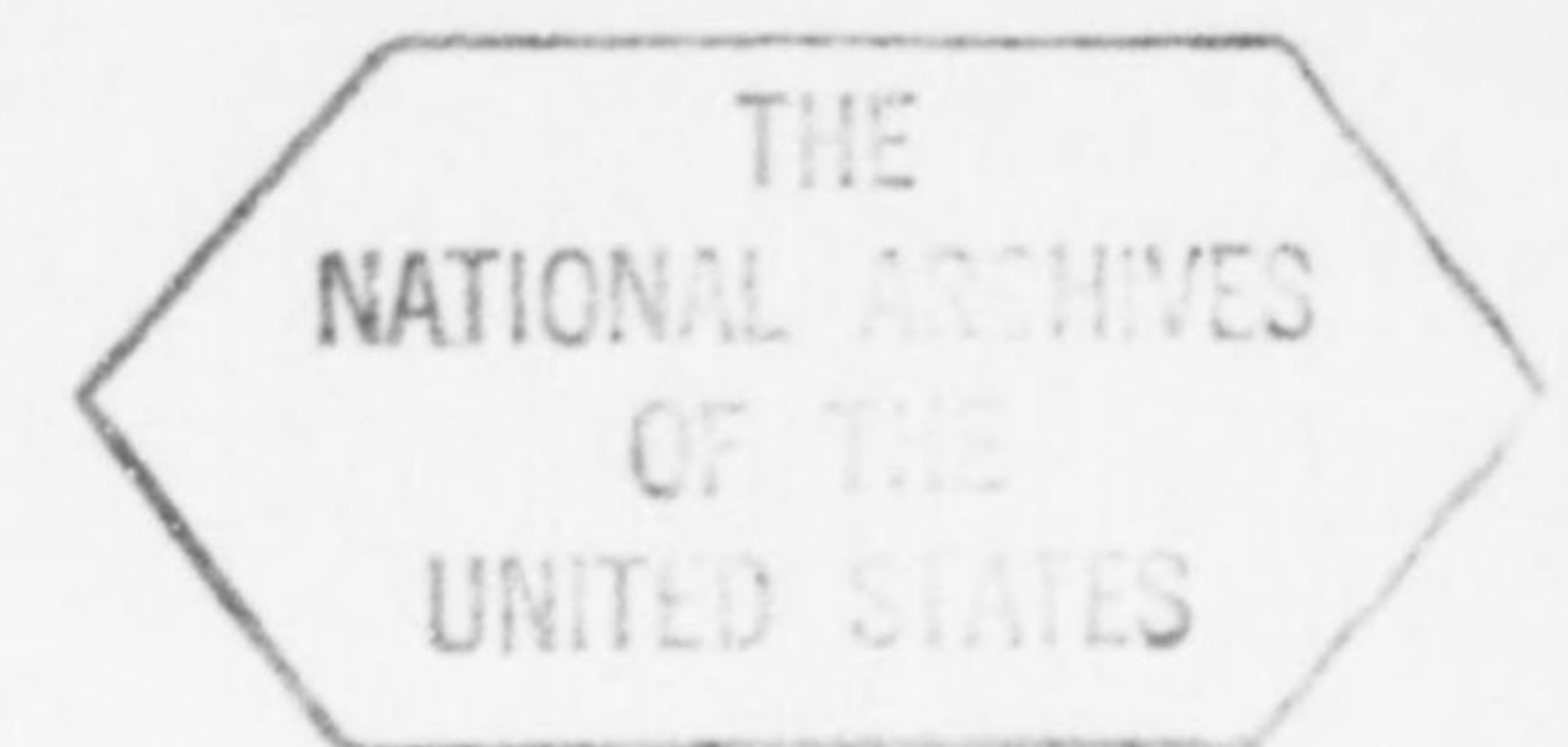


GHQ/SCAP Records(RG 331)
Description of contents



- (1) Box no. 2205
- (2) Folder title/number: (15)
Agriculture & Forestry Ministry - 7th Diet

(3) Date: Dec. 1949 - Mar. 1950

(4) Subject:

Classification	Type of record
610	d, m

(5) Item description and comment:
Includes Contents List

(6) Reproduction: Yes No

(7) Film no. _____ Sheet no. _____

TITLE

1. BPA to Central Co-operative Bank for Agriculture and Forestry Law.
2. BPA to Agricultural Seeds and Seedlings Law.
3. Live-stock Hygiene Service Center Bill.
4. BPA to Law re: Improvement and Promotion of Agriculture.
5. BPA to Fisheries Cooperative Association Law.
6. BPA to Fertilizer Distribution Kodan Ordinance.
7. BPA to Oilstuff Distribution Kodan Law.
8. BPA to Law re: Control of Sea Otter and Fur Seal Hunting.
9. BPA to Law Specifying the Case whereto the Provision of Art. 12, par. 3 of Compensation Against Agricultural Loss Law Shall not Apply.
10. BPA to Compensation Against Agricultural Loss Law.
11. Fertilizer Bill.
12. Bill for Agricultural and Forest Commodities Standards Law.
13. Bill for Exterminating and Preventing Pine Bark Beetles.
14. BPA to Agricultural Cooperative Association Law.
15. Bill for Improvement and Increased Production of Livestock.
16. Plant Quarantine Bill.
17. Bill for Prevention of Exhaustion of Marine Resources.
18. BPA to Temporary Restaurant Business Control Law.
19. BPA to Settler's Fund Financing Law.
20. The Pasture Bill.
21. BPA to Food Management Law.
22. Afforestation Temporary Measures Bill.
23. BPA to Fisheries Agency Establishment Law.
24. BPA to Owner-Farmer Establishment Special Measures Law and Others.
25. BPA to Ministry of Agriculture and Forestry Establishment Law.
26. Provisional Measures for Subsidy by Treasury for Disasters Rehabilitation Works Expenses for Facilities of Agriculture, Forestry and Fishery.

Bill

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

December 19, 1949

1. FOM Number: 8
2. Name of Bill: Bill for Partial Amendments to the
Central Co-operative Bank for Agriculture
and Forestry Law
3. Competent Ministry: Ministry of Agriculture and
Forestry
4. Date of Cabinet Approval: December 9, 1949
5. SCAP Section concerned:
E.S.S. Money and Banking Henry J.J. (Mr.)
N.R.S. Agri Div. Mr. Takahashi
6. Remarks: (Reference:)
The Central Co-operative Bank for Agriculture and
Forestry (Law No. 42 of 1923), is attached herewith.
.....
.....
.....
7. G.S Reviewers:

OS:
ESS
NRS
LS/KTS

Received by GS
Date 17 Dec

(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

Note No.	From: Govt Sec	To: ESS	Date: 19 December 1949	Capt. Guida 26-6076
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Agriculture & Forestry.			
	2. Your prompt comment is requested.			
	1 Incl Partial Amendments to Central Cooperative Bank for Agriculture & Forestry Law			
	C. W.			

010(23 JAN 1950)ESS/BWE

Mr. Henry, 33-7051
WFM/FRIG/JCS/JJH/yy

From: ESS To: Govt Sec

23 JAN 1950

2.

1. On 21 December 1949, Mr. J. L. Cooper, NR, called at Banking and Foreign Exchange Division, ESS, to express his views concerning attached draft legislation. He reported that:

a. NR considers the establishment of a stable system capable of fulfilling the requirements of agriculture to be a vital part of the action necessary to accomplish the permanent objectives of the land reform program envisaged in SCAPIN 411. Therefore, any agricultural credit legislation should be drafted in conformity with these requirements.

b. NR does not have specific objections to particular provisions of the proposed measure; however, since the proposal does not make: (1) any provision for long term credit, or (2) provide for government support in any form toward stabilizing agricultural credit, it cannot be considered as adequate to meet the needs of Japanese agriculture.

c. Any reorganization of the Central Cooperative Bank for Agriculture and Forestry should make provision for some form of government support in order to make possible the securing of essential credit should economic conditions make such action necessary.

Rec'd G.S.
1/24/50

(1)

Mr. Henry, 33-7051

WFM/FRJG/JCS/JJH/JY

01063 JAN 1950) ESS/EFE

Draft Legislation

ESS

Govt Sec

23 JAN 1950

2
(Contd)

2. Mr. Cooper was informed as follows:

a. The Central Cooperative Bank is considered to be in a very serious financial condition, and some action must be taken without delay to improve its financial status.

b. If government funds must be used for financing, they must be wholly administered by a government agency. Should circumstances require such action, a possible agency might be established within the Ministry of Agriculture and Forestry to meet such need for agriculture, and that a conference with the Public Finance Division on this matter should be considered.

3. Mr. Cooper agreed to the conference suggested in par 2b above.

4. On 22 December 1949 the following persons met at Public Finance Division to discuss the aforementioned possibility:

Mr. E. M. Reed, Chief, Public Finance Division, ESS
Mr. R. M. Phillips, Public Finance
Mr. J. L. Cooper, Head, Economic Division, NRS
Lt. Col. N. P. Barnete, NRS
Miss Dorothy Goodwin, NRS
Mr. F. A. Ineson, NRS
Mr. N. W. Yoe, NRS
Mr. H. J. Robinson, Banking & Foreign Exchange Division, ESS
Mr. J. J. Henry, " " " " " "

Mr. Cooper cited SCAFIN 411, 9 December 1945 and Radio J.C.S. Directive #97, 9 December 1948, to emphasize GHQ policy to the effect that Japanese shall have access to long and short term farm credit at reasonable rates of interest. This brought on a discussion as to what is meant by "reasonable rates of interest". NRS interprets this to mean, reasonable within the ability of farmers to pay; whereas, Public Finance and Banking and Foreign Exchange Division, believes that the term can only mean, within the lenders ability to lend at rates commensurate with the lenders costs for loanable funds.

5. Mr. Reed said that Public Finance was considering investing about \$1 billion U. S. Aid Counterpart Fund in Preferred Stock of Central Cooperative Bank for Agriculture and Forestry but only upon adequate information regarding the bank's present financial condition.

Mr. Henry, 33-7051

WFM/FRJG/JCS/JJH/yy

010(23 JAN 1950)
)ESS/HFE

Draft Legislation

23 JAN 1950

ESS

Govt Sec

2
(Contd)

6. It then was agreed by all present that consideration of "draft legislation" and use of U. S. Aid Counterpart Fund for purchase of Preferred Stock in Central Cooperative Bank for Agriculture and Forestry would be held in abeyance, pending a thorough examination of the bank by the Ministry of Finance in order to intelligently appraise what should be done, if anything, to rehabilitate the bank financially and to ascertain if the bank is in a position to grant additional long term loans with safety.

7. Examination of the bank will be commenced probably within the next two weeks. It is estimated that about six weeks time will be needed to complete the examination and the writing of the report.

8. Concurrences: NRS
W.F.M. Public Finance Division, ESS

1 Incl
n/c

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

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Note No.	From: Govt Sec To: NRS	Date: 19 December 1949 Capt. Guida 26-6076
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Agriculture & Forestry.</p> <p>2. Your prompt comment is requested.</p> <p>1 Incl Partial Amendments to Central Cooperative Bank for Agriculture & Forestry Law</p>	<p><i>[Signature]</i> O. W.</p>
2	<p>From: NR To: GS</p> <p>1. NR comments on proposed amendments referred to in check note 1 are contained in check note 2 from ESS to GS, subj, "Draft Legislation (Partial Amendments to Central Cooperative Bank for Agriculture and Forestry)", 17 January 1950. The check note was concurred in by NR.</p> <p>2. NR understands that following the examination referred to in check note 2 cited in par 1 above, the interested sections of GHQ, SCAP, will again confer on appropriate action to be taken with regard to the Central Cooperative Bank for Agriculture and Forestry.</p> <p>1 Incl w/d</p>	<p>Mr J. L. Cooper - 26-7949 HGS/MBW/JLC/dag Date: 21 JAN 1950.</p> <p><i>[Signature]</i> H. G. S.</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.

From: Govt Sec

To: **LS/LW**

Date: **19 December 1949**

1.

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

2. Your prompt comment is requested.

1 Incl

**Partial Amendments to Central
Cooperative Bank for Agriculture
& Forestry Law**

C. W.

P & P DIV

(1)

1419

Subject: Partial Amendments to Central Cooperative Bank for Agriculture and Forestry Law.

(A-F mem)

From: LS

To: GS

C.J. Smith-2635-269

Date: 29 December 1949

2.

1. This Section has no legal objections to subject bill, which is primarily a consolidation of previous legislation proposed by the Ministry of Agriculture and Forestry and a Member of the House of Representatives, respectively.

2. Reference is made to three Check Notes (No. 2) from LS to GS, dated 28 October, 3 November, and 8 December 1949, in which no legal objections were raised to the previous legislation referred to in paragraph 1.

1 Incl. w/d

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

Rec'd GS 1/3/50

(1)

Bill

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

January 18, 1950

1. FOM Number: 22
2. Name of Bill: Bill for Partial Amendments to the Agricultural Seeds and Seedlings Law

3. Competent Ministry: Ministry of Agriculture and Forestry
4. Date of Cabinet Approval: January 13, 1950
5. SCAP Section concerned:
Mr. Cubbertson; N.R.S. Agriculture Div.

6. Remarks: (Reference:)

1. Agricultural Seeds and Seedling Law (Law No. 115
.....
Oct. 2, 1947)
.....
Official Gazette No. 453
.....
2. Amended by Law No. 155 May 31, 1949
.....
Official Gazette Extra No. 59
.....

7. G.S Reviewers:

CS: NRS
AS/ANJ
ESS

Received by Ant. Sest

Date 1/18/50

2

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/JN/JW/CPG/vs

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: ESS

Date: 18 January 1950

1.

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

2. Your prompt comment is requested.

1 Incl

Partial Amendments to the
Agricultural Seeds and
Seedlings Law

C. W.

P & P DIV

2

Subject: Draft Legislation

From: Govt Sec

To: ESS

18 January 1950

Mr. H.F. Smith 26-6328

From: ESS

To: Govt Sec

WFM/FLB/HFS/ee

30 JAN 1950

2.

No objection is offered to the subject draft bill.

1 Incl
n/c

----- W.F.H. -----

Rec'd GS
1/31/50

(2)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: LS/LW

Date: 18 January 1950

1.

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

2. Your prompt comment is requested.

1 Incl

Partial Amendments to the
Agricultural Seeds and
Seedlings Law

C. W.

P & P DIV

2

SUBJECT BILL: Partial Amendments to the Agricultural Seeds
and Seedlings Law

R. T. Brunckhorst
2635-430

2. From: LS/LAJ To: Govt Sec Date: 33 January 1950

This Section has no Legal objections to subject bill.

1 Incl
w/d

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

(2)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No.

From: Govt Sec To: NRS

Date: 18 January 1950

1.

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

1 Incl

Partial Amendments to
Agricultural Seeds and
Seedlings Law

C. W.

Mr J. E. Cooper - 26-7949
HGS/MBW/JLC/deg
Date: 21 JAN 1950

2

From: NR To: GS

1. The proposed partial amendments to the Agricultural Seeds and Seedlings Law are considered essential for the clarification and better functioning of the said Law.
2. Introduction of the proposed bill meets with the approval of NR.

1 Incl
w/d

H. G. J.

(2)

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

Note No.	From: Govt Sec	To: Capt. Morris 26-6076	Date: 15 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 to Agricultural Seeds and Seedlings Law		
	C. W.		

P & P DIV

(7)

2/15

Subject: Partial Amendment to Agricultural Seeds
and Seedlings Law

(A & F)

From: LS

To: GS

R.T. Brundhorst-2635-420

Date: 11 April 1950

2.

Inasmuch as subject bill has already been enacted into law,
Legal Section refrains from offering any comment thereon.

1 Incl. w/d

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

Rec'd GS 4/13

(2)

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

Note No.	From: Govt Sec	To: ESS	Date: 15 February 1950
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors.</p> <p>2. Your prompt comment is requested.</p>		
	<p>1 Incl Partial Amendment to Agricultural Seeds and Seedlings Law</p>		
	C. W.		
	<p>010 (15 FEB 1950) ESS/PF</p>		
	<p>L. A. Henbster 26-6070 WFM/EMR/JWH/CHN/ftk</p>		
2.	From: ESS	To: Govt Sec	21 FEB 1950
	<p>ESS has no objection to the introduction of the Proposed Amendment to the Bill for partially amending the Agricultural Seeds and Seedlings Law.</p>		
	<p>1 Incl n/c</p>		
	W. F. M.		

(2)

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

Date: 15 February 1950

Note No.

From: Govt Sec To: NBS

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
Agricultural Seeds and
Seedlings Law

[Handwritten signature]
Miss D.C. Goodwin - 26-7860
HGS/MBW/JLC/DCG/dem
Date: 20 FEB. 1950

2.

From: NR To: GS

NR has no objection to the proposed partial amendment to the Agricultural Seeds and Seedlings Law.

1 Incl
w/d

[Handwritten signature]

*Recd GS
2/15/50*

MB
HAWK

2

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL. 87-6010)

January 23, 1950

1. FOM Number: 34 *Live-Stock*
2. Name of Bill: ~~Animal~~ Hygiene Service Centre ~~Bill~~ Bill
3. Competent Ministry: Ministry of Agriculture and Forestry
4. Date of Cabinet Approval: January 24, 1950
5. SCAP Section concerned:
Lt. Col M. W. Scothorn Veterinary ~~Off~~; PHW.GHQ.SCAP

6. Remarks: (reference:)

None

7. G.S. Reviewers:

CS:

PNW
RS/14J
ESS

Received by

GS

Date

1/28/50

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: PH&W

Date: 30 January 1950

1.

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

2. Your prompt comment is requested.

1 Incl

**Livestock Hygiene Service Center
Bill**

C. W.

2

From: PH&W

To: Govt Sec

Lt. Col Scothorn, 26-6149

Date: 31 January 1950

1. PH&W offers no objection to the attached draft of the **Livestock Hygiene Service Center Law.**

1 Incl

w/d

C. F. S.

Recd 65
2/1/50

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/CPG/vs

Subject: Draft Legislation

Note No.	From: Govt Sec To: LS/LAJ Date: 30 January 1940
1.	<p style="text-align: right;">Capt. Guida 26-6076</p> <ol style="list-style-type: none">1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Agriculture & Forestry.2. Your prompt comment is requested. <p>1 Incl Livestock Hygiene Service Center Bill</p> <p style="text-align: right;">C. W.</p>

P & P DIV

Subject: Livestock Hygiene Service Center Bill.

From: LS

To: GS

C.J. Smith-2635-269

Date: 10 February 1950

2.

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

2. Attention is invited to Article 7, authorizing the Government to subsidize the live-stock hygiene service centers within the various prefectures. This involves a matter of policy for the consideration of ESS/Public Finance.

1 Incl. w/d

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

Rec'd GS 2/13

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Note No.	From: Govt Sec To: ESS Date: 30 January 1950 1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Agriculture & Forestry. 2. Your prompt comment is requested. 1 Incl Livestock Hygiene Service Center Bill C. W.
----------	--

Capt. Guida
26-6076

P & P DIV

3

Liverpool Hygiene Service Control Bill

CHECK SHEET

Subject: Draft Legislation

From: Gov't Sec

30 Jan 50

From: ESS

To: Govt Sec

W.F.M.
WFM/FLW/KFS/go

Date: 3 FEB 1950

2. No objection is offered to the subject legislation.

1 Incl
n/c

W.F.M.

(3)

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL. 87-6010)

February 1, 1950

1. FOM Number: 45
2. Name of Bill: Bill for Partial Amendments to the Law concerning Improvement and Promotion of Agriculture
3. Competent Ministry: Ministry of Agriculture and Forestry
4. Date of Cabinet Approval: January 31, 1950
5. SCAP Section concerned:
Agricultural Division, Natural Resources Section,
G.H.Q.
Mr. Mark B. Williamson
6. Remarks: (reference):
Official Gazette No. 686 ~~Thursday~~ July 15, 1948
..... B3 --- P7
"Law concerning Improvement and Promotion of
Agriculture"
.....
(Law No. 165)
.....
.....
7. G.S. Reviewers:

CS:

NRS
ESS
HS/HJS

Received by CS
Date 2/1/50

(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/JS/JS/MS/ak

Subject: Draft Legislation

Capt. Morris

Note No.	From: Govt Sec	To: LS/LJJ	Date: 1 February 1950
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Agriculture & Forestry.</p> <p>2. Your prompt comment is requested.</p> <p>1 Incl Suggested Amendments to the law concerning Improvement and Promotion of Agriculture</p> <p>C. W.</p>		

26-6076

P & P DIV

(4)

Subject: Partial Amendments to the Law
concerning Improvement and Promotion
of Agriculture

From: LS

To: GS

F.C. Goodman-2635-269

Date: 21 February 1950

2.

This Section has no legal objection to subject bill.

1 Incl. w/d

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

*Rec'd GS
2/24/50*

(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/JW/JW/CHE/nk

Subject: Draft Legislation
Capt. Morris

Note No.	From: Govt Sec	To: ESS	Date: 1 February 1949	26-6076
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by the Ministry of Agriculture & Forestry.</p> <p>2. Your prompt comment is requested.</p>			
	<p>1 Incl Partial Amendments to the law concerning Improvement and Protection of Agriculture</p>			
			C. W.	

P & P DIV

Mr. Larsen, 26-6142

John A. ...
WFM/EMR/AMM/BNL/eb

Draft Legislation
Govt Sec

15 FEB 1950

ESS

21

There is no objection to the introduction in the Diet of the draft bill for Partial Amendments to the Law Concerning Improvement and Promotion of Agriculture.

1 Incl:
Draft Bill

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

*Rec'd by S
2/16/50*

4

J. R. ...

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/nk

Subject: Draft Legislation

Capt. Norris

Note No.

From: Govt Sec To: NRS

Date: 1 February 1950

26-6076

1.

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

2. Your prompt comment is requested.

1 Incl
Partial Amendments to the Law
concerning Improvement and
Promotion of Agriculture

[Signature]
C. W.

Mr J.L. Cooper - 26-7949
HGS/MBW/JLC/dag
Date: 6 FEB 1950

2

From: NR To: GS

NR has no objection to the proposed Partial Amendments to the Law concerning Improvement and Promotion of Agriculture.

1 Incl
w/d

[Signature]

H. G. S.

Recd GS
2/7/50

4

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL. 87-8010)

February 3, 1950

1. FOM Number: 54
2. Name of Bill: Bill for Partial Amendments to the Fisheries Cooperative Association Law.
3. Competent Ministry: Ministry of Agriculture & Forestry
4. Date of Cabinet Approval: January 27, 1950
5. SCAP Section concerned:
Mr. H.W. Yot
N.R.S. Fisheries Division, Economic Branch
6. Remarks: (reference):
Fisheries Cooperative Association Law.....
(Law No. 242 of 1948), Official Gazette No. 814,
Dec. 15, 1948.
.....
.....
.....
7. G.S. Reviewers:

CS:
NRS
ESS
KS/KS

Received by GS
Date 2/3/50

(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) **CF/JH/JW/CFG/vs**

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: **ESS**

Date: **3 February 1950**

1.

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

2. Your prompt comment is requested.

1 Incl
Partial Amendments to the
Fisheries Cooperative
Association Law

C. W.

P & P DIV

5

Ag + for
Fisheries Cooperative Assoc

From: ESS To: GS

WFM/ECW/eg
E. C. Welsh, 26-6561

28 FEB 1950

2.

1. Reference is made to C/N 1, from GS to ESS, dated 3 February 1950, requesting comment regarding draft legislation to amend the Fisheries Cooperative Association Law.

2. In general, the amendments proposed in such draft legislation are of minor significance in themselves and, as such, do not constitute a basic conflict with the Occupation policy regarding the establishment and operation of democratic cooperatives. It should be noted, however, that each of these small changes indicates a trend toward solidifying the position of officers controlling the fisheries cooperative associations and in increasing the influence of the relatively small number of major operators in the fishing communities.

3. ESS raises no objection to reference draft legislation, except as follows:

a. Article 18, paragraph 3, permits juridical persons with less than 300 employees to become members of fisheries cooperatives. Although it is considered contrary to the best principles of democratic growth of fisheries cooperatives in Japan to

Rec'd GS 3/1/50

(5)

(3 Feb 50)GS,
Subj: Draft Legislation

28 FEB 1950

to permit juridical persons as members, it is at least essential that local corporation domination of small fisheries cooperatives be avoided by limiting such juridical person membership to associate members of juridical persons with less than 100 employees.

b. Article 52, paragraph 1, sets up a procedure whereby 10 representatives of a small cooperative of only 100 members can control the operation of the association. Since one of the major principles of cooperatives is that of equality of responsibility and voting privilege, it is considered that such representation arrangement is unfortunate and objectionable in small cooperative associations. Although it is questionable, support can be given for the argument that a representative system is a practical arrangement in associations of very large membership and with such membership spreading geographically over a relatively large area. Such argument, however, has no support in small fisheries cooperatives of 100 or less members.

1 Incl

- R/2 -

W. F. W. -----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CK/JR/JW/CHN/vs**

Subject: Draft Legislation

Capt. Morris

Note No.	From: Govt Sec	To: LS/LAJ	Date: 3 February 1950 <small>26-6076</small>
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.</p> <p>2. Your prompt comment is requested.</p> <p>1 Incl Partial Amendments to the Fisheries Cooperative Association Law</p> <p style="text-align: right;">C. W.</p>		

P & F DIV

5

Fisheries Coop Association Law

2.

From: LS/LAJ

To: Govt Sec

Kurt Steiner

2625-479

Date: 23 February 1950

1. No legal objections.
2. The amendment involves a number of policy questions, for instance:
 - a. Article 7, paragraph 1, exempts certain fisheries cooperative associations employing only a small number of employees from the provisions of the "Law relating to Prohibition of Private Monopoly and Methods of preserving Fair Trade". This exemption is extended by the amendment by doubling the number of employees necessary before the provisions of the Fair Trade Law shall become applicable. In this connection it appears advisable to obtain the comments of BSS Fair Trade Practices Division.
 - b. The amendment extends the scope of the facilities of the association, of Federations of Fisheries Cooperative Associations, of Marine Products Processing Cooperative Associations, and of Federations of Marine Products Processing Associations which may be made available to non-members by considering members of other associations as members of the association itself in this respect, so that actually the ratio of business transacted for members and of business transacted for non-members is altered in favor of business transacted for non-members. (Article 11, par. 3; Article 87, par. 1; Article 93, par. 2; Article 97, par. 1).

Draft Legislation

Kurt Steiner
2635-479

LS/LAJ

Govt Sec

23 February 1950

2
(Cont'd)

c. It is doubtful whether some of the provisions are in agreement with the general aims of the basic law, namely to rid Fisheries Associations of their feudalistic aspects and to subject them to greater control of their members, or whether they do not aim in the opposite direction, by limiting the participation of the membership.

Thus, the maximum term of office for the officials of the co-operative associations was heretofore two years. The amendment lengthens this term to 3 years, if provided in the Articles of the corporation. (Article 35). Another instance is Article 52. Up to now, an association, the membership of which exceeded 200, could hold meetings of representatives instead of general meetings of the members. In accordance with the amendment this will be possible for associations having more than 100 members.

3. LS, in pointing out the existence of these policy questions, refrains from further comment on them, being aware of the fact that the amendment may be dictated by practical considerations.

1 Incl:
w/d

-----A. G. 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/CHN/vs

Subject: Draft Legislation

Capt. Norris

26-6076

Note No.

From: Govt Sec To: NRS

Date: 3 February 1950

1.

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

2. Your prompt comment is requested.

1 Incl
Partial Amendments to Fisheries
Cooperative Association Law

C. W.

2.

From: NRS To: Govt Sec

H. W. Yoe, 26-8492
HGS/WCH/HNY/perc

Date: 10 FEB 1950

NR offers no objections to the immediate introduction to the attached draft bill in the Diet as proposed by the Agriculture & Forestry Ministry.

1 Incl
w/d

H. G. S.

Rec'd 95
2/13/50

5

0 1

**Amendments to Fisheries Cooperative Association
Law.**

1. Art. 7, par. 1 extends exemptions which are questionable. It is felt that permitting the doubling of the number of employees before the provisions of the Fair Trade Law become applicable is not sound and therefore recommend that no change be made at this time.

2. The aims of the basic law were to rid Fisheries Associations of their feudalistic aspects and to subject them to greater control by the members. Articles 11 par. 3, Art. 87 par 1, Art. 93 par. 2, and article 97 par 1. favor business transacted for non-members and therefore should be deleted.

3. The proviso of art. 35 par. 1 which states the term of office to be two years seems to be sufficient and therefore do not favor an increase to three years.

4. Art. 18 par. 3 of this amendment permits juridical persons with less than 300 employees to become members of fisheries cooperatives. This is contrary to the best interests and principles of democratic growth of fisheries cooperatives in Japan. If at all, this number should be limited to juridical persons with less than 100 ~~xx~~ employees.

5. Art. 52 par. 1 sets up a procedure whereby 10 representative of a small cooperative of only 100 members can control the operation of the association. Since one of the major principles of cooperatives is that of equality of responsibility and voting privilege, it is considered that this new representation arrangement is objectionable.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

F. P. Smith ^{lb} 26-8492
HGS/WCH/HWY/FPS/erc

(Do not remove from attached sheets)

File No: NR 415 (

)Fi

Subject: Bill for Partial Amendments to the Fisheries
Cooperative Association Law

Note
No.

From: NRS

To: Govt Sec

Date: 9 MAR 1950

1

1. It has been called to the attention of NR/Fi by the Fisheries Agency, J.G., that questions have arisen regarding clearance by SCAP of certain portions of subject legislation.

2. By check sheet dated 10 Feb 50, NR advised that no objections were offered to the immediate introduction of subject bill in the Diet as proposed by the Ministry of Agriculture and Forestry.

3. NR offers the following comments regarding those amendments to which IS and ESS have raised objections, as noted:

a. Art 7, paras (1) and (2): In its comments regarding this legislation IS/L&J has stated that there are no legal objections to any of the proposed amendments. However, regarding this art. a question of policy is raised in permitting the doubling of the number of employees necessary before the provisions of the Fair Trade Law shall become applicable.

The proposed amendments, in the opinion of NR, are not in conflict with the intent and principle of Article 24 of the Law Concerning Prohibition of Private Monopoly and Maintenance of Fair Dealings (Law No. 54, 1947), whereby any cooperative association, or federations of same, which are formed without interference, and where members are free to join or withdraw at will are considered as conforming to said Article 24. All agricultural cooperatives have been placed in the exempted category as well as those cooperatives formed under the Small Enterprises Cooperative Law, where member enterprises employ 100 persons or less. The proposed amendment to apply conformance exemption to (1) tuna bonito fisheries operating two boats or less, (2) small trawler fisheries operating two sets of trawlers or less, and (3) fisheries operating two seine nets or less, will not, from fisheries standpoint, grant exemption to any juridical person that would constitute a private monopoly in any fishing area. The proposed increase of fixed net fisheries from 50 to 100 employees, and Marine Products Processing Cooperative Associations with members employment being increased from 10 to 20 employees is comparable to the present exemptions under Small Enterprises Cooperative Law. All of the above amendments involve very small scale financial interests, and could never be construed as creating private monopolies.

b. Art 11, para 3; Art 83, paras 1 and 3; Art 93, para 2; and Art 97, paras 1 and 2: IS/L&J has indicated that the proposed amendments involve a question of SCAP policy in that "the amendment extends the scope of the facilities of the associations and federations which may be made available to non-members by considering members of other associations as members of the association itself in this respect, so that actually the ratio of business transacted for members and of

NR 415 (9 MAR 1985)

business transacted for non-members is altered in favor of business transacted for non-members".

The proposed amendments to these articles would permit a local association or federation and its respective members, to transact business with other associations or federations organized under the Fisheries Cooperative Law and with agricultural cooperatives and federations, and to consider such business as "membership business" in establishment of the 50 per cent ratio of business permitted to be done with non-members. Many small cooperatives have found that it is absolutely necessary from a financial standpoint to engage in certain joint business activities with other local cooperatives and the federations. The present restriction of considering such activities as non-member business in the balance of business transactions is materially restricting activities of the members of the local group. Due consideration must be given to the scattered operations of individual members of local cooperatives, making it mandatory frequently to land the catch at other than home ports and thereby of necessity utilizing facilities of other associations. The amendment as proposed would not lessen the active control of the local association membership of its own association, but will aid materially in placing the local cooperatives on a sounder financial basis. Extension of the amendment to cover Marine Products Processing Cooperative Associations and Agricultural Cooperative Associations in Art 13, Para 3 is not considered of vital necessity. The same is true of Art 87, Para 3, regarding Federations of Marine Products Processing Cooperative Associations and Federations of Agricultural Cooperative Associations; Art 93, Para 3 regarding Fishermen's Cooperative Associations and Agricultural Cooperative Associations; Art 97, Paras 1 and 2 regarding Federations of Fishermen's Cooperative Associations and Federations of Agricultural Cooperative Associations. An amendment of this nature is not considered outside the concepts of democratic cooperative activities and is not a trend toward loss of membership controls.

c. Art 18, para 3: ESS, in its submitted comments, has objected to the amendment to permit juridical persons employing less than 300 employees to become associate members of fisheries cooperative, based on the following: "although it is considered contrary to the best principles of democratic growth of fisheries cooperatives in Japan to permit juridical persons as members, it is at least essential that local corporation domination of small fisheries cooperatives be avoided by limiting such juridical person membership to associate members of juridical persons with less than 100 employees".

The question of extension of associate membership to small-scale juridical persons has been under constant study by the Fisheries Agency and NR/Fi prior to, and since the enactment of the Fisheries Cooperative Association Law. Many of these small-scale corporations were formed by a group of fishermen pooling their financial resources to purchase one or two boats in order to engage in tuna-bonito, trawling or purse seine activities, or to purchase a fixed net. The present law prohibits their membership in the cooperative that is operating in their locality, even though the fishing operation may be a vital part of the local industry, the

NR 415 (9 MAR 1950)
YFi

inclusion of which would be to the definite financial betterment of the cooperative. It is pointed out that such juridical bodies would only have associate membership, thereby having no voting or election rights (Art 21). Therefore, such juridical persons could never gain active control of the cooperative. The limitation of 300 employees, as set forth in the proposed amendment, is based on a thorough study by the Fisheries Agency and in the opinion of NR/Fi represents a sound delineation, considering the composition of juridical persons in the fishing industries. The limitation of 100 employees stipulated by ESS apparently is based on a study of small business enterprises and may be correct for such activities, but certainly the same standards cannot be applied verbatim to fisheries industry. The small-scale juridical persons covered by the proposed exemption are now barred from participation in cooperatives, yet on the other hand, are at the competitive mercy of large-scale juridical operators, which may be operating from the same fishing port. The granting of associate membership to these small-scale operators will thereby safeguard the economy of a vital segment of the fishing industry.

Another strong justification for the amendment as proposed is that steps are now being taken to organize all fishermen operating radio equipped vessels into cooperatives in order to establish standardization of radio services for the fishing fleet. Mr. Sloan, CCS/Radio, is of the firm opinion that the small-scale juridical persons must have some representation in such cooperatives if the program is to operate efficiently, since a large percentage of radio-equipped vessels are operated by the small-scale juridical persons.

d. Art 35, para 1: IS/I&J has raised the question as to whether this amendment is in agreement with the general aims of the basic law in that it may extend the feudalistic aspects of the former associations.

The amendment as proposed to extend the term of office of cooperative officials from two years to three years is not strongly favored by NR. However, it is the opinion of NR that this is a matter of decision by the Japanese Government and is not in conflict with established SCAP policy, therefore cannot be rejected by NR. The Fisheries Agency officials have stated to NR that extension of the term to three years will permit more efficient operation of the cooperative activities, in that long-term plans can be completed without disruption by change of officials.

e. Art 52, para 1: ESS has stated: "The proposed amendment sets up a procedure whereby 10 representatives of a small cooperative of only 100 members can control the operation of the associations. Since one of the major principles of cooperatives is that of equality of responsibility and voting privilege, it is considered that such representation arrangement is unfortunate and objectionable in small cooperative associations. Although it is questionable, support can be given for the argument that a representative system is a practical arrangement in associations of very large membership and with such membership spreading geographically over a relatively large area. Such argument, however, has no support in small fisheries cooperatives of 100 or less members". IS/I&J has also raised the question as to whether the proposed amendment would not limit membership participation which would be contrary to the general aims of the basic law.

MAR 1950
Fi

NR is at a loss in determining where the statement regarding 10 representatives is derived, since the amendment as proposed will require the minimum number of representatives, duly elected by the voting members, to be one-fourth of the voting members, or 25 in the case of a cooperative of 100 members.

The proposed amendment to extend the privilege of representative meetings to cooperatives having 100 voting members or more is not deemed objectionable if the following paragraphs are added, as:

para 6 - If actions taken in the representative meetings are deemed by the majority of the voting members of the association to adversely affect the cooperatives' business activities, such actions may be revoked by a general meeting of the members.

para 7 - Meetings of representatives set forth in para 1, hereof, shall not take the place of the general meetings required under Art 38.

These added provisions, together with the right of recall of any representative by vote of the membership and the restrictions set forth in para 5, will prevent control of business activities by a small group of the members.

Due to the characteristics of the fishing industry, it is often difficult for a cooperative, regardless of number of members, to hold general meetings in order to transact urgent business activities at opportune times. A relatively large number of the cooperatives have a voting membership of 100 to 200. As in the larger cooperatives these smaller cooperatives may have membership that is widely scattered geographically, and operating varied types of fisheries.

NR recommends clearance of the amendment as proposed, with the insertion of paras 6 and 7 set forth above.

4. ESS, in its comments, has stated that the amendments as proposed indicate a trend toward solidifying the position of officers controlling the fisheries cooperative associations and in increasing the influence of the relatively small number of major operators in the fishing communities. IS/I&J also has stated that "It is doubtful whether some of the provisions are in agreement with the general aims of the basic law, namely to rid Fisheries Associations of their feudalistic aspects and to subject them to greater control of their members, or whether they do not aim in the opposite direction, by limiting the participation of membership".

In the opinion of NR the amendments as proposed are not in conflict with the general policies set forth by SCAP in regard to the establishment and operation of democratic cooperatives in Japan. The above statements and recommendations by NR are based on a careful study from the standpoint of the benefits to be derived by the individual fishermen through cooperative activities and at the same time not penalizing those small-scale operators, who because of financial limitations, found it expedient to incorporate into small companies. Consideration has been given to the basic characteristics of the fishing industry, and the above comments are not to be construed as having general application to other types of cooperatives in Japan, such as agricultural cooperatives or small enterprise cooperatives.

H. G. S.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Note No. From: Govt Sec To: **ESS** Date: **10 March 1950**
Capt Guida
25-6076

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

1 Incl
**Partial Amendments to
the Fisheries Cooperative
Association Law**

Copy: **NRS**

C. W.

P & P DIV

Revised Draft
Fisheries Cooperative Assocn Act
3/10

From: ESS

To: GS

Date:

Law
WFM/ECW/HW/1a
H. Wohl 26-6642
18 MAR 1950

2

1. References are:

a. C/N 1, above, requesting comment regarding revised draft legislation to amend the Fisheries Cooperative Association Law.

b. C/N 2 from ESS to GS, dated 3 March 1950, commenting on the previous draft of proposed amendment.

2. In paragraph 5, reference 1b, above, ESS found objectionable the provisions of Article 18, paragraph 3 and Article 52, paragraph 1, of the draft legislation. Since the provisions of these two articles have not been changed in the revised draft legislation, ESS considers reference 1b, above, to continue as appropriate comment.

1 Incl
w/d

*Rec'd 65
3/18/50*

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

(5)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt Guida

26-6076

Note No.

From: Govt Sec

To: NRS

Date: 10 March 1950

1

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

2. Your prompt comment is requested.

1 Incl

Partial Amendments to the
Fisheries Cooperative
Association Law

Copy: ESS

C. W.

2

From: NRS

To: Govt Sec

F. P. Smith 26-8492

HGS/WCH/HWY/FPS/erc

Date:

16 MAR 1950

1. NR has no objections to the amendments as set forth in attached revised bill and recommends its immediate introduction in the Diet.

2. Reference is made to check sheet of 9 March 1950 wherein NR commented in detail regarding the proposed amendments to Articles 7, 11, 18, 35, 52, 83, and 97. The amendments as set forth in the attached conform to the recommendations made by NR in such check sheet.

3. If the attached draft bill is not cleared for Diet action, it is requested that NR be advised prior to return of the bill to the Ministry of Agriculture and Forestry for any further revision.

1 Incl
w/d

H. G. S.

Rec'd GS 3/16

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) CW/JH/JH/CPG/eb

Subject: Draft Legislation

Note No.

From: Govt Sec

To: SSS

Capt. Guida

26-6076

Date: 28 April 1950

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

2. Your prompt comment is requested.

1 Incl

Amendments to Amendments to
Fisheries Cooperative Association Law

Cy to SRS

C. W.

P & P DIV

no formal reply

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) CW/JN/JW/CPG/gb

Subject: Draft Legislation

Capt. Guida

26-6076

Case No.

From: Govt Sec

To: NRS

Date: 28 April 1950

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

2. Your prompt comment is requested.

1 Incl

Amendments to Amendments to
Fisheries Cooperative Association Law

C. W.

HGS/WCP/EMY/ha

From: JR

To: GS

Date: 7 MAY 1950

1. NR has no objections to proposed amendments set forth in subject draft as proposed by the House of Representatives except for the following:

a. Art 87, added para 6; Deletion of Art 89; Art 97, added para 5, and revision of other articles deleting references to Art 89 or revisions to agree with proposed additions to articles 87 and 97;

(1) These amendments propose the removal of present restrictions set forth in Art 89 regarding area of jurisdiction of Federations of Cooperatives and would permit the formation of nation-wide federations to exclusively handle (a) credit, (b) purchasing, (c) marketing, and (d) guidance activities, yet still retaining present scope of general activities in federations of prefectural or less in scope.

(2) NR is of the opinion that since the federations formed to date are not being utilized to their fullest extent in purchasing, marketing, credit financing, etc., the present policy of restricted area of operations for fisheries federations should be maintained. When the federations as now authorized under the Fisheries Cooperative Association Law are utilized to their fullest extent and a definite need is established

Rec'd 65 5/3

(5)

O/S GS to NR, Subj: " Amendments to Amendments to Fisheries Cooperative Association Law", 28 Apr 1950.

that such federations are not of such scope to adequately handle the fisheries activities, further consideration can be given to necessary amendments to the law.

- (3) There is some question as to whether the proposed amendments to permit specialized nation-wide federations would not result in organizations that would violate established SCAP policy from standpoint of control organizations. Time allotted does not permit a thorough investigation of this matter.
- (4) At least a part of the desired results can be accomplished by formation of trade associations of fisheries cooperatives, federations, other juridical persons and individual fishermen under existing law to carry out information, education and other activities normally performed by trade associations in guidance of the fishing industry. NR/Fi has been advised by NSS/FTP that such trade associations are not prohibited by the Trade Association Law of 1948 and that restrictions set forth in Articles 4 and 5 of such law would not apply as provided for in Article 6 of the Trade Association Law. Therefore, activities of trade associations of fisheries cooperatives and federations would be restricted only by violation of established SCAP policy regarding "control" associations and provisions of the Law Concerning Prohibition of Private Monopoly and Maintenance of Fair Dealings (Law No 54 of 1947).
- (5) NR/Fi will have the services of a visiting expert, Mr H. H. Gordon, during May, June and July to observe and make recommendations regarding fisheries cooperative and federation organization and activities. Mr Gordon's study will include the matter of area of operation of federations.

b. In view of the above, it is recommended by NR that the sponsors of subject draft bill be advised that no action be taken on amending Arts 87, 89, and 97 at this time.

1 Incl
W/d

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

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) CW/JN/JW/CPG/eb

Subject: Draft Legislation

Note No.

From: Govt Sec

To: NRS

Date: 28 April 1950

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

2. Your prompt comment is requested.

1 Incl

Amendments to Amendments to
Fisheries Cooperative Association Law

Cy to 833

C. W.

*Checked by
Mr. Smith 4/19
with deletion of
amend to art 87, 89, 97.*

5

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL. 87-6010)

February 4, 1950

- 1. FOM Number: 64
2. Name of Bill: Bill for Partial Amendments to Fertilizer Distribution Kodan Ordinance
3. Competent Ministry: Ministry of Agriculture and Forestry
4. Date of Cabinet Approval: February 1, 1950
5. SCAP Section concerned:
Mr. Kito, P.D., E.S.S.
Mr. Jeffers, Finance, E.S.S.
Mr. Wohl, Fair Trade & Practice, E.S.S.
6. Remarks: (Reference:)
See attached paper.
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.....
.....
.....
.....
7. G.S. Reviewers:

CS:
ESS

Received by CS

Date 2/4/50

(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) **CG/JM/JW/CHN/vb**

Subject: Draft Legislation

Capt. Norris

Note No.

From: Govt Sec

To: **ESS**

Date: **4 February 1950**

26-6076

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

2. Your prompt comment is requested.

1 Incl
**Partial Amendments to
Fertilizer Distribution
Kodan Ordinance**

C. W.

P & P DIV

6

Bill

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

February 6, 1950

1. FOM Number: 72
2. Name of Bill: Bill for Partial Amendments to the Oilstuff Distribution Kodan Law

3. Competent Ministry: Ministry of Agriculture & Forestry
4. Date of Cabinet Approval: February 1, 1950
5. SOAF Section concerned:
Mr. Woni, Fair Trade Practices Division, ESS.
Mr. Dolgin, Price and Distribution Division, ESS.

6. Remarks: (reference:)
 1. The Oilstuff Distribution Kodan Law (Law No. 203 of 1947),
Official Gazette No. 516, Dec. 17, 1947
As amended, Official Gazette Extra No. 31, Mar. 31, 1948
As amended, Official Gazette Extra No. 27, Mar. 31, 1949
As amended, Official Gazette Extra No. 62, May 31, 1949
 2. National Government Organization Law (Law No. 120 of 1948)
Official Gazette Extra, July 10, 1948

7. G.S. Reviewers:

CS:
ESS
NRS
AS/AVJ

Received by 95
Date 2/6/50

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/JN/JW/CFG/vs

Subject: Draft Legislation

Capt. Guida

26-6076

Date: 6 February 1950

Note No.

From: Govt Sec

To: NRS

1.

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

2. Your prompt comment is requested.

1 Incl

Partial Amendments to Oilstuff
Distribution Kodan Law

C. W.

MF J. L. Cooper 26-7949

HGS/MBW/JLC/dem

Date:

13 FEB 1950

From: NR

To: GS

2.

NR has no objection to the proposed partial amendments to the Oilstuff Distribution Kodan Law.

1 Incl

w/d

H. G. S.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JE/CFG/va

Subject: Draft Legislation

Capt. Guida

Note No.

From: Govt Sec

To: LS/LAJ

Date: 26-6076
6 February 1950

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

2. Your prompt comment is requested.

1 Incl
Partial Amendments to Oilstuff
Distribution Kodan Law

C. W.

P & P DIV

7

From: LS

To: GS

R E Neptune - 2635-479
Date: 9 February 1950

1. This amendment:

- a) incorporates the provisions for control of sugar distribution into the Oilstuff Distribution Kodan Law, Law No. 201, 1947,
- b) extends the expiration date of the new Oilstuff and Sugar Distribution Kodan to 1 April 1951.

Presently, sugar distribution is under control of the Grocery Distribution Kodan, which expires 1 April 1950.

2. There are no legal objections to the subject bill.

1 Incl:
w/d

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

Rec'd GS 2/13

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/JN/JR/CFG/vs

Subject: Draft Legislation

Capt. Guida

Note No.

From: Govt Sec

To: EBS

26-6076
Date: 6 February 1950

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

2. Your prompt comment is requested.

1 Incl
Partial Amendments to the
Oilstuff Distribution Kodan
Law

C. W.

P & P DIV

7

Draft Distribution Kodan.

CHECK SHEET

From: Govt Sec

To: ESS

Subject: Draft Legislation

Date: 6 Feb 1950

H. P. Smith 26-6328

2.

From: ESS

To: Govt Sec

Date:

WFM/... HVS/ee

9 FEB 1950

No objection is offered to the subject legislation.

1 Incl
n/e

W.F.M.

Rec'd ESS 2/10/50

7

Bill

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

February 10, 1950

- 1. FOM Number: 82
- 2. Name of Bill: Bill for Partial Amendments to Law concerning Control of Sea Otter and Fur Seal Hunting
- 3. Competent Ministry: Ministry of Agriculture & Forestry
- 4. Date of Cabinet Approval: February 3, 1950
- 5. SOAF Section concerned:
Mr. W.C. Herrington, Fisheries Div. N.R.S.
- 6. Remarks: (reference):
Law concerning Control of Sea Otter and Fur Seal Hunting (Law No. 21 of April 22, 1912) is attached herewith.
- 7. G.S. Reviewers:

CS:
ESS
NRS
KSW

Received by CS
Date 2/10/50

(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/JN/JW/CHN/vs**

Subject: Draft Legislation

Capt. Norris
26-6076

Note No.

From: Govt Sec To: **ESS**

Date: **10 February 1950**

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

1 Incl
**Partial Amendments to Law
 re Control of Sea Otter
 and Fur Seal Hunting**

C. W.

File: 010(10 Feb 50)ESS/PF

John W. Campbell
 WFM/EMR/AMM/BHL/eb
 Mr. Larsen, 26-6142

From: **ESS** To: Govt Sec

1 MAR 1950

.2

There is no objection to the introduction in the Diet of the attached draft bill, **Partial Amendments to Law re Control of Sea Otter and Fur Seal Hunting**, as proposed by the Agriculture and Forestry Ministry.

1 Incl:
 n/c

-W.F.M.-

sent GS 3/1

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/JH/JW/CHN/vs

Subject: Draft Legislation

Note No.	From: Govt Sec To: LS/LAJ	Date: 10 February 1950 Capt. Norris 26-6076
1.	<ol style="list-style-type: none">1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.2. Your prompt comment is requested. <p>1 Incl Partial Amendments to Law re Control of Sea Otter and Fur Seal Hunting</p>	
	C. W.	

P & P DIV

8

Subject: Partial Amendments to Law re: Control
of Sea Otter and Fur Seal Hunting

From: LS

To: GS

F.C. Goodman-2635-269

Date: 21 February 1960

2.

1. The basic law, the Law Concerning Control of Sea Otter and Fur Seal Hunting (Law No. 21 of 1912) provided that the National Government could prohibit or restrict hunting of sea otters or fur seals. Subject bill amends the basic law by making any prohibition or restrictions placed on the hunting of sea otter and fur seals applicable to the manufacturing, processing or selling of the furs or the finished products thereof.

2. This Section has no legal objection to subject bill. However, if any prohibition or restriction on the possession of such furs is intended, the law should so state.

3. The deletion of Article 4 of the basic law dealing with the enforcement thereof is not objectionable as the matter of enforcement is fully covered in the Fisheries Law.

4. Subject bill is of primary concern to NRS/Fisheries Division.

1 Incl. w/d

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

Rec'd by
2/24/60

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/JN/JW/CFG/vs

Subject: Draft Legislation

Note No.

From: Govt Sec

To: NRS

Capt. Guida

26-6076

Date: 10 February 1950

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

1 Incl
Partial Amendments to Law
re Control of Sea Otter
and Fur Seal Hunting



2.

From: NR

To: Govt Sec

J.A. Craig 26-6808
HGS/WCH/JAC/orv

Date:

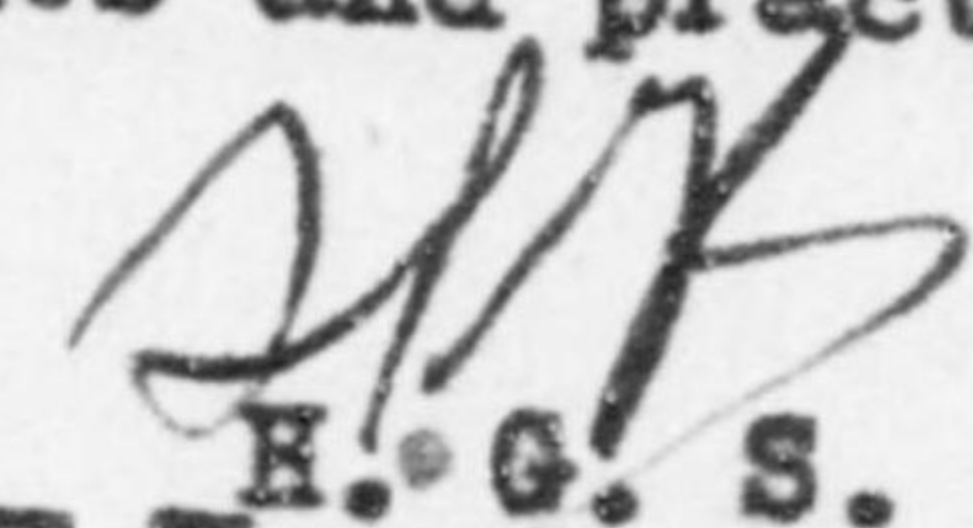
20 FEB 1950

1. NR's primary interest in this law is to have it amended so that it would become illegal to take and/or to possess sea otter and fur seal skins. These amendments do not accomplish this. The amendments do give more control over processing skins, increase the penalties for breaking the present law, and provide for confiscation when the skins are in possession of illegal processors.

2. Japan is not permitted to carry on pelagic sealing because of international agreements that were originally in effect between the U.S., Canada, U.S.S.R. and Japan; and the killing of sea otters and fur seals is presently prohibited within the territorial limits of Japan.

3. NR recommends that these comments be given to the Diet Committee for consideration in strengthening amendments to be in accord with international agreements and practices of control.

1 incl
w/d



H. G. S.

Rec'd 95
2/21/50

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)

CM/JM/JM/CJO/vs

Subject: Draft Legislation

Note No.

From: Govt Sec

To: IS/LAJ

Date: 8 March 1950

~~Capt. Guide~~

25-6076

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

2. Your prompt comment is requested.

1 Incl

Partial Amendments to Law
re Control of Sea Otter and
Fur Seal Hunting

Cy to NRS

C. W.

P & P

8

Ag. for
3/8

Subject: Partial Amendments to Law Re: Control of
Sea Otter and Fur Seal Hunting (Revised Draft).

From: LS

To: GS

F.C. Goodman-3635-269
Date: 16 March 1950

2.

This Section has no legal objections to subject bill.

1 Incl. w/d

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

Rec'd GS
3/17

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/JN/JW/CFG/vs

Subject: Draft Legislation

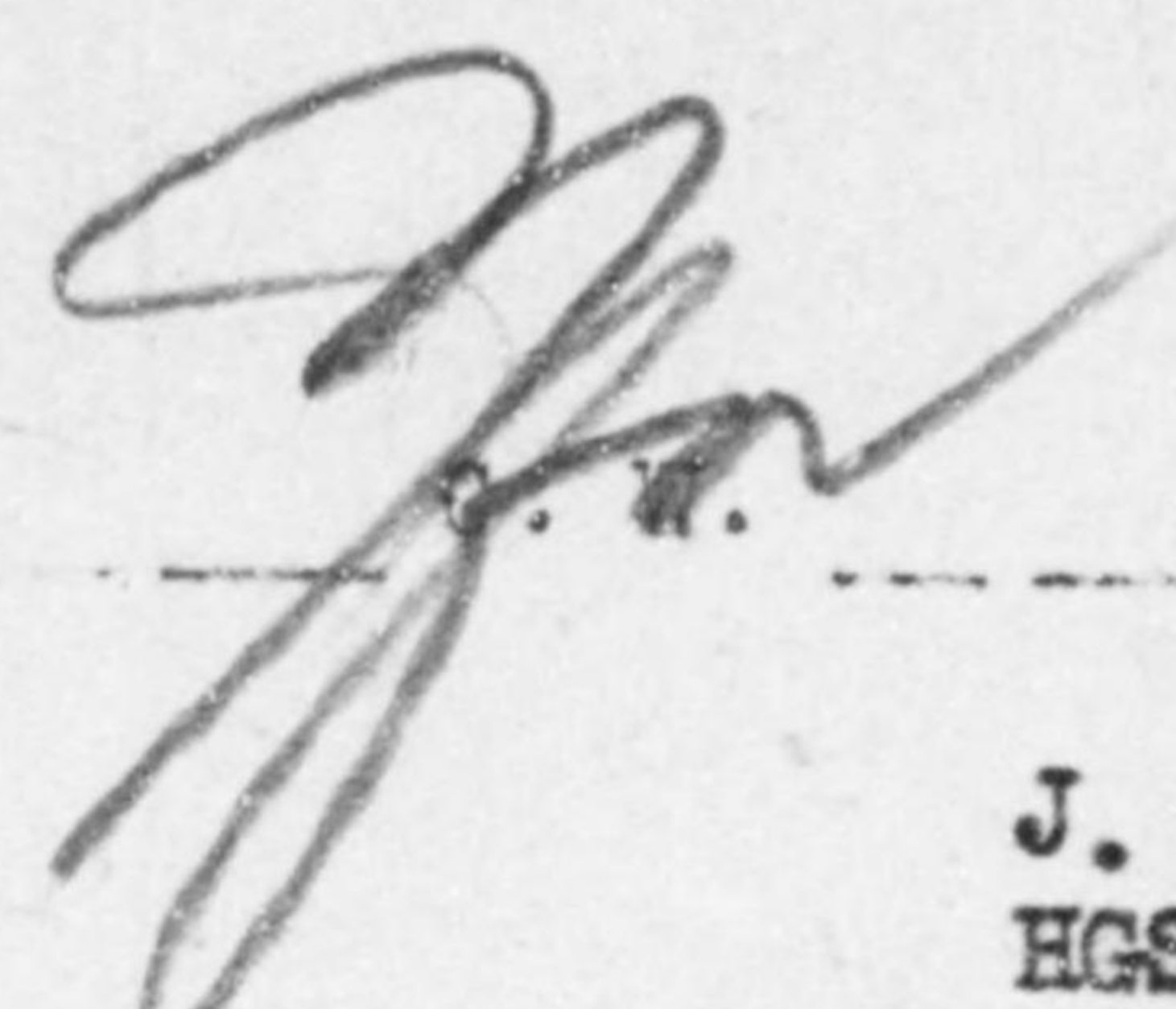
Capt. Guida
26-6076

Note No. From: Govt Sec To: NRS Date: 8 March 1950
revised

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

1 Incl
Partial Amendments to Law
re Control of Sea Otter
and Fur Seal Hunting

Cy to LS/L&J



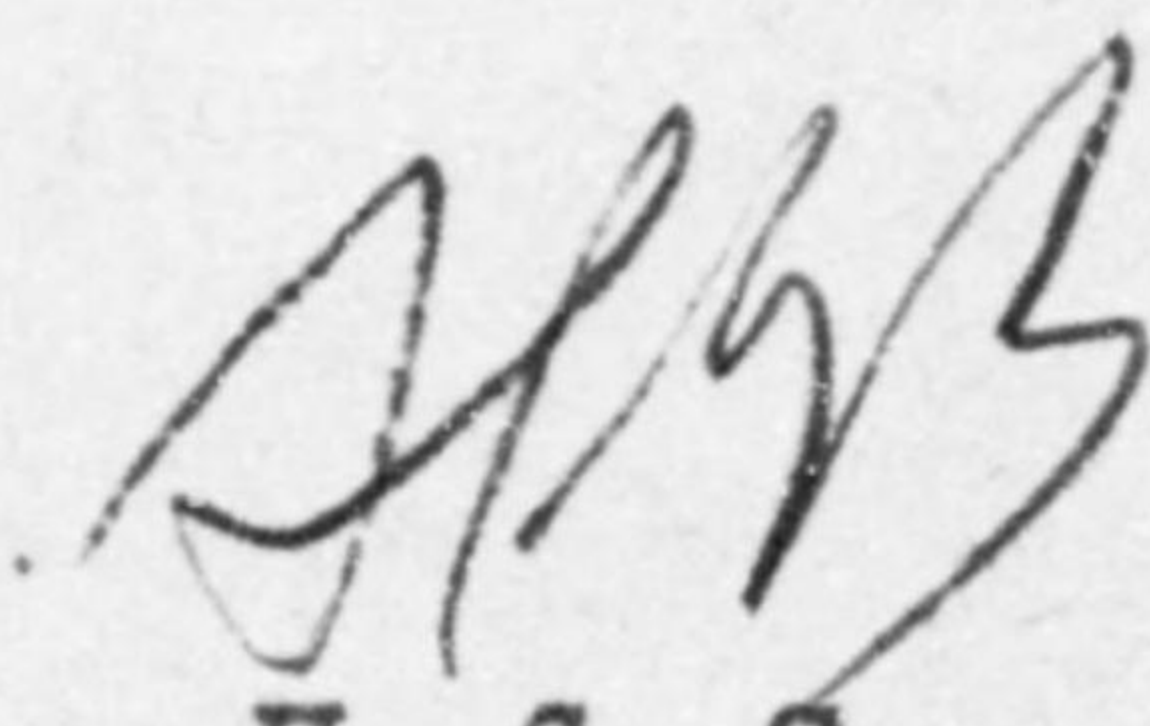
J. A. Craig 26-6808
HGS/WCH/WCN/JAC/hd
Date: 17 MAR 1950

2 From: NR To: GS

1. NR approves the attached "Partial Amendments to Law Regarding Control of Sea Otter and Fur Seal Hunting" in order to facilitate prompt passage of legislation regulating possession of these animals and skins. However, NR desires to point out that the actual prohibition of such possession under this law must be done by ministerial ordinance; therefore, the Japanese Government could easily change the ordinance at such future time after a peace treaty is signed without the matter coming to the attention of the United States. This would be a matter of some importance if an international fur seal treaty were in effect.

2. NR recommends that consideration be given to further amendment of this law at future Diet sessions for the purpose of making prohibition of possession of these animals and skins mandatory.

1 Incl
W/d



H. G. S.

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/JN/JW/CHN/gb

Subject: Draft Legislation

Note No.

From: Govt Sec

To: NRS

Capt. Norris
26-6076
Date: 3 April 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 Amendments
to Law Concerning Control
of Sea Otter and Fur Seal
Hunting

Cy to IS/L&J

J. A. Craig
C. W.

J. A. Craig 26-6808
HGS/WCH/JAC/hd

2

From: NR

To: GS

Date: 12 APR 1950

1. It is the opinion of NR that the proposed amendment to article 106 "The Amendments to the Law Concerning Control of Sea Otter and Fur Seal Hunting" beginning "The possession of" would make the law ineffective in prohibiting possession of illegal sea otter and fur seal skins. Many illegal skins will be in the possession of persons who are not regular hunters, processors, or manufacturers of sea otter or fur seals. This amendment would exempt such persons from prosecution. Hunting fur seals and sea otter is now illegal, so there are no regular hunters, processors or manufacturers. Under the terms of this amendment it would be necessary for officers to apprehend people in the act of hunting or killing the animals or processing the skins in order to secure a conviction. Also, the amendment would open the way for subterfuge by means of which hunters, processors, and others would be able to evade the law.

8

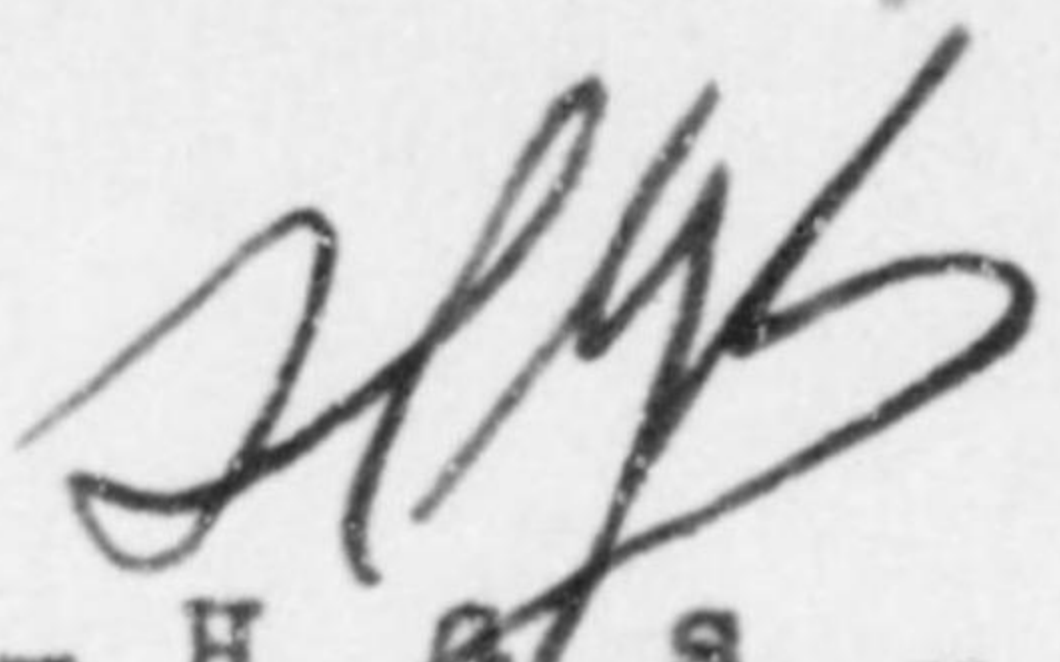
CN #2
(Cont)

C/S, GS to NR, Subj: "Draft Legislation", 3 April 1950

2. At some future time Japan may be called upon to take part in an international agreement regulating pelagic sealing. Adequate laws to control actions of her own citizens are important to demonstrate Japan's ability to carry out such agreements.

3. Therefore, NR does not approve this amendment.

1 Incl
w/d


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

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

File No:

From: Govt Sec

To: LB/LAJ

Capt. Morris
26-6076
Date: 3 April 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
Amendment to Amendments
to Law Concerning Control
of Sea Otter and Fur Seal
Hunting

Cy do NRS

C. W.

P & P DIV

8

Subject: Amendment to Amendments to Law Concerning
Control of Sea Otter and Fur Seal Hunting.

From: LS

To: GS

F.C. Goodman-2635-269

Date: 6 April 1950

2.

1. Subject bill amends Article 1 of the Bill for Partial Amendments to Law concerning Control of Sea Otter and Fur Seal Hunting as follows: "The possession of any sea-otter, fur-seal, or its fur or finished product thereof by persons who engage in the business of hunting sea-otter or fur-seal, or the manufacturing or processing of its fur or finished product thereof, or the selling of sea-otter, fur-seal, or its fur or finished product thereof."

2. It is suggested to delete the words "the business of" in the above amendment so as not to limit the applicability of the law to persons whose avocation is the hunting, etc., of sea-otter or fur-seal.

1 Incl. w/d

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

Rec'd GS 4/10

8

Bill

to be submitted for GS approval
Legislative Affairs Section, P.O.
(TEL. 37-6010)

February 11, 1950

1. P.O. Number: 90

2. Name of Bill: Bill for Partial Amendment to the Law
specifying the Case whereto the
Provision of Art. 12, par. 3 of the
Compensation Against Agricultural Loss
Law shall not apply.

3. Competent Ministry: Ministry of Agriculture &
Forestry

4. Date of Cabinet Approval: February 7, 1950

5. SCAP Section concerned:
Miss. D. C. Goodwin, Agriculture Division, N.R.S.
Mr. B. N. Larsen, Finance Division, E.S.S.

6. Remarks: (reference:)

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

7. G.S. Reviewers:

CS: NRS
ESS

Received by CS

Date 2/11/50

(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/JH/JW/CHM/nk

Subject: Draft Legislation

Capt. Morris

26-6076

Note No.

From: Govt Sec

To: BSS

Date: 11 Feb. 1950

P & P DIV

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

2. Your prompt comment is requested.

1 Incl

Bill for Partial Amendment to Law specifying
Case where Provision of Art. 12 par 3 of
Compensation against Agric Loss Law shall
not apply

C. W.

U

9

File: O10(11 Feb 50)ESS/PF

Amend BNF
WFM/EMR/ARM/BNL/eb
Mr. Larsen, 26-6142

From: ESS

To: Govt Sec

18 FEB 1950

2.

There is no objection to the introduction in the Diet of the attached draft bill, Bill for Partial Amendment to Law Specifying Case whereeto Provision of Art. 12 par 3 of Compensation against Agri. Loss Law Shall not Apply, as proposed by the Ministry of Agriculture & Forestry.

1 Incl:
n/c

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

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) *cm* CW/JN/JW/CHN/nk

Subject: Draft Legislation

Capt. Norris

26-6076

Date: 11 Feb. 1950

Note No.

From: Govt Sec

To: NRS

1

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

2. Your prompt comment is requested.

1 Incl

Bill for Partial Amendment to Law specifying Case where to Provision of Art. 12 par 3 of Compensation against Agric Loss Law shall not apply

C. W.

Miss D.C. Goodwin - 26-7860

HGS/MBW/JLC/DCG/dem

Date: 14 FEB 1950

From: NR

To: GS

2

NR has no objection to the proposed Bill for Partial Amendment to Law specifying Case where to Provision of Art 12 par 3 of Compensation against Agricultural Loss Law shall not apply.

1 Incl
w/d

[Signature]
H. G. S.

9

Bill

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

February 11, 1950

1. FOM Number: ~~88~~ ⁹³
2. Name of Bill: Bill for Partial Amendments to the Compensation against Agricultural Loss Law
3. Competent Ministry: ^{Ministry of Agriculture &} Forestry
4. Date of Cabinet Approval: February 7, 1950
5. SCAP Section concerned:
Miss. D. C. Goodwin, Agriculture Division, N.R.S.
Mr. B. N. Larsen, Finance Division, E.S.S.
6. Remarks: (reference):
Compensation against Agricultural Loss Law
(Law No. 185 of 1947), Official Gazette No. Extra,
Dec. 15, 1947.
Amended by (Law No. 183 of 1948) Official Gazette
..... No. 691, July 21, 1948.
" (Law No. 201 of 1949) Official Gazette
..... No. 955, June 8, 1949.
" (Law No. 265 of 1949) Official Gazette
..... No. 1115, Dec. 15, 1949.....
7. G.S. Reviewers:

CS: NRS
ESS
NS/MS

Received by GS

Date 2/11/50

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/JH/JW/CHN/nk**

Subject: Draft Legislation

Capt. Morris

Note No.

From: Govt Sec

To: **ESS**

26-6076

Date: **11 Feb. 1950**

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

2. Your prompt comment is requested.

1 Incl

**Bill for Partial Amendments to the
Compensation against Agricultural
Loss Law**

C. W.

P & P DIV

(10)

File: 010(11 Feb 50)ESS/PT

From: ESS

To: Govt Sec

Frank
Amundson
WFM/EMR/AMM/BNL/eb
Mr. Larsen, 26-6142
21 FEB 1950

2

There is no objection to the introduction in the Diet of the attached draft bill, Bill for Partial Amendments to the Compensation Against Agricultural Loss Law, as proposed by the Ministry of Agriculture & Forestry.

1 Incl:
n/c

Rec'd CS 2/21

-----W.F.A.-----

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/JE/JW/CHH/ak

Subject: Draft Legislation

Capt. Morris

Note No.

From: Govt Sec

To: IS/L&J

Date: 26-6076
11 Feb. 1950

P & P DIV

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

1 Incl

Bill for Partial Amendments to
the Compensation against
Agricultural Loss Law

C. W.

10

Subject: Bill for Partial Amendments to the
Compensation against Agricultural Loss Law.

From: LS

To: GS

F.C. Goodman-2635-269
Date: 15 February 1950

2.

This Section has no legal objections to subject bill. The amendments are technical in nature and of primary concern to NRS.

1 Incl. w/d

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

*Need of S
2/17/50*

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)

me
CW/JN/JW/CHN/nk

Subject: Draft Legislation

Capt. Norris

26-6076

Note No.

From: Govt Sec

To: NRS

Date: 11 Feb. 1950

1

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

2. Your prompt comment is requested.

1 Incl

**Bill for Partial Amendments
to the Compensation against
Agricultural Loss Law**

C. W.

Miss D.C. Goodwin 26-7860
HGS/MBW/JLC/DCG/dem
Date:

14 FEB 1950

From: NR

To: GS

2.

NR has no objection to the proposed Bill for Partial Amendments to the Compensation against Agricultural Loss Law.

1 Incl
w/d

H. G. S.

10

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL. 47-6010)

February 13, 1950

1. FOM Number: 97

2. Name of Bill: Fertilizer Bill

3. Competent Ministry: Ministry of Agriculture & Forestry

4. Date of Cabinet Approval: February 1, 1950

5. SOAF Section concerned:

Mr. Staker, Fertilizer Branch, Agric. Div., NRS

6. Remarks: (reference):

None

7. G.S. Reviewers:

CS: NRS
ESS
hYJ
GS/PA

Received by GS

Date 2/13/50

11

Government Section
Buck Slip

2/14 1949

FROM: _____
TO: _____ INITIAL _____ DATE _____

- _____ CHIEF.....
- _____ EX OFF.....
- _____ DEPUTY CHIEF.....
- _____ Col Wheeler.....
- _____ Chief Adm Div.....
- _____ Stat & Review.....
- _____ Civil Serv Div.....
- _____ Par & Pol Div.....
- _____ Public Adm Div.....
- _____ Public Aff Div.....
- _____ Personnel Clerk.....
- _____ Chief Clerk.....
- _____ File.....

FOR:

- _____ INFORMATION
- _____ NECESSARY ACTION
- _____ ACTION (Prepare Reply)
- _____ APPROVAL
- _____ INITIAL
- ✓ COMMENT OR CONCUR
- _____ RETAIN
- _____ RETURN
- _____ FILE
- _____ BURN *CCM*

*No objection
M.C.*

2/20

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CB/JN/JW/CHR/vs**

Subject: Draft Legislation

Capt. Morris

Note No.

From: Govt Sec

To: **RSS**

26-6076
Date: **14 February 1950**

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

2. Your prompt comment is requested.

1 Incl

Bill for Fertiliser Law

C. W.

P & P DIV

(11)

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/JB/JW/CHE/vs

Subject: Draft Legislation

Capt. Morris

25-6076

Note No.

From: Govt Sec

To: LS/LAJ

Date: 11 February 1950

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

2. Your prompt comment is requested.

1 Incl

Bill for Fertilizer Law

C. W.

P & P DIV

11

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

Note No.

From: Govt Sec

To: NRS

Capt. Norris

26-6076

Date: 14 February 1950

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

1 Incl

Bill for Fertilizer Law

C. N. Guellow
C. N.

2.

From: NR

U

To: GS

C. N. Guellow 26-5901

HGS/MBW/CNG/hi

Date: 23 FEB 1950

1. NR concurs in the proposed legislation, and comments as follows:
 - a. The present bill represents for the most part the work of personnel of the MAF with the advice and guidance of specialists of NR. Work on the bill began in 1947.

- b. Responsibility for administration of the law is divided between the Minister of Agriculture and Forestry and the governor of To, Do, Fu or prefecture. NR does not consider such division of responsibility desirable and would rather see it centered within the Ministry of Agriculture and Forestry. However, it was not possible to convince the Japanese on this point.

- c. NR believes that as currently written, application of Art 4, Item 3 and 4 to cooperatives and federations of cooperatives is subject to possible misinterpretation. The Attorney General's Office has certified to the MAF that the intent of Art 4, Item 3 is to include federations of cooperatives as dealers

Rec'd GS 2/13

11

C/S, GS to NR, Subj: Draft Legislation, 14 Feb 50

CN #2
(Cont)

subject to registration by MAF, and that the intent of Item 4 is to cover unit cooperatives as subject to registration by prefectural governors. This interpretation is agreeable to NR, but NR believes the intent can be clarified in the law itself by the following changes:

- (1) Article 4, Item 3. Delete parenthetical phrase "(excepting those fertilizers which are produced by agricultural cooperative associations.)"
- (2) Article 4, Item 4. Add the following parenthetical phrase, "(including those fertilizers which are produced by agricultural cooperative associations mentioned in Article 2 of Law 132 of 1947.)"

1 Incl
n/c

HGS

H. G. S. -----

11

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/CHH/ak

Subject: Draft Legislation

Capt. Morris

Note No.

From: Govt Sec

To: LS/LAJ

26-6076

Date: 10 March 1950

1

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

2. Your prompt comment is requested.

1 Incl

Bill for Fertilizer Law

C. W.

P & P DIV

11

Bill for Fertilizer Law

From: LS/L&J

To: GS

K. STEINER-2635-479
Date: 20 March 1950

2.

LS objections to the following provisions:

1. Article 8 deals with application for provisional registration and decision thereon, and Article 9 deals with cancellation of such provisional registration by the Minister of Agriculture and Forestry.

In spite of the term "registration" the bill institutes in effect a licensing system for fertilizer production, import, etc. This becomes clear in connection with Article 37, which contains a penal provision for engaging in these activities without registration (Article 37, Item 1, is poorly worded since the intention obviously is to punish persons who have not received registration only when they engage in the business in question). Considering this character of registration the bill should provide for hearings before the application is denied or the provisional registration is cancelled. This could easily be achieved by inserting in Article 33 which deals with hearings in cases of cancellations, a reference to Article 8 and 9.

2. The law prohibits in Article 19 transfer of fertilizer which has not been registered or provisionally registered except with the approval of the Minister of Agriculture and Forestry in accordance with a Ministerial Ordinance which may be given unless the fertilizer is injurious or is more than 50% sub-standard. This gives the minister almost arbitrary powers to approve or disapprove such transfers in individual cases. It is suggested that the standards by which such approval is to be given should

Rec'd GS 3/24

11

Revised
Bill for Fertilizer Law

LS/L&J

GS

20 March 1950

2.
(Contd)

be stated in the law, that the approval is mandatory when the standard is met and that Article 34 dealing with complaint and hearing should be made applicable to rejection of applications for such approvals.

3. a. Article 21 gives the Minister of Agriculture and Forestry the authority to order producers or importers of fertilizer to state on the outside of the container, not only directions for use etc., but also "other information." Violation of such order is punishable in accordance with Article 39, Par. 2. The term "other information" is so vague that actually violation of any order of the Minister, whatever its contents, becomes the substance of this penal provision. It appears therefore important to specify in the law the type of information which the Minister may order the producer or importer to put on the container.

b. For similar reasons the law should state in Article 28 the contents of signs which fertilizer producers, importers or dealers have to post in their places of business. Otherwise the Cabinet Order stipulating the contents of these signs would be the substance of the penal provision in Article 39, Par. 1.

4. Article 26 prohibits not only false publicity but also exaggerated publicity. The applicable penal provision is in Article 37. It is believed that the term "exaggerated publicity" is so vague as to invite arbitrariness and it is strongly suggested to exclude these words.

5. Article 29 states only that the Minister of Agriculture may collect business reports from producers, etc. Actually this provision and the applicable penal provision in Article 39, Par. 4, show that the bill imposes upon persons engaged in a fertilizer business, including transportation agencies, etc., a duty for making such reports. Article 30, which institutes a system of fertilizer inspecting officials at the Ministry of Agriculture and Forestry and fertilizer inspecting offices at the prefectural level, grants these officials far reaching powers of inspection, including an inspection of documents. Since the refusal to submit the reports mentioned in Article 29 or to show the documents mentioned in Article 30 is made punishable by Article 39, the law should make the evidence produced in such reports or inspections inadmissible in evidence in a criminal procedure. Otherwise, it would violate the constitutional safeguard against self-incrimination. Article 30, Par. 2 is too ambiguous for this purpose.

11

K. STEINER-2635-479

Revised
Bill for Fertilizer Law

LS/TAJ

OS

20 March 1950

2.
(Contd)

6. LS objects to Article 40 because, in effect, this provision would create a conclusive presumption of guilt on the part of an employer (natural or juridical) for the criminal acts of his employees or agents even in cases where in reality the individual employer or the responsible officers of the juridical person are completely innocent.

1 Incl: w/d

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

(11)

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/CHH/nk**

Subject: Draft Legislation

Capt. Horrie

Note No.

From: Govt Sec

To: **ESS**

Date: **10 March 1950**

26-6076

1

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

2. Your prompt comment is requested.

1 Incl

Bill for Fertiliser Law

C. W.

P & P DIV

11

3/10

Fertilizer Bill
(Agriculture + Forestry)

H. 24,6642
WFM/ECW/EW/1d
20 MAR 1950

From: ESS To: GS Date:

2

1. References are:

a. G/N 1, above, requesting comment on the revised draft "Bill for Fertilizer Law."

b. SCAPIN 1108, 6 Aug 46; SCAPIN 1394, 11 Dec 46; SCAPIN 1860, 16 Feb 48; Cabinet Order No. 56 of 1948; and ESS Instruction No. 3, 16 Jun 47, which deal with policy against control associations and substitutes therefor, such as industry advisory councils.

2. Reference bill would require the Minister of Agriculture and Forestry, when establishing, changing or abolishing official standards for fertilizer, to submit the matter to the Agricultural Material Council and to act after giving consideration to the Council's recommendations (Art. 3, para. 2).

3. Objection is made to the administration of the reference bill by or with the assistance of a council which may consist of industry representatives. The existence of such an institution would conflict with the objectives of reference SCAPINs and with recently emphasized policy of Headquarters concerning industry councils. It is noted that the present Agriculture and Forestry Establishment Law (Law No. 133 of 1949) provides for an Agricultural Material Council and for other councils which conflict with said policy

4. It is recommended that the Japanese Government be advised of the above comments.

1 Incl
w/d

W. F. M.

Rec'd GS 3/20

11

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/nk

Subject: Draft Legislation

Capt. Norris

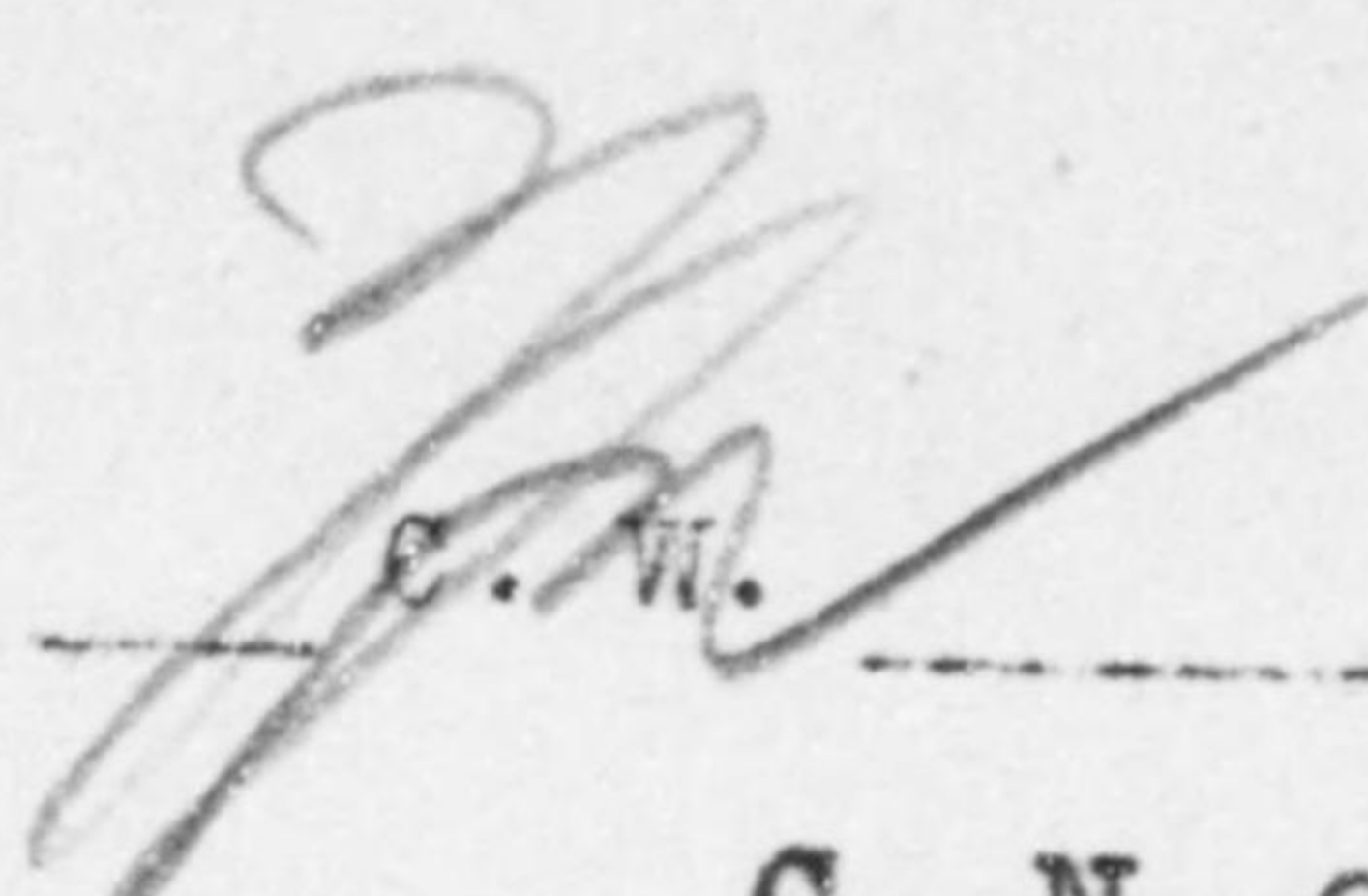
Note No. From: Govt Sec To: NRS Date: 26-6076
10 March 1950

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

2. Your prompt comment is requested.

1 Incl
Bill for Fertilizer Law

Copy to: ESS
LS



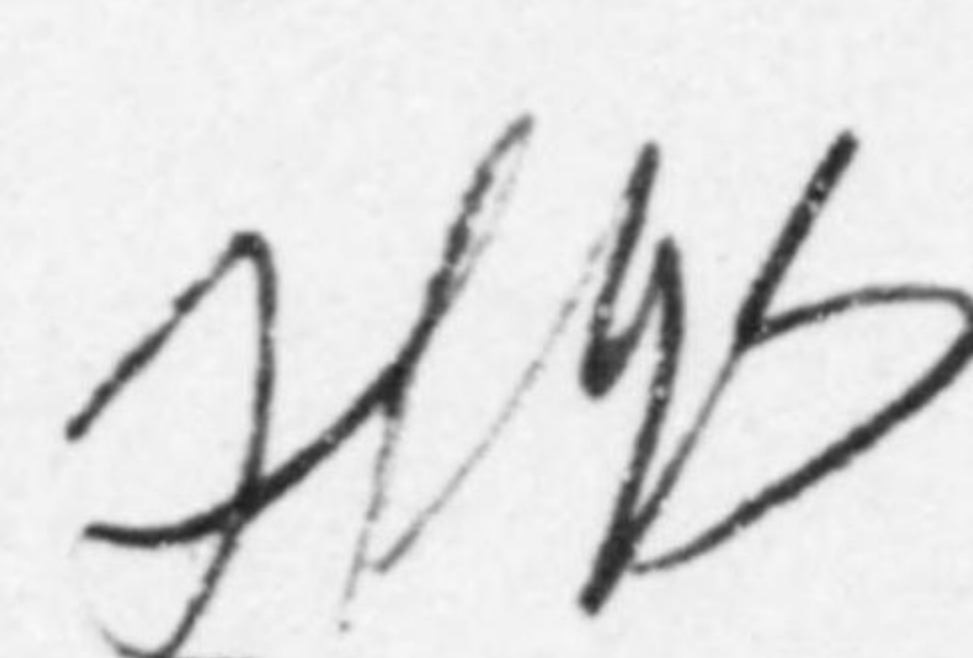
2. From: NR To: GS

C. N. Guellow 26-5901
HGS/MBW/CNG/hi
Date: 18 MAR 1950

1. All provisions of the attached revised draft bill for a fertilizer law are in accordance with NR recommendations previously submitted to the Japanese Government.

2. NR recommends immediate introduction of this bill in the Diet.

1 Incl
n/c



H. G. S.

(11)

FERTILIZER BILL FOM 97

1. Article 3, Para 2: Objection is made to the administration of reference bill by or with the assistance of a council which may consist of industry representatives. Such councils violate SCAPIN 1860, 16 Feb 48; SCAPIN 1108, 6 Aug 46; SCAPIN 1394, 11 Dec 46; Cabinet Order No 56 of 1948; and ESB Instruction No. 3, 16 Jun 47.
2. Article 19: This provision allows the Minister almost arbitrary powers to approve or disapprove transfers. Standards by which such approval is to be given should be stated in the law, that the approval is mandatory when such standards are met, and that Article 34 dealing with complaint and hearing should be made applicable to rejection of applications for such approvals.
3. Article 21: The term "other information" is too vague. The provision should spell out in detail the type of information which the minister may order the producer or importer to put on the container.
4. Article 26: The term "exaggerated publicity" is so vague as to invite arbitrariness. It is suggested that these words be deleted.
5. Article 28: The law should state the contents of signs which fertilizer producers, importers or dealers have to post in their places of business. Otherwise the Cabinet Order stipulating the contents of these signs would be the substance of the penal provisions in Article 39, Para 1.
6. Article 29: Since the refusal to submit the reports mentioned in this article or to show the documents mentioned in Article 30 is made punishable by Article 39, the law should make the evidence produced in such reports and/or inspections inadmissible in evidence in a criminal procedure. Otherwise it would violate the constitutional safeguard against self-incrimination. Article 30, Para 2 is too ambiguous for this purpose.
7. Article 37: Article 8 deals with application for provisional registration and decision thereon, and Article 9 deals with cancellation of such provisional registration by the Minister. In spite of the term "registration", the bill institutes a licensing system for fertilizer production, import, etc. This becomes clear in connection with Article 37, which contains a penal provision for engaging in these activities without registration (Article 37, Item 1, is poorly worded since the intention obviously is to punish persons who have not received registration only when they engage in the business in question). Considering this character of registration, the bill should provide for hearings before the application is denied or the provisional registration is cancelled. This could easily be achieved by inserting in Article 33, which deals with hearings in cases of cancellations, a reference to Articles 8 and 9.
8. Article 40: This provision would create a conclusive presumption of guilt on the part of the employer for the criminal acts of his employees or agents.

See revised insert pages no.
2, 11, 12, 13, 14, 16a, 16d, 17, 18.

Cleared 3/28 J.S.

11

Bill

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

February 14, 1950

1. FOM Number: 103
2. Name of Bill: Bill for Agricultural and Forest
Commodities Standards Law
3. Competent Ministry: Ministry of Agriculture &
Forestry
4. Date of Cabinet Approval: February 7, 1950
5. SCAP Section concerned:
Mr. Oliver E. Burton, Scientific and Technical Division,
ESS, GHQ, SCAP
6. Remarks: (Reference:)
 - a. Law for Designated Agricultural and Forestry
Commodity Inspection (Law No 210 of 1948), August
2, 1948, No. 6, 464, pl;
 - b. The Industrial Standardization Law
(Law No. 185 of 1949), June 1, 1949, No. 68,
Extra., p. 21.
7. G.S Reviewers:
CS & ESS
NRS
LS/LVB
GS/CS

Received by GS

Date 2/14/50

(12)

COPY

CHECK SHEET

----- CW/JN/JW/CFG/vs

Subject: Draft Legislation
Capt. Guida 26-6076

1. From: Govt Sec To: ESS Date: 14 February 1950

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

2. Your prompt comment is requested.

1 Incl
Bill for Agricultural and
Forest Commodities Standards Law

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

COPY

Mr. Boston 26-8060
WFM/JNB/VS/DC/USA/BJ

From: ESS

To: US

Date: 30 MAR 1950

2. 1. References are:
a. C/N 1 dtd 14 Feb 50 from GS to ESS rqt comment re draft Bill for Agricultural and Forest Commodities Standards Law.
b. C/N from HM to GS dtd 24 Feb 50 subj: Draft Legislation.

2. Certain provisions of the proposed legislation as originally submitted, are objectionable. At a number of conferences it has been agreed that the fol changes will produce a bill acceptable to both ESS and Morinshof

a. Delete Article 3 and substitute the following:

"Article 3. In the Ministry of Agriculture and Forestry, the Agricultural and Forest Commodities Standards Committee shall be established, (hereinafter referred to as "the Committee.")

"2. The committee shall, in compliance with the inquiry referred thereto by the Minister of Agriculture and Forestry, conduct investigation and deliberation of the following matters and make report to the Minister on its results:

✓ "(1) Matters relating to establishment, revision or abolition of Japanese Agriculture and Forestry Standard specified in the provisions of Art. 8, para. 2 of Art 9, Art. 12 and para. 3 of Art. 16.

✓ "(2) Matters relating to the grading by Japanese Agriculture and Forestry Standard specified in the provision of para. 2 of Art. 12.

✓ "3. The Committee can conduct investigation and research on the establishment, revision or abolition of Japanese Agriculture and Forestry Standard and make advice to the Minister on any necessary matters of its results."

Recd 65
3/30/52 ✓

(12)

Draft Legislation

30 MAR 1950

ESS

GS

2.
(Cont'd)

- b. At the conclusion of Article 4 add:
"4. The members of the committee shall be representative of all substantially interested groups or factions."
- c. In Article 7, line 3 after "necessary matters" insert "Within the scope of this law".
- d. Delete Article 15 and substitute the following:
"Article 15. To, Do, Fu or prefecture is not authorized to establish any standard with respect to any agricultural and forest commodities on which the Japanese Agricultural and Forest Standards are established.
" 2. In a case where there exists a standard established by To, Do, Fu or prefecture with respect to agricultural and forest commodity, when a Japanese Agricultural and Forest Standard comes into force with respect to the same agricultural and forest commodities concerned, the standard established by To, Do, Fu or prefecture shall lose its effect."
- e. Amend Article 22 para 2 to read: "The Minister of Agriculture and Forestry shall request..." in lieu of the words: "The Minister of Agriculture and Forestry shall hear.."
- f. Insert after Article 22 a new Article 23 with the numbers of the succeeding articles suitably corrected:
"Article 23. The provisions of this Law shall not be interpreted as precluding the application of the provisions under the Food Sanitation Law (Law No. 235 of 1947)."

3. Consideration of this Bill has been coordinated with Legal Sec (Mr. Neptune) and with the wording as amended above the Bill is satisfactory to that Sec.

4. In coordination with ER it has been agreed that the proposed amended Bill is satisfactory with respect to Ref. 1, b, paras c and d. Agreement has not been reached with respect to Ref. 1, b, paras a and b, in which ER comments that without compulsory inspection few producers will avail themselves of the voluntary service provided, and accurate statistics will not be available. While it is ESS policy to remove controls as rapidly as the economy permits, ESS was prepared to concur with ER's compromise suggestion that compulsory inspection might be retained on specific products for a limited time to permit adequate provision to be made for substitution of a voluntary inspection system and collection of statistics. This concurrence was conditioned upon such an arrangement being acceptable to the Japanese Govt; however, the proposal was vigorously opposed by the Ministry, who state that it is also Japanese Govt policy to remove economic controls as speedily as possible. It is stated that, in response to demand from producers, the Diet in all probability will repeal the compulsory inspection law (No. 210 of 1945) and unless this Bill is passed there will be no provision for Govt inspection, either compulsory or voluntary, and no national standards for Agricultural and Forest Commodities.

1 Incl
n/c

-W.F.M.-

Copies furnished: NRS. ESS/FTP.ESS/IND.ESS/PS.LS(ATT:Mr.Neptune)

12

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

CM/JM/JM/CPG/vs

Subject: Draft Legislation

Note No.	From: Govt Sec To: LS/LAJ Date: 14 February 1950
1.	1. Immediate introduction of the attached draft Bill in the Diet is proposed by the Agriculture & Forestry Ministry. 2. Your prompt comment is requested. 1 Incl Bill for Agricultural and Forest Commodities Standards Law
	C. W.

Capt. Guide
26-6076

P & P DIV

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