DAIHYOSHA GA KORE WO
KOSHI SHI, SONO FUKURI WA KOKUMIN GA KORE WO KYOJU SURU. KORE
WA JINRUI FUHEN NO GENRI DE ARI, KONO KEMPO WA KAKAHU GENRI NI
MOTOZUKU MONO DE ARU. WARERA WA, KORE NI HAN SURU ISSAI NO KEMPO,
HOREI OYOBI SHOCHOKU WO HAIJO SURU.

NIHON KOKUMIN WA, KOKYU NO HEIWA WO NENGAN SHI, NINGEN SOGO
NO KANKEI WO SHIHAI SURU SUKO NA RISO WO FUKAKU JIKAKU SURU NO DE
ATTE, HEIWA WO AISURU SHOKOKUMIN NO KOSEI TO SHINGI NI SHINRAI
SHITE, WARERA NO ANZEN TO SEIZON WO HOJI SHIYO TO KETSUI SHITA.
WARERA WA, HEIWA WO IJI SHI, SENSEI TO REIJU, APPAKU TO HENKYO WO
SHIJO KARA EIEN NI JOKYO SHIYO TO TSUTOMETE IRU KOKUSAI SHAKAI NI
OITE, MBEIYO ARU CHII WO SHIMETA I TO OMOU. WARERA WA, ZENSEKAI NO
KOKUMIN GA, HITOSHIKU KYOFU TO KETSUBO KARA MANUKARE, HEIWA NO
UCHI NI SEIZON SURU KENRI WO YUSURU KOTO WO KAKUMIN SURU.

WARERA WA, IZURE NO KOKKA MO, JIKOKU NO KOTO NOMI NI SENNEN
SENTEI TAIKOKU WO MUSHI SHITE WA NARANAI NO DE ATTE, SEIJI DOTOKU
NO HOSOKU WA, FUHENTEKI NA MONO DE ARI, KONO HOSOKU NI SHITAGAU
KOTO WA JIKOKU NO SHUKEN WO IJI SHI, TAKOKU TO TAITO KANKEI NI
TAHO TO SURU KAKKOKU NO SEKIMU DE ARU TO SHINZURU. NIHON KOKUMIN
WA, KOKKA NO MEIYO NI KAKE, ZENRYOKU WO AGETE KONO SUKO NA RISO
TO MOKUTEKI WO TASSEI SURU KOTO WO CHIKAU.

RESTRICTED

FEC-087/14

19 November 1946

FAR EASTERN COMMISSION

OFFICIAL ENGLISH LANGUAGE TRANSLATION
OF NEW JAPANESE CONSTITUTION
(Reference: FEC 087 Series;
MI 003 Series)

Note by the Secretary General

1. The enclosure, the official English language translation of the Japanese constitution promulgated on 3 November 1946, has been received from the Supreme Commander for the Allied Powers and is circulated herewith for the information of the Far Eastern Commission.

2. The official letter of transmittal from the Supreme Commander states:

"It will be noted that this English language translation (certified by the Japanese Government) varies in some details from the version previously translated. Minor changes were made following careful study and examination to effect precise conformity, even in the smallest details, with the original Japanese text."

3. The official Japanese text of the new Constitution is being circulated as FEC-087/15.

NELSON T. JOHNSON
Secretary General

FEC-087/14

THE CONSTITUTION OF JAPAN
(Promulgated 3 November 1946)

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is an universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and orders in conflict herewith. We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationships, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.

We believe that no nation is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all nations which would sustain their own sovereignty

and justify their sovereign relationship with other nations.

We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.

CHAPTER I. THE EMPEROR

ARTICLE 1. The Emperor shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with whom resides Sovereign power.

ARTICLE 2. The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

ARTICLE 3. The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor.

ARTICLE 4. The Emperor shall perform only such acts in matters of state as are provided for in this Constitution, and he shall not have powers related to government.

The Emperor may delegate the performance of his acts in matters of state as may be provided by law.

ARTICLE 5. When, in accordance with the Imperial House Law, a regency is established, the Regent shall perform his acts in matters of state in the Emperor's name. In this case, paragraph one of the preceding article will be applicable.

ARTICLE 6. The Emperor shall appoint the Prime Minister as designated by the Diet.

The Emperor shall appoint the Chief Judge of the Supreme Court, as designated by the Cabinet.

ARTICLE 7. The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of

state on behalf of the people:

Promulgation of amendments of the Constitution, laws, cabinet orders and treaties.

Convocation of the Diet.

Dissolution of the House of Representatives.

Proclamation of general election of members of the Diet.

Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law, and of full powers and credentials of Ambassadors and Ministers.

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.

Awarding of honors.

Attestation of instruments of ratification and other diplomatic documents as provided for by law.

Receiving foreign ambassadors and ministers.

Performance of ceremonial functions.

ARTICLE 8. No property can be given to, or received by, the Imperial House, nor any gifts can be made there from, without the authorization of the Diet.

CHAPTER II. RENUNCIATION OF WAR

ARTICLE 9. Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

CHAPTER III. RIGHTS AND DUTIES OF THE PEOPLE

ARTICLE 10. The conditions necessary for being a Japanese national shall be determined by law.

ARTICLE 11. The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

ARTICLE 12. The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

ARTICLE 13. All of the people shall be respected as individual. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

ARTICLE 14. All of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status or family origin.

Peers and peerage shall not be recognized.

No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

ARTICLE 15. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any group thereof.

Universal adult suffrage is guaranteed with regard to the election of public officials.

In all elections, secrecy of the ballot shall not be violated. A voter shall not be answerable, publicly or privately, for the choice he has made.

ARTICLE 16. Every person shall have the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations and for other matters; nor shall any person be in any way discriminated against for sponsoring such a petition.

ARTICLE 17. Every person may sue for redress as provided by law from the State or a public entity, in case he has suffered damage through illegal act of any public official.

ARTICLE 18. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for a crime, is prohibited.

ARTICLE 19. Freedom of thought and conscience shall not be violated.

ARTICLE 20. Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice.

The State and its organs shall refrain from religious education or any other religious activity.

ARTICLE 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.

No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

ARTICLE 22. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

ARTICLE 23. Academic freedom is guaranteed.

ARTICLE 24. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis. With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

ARTICLE 25. All people shall have the right to maintain the minimum standards of wholesome and cultured living.

In all spheres of life, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health.

ARTICLE 26. All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free.

ARTICLE 27. All people shall have the right and the obligation to work.

Standards for wages, hours, rest and other working conditions shall be fixed by law.

Children shall not be exploited.

ARTICLE 28. The right of workers to organize and to bargain and act collectively is guaranteed.

ARTICLE 29. The right to own or to hold property is inviolable.

Property rights shall be defined by law, in conformity with the public welfare.

Private property may be taken for public use upon just compensation therefor.

ARTICLE 30. The people shall be liable to taxation as provided by law.

ARTICLE 31. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

ARTICLE 32. No person shall be denied the right of access to the courts.

ARTICLE 33. No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offense with which the person is charged, unless he is apprehended, the offense being committed.

ARTICLE 34. No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

ARTICLE 35. The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued for adequate cause, and particularly describing the place to be searched and things to be seized, or except as provided by Article 33.

Each search or seizure shall be made upon separate warrant issued by a competent judicial officer.

ARTICLE 36. The infliction of torture by an public officer and cruel punishments are absolutely forbidden.

ARTICLE 37. In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.

He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense.

At all times the accused shall have the assistance of competent counsel who shall, if the accused is unable to secure the same by his own efforts, be assigned to his use by the State.

ARTICLE 38. No person shall be compelled to testify against himself.

Confessions made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence.

No person shall be convicted or punished in cases where the only proof against him is his own confession.

ARTICLE 39. No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he, in any way, be placed in double jeopardy.

ARTICLE 40. Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law.

CHAPTER IV. THE DIET

ARTICLE 41. The Diet shall be the highest organ of state power, and shall be the sole law-making organ of the State.

ARTICLE 42. The Diet shall consist of two Houses, namely the House of Representatives and the House of Councillors.

ARTICLE 43. Both Houses shall consist of elected members, representative of all the people.

The number of the members of each House shall be fixed by law.

ARTICLE 44. The qualifications of members of both Houses and their electors shall be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income.

ARTICLE 45. The term of office of members of the House of Representatives shall be four years. However, the term shall be terminated before the full term is up in case the House of Representatives is dissolved.

ARTICLE 46. The term of office of members of the House of Councillors shall be six years, and election for half the members shall take place every three years.

ARTICLE 47. Electoral districts, methods of voting and other matters pertaining to the method of election of members of both Houses shall be fixed by law.

ARTICLE 48. No person shall be permitted to be a member of both Houses simultaneously.

ARTICLE 49. Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with law.

ARTICLE 50. Except in cases provided by law, members of both Houses shall be exempt from apprehension while the Diet is in session, and any members apprehended before the opening of the session shall be freed during the term of the session upon demand of the House.

ARTICLE 51. Members of both Houses shall not be held liable outside the House for speeches, debates, or votes cast inside the House.

ARTICLE 52. An ordinary session of the Diet shall be convoked once per year.

ARTICLE 53. The Cabinet may determine to convoke extraordinary sessions of the Diet. When a quarter or more of the total members of either House makes the demand, the Cabinet must determine on such convocation.

ARTICLE 54. When the House of Representatives is dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election.

When the House of Representatives is dissolved, the House of Councillors is closed at the same time. However, the Cabinet may in time of national emergency convoke the House of Councillors in emergency session.

Measures taken at such session as mentioned in the proviso of the preceding paragraph shall be provisional and shall become null and void unless agreed to by the House of Representatives within a period of ten (10) days after the opening of the next session of the Diet.

ARTICLE 55. Each House shall judge disputes related to qualifications of its members. However, in order to deny a seat to any member, it is necessary to pass a resolution by a majority of two-thirds or more of the members present.

ARTICLE 56. Business cannot be transacted in either House unless one-third or more of total membership is present.

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution, and in case of a tie, the presiding officer shall decide the issue.

ARTICLE 57. Deliberation in each House shall be public. However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefor.

Each House shall keep a record of proceedings. This record shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy.

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be recorded in the minutes.

ARTICLE 58. Each House shall select its own president and other officials.

Each House shall establish its rules pertaining to meetings, proceedings and internal discipline, and may punish members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more of those members present must pass a resolution thereon.

ARTICLE 59. A bill becomes law on passage by both Houses, except as otherwise provided by the Constitution.

A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

The provision of the preceding paragraph does not preclude the House of Representatives from calling for the meeting of a joint committee of both Houses, provided for by law.

Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection of the said bill by the House of Councillors.

ARTICLE 60. The budget must first be submitted to the House of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when no agreement can be reached even through a joint committee of both Houses, provided for by law, or in the case of failure by the House of Councillors to take final action within thirty (30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives shall be the decision of the Diet.

ARTICLE 61. The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties.

ARTICLE 62. Each House may conduct investigations in relation to government, and may demand the presence and testimony of witnesses, and the production of records.

ARTICLE 63. The Prime Minister and other Ministers of State may, at any time, appear in either House for the purpose of speaking on bills, regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

ARTICLE 64. The Diet shall set up an impeachment court from among the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted.

Matters relating to impeachment shall be provided by law.

CHAPTER V. THE CABINET

ARTICLE 65. Executive power shall be vested in the Cabinet.

ARTICLE 66. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State as provided for by law.

The Prime Minister and other Ministers of State must be civilians.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

ARTICLE 67. The Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Councillors disagree and if no agreement can be reached even through a joint committee of both Houses, provided for by law, or the House of Councillors fails to make designation within ten (10) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives shall be the decision of the Diet.

ARTICLE 68. The Prime Minister shall appoint the Ministers of State. However, a majority of their numbers must be chosen from among the members of the Diet.

The Prime Minister may remove the Ministers of State as he chooses.

ARTICLE 69. If the House of Representatives passes a non-confidence resolution, or rejects a confidence resolution, the Cabinet shall resign en masse, unless the House of Representatives is dissolved within ten (10) days.

ARTICLE 70. When there is a vacancy in the post of Prime Minister, or upon the first convocation of the Diet after a general election of members of the House of Representatives, the Cabinet shall resign en masse.

ARTICLE 71. In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

ARTICLE 72. The Prime Minister, representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet, and exercises control and supervision over various administrative branches.

ARTICLE 73. The Cabinet, in addition to other general administrative functions shall:

Administer the law faithfully; conduct affairs of State.

Manage foreign affairs.

Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

Administer the civil service in accordance with standards established by law.

Prepare the budget, and present it to the Diet.

Enact cabinet orders in order to execute the provisions of this Constitution and of the law. However, it cannot include penal provisions in such cabinet orders unless authorized by such law.

Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

ARTICLE 74. All laws and cabinet orders shall be signed by the competent Minister of State and countersigned by the Prime Minister.

ARTICLE 75. The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister. However, the right to take that action is not impaired hereby.

CHAPTER VI. JUDICIARY

ARTICLE 76. The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.

No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power.

All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws.

ARTICLE 77. The Supreme Court is vested with the rule-making power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs.

Public procurators shall be subject to the rule-making power of the Supreme Court.

The Supreme Court may delegate the power to make rules for inferior courts to such courts.

ARTICLE 78. Judges shall not be removed except by public impeachment unless judicially declared mentally or physically incompetent to perform official duties. No disciplinary action against judges shall be administered by any executive organ or agency.

ARTICLE 79. The Supreme Court shall consist of a Chief Judge and such number of judges as may be determined by law; such judges excepting the Chief Judge shall be appointed by the Cabinet.

The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of the House of Representatives following their appointment, and shall be reviewed again at the first general election of the House of Representatives after a lapse of ten (10) years, and in the same manner thereafter.

In cases mentioned in the foregoing paragraph when the majority of the voters favors the dismissal of a judge, he shall be dismissed.

Matters pertaining to review shall be prescribed by law.

The judges of the Supreme Court shall be retired upon the attainment of the age as fixed by law.

All such judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

ARTICLE 80. The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court. All such judges shall hold office for a term of ten (10) years with privilege of reappointment, provided that they shall be retired upon attainment of the age as fixed by law.

The judges of the inferior courts shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

ARTICLE 81. The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act.

ARTICLE 82. Trials shall be conducted and judgement declared publicly.

Where a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press, or cases wherein the rights of people as guaranteed in Chapter III of this Constitution are in question, shall always be conducted publicly.

CHAPTER VII. FINANCE

ARTICLE 83. The power to administer national finances shall be exercised as the Diet shall determine.

ARTICLE 84. No new taxes shall be imposed or existing ones modified except by law or under such conditions as law may prescribe.

ARTICLE 85. No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

ARTICLE 86. The Cabinet shall prepare and submit to the Diet for its consideration and decision a budget for each fiscal year.

ARTICLE 87. In order to provide for unforeseen deficiencies in the budget a reserve fund may be authorized by the Diet to be expended upon the responsibility of the Cabinet.

The Cabinet must get subsequent approval of the Diet for all payments from the reserve fund.

ARTICLE 88. All property of the Imperial Household shall belong to the State. All expenses of the Imperial Household shall be appropriated by the Diet in the budget.

ARTICLE 89. No public money or other property shall be expended or appropriated for the use, benefit or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprises not under the control of public authority.

ARTICLE 90. Final accounts of the expenditures and revenues of the State shall be audited annually by a Board of Audit and submitted by the Cabinet to the Diet, together with the statement of audit, during the fiscal year immediately following the period covered.

The organization and competency of the Board of Audit shall be determined by law.

ARTICLE 91. At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.

CHAPTER VIII. LOCAL SELF-GOVERNMENT

ARTICLE 92. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

ARTICLE 93. The local public entities shall establish assemblies as their deliberative organs, in accordance with law

The chief executive officers of local public entities, the members of their assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

ARTICLE 94. Local public entities shall have the right to manage their property, affairs and administration and to enact their own regulations within law.

ARTICLE 95. A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

CHAPTER IX. AMENDMENTS

ARTICLE 96. Amendments to this constitution shall be initiated by the Diet, through a concurring vote of two-thirds or more of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.

Amendments when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution.

CHAPTER X. SUPREME LAW

ARTICLE 97. The fundamental human rights by this Constitution guaranteed to the people of Japan are fruits of the age-old struggle of man to be free; they have survived the many exacting tests for durability and are conferred upon this and future generations in trust, to be held for all time inviolate.

ARTICLE 98. This Constitution shall be the supreme law of the nation and no law, ordinance, imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

The treaties concluded by Japan and established laws of nations shall be faithfully observed.

ARTICLE 99. The Emperor or the Regent as well as Ministers of State, members of the Diet, judges, and other public officials have the obligation to respect and uphold this Constitution.

CHAPTER XI. SUPPLEMENTARY PROVISIONS

ARTICLE 100. This Constitution shall be enforced as from the day when the period of six months will have elapsed counting from the day of its promulgation.

The enactment of laws necessary for the enforcement of this Constitution, the election of members of the House of Councillors and the procedure for the convocation of the Diet and other preparatory procedures necessary for the enforcement of this Constitution may be executed before the day prescribed in the preceding paragraph.

ARTICLE 101. If the House of Councillors is not constituted before the effective date of this Constitution, the House of Representatives shall function as the Diet until such time as the House of Councillors shall be constituted.

ARTICLE 102. The term of office for half the members of the House of Councillors serving in the first term under this Constitution shall be three years. Members falling under this category shall be determined in accordance with law.

ARTICLE 103. The Ministers of State, members of the House of Representatives and judges in office on the effective date of this Constitution, and other public officials who occupy positions corresponding to such positions as are recognized by this Constitution, shall not forfeit their positions automatically on account of the enforcement of this Constitution unless otherwise specified by law. When, however, successors are elected or appointed under the provisions of this Constitution they shall forfeit their positions as a matter of course.

FEC-087/16RESTRICTEDFEC-087/1615 January 1947FAR EASTERN COMMISSIONOFFICIAL ENGLISH LANGUAGE VERSION OF THE NEW JAPANESE
CONSTITUTION IN BOOKLET FORMNote by the Secretary General

1. The enclosure, the Constitution of Japan, published by the Japanese Cabinet as the official English language version in booklet form, has been received from the Supreme Commander for the Allied Powers and is circulated herewith by the United States Representative for the information of the Far Eastern Commission.

2. Copies of the official English language version were circulated previously as FEC-087/14 on 19 November 1946 in mimeographed form.

3. Due to the limited number of copies available, only one copy of the enclosure can be furnished each delegation.

NELSON T. JOHNSON
Secretary General

FEC-087/16

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THE CONSTITUTION OF JAPAN

Certified Official English Translation
of the Constitution of Japan
Promulgated on 3^d day of Nov. 1946

745
CABINET SECRETARIAT

I rejoice that the foundation for the construction of a new Japan has been laid according to the will of the Japanese people, and hereby sanction and promulgate the amendments of the Imperial Japanese Constitution effected following the consultation with the Privy Council and the decision of the Imperial Diet made in accordance with Article 73 of the said Constitution.

Signed: HIROHITO, Seal of the Emperor

This third day of the eleventh month of the twenty-first year of Showa (November 3, 1946)

Countersigned :

Prime Minister and concurrently	
Minister for Foreign Affairs	YOSHIDA Shigeru
Minister of State	Baron SHIDEHARA Kijuro
Minister of Justice	KIMURA Tokutaro
Minister for Home Affairs	OMURA Seiichi
Minister of Education	TANAKA Kotaro
Minister of Agriculture and Forestry	WADA Hiroo
Minister of State	SAITO Takao
Minister of Communications	HITOTSUMATSU Sadayoshi
Minister of Commerce and Industry	HOSHIJIMA Niro
Minister of Welfare	KAWAI Yoshinari
Minister of State	UEHARA Etsujiro
Minister of Transportation	HIRATSUKA Tsunejiro
Minister of Finance	ISHIBASHI Tanzan
Minister of State	KANAMORI Tokujiro
Minister of State	ZEN Keinosuke

The Constitution of Japan

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith.

We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.

We believe that no nation is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations.

We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.

CHAPTER I. THE EMPEROR

Article 1. The Emperor shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power.

Article 2. The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

Article 3. The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor.

Article 4. The Emperor shall perform only such acts in matters of state as are provided for in this Constitution and he shall not have powers related to government.

The Emperor may delegate the performance of his acts in matters of state as may be provided by law.

Article 5. When, in accordance with the Imperial House Law, a Regency is established, the Regent shall perform his acts in matters of state in the Emperor's name. In this case, paragraph one of the preceding article will be applicable.

Article 6. The Emperor shall appoint the Prime Minister as designated by the Diet.

The Emperor shall appoint the Chief Judge of the Supreme Court as designated by the Cabinet.

Article 7. The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people :

Promulgation of amendments of the constitution, laws, cabinet orders and treaties.

Convocation of the Diet.

Dissolution of the House of Representatives.

Proclamation of general election of members of the Diet.

Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law, and of full powers and credentials of Ambassadors and Ministers.

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.

Awarding of honors.

Attestation of instruments of ratification and other diplomatic documents as provided for by law.

Receiving foreign ambassadors and ministers.

Performance of ceremonial functions.

Article 8. No property can be given to, or received by, the Imperial House, nor can any gifts be made therefrom, without the authorization of the Diet.

CHAPTER II. RENUNCIATION OF WAR

Article 9. Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

CHAPTER III. RIGHTS AND DUTIES OF THE PEOPLE

Article 10. The conditions necessary for being a Japanese national shall be determined by law.

Article 11. The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

Article 12. The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Article 13. All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

Article 14. All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.

Peers and peerage shall not be recognized.

No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

Article 15. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any group thereof.

Universal adult suffrage is guaranteed with regard to the election of public officials.

In all elections, secrecy of the ballot shall not be violated. A voter shall not be answerable, publicly or privately, for the choice he has made.

Article 16. Every person shall have the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations and for other matters; nor shall any person be in any way discriminated against for sponsoring such a petition.

Article 17. Every person may sue for redress as provided by law from the State or a public entity, in case he has suffered damage through illegal act of any public official.

Article 18. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article 19. Freedom of thought and conscience shall not be violated.

Article 20. Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice.

The State and its organs shall refrain from religious education or any other religious activity.

Article 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.

No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Article 22. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

Article 23. Academic freedom is guaranteed.

Article 24. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis.

With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

Article 25. All people shall have the right to maintain the minimum standards of wholesome and cultured living.

In all spheres of life, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health.

Article 26. All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free.

Article 27. All people shall have the right and the obligation to work.

Standards for wages, hours, rest and other working conditions shall be fixed by law.

Children shall not be exploited.

Article 28. The right of workers to organize and to bargain and act collectively is guaranteed.

Article 29. The right to own or to hold property is inviolable.

Property rights shall be defined by law, in conformity with the public welfare.

Private property may be taken for public use upon just compensation therefor.

Article 30. The people shall be liable to taxation as provided by law.

Article 31. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

Article 32. No person shall be denied the right of access to the courts.

Article 33. No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offense with which the person is charged, unless he is apprehended, the offense being committed.

Article 34. No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

Article 35. The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued for adequate cause and particularly describing the place to be searched and things to be seized, or except as provided by Article 33.

Each search or seizure shall be made upon separate warrant issued by a competent judicial officer.

Article 36. The infliction of torture by any public officer and cruel punishments are absolutely forbidden.

Article 37. In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.

He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense.

At all times the accused shall have the assistance of competent counsel who shall, if the accused is unable to secure the same by his own efforts, be assigned to his use by the State.

Article 38. No person shall be compelled to testify against himself. Confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence.

No person shall be convicted or punished in cases where the only proof against him is his own confession.

Article 39. No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he be placed in double jeopardy.

Article 40. Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law.

CHAPTER IV. THE DIET

Article 41. The Diet shall be the highest organ of state power, and shall be the sole law-making organ of the State.

Article 42. The Diet shall consist of two Houses, namely the House of Representatives and the House of Councillors.

Article 43. Both Houses shall consist of elected members, representative of all the people.

The number of the members of each House shall be fixed by law.

Article 44. The qualifications of members of both Houses and their electors shall be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income.

Article 45. The term of office of members of the House of Representatives shall be four years. However, the term shall be terminated before the full term is up in case the House of Representatives is dissolved.

Article 46. The term of office of members of the House of Councillors shall be six years, and election for half the members shall take place every three years.

Article 47. Electoral districts, method of voting and other matters pertaining to the method of election of members of both Houses shall be fixed by law.

Article 48. No person shall be permitted to be a member of both Houses simultaneously.

Article 49. Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with law.

Article 50. Except in cases provided by law, members of both Houses shall be exempt from apprehension while the Diet is in session, and any members apprehended before the opening of the session shall be freed during the term of the session upon demand of the House.

Article 51. Members of both Houses shall not be held liable outside the House for speeches, debates or votes cast inside the House.

Article 52. An ordinary session of the Diet shall be convoked once per year.

Article 53. The Cabinet may determine to convoke extraordinary sessions of the Diet. When a quarter or more of the total members of

either House makes the demand, the Cabinet must determine on such convocation.

Article 54. When the House of Representatives is dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election.

When the House of Representatives is dissolved, the House of Councillors is closed at the same time. However, the Cabinet may in time of national emergency convoke the House of Councillors in emergency session.

Measures taken at such session as mentioned in the proviso of the preceding paragraph shall be provisional and shall become null and void unless agreed to by the House of Representatives within a period of ten (10) days after the opening of the next session of the Diet.

Article 55. Each House shall judge disputes related to qualifications of its members. However, in order to deny a seat to any member, it is necessary to pass a resolution by a majority of two-thirds or more of the members present.

Article 56. Business cannot be transacted in either House unless one-third or more of total membership is present.

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution, and in case of a tie, the presiding officer shall decide the issue.

Article 57. Deliberation in each House shall be public. However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefor.

Each House shall keep a record of proceedings. This record shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy.

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be recorded in the minutes.

Article 58. Each House shall select its own president and other officials.

Each House shall establish its rules pertaining to meetings, proceedings and internal discipline, and may punish members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more