GHQ/SCAP Records(RG 331)
Description of contents

THE NATIONAL ARCHIVES OF THE UNITED STATES

(1) Box no. 2205

(2) Folder title/number: (23)
House of Councillors - 7th Diet

(3) Date: Nov. 1949 - May 1950

(4) Subject:

Classification	Type of record
310	d, m

(5) Item description and comment:
Includes Contents List

(6) Reproduction: (Yes) No

(7) Film no. Sheet no.

TITLE

1. BPA to Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, etc.

2. BPA to Law Administering New Pay.

3. Bill for Conversion of Former Naval Port Cities.

4. Bill for Amma Technician.

5. Bill Preventing Young and Juvenile Person from Drinking Intoxicating Liquor.

6. Cultural Properties Protection Law.

7. Mental Hygiene Bill.

8. BPA to Law re: Disposition of Police Property and Others Owned by To, Do or Prefecture.

9. Disposition of Claims for Allowance in Excess to Former Soldier and Civilian in Military Service.

10. BPA to Fisheries Law and Establishment Law of Fisheries Agency.

11. BPA to Grocery Distribution Kodan Law and Oilstuff Distribution Kodan Law.

12. BPA to Gasoline Tax Law.

13. BPA of Law for Allowances to Special Non-Repatriates.

14. BPA to the Public Health Nurse, Midwife and Nurse Law.

15. BPA to Game Law.

16. Amendments to Law re: Disposition of Former Military Claims.

17. Amendment of Law re: Authority of Assistant Judges, etc.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

Note No.	From: Govt Sec To: LS/LAJ Date: 1 November 1949 26-6076
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors. 2. Your prompt comment is requested. 1 Incl Partial Amendment to Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, etc. C. W.

P & P DIV

(1)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

Note No.	From: Govt Sec To: LS/LAJ Date: 1 November 1949 26-6076
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by the house of Councillors. 2. Your prompt comment is requested. 1 Incl Partial Amendment to Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, etc. C. W.

P & P DIV

(1)

Subject: Partial Amendment to Law for Business of
Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, Etc.

HC 11/1

From: LS To: GS C.J.Smith-2635-269
Date: 1 December 1949

2. 1. This Section has no legal objections to subject bill, amending Law No. 217 of 1947. However, the following suggestions are offered:

(a) Although Article 13 (set forth in paragraph (b) herein) serves a very useful purpose, it does not bind the Minister of Welfare or the Prefectural Governor to make "inquiry" of the Committee of experts established to investigate and deliberate such matters as the accrediting and examining of schools, etc. It is believed that consultation with the Committee should be mandatory rather than permissive, otherwise improvident judgments may be made in the absence of the Committee's advice concerning withholding of licenses or interfering with the facilities of the technicians referred to in Articles 2 and 11.

(b) The first paragraph to be added to Article 9 provides that a public hearing shall be held whenever a Prefectural Governor may undertake to suspend the business or cancel the license of any technician believed to be disqualified from practicing by virtue of Article 8 (suffering from mental disease; suffering from an infectious disease; guilty of commiting a crime; or being of notoriously bad character). To strengthen the safeguards of the individual affected, it would appear advisable to use the services of the abovementioned Committee. It is, therefore, suggested that the hereinafter underscored words be added to the first paragraph of Article 13 of the bill, so that same shall read as follows:

(1) ...

Subject: Partial Amendment to Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, Etc.

2. Cont'd

Art. 15. A committee for the business of Acupuncture, Moxa-Cautery, Massage and Judo-Orthopaedy (hereinafter called "committee") shall be established in the ministry of Welfare and in urban and local prefectures to investigate and deliberate important matters, answering the inquiry from the Minister of Welfare or the governor of urban or local prefecture concerning the accrediting and examination of schools or training institutions provided in Art. 2, par. 1, as well as concerning the directions provided in Art. 8, par. 1, or the order provided in Art. 11, par. 2, as well as concerning the suspension of business or cancellation of license provided in Article 9.

2. This bill should be read together with a companion one entitled, "Law for the Business of Amma Technique," which latter is the subject of another check note of even date from LS to GS.

3. It is believed that the therapeutic and sanitary features of the bill are a matter of concern to PH&W Section.

1 Incl. w/d

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

(1)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Ouida
26-6076

Note No.	From: Govt Sec To: NRS Date: 1 November 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors. 2. Your prompt comment is requested. 1 Incl Partial Amendment to Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, etc.

C. W.

P & P DIV

(1)

WFM/RMG/HW/SSM/dys
S.S.Moss 26-6562

From: ESS To: Govt Sec Date: 10 November 1949

2. 1. ESS/FTP (ESS/AC) objects to Article 13 of the proposed amended law. This Article provides for the establishment of a National Committee and Local Committees to investigate and deliberate on important matters in accordance with inquiries of the Minister of Welfare or Prefectural Governors concerning the accrediting and examination of schools or training institutions or licensing procedure for persons desiring to engage in this business and their manner of conducting business. The Article further provides that half of these committees shall be appointed in accordance with recommendations of policy making officials holding office in important associations in this field.

2. The subject Draft Bill which provides for an Advisory Council is typical of many Draft Bills which have been introduced during 1948 - 1949, all of which having common characteristics, i.e., the statutory establishment of Advisory Councils or Committees in which functions and scope of their authority is vaguely defined, and which Councils are used as a device to revive the power of control associations in formulating Government policy and implementation thereof. Significantly, these provisions do not preclude the appointment of purgees and officials of trade associations bent on the performance of control functions.

Rec'd GS 11/22/49

3. The Deputy Chief, ESS, was recently informed by the Prime Minister that the establishment of Advisory Councils performing Government functions had occurred without his knowledge and that the Prime Minister was determined to take steps to correct this situation.

(1)

Basic: C/N 1 from Govt Sec to ESS, subj: Draft Legislation (Amendment to Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, etc), 1 Nov 49

4. Recommendations:

a. It is recommended that the Japanese Government be advised to eliminate provisions establishing Advisory Councils in this bill.

b. That a strong position be taken by this Headquarters to prevent all but the most carefully circumscribed use of Advisory Councils on the part of the Japanese Government.

c. That Advisory Councils, if established, be confined to the role of giving advice to the Government only on highly technical and scientific problems and that trade association officials generally be prohibited from becoming members of such Advisory Councils.

1 Incl - n/c ---------- W. F. M. ----------

(1)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No.	From: Govt Sec To: PH&W Date: 1 November 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors. 2. Your prompt comment is requested. 1 Incl Partial Amendment to Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, etc. C. W.
2	From: PH&W To: Government Section Col. Johnson 26-6995 7 November 1949 1. PH&W offers no objection to the proposed amendments to the quasi-medical practice law. 1 Incl w/d - C. F. S. - - - - - - - - - - -

(1)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

Note No.	From: Govt Sec To: LS/LAJ Date: 23 November 1949 revised 26-6076
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors. 2. Your prompt comment is requested. 1 Incl Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, etc.

C. W.

P & P DIV

(1)

Subject: Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, etc. 11/23

HC.

From: LS To: GS

C.J.Smith-2636-269
Date: 14 December 1949

2.

1. This Section has no legal objections to subject (revised) bill, which incorporates all of the suggestions made in Chook Note No. 2 from LS to GS, 1 December 1949, relative to former bill on same subject.

2. In Article 9, paragraph 1 of Supplementary Provisions, reference is erroneously made to Law of 1948, No. 151. The year should be 1949.

1 Incl w/d

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

(1)

PLEASE SEE PARA 3(E) AND 3(D) OR (F) MEMO # 179012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Note No.	
1.	From: Govt Sec To: PH&W Capt. Guida 26-6076 Date: 23 November 1949 revised 1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors. 2. Your prompt comment is requested. 1 Incl Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, etc.
	C. W.
2	From: PH&W To: GS Dr. Morton, 26-6995 Date: 28 Nov 1949 1. PH&W offers no objection to the revised draft of the proposed amendments to the quasi-medical practice law. 1 Incl w/d

C. F. S.

(1)

[illegible] SEC. 3(E) AND 3(D) OR (E) NNDB # 779012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No.	From: Govt Sec To: LS/LAJ Date: 16 November 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors. 2. Your prompt comment is requested. 1 Incl Partial Amendment to Law Administering New Pay

C. W.

P & P DIV

(2)

DOCUMENT CONTAINS NEITHER RECOMMENDATION NOR CONCLUSION OF THE FBI. IT IS THE PROPERTY OF THE FBI AND IS LOANED TO YOUR AGENCY; IT AND ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY. WARNING: THIS DOCUMENT MAY BE DISCLOSED TO THE PUBLIC UNDER THE FREEDOM OF INFORMATION ACT, TITLE 5, USC, SECTION 552. EXEMPTIONS CITED IN THIS ACT ARE NOT APPLICABLE UNLESS CHECKED BELOW. IF DISCLOSURE IS REQUESTED, CONSULT WITH FBI. THOSE SEC. 3(B) AND 3(D) OR (E) KNOG # 113012

Subject: Partial Amendment to Law Administering
the New Pay of Government Employees

From: LS To: GS

A.J.McCormick-2655-269
Date: 29 December 1949

2.

1. This Section has no legal objection to subject bill, although the subject matter of the proposed draft involves the stabilization program and is of primary concern to ESS/Finance, as well as GS/ Civil Service Division.

1 Incl.w/d

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

Rec'd GS 1/3/50

(2)

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

Note No.	
1.	From: Govt Sec To: ESS Date: 16 December 1949 28-6076 1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors. 2. Your prompt comment is requested. 1 Incl Partial Amendment to Law Administering New Pay C. W. [signature] GHQ
2	File 010(16 Dec 49)ESS/PF From: ESS To: Govt Sec WHW/MHR/MCH/eb Mr. Hutchinson, 26-6054 22 December 1949 ESS non-concurrs in the proposal for introduction into the Diet of the attached bill for an increase in government employees' wages. The provisions of the bill are in violation and the basic assumptions and the detailed formulation of the budget adopted by the Cabinet and approved by SCAP. Further, as stated by Mr. Dodge to the Minister of Finance in his interview of 1 December 1949, the provisions for a wage increase are "in direct denial of one of the provisions of the Stabilization Directive". In view of the direct responsibility of ESS for insuring the effective administration of the stabilization program, this section cannot agree to leave to the Japanese Government the alternative of passing or not passing a bill so far reaching in its implication on the success of the stabilization program. 1 Incl: n/e - W.F.M. - - - - - - - - - - - - -

2

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773012

CIVIL SERVICE DIVISION
Government Section

16 December 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Bill for Partial Amendment of the Law Administering the New Pay

Civil Service Division objects to this bill on the following basis:

1. The effective date provided in Articles 1 and 2 of the Supplementary Provisions constitutes a retroactive pay increase. This should be changed accordingly.

2. The official salary rate for step 42 of Appendix 6 is incorrect. This should read 9831.

If it is possible to enforce this law within presently appropriated funds a provision similar to that in Law 200 of 1949 might be included to this effect.

W. PIERCE MacCOY
Acting Chief

WPM:MS:rp

(2)

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Note No. | From: Govt Sec | To: ESS | Capt. Cuida 26-6076 | Date: 24 February 1950

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

2. Your prompt comment is requested.

1 Incl
Amendments to Law Administering the New Pay of Government Employees

C. W.

P & P DIV

(2)

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NND # 773012

NC
12/15

File: 010(24 Feb 50)ESS/FW

From: ESS

To: Govt Sec

EOB Concurrence
WFM/RCH/AMM/JRM/eb
Mr. Mossler, 26-6148

2

1. Concurrence cannot be given to the introduction of the attached draft bill, Amendments to Law Administering the New Pay of Government Employees, as proposed by Mr. S. Ito, Socialist Member of the House of Councillors.

2. Subject bill is designed to increase the average yearly basic pay of secretaries of the public procurator's office from ¥ 48,920 to ¥ 63,729 by applying a special salary schedule which has heretofore been reserved for tax collectors and economic investigators. In addition, approximately 1200 employees of juvenile correctional institutions would be paid at a higher salary schedule presently reserved for prison employees only.

Read GS
3/14/50

3. The proposed bill, at the very minimum would require ¥ 110,000,000 in excess of funds currently included as pay to these personnel in the Japanese Government budget for the 1950-51 fiscal year. It is the stated policy of GHQ that no change in the budget now before the Diet nor the introduction of any legislation in conflict with that budget will be permitted until the Diet takes action on the budget currently before it.

(2)

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 773012

2
Cont'd

4. It is further recommended that any legislation concerning technical changes in salary schedules should be developed or, at least, analyzed for their overall implications by the responsible agencies in the Japanese Government prior to their submission on the floor of the Diet. In this instance, no such opportunity has been afforded these agencies.

1 Incl:
n/c

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

(2)

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 719012

Draft Legislation

From: Govt Sec To: ESS 17 February 1950

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

2. Your prompt comment is requested.

1 Incl:
Partial Amendment of the Law
Administering the New Pay

-C.W.-

File: GLO(17 Feb 50)ESS/FP

From: ESS To: Govt Sec

[illegible]/[illegible]/[illegible]/eb
Mr. Hutchinson, 33-6054
4 MAR 1950

2 By check note dated 22 December 1949, ESS non-concurred in the introduction into the Diet of a bill similar, except for the effective date, to that now proposed by a member of the House of Councillors. Similarly, concurrence cannot be given to the introduction of this bill the provisions of which are in violation of the budget now before the Diet.

1 Incl:
n/c

-E.F.T.-

Rec'd 3/4/50

2

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 719012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

CW/JN/JW/CFG/vs

Subject: Draft Legislation

Note No.	From: Govt Sec To: ESS Date: 22 December 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors. 2. Your prompt comment is requested. 1 Incl Bill for Conversion of Former Naval Port Cities

Govt. Guide 26-5076

C. W. _____

CW PAP DIV

3

3

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NND# 715012

Mr. Foster, 26-6148

WFM/EMR/AMA/WAF/eb

Bill for Conversion of Former Naval Port Cities

ESS

Govt Sec

1

3 FEB 1950

1. With reference to our telephone conversation in the matter of the above captioned subject, we wish to withdraw evidence of our previous comments and replace same by the following written confirmation of our opposition to the proposed legislation.

2. The Bill seems to contemplate the conveyance of an unknown and uninventoried quantity of property from national ownership, and possibly of collateral interest to the Occupation Forces, to the jurisdiction and ownership of the designated municipalities without cost. The transfer of real property, facilities, and equipment would represent a commensurate yen value depletion of assets of the National Government, and a decrease in capital investment of Japanese taxpayers of the whole, for the benefit of special groups of citizens or interests. Such conveyances would undoubtedly be inimicable to the tenets of the National Property Law, the interests of the Japanese National Government, as well as the current and long-range planning activities of SCAP.

3. Approval of the suggested bill would pave the way for other groups to initiate special purpose legislation with the express objective of acquiring, without cost, Government properties, thereby creating a demand for special exceptions and exemptions outside the scope of present policy pertinent to national property administration.

4. Articles 2 and 3 would provide the four cities with the privilege of seeking financial aid from the National and Prefectural Governments for the purpose of converting the installations to any locally chosen and directed plan of operation, and so maintaining such operations. From a purely budgetary premise the 1950-51 JFY budget makes no provision to augument such undertakings at either the National or local level. Neither does the new fiscal year budget provide funds with which to liquidate financial commitments in the matter of suggested municipal elections or referenda.

5. Any further merited consideration of this or related draft legislation should unquestionably take the form of an amendment to the "National Property Law" (Law No. 76 of 1948) and/or "The Lease and Transfer of Ex-Military Property Law" (Law No. 74 of 1948). Such a plan should also consider and encompass the national property situation as a whole.

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

3

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDS # 779012

W. A. Thurman, 26-8485
MMC/HBO/mlb

From: ESS To: Govt Sec 20 JAN 1950

2 There is no objection to the attached draft bill.

1 Incl
n/e

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

Reid 95
1/21/50

3

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 775012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JM/JS/CFO/vs

Subject: Draft Legislation

Note No.	From: Govt Sec To: LS/LAJ Date: 22 December 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors. 2. Your prompt comment is requested. 1 Incl Bill for Conversion of Former Naval Port Cities

Capt. Guida
26-6076

C. W.

Yokosuka 100,000 Cagayan 3000
Kure 150,000 6,000
Maizuru 10,000 4,000
Sasebo 50,000 3,000

P & P DIV

3

DISCLOSED AS EXEMPT FROM SEC. 3(B) AND 3(D) OR (E) NNDS # 775012

From: LS To: GS

A.C.Oppler - 2635-282
Date: 20 January 1950

2.

1. Subject bill is designed, according to Article 1, to "contribute to the realization of the ideal of constructing Peace Japan by converting the former naval port cities Yokosuka City, Kure City, Sasebo City and Maizuru City, into peaceful industrial port cities." Article 2 declares the City Planning Law and the special City Planning Law applicable. Article 3 enjoins the National Government and the local public entities, in view of the significance of the conversion enterprise, to give as much aid as possible for the expedition and completion of the enterprise. Article 4 provides, in paragraph 1, that the National Government shall make effective a suitable disposition of the ex-military lands, facilities and other properties in furtherance of the realization of the conversion plan. According to paragraph 2 of the same Article, the National Government may manage the disposition of properties in accordance with provisions of a separate law to be enacted in the future, regardless of the provisions of the National Property Law and of certain other laws. Article 5 authorizes the National Government to transfer common property in the former naval port cities to the local public entities without compensation and regardless of the provisions of Article 28 of the National Property Law. Articles 6 and 7 require certain reports and emphasize the obligation of the mayors and inhabitants of the former naval port cities to cooperate with regard to the conversion.

2. There are no objections in the strict legal sense to the proposed bill. It may, however, be noted that Legal Section has repeatedly discouraged the practice of announcing in a statute the

(3)

2 (cont'd) intention to cover essential elements of the legislation in question by a future separate law. This practice has been applied in paragraph 2 of Article 4 which refers to future legislation providing for exceptions from the National Property Law. The only provision of real substance in subject bill is Article 5, which exempts transfer of property from the National Government to the local entities from the general requirement that compensation must be paid. It appeared, to begin with, inconceivable why it was not possible to provide for other even less important exceptions in subject bill itself. On this point, a conference with one of the sponsors of the bill, Councillor Yamada, revealed that the reference to future legislation was motivated by the apprehension of the drafters that to provide for additional privileges for the four cities may arouse the jealousy of other cities and result in opposition to the bill. Apparently, it is intended to avoid this effect by piece-meal legislation.

3. It is the impression of Legal Section that a great deal of political pressure is behind the bill. Most of its provisions read like parts of resolutions rather than of a statute. Without going into questions of policy, it is felt that the advisability of subject legislation in its present form and at the present time should be thoroughly considered by those Sections of GHQ which are in charge of the practical problems involved. It might very well be argued that this bill comes either too late or too early. The critic might ask the question why the conversion of the former naval port cities into peaceful industrial communities has not been carried out up to now in spite of the post surrender obligation of the Japanese Government to disarm. On the other hand, certain developments connected with future United States military bases in Japan might be prejudiced by wholesale transfer of properties from the National Government to the local entities.

1 Incl:
w/d

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

3

NARA DATE 11-18-98

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section 23 January 1950

MEMORANDUM FOR PARLIAMENTARY AND POLITICAL DIVISION, Government Section.

SUBJECT: Draft Bill for Conversion of Former Naval Port Cities.

1. For more than two years several cities have been required to assume responsibility, without compensation, for property formerly used by the army or navy. This is some cases has imposed a considerable burden on the local governments, which have been obliged to expend considerable amounts of money in caring for the properties. It is necessary, therefore, that some means be devised to correct this situation.

2. To the extent that the subject bill seeks to relieve the burden of local public entities, it warrants support, but as drafted its provisions are so broad and incomplete that it is impossible exactly to know what the result of its enactment would be. Paragraph 2 of Article 4, for example, provides that the "ex-military lands, facilities and other properties" in Maizuru, Yokosuka, Kure, and Sesebo may be disposed of "in accordance with provisions of a separate law to be enacted in the future." It is possible that these properties might be disposed of in a manner highly advantageous to the four cities. On the other hand disposal might impose obligations which would be exceedingly difficult for the communities to fulfill, obligations only slightly mitigated by the fact that any subsequent enactment would be subject to approval by the entities concerned. Moreover, the wisdom of singling out only the four major naval port cities for preferential treatment is questionable.

3. It is recommended, therefore, that the bill's sponsors be encouraged clearly to stipulate procedures under which the transfer of property will be effected, together with a specific definition of the responsibilities of the local public entities, and to include general provisions which would permit all communities who now have caretaking responsibility for former military property to benefit.

Osborne Hauge

OSBORNE HAUGE
Chief, Public Affairs Division

3.

A/P&P

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No. 1.

From: Govt Sec To: G-4/P&P Date: 27 December 1949

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

2. Your prompt comment is requested.

1 Incl
Bill for Conversion of
Former Naval Port Cities

C. W.

2.

From: G-4 To: GS
Thru: JSPOG

Lt. Col. DeYoung 26-6041
Date: 30 DEC 1949

06482

Based solely upon the context of the attached draft bill, it appears that no objection should be offered to its passage. However, attention is invited to the fact that promulgation of the proposed law may have important implications insofar as present and future occupation force Naval installations and activities are concerned. For this reason it is strongly recommended that the attached bill be referred to COMNAVFE for comment and/or concurrence.

1 Incl
n/c

G.L.C. 94252
BBA/vrb-6-2-1
Capt. Adell, 26-6974

3.

From: JSPOG To: Govt Sec Date: 3 January 1950

Concur with G-4 recommendation, C/N #2 above.

E.K.W.

(3)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

Note No.	From: Govt Sec To: NRS Date: 22 December 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors. 2. Your prompt comment is requested. 1 Incl Bill for Conversion of Former Naval Port Cities

C. W.

P & P DIV

3

A. Headland, 26-6810
HGS/MWR/AR/la
Date: 5 JAN 1950

From: NR To: GS

2. NR has no objection to attached draft bill as proposed.

1 Incl
n/c

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

3

7/20/50

Steel Wherrey states this bill should be cleared and objecting staff sections notified they should support a SCAPIN if they believe it should be disapproved on basis of SCAP policy. Otherwise they have opportunity to pass along advice to Dick's legal technicians.

JR

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

9 February 1950

MEMORANDUM TO MAJOR NAPIER

SUBJECT: Draft Legislation - "Conversion of Former Naval Port Cities"

1. The attached draft legislation, proposed by SASAKI Shikazo (D) and 8 others of the House of Councillors, has been reviewed by the SCAP sections concerned. The major objection, as voiced in the attached check sheets, apparently is directed at its ambiguity.

2. Admiral Joy, COMNAVFE, states in his memorandum of January 27 that this bill, if enacted, conceivably may be prejudicial to post-peace treaty requirements concerning naval bases. ESS, on the other hand, contends that the transfer to local entities of real property, facilities and equipment now owned by the national government would effect a commensurate yen value depletion of assets and a decrease of government capital investment, resulting in benefits to a special group of citizens or interests. ESS points out that this draft legislation should unquestionably take the form of an amendment to the National Property Law and/or the Lease and Transfer of Military Property Law; further, no provision has been made in the 1950-51 budget to augment such an undertaking at either the national or local level, nor are funds provided with which to liquidate financial commitments required in such a venture.

3. In several conferences held with YAMADA Satsuo of the House of Councillors and Mayors and Deputy Mayors of Yokosuka, Sasebo, Maizuru and Kure, there appears to be an insistence on their part for an early clearance of this bill in its original form, which has not been satisfactorily explained. They contend that the ambiguity is deliberate to preclude political obstacles in the Diet with the assurance that if enacted, this law would be clarified in subsequent legislation, with which Legal Section takes exception. The under-signed has suggested to the proposers that this bill be enlarged upon and clarified as to its desired intent, which apparently is not acceptable to them.

4. A decision is requested as to whether this bill should be cleared as is or temporarily turned down pending a satisfactory revision.

C. F. Guida

C. F. GUIDA
Captain, Inf.
Parliamentary & Political Div.

3

File: CNFE/A1/L11-3
Serial: 481

COMMANDER NAVAL FORCES, FAR EAST
NAVY No. 1165
F.P.O., SAN FRANCISCO, CALIF.

27/fsk

27 JAN 1950

From: Commander Naval Forces, Far East
To: The Supreme Commander for the Allied Powers (GS)

Subj: Proposed Bill for Conversion of Former Naval Port Cities

Ref: (a) SCAP (GS) Routing Slip to ComNavFE dated 30 Dec 49

1. In accordance with reference (a), Commander Naval Forces, Far East notes that subject proposed bill is exceedingly ambiguous in that, among other things, it fails to describe specifically or list the types of properties sought to be conveyed or to define the methods or procedures intended to be used in effecting conveyances.

2. Commander Naval Forces, Far East further notes that should the bill be passed in its present form, the proposals contained therein could be carried out immediately with the result that title to property now owned by the Japanese Government and used and administered by the U.S. Navy could be transferred to the municipalities named forthwith. Although post-peace treaty requirements, if any, of the U.S. Navy must necessarily await developments, it is conceivable that in certain instances at least such transactions might be prejudicial thereto.

3. Accordingly, it is recommended that the proponents of the bill be required to clarify their intentions in the premises before the matter receives further consideration.

C. T. Joy
C. T. JOY

3

COMMANDER FLEET ACTIVITIES
YOKOSUKA, JAPAN
NAVY NO. 3923
F.P.O. SAN FRANCISCO, CALIF.

05/JHH/yy
A14
27 Feb 1950

From: Commander Fleet Activities, YOKOSUKA
To: Mr. Setsuo Yamada
House of Councillors
Japanese Diet

Subj: Bill for Conversion of Former Port Cities

Encl: (1) Subject Bill

1. Returned, recommending that the bill be amended so that the introduction sets forth in clear and simple words the purpose of the bill. Further,

(a) That a time limit be established during which time all transactions involving the sale of national property shall be completed. This is to prevent the proposed bill being defeated by delays.

(b) That a further time limit be imposed by which time the buyer must have developed the property for which intended. This is to prevent speculation and brokerage by the purchaser.

(c) That a commission be established, including local representation, to make an on the spot analysis and determination of the reasonable value of the property to be disposed of based on earning power of the property. This is to prevent defeat of the bill by excessive valuation.

2. The suggested wording of the amendment is as follows:

"Certain national property is hereby made available for purchase by privately owned industries at a reasonable and reduced price based upon the earning power of the property involved for the purpose of promoting industrial rehabilitation in Japan. The sale of such properties shall be completed by 1 June 1955. It is further provided that properties sold in accordance with the act shall be developed by the purchaser within one year of such sale.
The valuation of said properties shall be determined by a representative and impartial group of local business men.

3. As amended, this command feels that the bill will be beneficial for the former naval ports of Sasebo, Maizuru, Kure, and to a lesser extent, Yokosuka.

B. W. DECKER

cc: Govt. Sec. SCAP
CPC/SCAP

(3)

Mr. Setsuo Yamada requests that the attached letter be forwarded to Rear-Admiral B. W. Decker through General Whitney.

Tokyo, Mar. 6th, 1950.

Rear-Admiral B. W. Decker,

Commander,

Fleet Activities.

Yokosuka

Dear Sir,

I have the honor to acknowledge the receipt of your letter dated Feb. 27, 1950, and to express my heartiest gratitude for the profound concern and assistance you have rendered for the Bill for Conversion of Formal Naval Port Cities.

In accordance with suggestions of the authorities concerned, some amendments have been made to the Bill which I presented for your inspection the other day, and their approval was granted us on Feb. 27.

Retur ning to Tokyo on Mar. 1, I had the honor of reading your letter at the House of Councillors.

The Bill will shortly be deliberated in the House, and at this instant I should like to express to you my intention to see that your kind suggestions are fully taken into consideration so that the object of the Bill may be perfectly realized. I should be very glad if I could have an opportunity in the nearest future of seeing you to make a report on the process of the Bill.

Availing myself of this opportunity to express my profound thanks for your kind consideration, I remain,

Yours faithfully,

YAMADA, Setsuo

Member of House of Councillors,

Chairman of Standing Committee for Labor.

(3)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

Note No. 1.

From: Govt Sec To: PH&W

26-6076
Date: 2 February 1950

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

2. Your prompt comment is requested.

1 Incl
Bill for Amma Technician

C. W.

From: PH&W To: Govt Sec

Dr. Morton, 26-6149
Date: 13 February 50

PH&W offers no objection to the introduction in the Diet of the Bill for Amma Technicians.

1 Incl
w/d

C. F. S.

(4)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

CR/JM/JW/CFG/vs

Subject: Draft Legislation

Capt. [illegible]

Note No.	From: Govt Sec To: LS/LAJ Date: 2 February 1950
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors. 2. Your prompt comment is requested. 1 Incl Bill for Amma Technician

C. W.

P & P DIV.

(4)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

CR/JM/JW/CFO/vs

Subject: Draft Legislation

Note No.	From: Govt Sec To: LS/L&J Date: 2 February 1950
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors. 2. Your prompt comment is requested. 1 Incl Bill for Amma Technician

Capt. [illegible]

C. W.

P & P DIV.

(4)

Subject: Bill for Amma Technician

From LS To: GS C.J.Smith-2635-405
Date: 8 February 1950

2. 1. This Section has no legal objections to subject bill, which presumably is a final revision of two previous drafts of the same legislation under the title of "Law for the Business of Amma Technique" reviewed in Check Notes from LS to GS, 1 December and 14 December, 1949, respectively.

1 Incl. w/d

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

4

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Coles

Note No.	From: Govt Sec To: ESS Date: 2 February 1950
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors. 2. Your prompt comment is requested. 1 Incl Bill for Amma Technician

C. W.

P & P DIV

(4)

WFM/ECW/gg
E.C.Welsh, 26-6561
6 February 1950

From: ESS To: GS

2. 1. Reference is made to subject draft bill and to check sheet of 10 November 1949 from ESS to GS and check sheet of 2 February 1949 from GS to ESS concerning such bill.

2. Under date of 10 November 1949, in reference check sheet, this Section expressed objection to the provisions in the then-proposed draft bill on the grounds that licenses to operate as ammo technicians could be cancelled for the commission of a "wrong deed."

3. Article 6 of the currently proposed draft bill provides for the refusal of licenses and Article 11 for the cancellation of licenses if a person commits "irregularity" concerning the ammo technician business.

4. The slight change in language as noted in paragraphs 2 and 3, above, is not such as to cause this Section to withdraw its 10 November 1949 objections. It is recommended that the bill contain specific definitions and limitations re the right or powers of the government officials to refuse or revoke licenses.

Incl
n/c

W. F. M.

(4)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Morris
26-6076

Note No.	From: Govt Sec To: LS/LAJ Date: 3 February 1950
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors. 2. Your prompt comment is requested. 1 Incl Bill Preventing Young & Juvenile Person from Drinking Intoxicating Liquor C. W.

SCAP PDIV

5

2. From: Legal Sec To: GS

R. B. Appleton 2635-473
Date: 10 Feb 50

1. Subject bill would extend prohibition of drinking of intoxicating liquor by minors to "young or juvenile persons". This term is defined to include "any person of 25 years or ~~over~~ under, provided that one who has attained one's 20 years at the enforcement of the law shall not be included".

2. LS objected to a similar bill in checksheet dated 8 Nov 49, pointing out that, although restrictive legislation concerning minors may be required by the public welfare in the interest of their healthy development, persons of the age of 20 and more should be treated as adults. The same objection applies to this draft although certain other objectionable features of the previous draft are now eliminated. The draft is still opposed to the spirit of Article 13 of the new Constitution of Japan. Moreover, if it were considered constitutional, it would raise difficult enforcement problems. In the first place, there is no simple way of determining whether a Japanese has reached the age at which drinking intoxicating liquor is permitted under this law. In the second place, it will be difficult to decide whether a person selling, transferring, or offering intoxicating liquor to a "young or juvenile person" knows that such person wants to get it for the purpose of his own drinking. (See Article 6 of the Bill). Finally, the Bill would extend police interference in the private sphere of life to an undesirable extent. As pointed out in the previous LS Checksheet already referred to, the National Prohibition Law in the U.S. was preceded by an amendment to the Constitution and was eventually rejected after years of expensive and futile efforts to enforce it.

Recd GS 2/14/50

Incl w/d ---------- A. C. C. ----------

Proposer refused & accept above recommendations.

Cleared by CS. as is - Japanese problem 2/17

5

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) GS/JM/JW/CMH/vs

Subject: Draft Legislation

Capt. Norris
26-6076

Note No.	From: Govt Sec To: PHW	Date: 3 February 1950
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors. 2. Your prompt comment is requested. 1 Incl Bill Preventing Young & Juvenile Person from Drinking Intoxicating Liquor	C. W.

P & P DIV

(5)

From: PHSW To: Govt Sec

2. PHSW has no objection to the "Bill Preventing Young and Juvenile Person from Drinking Intoxicating Liquor".

1 Incl
w/d

- C. F. S. - - - - - - - - - - -

Rec'd GS 2/13/50

5

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CS/JW/JW/CTO/vs

Subject: Draft Legislation

Note No. | From: Govt Sec | To: LS/LAB | Capt. Ouida 26-6076 | Date: 27 February 1950

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

2. Your prompt comment is requested.

1 Incl
Cultural Properties
Protection Law

C. W.

AID P & P DIV

(6)

2/27

Cultural Properties Protection Law

HC.

From: LS/L&J To: GS R.B. APPLETON-2635-473
4 April 1950

2.

1. Subject bill proposes delegation to an independent Commission under the Ministry of Education of sweeping powers to restrict ownership rights of private owners of cultural property. The policy of the bill is a matter of primary concern to CIE. As far as the legality of the bill is concerned, it has been obviously drafted in an extremely careful and clear manner with every attempt to protect private ownership rights as far as possible within the overall policy of preserving and utilizing cultural properties of Japan in the public interest. Provision is made for compensation of owners wherever their property interests have been injured by compulsory dispositions of the Commission. Moreover, Article 83 of the Bill requires the Commission to hold public hearing wherever compulsory dispositions are proposed with at least 10 days advance notice of the date and place of the hearing. Legal Section raises no constitutional or serious legal objection to the bill.

2. Legal Section wishes to make the following minor suggestions:

(1) Article 11(3) provides for the removal of members of the Cultural Property Protection Commission by the Minister of Education in certain cases where more than 2 of the 5 would become affiliated with the same political party with the approval of both houses of the Diet. It is not clear what the results will be should one or both houses disapprove the removal. This point should be clarified.

Sent GS 4/5

6

LS/L&J GS 4 April 1950

2. (Contd) (2) Article 112 provides for criminal or administrative fines for juristic or natural persons where their agents have committed certain violations of the law, as well as fines for the individual who has committed the offense. In certain cases this might result in punishment of innocent employers. It is suggested that the following proviso should be added at the end of Article 112:

> "unless it is provided that due care and supervision has been exercised over the business or property in order to prevent the aforesaid violation by the individual who committed the offense."

Incl: w/d

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

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No. | From: Govt Sec | To: CI&E | Date: 27 February 1950

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

2. Your prompt comment is requested.

1 Incl
Cultural Properties
Protection Law

C. W.

P & P DIV

(6)

NC
Cultural Properties Unit
2/27

000.4

From: CIE To: GS

W. K. Bunce 26-5686
Date: 15 March 1950

Inasmuch as legislation is necessary in the fields covered by subject draft bill (inclosure 1), CIE will register no objection to its introduction in the Diet. However, CIE is of the opinion that the bill is too ambitious and overly broad in scope, and notes with misgiving that it calls for an addition of 35 persons plus a commission of five to the Government payrolls.

1 Incl
n/c

----------D.R.N.----------

Rec'd GS
3/16

(6)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

Note No. | From: Govt Sec | To: ESS | Date: 27 February 1950

26-6076

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

2. Your prompt comment is requested.

1 Incl
Cultural Properties
Protection Law

C. W.

P & P MV

(6)

HC
2/27

Cultural Properties Law

CLO[27 Feb 50)ENS/rr

From: ENS To: Govt Sec

ECB Annex copy

[illegible]/eb
Mr. Yeomans, 26-5143

15 MAR 1950

2

1. There is no objection to the general objectives of the above-mentioned bill proposed by the House of Councillors. It is recommended, however, that the bill be modified in certain particulars prior to its introduction in the Diet. In this regard the following points are considered pertinent:

a. It is recommended that Articles 84 and 85 of proposed bill providing for national (income, estate and registration) and local (inhabitants, real estate, and admission) tax exemptions be omitted. Tax exemption is tantamount to an indirect subsidy and sets a dangerous precedent for other groups who consider themselves equally deserving. If it is believed that an additional subsidy (as provided by tax exemption) is necessary, it should be done directly through additional grants in order that the total cost of this program may be properly appraised by the Diet and the Japanese people.

Red 6 S
3/15

b. It is considered that the bill generally extends too much discretion to the commission and the government in the determination of whom and to what extent subsidies should be granted; and in determining the "value" of cultural properties that may be purchased by the Government. It is generally considered desirable for the legislative body to limit administrative discretion in the execution of various laws by establishing standards that must be used by an administrative agency in making a determination. This is particularly applicable to

(6)

2
Contd

the bill in question since it deals with a subject that might be treated in widely divergent ways depending on the approach to the problem and on the standards used. The result of the extension of such broad discretion in this instance could result in discriminatory treatment being applied to present owners of cultural properties. This could provide a means for indirect state support of certain religions institutions and former Zaibatsu families.

c. The nature of the organization of the Cultural Properties Commission and the size of staff proposed appears to be considerably over-emphasized as compared to the relative significance of its function to other Ministry of Education and Japanese Government functions. Considering the significance in the Japanese Government of prestige of official rank, it is quite likely ~~also~~ that the creation of the Commission as an external organ with its consequent elevation of rank will also cause future budgets for cultural properties activities to be emphasized disproportionately to other activities.

1 Incl:
n/c

---M.F.E.---

6

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) GS/JS/JS/CFO/vs

Subject: Draft Legislation

Note No. | From: Govt Sec | To: PHW | Date: 27 February 1950

Capt. Guida
26-6076

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

2. Your prompt comment is requested.

1 Incl
Cultural Properties
Protection Law

C. W.

P & P DIV

6

HC

Cultural Properties Protection Law

2/27

1.

2. From: PH&W To: Govt Sec Col Mollohan 36-6993
Date: 4 Mar 50

1. Public Health and Welfare Section offers no objection to the proposed draft bill entitled "Cultural Properties Protection Law".

2. This law is of primary interest to CI&E Section (Dr. Bunce, Chief, Religious and Cultural Division with whom it was discussed 4 Mar 50). CI&E Section has an Action copy of this document.

1 Incl
n/c

---------- C.F.S. ----------

Read GS
3/6/52

6

Cultural Properties HC

Government Section
Buck Slip

27 Feb 1950

FROM: P+T Div

TO:	INITIAL	DATE
CHIEF		
EX OFF		
DEPUTY CHIEF		
Col Wheeler		
CHIEF Adm Div		
Stat & Review		
Civil Serv Div		
2 Parl & Pol Div		
1 Public Adm Div		
Public Aff Div		
Personnel Clerk		
Chief Clerk		
File		

FOR:

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

No objection
No

3/7

CIVIL SERVICE DIVISION
Government Section

28 February 1950

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Cultural Properties Protection Law (Draft) (HC)

Civil Service Division does not object to subject bill.

W. PIERCE MacCOY
Acting Chief

WPM:GWP:gb

Hist 63 3/L

6

HC:

CULTURAL PROPERTIES PROTECTION LAW

1. Article 11 (3) provides for the removal of members of the Cultural Property Protection Commission by the Minister of Education in certain cases where more than 2 of the 5 would become affiliated with the same political party with the approval of both houses of the Diet. It is not clear what the ~~xxxxx~~ results will be should one or both of the houses disapprove the ~~removal~~. This point should be calarified.

2. It is recommended that Articles 84 and 85 be omitted. Tax exemption is tantamount to an indirect subsidy and sets a dangerous precedent for other groups who consdier themselves equally deserving. It is believed that if an additional subsidy (asprovided by tax exemption) is necessary, it should be done directly through additional grants in order that the total cost of this program may be properly appraised by the Diet and the Japanese people.

3. It is considered that the bill generally extends too much discretion to the commission and the government in the determination of when and to what extent subsidies should be granted; and in determining the "value" of cultural properties that may be purchased by the Government. It is generally considered desirable for the legislative body to limit administrative discretion in the execution of various laws by establishing standards that must be used by an administrative agency in making a determination. This is particualrly applicable to the bill in question since it deals with a subject that might be treated in widely divergent ways depending on the approach to the problem and on the standards used. The result of the extentsion of such broad discretion in this instance could result in discriminatory treatment being applied to present owners of cultural properties. This could provide a means for indirect state support of certain religious institutions and former Zaibatsu families.

4. The nature of the organization of the Cultural Properties Commission and the size of the staff proposed appears to be considerably over-emphasized as compared to the relative significance of its functions to other Ministry of Education and Japanese government functions. Consdiering the significance ~~of~~ the Japanese Government of prestige of official rank, it is quite likely that the operation of the Commission as an external organ with its consequent elevation of rank will also cause future budgets for cultural properties activities to be emphasized disproportionately to other activities.

5. Art 112 provides for criminal or administrative fines for juristic or natural persons where their agents have committed certain violations of the law, as well as fines for the individual who has committed the offense. It is suggested that this might result in punishment of innocent employers. It is suggested that the following provision should be added to the end of Art 112:

> "unless it is provided that due care and supervision has been exercised over the business or property in order to prevent the aforesaid violation by the individual who committed the offense."

(6)

6. The bill is too ambitious and overly broad in scope. The addition of 35 persons plus a Commission of 5 to the Govt payrolls may cause budget problems.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Note No. | From: Govt Sec | To: ESS | Capt. Guida 26-6076 | Date: 20 April 1950 revised

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

2. Your prompt comment is requested.

1 Incl
Cultural Properties
Protection Bill

Cy to LS/LAJ, CI&E

C. W.

P & P DIV

6

HC

Cultural Properties Bill
Revised
4/20/50

File: 010(20 Apr 50)ESS/PF

From: ESS To: Govt Sec

WFM/EMR/AHM/CDY/eb
Mr. Yeoman, 26-6143
27 APR 1950

2 There is no objection to the immediate introduction in the Diet of the attached revised Cultural Properties Protection Bill as proposed by the House of Councillors.

1 Incl:
n/c

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

Revised
4/27/50

6

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

Note No. 1 From: Govt Sec To: CI&E 26-6076 Date: 20 April 1950 revised

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

2. Your prompt comment is requested.

1 Incl
Cultural Properties
Protection Bill

Cy to LS/L&J, ESS

C. W.

Walter Nichols
57-8313

2 From: CIE To: GS Date: 24 April 1950

1. CIE has no objection to introduction of subject revised draft bill (inclosure 1) in the Diet. Certain aspects of the original draft bill about which CIE entertained misgivings have been eliminated by the present amendments, and the bill in its present form appears to differ in no important respects from legislation enacted by other nations for the preservation of national possessions of artistic or historic importance.

1 Incl
n/e

-D. R. N.-

Rec'd GS 4/25/50

6

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No. From: Govt Sec To: LS/LaJ Date: 20 April 1950

revised

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

2. Your prompt comment is requested.

1 Incl
Cultural Properties
Protection Bill

Cy to ESS, CIAS C. W.

P & P DIV

no obj. objection 4/22

6

H C

Cultural Properties Protection
Revised 4/20

2

From: LS To: GS

Mr. R. B. Appleton
Meiji 473
Date: 22 April 1950

1. The revisions of Article 11 and Article 112 comply with LS suggestions in a previous checksheet.

2. No legal objections.

1 Incl
w/d

A. C. C.

Reid GS
4/24/50

CIVIL SERVICE DIVISION
Government Section

21 April 1950

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Cultural Properties Protection Law (Draft)

Civil Service Division does not object to the amendments as proposed by the House of Councillors, 19 April 1950, to subject bill.

W. PIERCE MacCOY
Acting Chief
Civil Service Division

WPM:GWP:vr

Recd GS 4/21/50

(6)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JH/JH/CHH/nk

Subject: Draft Legislation

Capt. Morris

Note No. From: Govt Sec To: LS/LS 26-6076 Date: 1 March 1950

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

2. Your prompt comment is requested.

1 Incl
Mental Hygiene Law (draft)

C. W.

P & P DIV

7

Mental Hygiene Law (draft) - 1 March 1950

N.C.

From: LS/IAJ To: GS R.B. APPLETON-2635-473
Date: 1 April 1950

2. Returned without comment since this draft is replaced by a revised draft dated 17 March 1950.

Incl: w/d

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

Rec'd GS 4/3

(7)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JH/JW/CMH/hlr

Subject: Draft Legislation

Capt. Norris.

Note No. From: Govt Sec To: GS 26-6076 Date: 1 March 1950

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

2. Your prompt comment is requested.

1 Incl
Mental Hygiene Law (draft)

C. W.

P & P DIV

7

Mental Hygiene Law
N.C.
3/1

File: 010(1 Mar 50)MHS/FP

From: MHS To: Govt Sec

WPH/[illegible]/jmj/eb
Mr. Hessler, 26-6148
10 MAR 1950

There is no objection to the immediate introduction in the Diet of the attached draft bill, Mental Hygiene Law, as proposed by the House of Councillors.

1 Incl:
n/c

- - - -

C H E C K S H E E T

1 Subject: Draft Legislation

From: GS To: PH&W

Capt. Norris, 26-6076
Date: 1 March 1950

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

2. Your prompt comment is requested.

1 Incl
Mental Hygiene Law (draft)

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

2 From: PH&W To: Govt Sec

Col. Johnson, 26-6995
Date: 6 March 1950

1. The present draft of the Mental Hygiene Law fails to provide for the right of appeal, either to the Mental Hygiene Council in the Ministry of Welfare or to the court.

2. With the inclusion of the appeal provision, PH&W offers no objection to this law.

1 Incl
w/d

Recd GS 3/9/50

- C. F. S. - - - - - - - -

(7)

CIVIL SERVICE DIVISION
Government Section

2 March 1950

MEMORANDUM TO: Parliamentary and Political Division,
Government Section

SUBJECT : Mental Hygiene Law (Draft) (H.C)

Civil Service Division does not object to subject bill.

W. PIERCE MacCOY
Acting Chief,
Civil Service Division

Att.
WPM:GWP:rj

Rec'd 65 3/2

(7)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JH/JW/OMM/sir

Subject: Draft Legislation

Capt. Morris

Note No. From: Govt Sec To: G-2/GSD 26-6076 Date: 1 March 1950

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

2. Your prompt comment is requested.

1 Incl
Mental Hygiene Law (draft)

C. W.

P & P Div

(7)

3/1

Mental Hygeene Bill
(HC)

From: G-2 To: Govt Sec G-2/PSD/HEP/gw
2 March 1950

2 1. PSD/G-2 concurs in the proposed draft of the Mental Hygiene Law with the following revisions:

Article 4 - Add

"3b. The hospital for the criminal insane already existing or hereafter established by law, or ordnance of the Attorney General's Office, as one of the penal institutions, or part thereof, shall not be required to secure the approval pursuant to the preceding paragraph 2, Art 4."

Article 26 - Add

"b. Where a prisoner has been convicted of a crime the court may direct that he be confined in a hospital for the criminal insane operated by the Attorney-General and that his sentence run concurrently during confinement and treatment.

"c. In the event that the period of his sentence expires while the prisoner is still being treated for his insanity the Court shall decide his further disposition."

Recd GS 3/4

2. The proposed draft as written does not clearly define the position and manner of management of a hospital for the criminal insane now operated in accordance with existing law by the Attorney

(7)

2 cont'd General's Office as one of the penal institutions of Japan. The recommended revisions are designed to clarify this situation and are patterned after the United States Federal and State insanity laws.

1 Incl
w/d

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

GOVERNMENT SECTION

8 March 1950

MEMORANDUM TO: Parliamentary & Political Division

SUBJECT: Mental Hygiene Law (Draft)

1. This bill appears to implement a number of worthy objectives, such as the general improvement throughout Japan in prompt treatment of mental cases and a raising of the standards of hospital services. However, the line of authority for handling patients is centralized in the Ministry of Welfare and Prefectural Governors. A medical expert appointed by the Ministry may certify to the Governor that a mental case requires hospitalization and no adequate appeal exists outside the general remedies available of the administration litigation law for contesting the acts of public officials.

2. In discussing this deficiency in the law with interested staff sections, the following opinions were gathered:

a. Col. Johnson, PH&W, stated that he feels some appeal mechanism should be incorporated in the law. Then the Ministry of Welfare has advised him that they are in accord with his views and that the bill was one prepared in the Diet rather than by the Ministry.

b. Col. Pulliam, G-2/PSD has previously stated that there was no objection provided that special treatment be written into the bill for segregation of the criminally insane. However, when the point was raised with him he is thoroughly in accord that provisions should be made for judicial review of cases involving commitment.

c. Mr. Appleton, LS, is also in agreement and will submit written objections in the near future.

3. It appears without complete study of the problem that the bill may violate civil liberties guaranteed in Articles 31 and 32 of the Japanese Constitution.

4. Another objectionable feature is that authority in the supervision of commitment cases is not delegated in the first instance to the head local entity where the patient resides, that is the mayor should have primary jurisdiction and report action for review to the Prefectural Governor in preference to assigning this function in the first instance to the Governor.

5. It is recommended therefore that consonant with present Japanese civil law that opportunity for judicial review of cases involving the commitment of discharge of patients from mental hospitals be provided herewith:

(7)

a. Requiring that the present medical examiner present his findings at a hearing before a family court judge with opportunity accorded to the patient and his guardian to introduce contrary evidence and at the same time the questions involving the appointment of a new guardian and collateral property problems be settled, or

b. That the same procedure be open to interested parties in the family court if the Prefectural Governor has taken exceptive action based upon the recommendation of the medical examiner.

N. C.

(7)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JH/JW/CMM/cb

Subject: Draft Legislation

Note No. | From: Govt Sec To: LS/LJ Capt. Norris 26-6076 Date: 17 March 1950

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

2. Your prompt comment is requested.

1 Incl
Mental Hygiene Law

Cy to PHW, ESS, G-2/ESD C. W.

P&P DIV

(7)

N/C
Mental Hygiene Law
4/12/50

Mr. R. B. Appleton
Meiji 473
Date: 26 April 1950

From: LS To: GS

Returned without comment since GS has already cleared and the Diet has enacted into law a third revised draft of this bill which has never been received by LS for review.

1 Incl
w/d

A. C. C.

Recd GS
4/27/50

7

CIVIL SERVICE DIVISION
Government Section

(14 c)

21 March 1950

SUBJECT: Mental Hygiene Law (Draft)

TO: Parliamentary and Political Division, Government Section, GHQ SCAP

1. Civil Service Division has no objection to the House of Councillors' March 14, 1950, revision of subject bill.

W. PIERCE MACCOY
Acting Chief

WPM/GWP/feh

Rec'd 6S 3/22

(7)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JR/JW/CHM/gb

Subject: Draft Legislation

Capt. Morris
26-6076

Note No. | From: Govt Sec To: G-2/PSD Date: 17 March 1950

REVISED

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

2. Your prompt comment is requested.

1 Incl
Mental Hygiene Law

Cy to ESS, PHW, IS/LJ C. W.

AMD P & P DIV

(7)

DECLASSIFIED IAW PROS SEC. 3(E) AND 3(D) OR (E) NNDB # 775012

HC
Mental Hygeine
3/17
Revised

CIS/PSD/EBR/HEP/sm
From: G-2 To: Govt Sec Date: 20 March 1950

2 PSD/G-2 concurs in the revised draft of the Mental Hygiene Law.

Incl 1 w/d

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

Revd GS
3/21/50

(7)

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 779012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CHN/gb

Subject: Draft Legislation

Capt. Norris
26-6076

Note No. 1 From: Govt Sec To: PHW Date: 17 March 1950
REVISED

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

2. Your prompt comment is requested.

1 Incl
Mental Hygiene Law

Cy to ESS, LS/LJ, G-2/PSD C. W.

From: PH&W To: Govt Sec Col. Johnson, 26-6995
Date: 20 March 1950

2 PH&W offers no objection to the revised draft of the Mental Hygiene Law, which provides for the right of appeal.

1 Incl
w/d

C. F. S.

Sent GS 3/24

7

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 713012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CHN/gb

Subject: Draft Legislation

Capt. Norris
26-6076

Note No. | From: Govt Sec To: ESS Date: 17 March 1950

REVISED

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

2. Your prompt comment is requested.

1 Incl
Mental Hygiene Law

Cy to PHW, LS/LJ, G-2/PSD C. W.

010(17 Mar 50)ESS/PE

From: ESS To: Govt Sec

WFM/ECH/AMM/JHM/eb
Mr. Mossler, 26-6148
31 MAR 1950

2 There is no objection to the immediate introduction in the Diet of the attached revised draft bill, the Mental Hygiene Law, as proposed by the House of Councillors.

1 Incl:
n/c

-W.F.M.-

Rec'd GS 3/4

(7)

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773012

SUPREME COMMANDER FOR THE ALLIED POWERS

Draft of Mental Hygiene Law

PH&W GS Dr.Hirschy 26-8211
24 Mar 50

1 1. Reference is made to check note #2 of 20 March 1950 from PH&W to GS offering no objection to an inclosed revised draft of the Mental Hygiene Law.

2. In order to clarify administrative procedures for establishment and operation of Mental Hygiene Information Centers as provided for in Articles 7-12, the following additions, as underlined in the pertinent articles and supplementary provision are recommended:

"Art. 7. Urban or local prefecture or the city designated by Cabinet order in accordance with the provisions of Art. 1 of the Health Center Law (Law #101 of 1947)(hereinafter it is said "designated city") may, with the approval of the Minister of Welfare, establish the mental hygiene information center.

2. The mental hygiene information center shall be the institution to conduct consultation and guidance concerning mental hygiene and popularize the knowledge thereof.

Art. 8. The Government shall, in case urban or local prefecture or designated city established the institution of the preceding Article, bear one half of the expenses required for the establishment and operation thereof in accordance with the provision of the Cabinet Order.

Art. 9. Any person other than the Government and urban or local prefecture or designated city must, in case he is going to establish the mental hygiene information center, receive the permission of the Minister of Welfare.

Read GS 2/28/50

****

Supplementary Provisions

****

(27)-2 To give approval for the establishment of Mental Hygiene Information Center in case the urban or local prefecture or the city designated by cabinet order in accordance with the provisions of Art. 1 of the Health Center Law (Law #101 of 1947) wants to establish it."

- C. F. S.- - - - - - - - - - -

(7)

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt Childs
26-6076

Note No. ; From: Govt Sec To: GS Date: 10 March 1950

P & P DIV

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

2. Your prompt comment is requested.

1 Incl
A Bill partially amending the Law concerning the Disposition of the Police Property and others owned by To, Do or Prefecture

C. W.

Cy: CCS
G-2/PSD

(8)

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773012

File: 010(10 Mar 50)ESS/PF

From: ESS To: Govt Sec

WFM/RCH/AMM/WKE/eb
Mr. Etter, 26-6155
6 APR 1950

2 There is no objection to the immediate introduction of the attached draft bill, A Bill Partially Amending the Law Concerning the Disposition of the Police Property and Others Owned by To, Do. or Prefecture, as proposed by the House of Councillors.

1 Incl:
n/c

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

8

DECLASSIFIED E.O. 12958 SEC. 3(E) AND 3(D) OR (E) NNDG # 779012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JM/JW/CPG/mk

Subject: Draft Legislation

Capt Guida

Note No. | From: Govt Sec | To: G-2/PSD | 26-6076 | Date: 10 March 1950

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

2. Your prompt comment is requested.

1 Incl

Bill partially amending the Law concerning the Disposition of the Police Property and others Owned by To, Do or Prefecture

C. W.

Cy. CCS, ESS

P & P DIV

8

SIGNATURES AND 1452 SEC. 3(E) AND 3(D) OR (E) NNDB # 775012

2 0 HC

2/10

From: G-2 To: Govt Sec G-2/PSD/RTB/HEP/gw
14 March 1950

2

PSD/G-2 concurs in the proposed bill partially amending the Law concerning the "Disposition of Police Property and Others Owned by To Do or Prefectures."

1 Incl
w/d

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

Recd 65
3/16/50

(8)

NND 963012

Government Section
Buck Slip

10 Mar 1950

FROM: P+P Div

TO:	INITIAL	DATE
____ CHIEF		
____ EX OFF	JR	10
1 DEPUTY CHIEF	JR	10
____ Col Wheeler		
____ Chief Adm Div		
____ Stat & Review		
____ Civil Serv Div		
3 Par & Pol Div		
____ Public Adm Div		
2 Public Aff Div	OK	M
____ Personnel Clerk		
____ Chief Clerk		
____ File		

FOR:

____ INFORMATION
____ NECESSARY ACTION
____ ACTION (Prepare Reply)
____ APPROVAL
____ INITIAL
1+2 COMMENT ~~OR CONCUR~~
____ RETAIN
____ RETURN
3 FILE
____ BURN

cb.

G2/7sb
cc's: ESS
CCS

no objection
JR

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JM/JW/CFG/nk

Subject: Draft Legislation

Capt Guida

Note No. | From: Govt Sec | To: CCS | 26-6076 | Date: 10 March 1950

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

2. Your prompt comment is requested.

1 Incl
A Bill partially amending the Law concerning the Disposition of the Police Property and others owned by To, Do or Prefecture

C. W.

Cy: G-2/PSD
ESS

" 2 | From: CCS | To: Govt Sec | C. A. Feissner - 26-6424 | Date: 13 March 1950

Civil Communications Section has no objection to the action proposed in paragraph 1, Note 1.

1 Incl
n/c

G. I. B.

Read 3/15

(8)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JM/JW/CHH/vs

Subject: Draft Legislation

Capt. Norris

Note No. From: Govt Sec To: LS/LAJ 26-6076 Date: 14 March 1950

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

2. Your prompt comment is requested.

1 Incl
Disposition of Claims for
Allowance in Excess to the
Former Soldier and Civilian
in Military Service
Cy to ESS

C. W.

GS & P DIV

9

Disposition of Claims for Allowance in Excess to the Former Soldier and Civilian in Military Service

HC.

3/14

From: LS/L&J To: GS L.A. OTTO, Jr.-2635-420
Date: 7 April 1950

2. Returned without comment. LS has been advised by the proposer of subject bill that it is being withdrawn.

Incl: w/d

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

Rec'd GS 4/8

9

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JM/JW/CHN/vs

Subject: Draft Legislation

Capt. Norris
26-6076

Note No. From: Govt Sec To: LSS Date: 14 March 1950

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

2. Your prompt comment is requested.

1 Incl
Disposition of Claims for
Allowance in Excess to the
Former Soldier and Civilian in
Military Service

Cy to LS/LAJ C. W.

U

P & P DIV

(9)

HC

Disposition of Claims
of Former Soldiers etc
3/14/50

File: 010(14 Mar 50)ESS/PP

From: ESS To: Govt Sec

ECA Comm Japan
ESS/ECH/AMM/JEM/eb
Mr. Mossler, 26-6148
27 MAR 1950

2

1. Objection is made to the introduction of the attached draft bill, Bill Concerning Disposition of Claims for Allowance Paid in Excess to the Former Soldiers and Civilians in Military Service, for the following reasons:

a. It is considered that Article 1 extends to the administration an excessive degree of discretion in cancelling claims of the government. The bill only includes very general standards such as "condition of the obligor's means" to be utilized in making such a determination with no indication as to what basis will be employed for making such a finding.

b. It is further considered undesirable to provide for the cancellation of a special group of claims for reasons that appear to be equally applicable to many other government claims. Special treatment of this nature would not only be discriminatory but also would encourage similar requests by other pressure groups.

Rec'd ES 3/27/50

2. The Japanese Government in the Law Concerning Liquidation of Miscellaneous Receipts Other than Taxes (1911) has established a procedure for the cancellation of debts due to the government. If it is deemed desirable to change this procedure, amendments of general applicability should be made in the basic law, rather than establishing separate legislation effecting special groups only.

1 Incl:
n/c

(9)

- - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Norris 26-6076

Note No. | From: Govt Sec To: NRS Date: 14 March 1950

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

2. Your prompt comment is requested.

1 Incl
Partial Amendments to the Fisheries Law and Establishment Law of Fisheries Agency

for C. W.

H. W. Yoe 26-8492
HGS/WCH/HWY/erc
Date: 25 MAR 1950

2 From: NRS To: Govt Sec

1. The attached draft bill "Partial Amendments to the Fisheries Law and Establishment of Fisheries Agency" designates the "Ariake Sea" lying between Nagasaki and Kumamoto Prefectures, and comprised of the major part of Shimabara Bay, as a special area for purposes of fisheries administration. This area is to be governed in the same manner as the Seto Inland Sea. Special regulations will be established relative to particular type fisheries, seasons and similar matters. A special adjustment committee is created to deal with issuing rights, arbitrating disputes and conducting all other functions normally performed by Sea Area Adjustment Committees. This special committee will be directly responsible to the Minister of Agriculture and Forestry rather than to the prefectural governor as are the Sea Area Committees. A special office of the Fisheries Agency of the Ministry of Agriculture and Forestry is established in Omuta to administer the fisheries in the specially designated area. The present fisheries law enacted in 1949 provides for a special committee and branch office of the fisheries agency to govern fisheries in the Inland Sea. The Inland Sea has been governed by special regulations for many years.

Recd GS 3/27/50

2. NR recognizes that the part of Shimabara Bay called the Ariake Sea presents many problems in fisheries administration. These problems

10

arise from the multitude of fishermen operating numerous types fisheries within the narrow confines of the bay. The extent of these problems and the details involved have not been studied sufficiently by NR to provide a basis for recommendations concerning their final solution. These problems and their solution are the responsibility of the Japanese Government. The government should fully utilize services of fishery technicians in discharging these responsibilities.

3. NR calls attention to the following:

a. The Inland Sea Area Adjustment Committee and the Inland Sea Office of the Fisheries Agency were authorized by the Fisheries Law enacted by the Diet 29 November 1949. This law became effective 14 March 1950. Neither the committee nor the office have actually been established as yet. This will be the first attempt to regulate fisheries in congested areas bounded by several separate political entities by a committee of this nature. Therefore, there is no definite evidence at the present nor can there be for at least a year that this is the best solution to problems of this nature.

b. The establishment of the Ariake Sea Area Adjustment Committee and a branch office of the Central Government will necessitate additional expenditures on the part of the National Government.

c. The Inland Sea is a much larger body of water than the Ariake Sea and a greater number of fishermen are engaged in the fisheries operated. The Inland Sea has been governed by special regulations in the past.

d. Other areas whose fishing is conducted in restricted well demarcated areas bounded by different political entities will immediately demand special committees if this draft bill becomes law.

4. NR recommends that the draft bill "Partial Amendments to the Fisheries Law and Establishment Law of the Fisheries Agency" not be introduced in the Diet at this time. It is further recommended that careful study be made of the effectiveness of the Inland Sea Areas Fisheries Adjustment Committee in dealing with this type problem for at least one year prior to considering legislation designed to establish special areas outside of the Inland Sea.

1 Incl
w/d

H. G. S.

(10)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Norris
26-6076

Note No. | From: Govt Sec To: ESS Date: 14 March 1950

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

2. Your prompt comment is requested.

1 Incl
Partial Amendments to the Fisheries Law and Establishment Law of Fisheries Agency

C. W.

P & P DIV

(10)

WPM/ECW/gg
23 March 1950

From: ESS To: GS

2. 1. Reference is C/N 1 from GS to ESS, 14 March 1950, requesting comment regarding "Partial Amendments to the Fisheries Law and Establishment Law of Fisheries Agency."

2. ESS finds objectionable the administration of the Fisheries Law or the Fisheries Agency Establishment Law by or with the administrative assistance of industry councils or commissions. The existence of such institutions conflicts with the objectives of SCAPINs 1108, 1394 and 1860 and with recently emphasized policy of Headquarters concerning industry councils.

4. It is recommended that the Japanese Government be advised of the above comments, and in particular be informed that there is objection to the continued existence of industry councils or commissions and to the creation of the additional industry commission, proposed in this draft legislation.

Incl
w/d ---------- W. F. M. ----------

(10)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Note No. 1 From: Govt Sec To: NRS Capt. Guida 26-6076
Date: 8 April 1950

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

2. Your prompt comment is requested.

1 Incl
Amendments to Fisheries Law and Establishment Law of Fisheries Agency

C. W.

2 From: NR To: Govt Sec H. W. Yoe 26-8492
HGS/WCH/HWY/erc
Date: 17 APR 1950

1. Attached revised draft bill "Partial Amendments to the Fisheries Law and the Establishment Law of the Fisheries Agency" contains the same basic provisions as the original version of the same bill. Therefore, NR requests that C/N 2, NR to GS, dated 25 Mar 50, commenting on draft bill "Partial Amendments to the Fisheries Law and Establishment Law of the Fisheries Agency" be considered in reviewing the attached draft bill.

2. As stated in Para 4 of C/N 2, referred to in Para 2 above, NR does not recommend introduction of attached draft bill in the Diet at this time. However, it is the opinion of NR that the subject draft bill does not violate established policy. The fundamental issue to be decided by attached draft bill is whether fisheries in the Ariake Sea, bounded by several prefectures, are to be administered in the same manner as those in the Inland Sea which are also bounded by several prefectures or administered in the manner as the coastal fisheries elsewhere. NR believes the Japanese Government and Diet should give due consideration to the recommendations made but should not be bound by such recommendations in their final decisions regarding such matters.

Rec'd GS 4/17

1 Incl
w/d

H. G. S.

10

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CHM/gb

Subject: Draft Legislation

Note No. | From: Govt Sec | To: LS/LJ | Date: 21 March 1950

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

2. Your prompt comment is requested.

1 Incl

Amendments to Grocery
Distribution Kodan law
and Oilstuff Distribution
Kodan law

Cy to GHS, ESS

C. W.

P & P DIV

11