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13. Export industries should not be developed when the character of such industries would contribute significantly to the maintenance or development of Japan's war-making potential or if they would promote dependence of other countries on Japan for strategic products. Exports of textiles and other goods which are in world short supply, especially in Asiatic countries, should be stimulated to the maximum practicable extent.

14. The proceeds of exports resulting from current production inclusive of current production of gold or other precious metals will be used in the first instance to pay for both past and current imports under categories 8 a and b.

15. The proceeds of exports of stocks of materials not subject to restitution in accordance with the Far Eastern Commission policy shall also be used in the first instance to pay for imports.

16. Stocks of gold, silver, cultural objects and other precious metals, precious stones and jewels should be disposed of as follows:

A. Cultural objects, produced prior to September 1, 1945, should not be exported.

b. Stocks of gold, silver, precious metals looted from occupied areas should be treated in accordance with FEC policy and pending establishment of a new restitution policy, items known to have been looted or probably looted, should not be exported from Japan.

c. Stocks of gold, silver, other precious metals, precious stones and jewels of clearly established Japanese ownership ultimately should be disposed of as reparations. In the meantime, values of such Japanese assets should be preserved, but such assets themselves may be used as a means of acquiring foreign exchange to aid in financing production programs designed to contribute to the revival of productivity in a Japanese peace economy. In case of export of the above-mentioned assets equal opportunity to acquire these assets in return for acceptable currency should be granted to all member countries of the Far Eastern Commission.



CLASSIFICATION CHANGED		<u>FEC-RESTRICTED</u>
<u>FEC-032/26</u>	TO <u>Unclassified</u>	<u>FEC-032/26</u>
	BY <u>Hrt/s</u>	<u>25 July 1947</u>
	DATE <u>FEC-032/30</u>	
BY	<u>FAR EASTERN COMMISSION</u>	

INTERIM IMPORT-EXPORT POLICIES FOR JAPAN  
(Reference: FEC-032/25)

Note by the Secretary General

1. Enclosure "A", a policy decision relative to interim import-export policies for Japan, was unanimously approved by the Far Eastern Commission at its sixty-seventh meeting, 24 July 1947.

2. The letter of transmittal of the Secretary General, forwarding this decision on behalf of the Far Eastern Commission to the Secretary of State of the United States Government in accordance with the Terms of Reference, is circulated herewith as Enclosure "B".

NELSON T. JOHNSON  
Secretary General

FEC-032/26



CLASSIFICATION CHANGED	
TO	<u>Unclassified</u>
	<u>FEC-RESTRICTED</u>
BY AUTHORITY	<u>FEC-032/30</u>
	<u>4/24/59</u> DATE
BY <u>JAPAN</u>	

ENCLOSURE "A"INTERIM IMPOPT-EXPORT POLICIES FOR JAPANI. Long-range Policy Objectives

1. As soon as possible participation by private individuals and corporations in Japanese foreign trade will be authorized. The policies set forth in this statement, therefore, should be regarded as applying to a fairly short period.

II. Interim Controls

2. All imports to and exports from Japan will take place exclusively under the direct control of the Supreme Commander for the Allied Powers acting in accordance with the policies formulated by the Far Eastern Commission or policies established in accordance with its terms of reference. For the present no government or individual will have contact with the Japanese Government or Japanese individuals except as authorized by the Supreme Commander.

3. The Japanese Government subject to the supervision of the Supreme Commander will be responsible for:

a. Internal operations necessary to inspection, purchase, collection, and storage of goods for export, and the delivery of these goods to designated ports;

b. Custody, sale and distribution of imported goods within Japan;

c. Provision of all funds and conduct of internal financing arrangements necessary to these operations.

4. External purchases and sales will be on a government-to-government basis. The Japanese Government or its agent will make all sales and purchases and will guarantee title. Transactions should be carried out on behalf of the other governments by their trade representatives in Japan with the Japanese Government or its agents and should conform to general conditions determined by the Supreme Commander for the Allied Powers or alternatively, in respect of particular transactions to special conditions agreed with him. The purchaser from or seller to Japan will be a government agency or, if a non-government firm, the transaction must be arranged for by an official trade representative who will take responsibility for the transaction.

5. The provisions of this section should not be taken to prevent the resumption of private trade.

III. Development of an Import-Export Program

6. The Supreme Commander for the Allied Powers will be responsible for ascertaining the types and amounts of goods available for export, and for recommending the types and amounts of goods to be imported. The trade program developed and recommended by the Supreme Commander will be reviewed by the U. S. Government, and forwarded to the Far Eastern Commission and the Inter-Allied Trade Board for consideration in accordance with their respective terms of reference. The trade program when put into effect will contain only such items the inclusion of which are not contrary to any decision of the Far Eastern Commission.



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7. The Supreme Commander will be notified by the United States Government, after consultation with the Inter-Allied Trade Board, of those export items for the disposal of which he will be directly responsible. In dealing with these he will be guided by the policies formulated by the Far Eastern Commission, or policies established in accordance with its terms of reference, relating to the destinations of exports and the terms of their sale. In the remaining cases the United States Government, after consultation with the Inter-Allied Trade Board, will reserve to itself the determination of allocations which will be notified to the Supreme Commander in due course. The disposition of exports will be for currencies which are acceptable in accordance with policies established in accordance with the terms of reference of the Far Eastern Commission or in exchange for imports necessary for Japan.

8. The Supreme Commander should make available to the Far Eastern Commission monthly returns showing completed imports and exports, and quarterly returns showing planned imports and exports and the state of Japan's balance of payments classified according to currencies.

IV. Imports

9. For the purposes of this paper imports are divided into the following three categories:

- a. Imports required to prevent such widespread disease and unrest as would endanger the occupying forces;
- b. Imports required to accomplish the objective of the occupation;
- c. Other imports requested by the Japanese Government.

10. For the time being import programs under categories a and b are authorized subject to availability of items and funds and such other limitations as may be operative. Category c imports are not authorized until it is possible to appraise more accurately than can be done at present, such factors as the comparative need of the Japanese economy for such imports, the foreign trade position of Japan, the amount of proceeds of exports required to pay for imports under a and b above, and other costs of the occupation to be paid for by export surpluses.

11. The commodity requirements for prevention of disease and unrest and to accomplish the objectives of the occupation will be met to the maximum extent by indigenous resources and to the minimum extent by imports.

V. Exports

12. For the present, no fixed capital goods or equipment, except that which results from current production, should be exported to pay for imports.

13. Export industries should not be developed when the character of such industries would contribute significantly to the maintenance or development of Japan's war-making potential or if they would promote dependence of other countries on Japan for strategic products. Exports of textiles and other goods which are in world short supply, especially in Asiatic countries, should be stimulated to the maximum practicable extent.



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14. The proceeds of exports resulting from current production inclusive of current production of gold or other precious metals will be used in the first instance to pay for both past and current imports under categories a and b.

15. The proceeds of exports of stocks of materials not subject to restitution in accordance with the Far Eastern Commission policy shall also be used in the first instance to pay for imports.

16. Stocks of gold, silver, cultural objects and other precious metals, precious stones and jewels should be disposed of as follows:

a. Cultural objects, produced prior to September 1, 1945, should not be exported.

b. Stocks of gold, silver, precious metals looted from occupied areas should be treated in accordance with FEC policy and pending establishment of a new restitution policy, items known to have been looted or probably looted, should not be exported from Japan.

c. Stocks of gold, silver, other precious metals, precious stones and jewels of clearly established Japanese ownership ultimately should be disposed of as reparations. In the meantime, values of such Japanese assets should be preserved, but such assets themselves may be used as a means of acquiring foreign exchange to aid in financing production programs designed to contribute to the revival of productivity in a Japanese peace economy. In case of export of the above-mentioned assets equal opportunity to acquire these assets in return for acceptable currency should be granted to all member countries of the Far Eastern Commission.



FEC-RESTRICTEDENCLOSURE "B"LETTER OF TRANSMITTAL

24 July 1947

The Honorable George C. Marshall  
Secretary of State  
Washington, D. C.

My dear Mr. Secretary:

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

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

At the sixty-seventh meeting of the Far Eastern Commission held at 2516 Massachusetts Avenue, Northwest, Washington, D. C., on 24 July 1947, the enclosed policy decision relative to Interim Import-Export Policies for Japan was unanimously approved.

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

In adopting the enclosed policy decision the Commission agreed that it should be released to the press after being received by the Supreme Commander. In accordance with our normal procedure I would appreciate it if you could make arrangements to notify me when the enclosed policy decision has been received in Tokyo.

Sincerely yours,

Nelson T. Johnson  
Secretary General



FEC-032/27

CLASSIFICATION CHANGED	
TO	<u>Unclassified</u>
BY	<u>J&amp;C-032/27</u>
DATE	<u>7/24/51</u>
BY	

FEC-RESTRICTEDFEC-032/2718 August 1947FAR EASTERN COMMISSIONINTERIM IMPORT-EXPORT POLICY FOR JAPAN  
(Reference: FEC-032/26)Note by the Secretary General

1. The enclosure, a United States directive to the Supreme Commander for the Allied Powers forwarding a statement of policy of the Far Eastern Commission regarding interim import-export policies for Japan, is circulated herewith for the information of the Far Eastern Commission.

2. This directive was forwarded to the Supreme Commander on 1 August 1947.

3. A certified copy of this directive has been filed with the Commission in accordance with Section III, paragraph 4, of the Terms of Reference.

SAMUEL S. STRATTON  
Acting Secretary General

FEC-032/27



CLASSIFICATION CHANGED	
TO	<u>Unclassified</u>
BY	<u>FEC-032/30</u>
	<u>4/24/51</u>
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ENCLOSURE

INTERIM IMPORT-EXPORT POLICY FOR JAPAN

Serial No. 84

1 August 1947

The following directive, serial number 84, prepared by the State Department to implement the policy adopted by the Far Eastern Commission on July 24, 1947, under the provisions of paragraph II, a, 1, of its terms of reference has been received from the State, War and Navy Departments for transmission to you for your guidance in accordance with paragraph III, 1, of those terms of reference:

"I. Long-range Policy Objectives

"1. As soon as possible participation by private individuals and corporations in Japanese foreign trade will be authorized. The policies set forth in this statement, therefore, should be regarded as applying to a fairly short period.

"II. Interim Controls

"2. All imports to and exports from Japan will take place exclusively under your direct control acting in accordance with the policies formulated by the Far Eastern Commission or policies established in accordance with its terms of reference. For the present no government or individual will have contact with the Japanese Government or Japanese individuals except as authorized by you.

"3. The Japanese Government subject to your supervision will be responsible for:

a. Internal operations necessary to inspection, purchase, collection, and storage of goods for export, and the delivery of these goods to designated ports;

b. Custody, sale and distribution of imported goods within Japan;

c. Provision of all funds and conduct of internal financing arrangements necessary to these operations.

"4. External purchases and sales will be on a government-to-government basis. The Japanese Government or its agent will make all sales and purchases and will guarantee title. Transactions should be carried out on behalf of the other governments by their trade representative in Japan with the Japanese Government or its agents and should conform to general conditions determined by you or alternatively, in respect of particular transactions to special conditions agreed with you. The purchaser from or seller to Japan will be a government agency, or, if a non-government firm, the transaction must be arranged for by an official trade representative who will take responsibility for the transaction.

"5. The provisions of this section should not be taken to prevent the resumption of private trade.

III. Development of an Import-Export Program

"6. You will be responsible for ascertaining the types



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and amounts of goods available for export, and for recommending the types and amounts of goods to be imported. The trade program developed and recommended by you will be reviewed by the U. S. Government, and forwarded to the Far Eastern Commission and the Inter-Allied Trade Board for consideration in accordance with their respective terms of reference. The trade program when put into effect will contain only such items the inclusion of which are not contrary to any decision of the Far Eastern Commission.

"7. You will be notified by the United States Government, after consultation with the Inter-Allied Trade Board, of those export items for the disposal of which you will be directly responsible. In dealing with these you will be guided by the policies formulated by the Far Eastern Commission, or policies established in accordance with its terms of reference, relating to the destinations of exports and the terms of their sale. In the remaining cases the United States Government, after consultation with the Inter-Allied Trade Board, will reserve to itself the determination of allocations which will be notified to you in due course. The disposition of exports will be for currencies which are acceptable in accordance with policies established in accordance with the terms of reference of the Far Eastern Commission or in exchange for imports necessary for Japan.

"8. You should make available to the Far Eastern Commission monthly returns showing completed imports and export and quarterly returns showing planned imports and exports and the state of Japan's balance of payments classified according to currencies.

"IV. Imports

"9. For the purposes of this paper imports are divided into the following three categories:

a. Imports required to prevent such widespread disease and unrest as would endanger the occupying forces;

b. Imports required to accomplish the objectives of the occupation;

c. Other imports requested by the Japanese Government.

"10. For the time being import programs under categories 9 a and b are authorized subject to availability of items and funds and such other limitations as may be operative. Category 9 c imports are not authorized until it is possible to appraise more accurately than can be done at present, such factors as the comparative needs of the Japanese economy for such imports, the foreign trade position of Japan, the amount of proceeds of exports required to pay for imports under a and b above, and other costs of the occupation to be paid for by export surpluses.

"11. The commodity requirements for prevention of disease and unrest and to accomplish the objectives of the occupation will be met to the maximum extent by indigenous resources and to the minimum extent by imports.

"V. Exports.

"12. For the present no fixed capital goods or equipment, except that which results from current production,



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should be exported to pay for imports.

"13. Export industries should not be developed when the character of such industries would contribute significantly to the maintenance or development of Japan's war-making potential or if they would promote dependence of other countries on Japan for strategic products. Exports of textiles and other goods which are in world short supply, especially in Asiatic countries, should be stimulated to the maximum practicable extent.

"14. The proceeds of exports resulting from current production inclusive of current production of gold or other precious metals will be used in the first instance to pay for both past and current imports under categories 9 a and b

"15. The proceeds of exports of stocks of materials not subject to restitution in accordance with the Far Eastern Commission policy shall also be used in the first instance to pay for imports.

"16. Stocks of gold, silver, cultural objects and other precious metals, precious stones and jewels should be disposed of as follows:

a. Cultural objects, produced prior to September 1, 1945, should not be exported.

b. Stocks of gold, silver, precious metals looted from occupied areas should be treated in accordance with FEC policy and pending establishment of a new restitution policy, items known to have been looted or probably looted, should not be exported from Japan.

c. Stocks of gold, silver, other precious metals, precious stones and jewels of clearly established Japanese ownership ultimately should be disposed of as reparations. In the meantime, values of such Japanese assets should be preserved, but such assets themselves may be used as a means of acquiring foreign exchange to aid in financing production programs designed to contribute to the revival of productivity in a Japanese peace economy. In case of export of the above-mentioned assets equal opportunity to acquire these assets in return for acceptable currency should be granted to all member countries of the Far Eastern Commission."



FEC-032/28FEC-032/286 April 1951FAR EASTERN COMMISSIONPOLICY ON JAPANESE IMPORTS-EXPORTS  
Directive Serial No. 20  
(Reference: FEC-032/1)Note by the Secretary General

1. Upon recommendation of the United States Government FEC-032/1 (1 May 1946), a United States directive to the Supreme Commander for the Allied Powers regarding Japanese imports and exports, is from this date graded to UNCLASSIFIED.

2. All holders of FEC-032/1 are requested to make the appropriate change in their copies of this document.

NELSON T. JOHNSON  
Secretary General

FEC-032/28



FEC-032/29FEC-032/2924 April 1951FAR EASTERN COMMISSIONTHE DESTINATION OF JAPANESE EXPORTS  
Directive Serial No. 78  
(Reference: 032/23)Note by the Secretary General

1. In order to facilitate handling of records FEC-032/23 (23 May 1947), a U. S. directive to SCAP regarding the destination of Japanese exports, is from this date graded to UNCLASSIFIED.
2. FEC-032/22, the Far Eastern Commission policy decision upon which this directive was based, was declassified and released to the press 20 May 1947.
3. All holders of FEC-032/23 are requested to make the appropriate change in their copies of this document.

NELSON T. JOHNSON  
Secretary General

FEC-032/29



FEC-032/30FEC-032/3024 April 1951FAR EASTERN COMMISSIONINTERIM IMPORT-EXPORT POLICY FOR JAPAN  
Directive Serial No. 84  
(Reference: FEC-032/27)Note by the Secretary General

1. In order to facilitate handling of records FEC-032/27 (18 August 1947), a U. S. directive to SCAP regarding an interim import-export policy for Japan, is from this date graded to UNCLASSIFIED.

2. FEC-032/26, the Far Eastern Commission policy decision upon which this directive was based, was declassified and released to the press 11 August 1947.

3. All holders of FEC-032/27 are requested to make the appropriate change in their copies of this document.

NELSON T. JOHNSON  
Secretary General

FEC-032/30



FEC 033

20 March 1946

FAR EASTERN COMMISSION

THE JAPANESE EXECUTIVE AND THE  
JAPANESE NATIONAL ELECTION SYSTEM

Note by the Secretary General

1. The studies made by the Interim Research and Intelligence Service of the Department of State, on the subjects of "The Japanese Executive: Structure and Functions" and "The Japanese National Election System", which were circulated for the information of Working Committee No. 4 on Constitutional Reform, of the Far Eastern Advisory Commission as WC4-2, are hereby circulated to the Far Eastern Commission for information and referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. It is requested that this cover page be substituted for the cover page on WC4-2,

NELSON T. JOHNSON  
Secretary General

FEC 033



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DEPARTMENT OF STATE  
INTERIM RESEARCH AND INTELLIGENCE SERVICE  
Research and Analysis Branch

R &amp; A No. 3404

THE JAPANESE EXECUTIVE: STRUCTURE AND FUNCTIONS

18 October 1945

Description

A study of the composition and powers of the Japanese executive under the Japanese Constitution and other basic laws.

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## SUMMARY

1. Japan is a highly centralized state in which, in theory, all power inheres in and emanates from the Emperor to whom divine origin is attributed. In practice, however, the powers of the Emperor are exercised by his advisers who may be regarded collectively as the Japanese executive. Positions in the executive have traditionally been monopolized by members and representatives of four groups: the nobility, the military, the bureaucracy, and the great industrial interests.

2. Actual functions and powers of the Japanese executive are defined in the Constitution of 1889 and in such basic laws as were promulgated prior to or simultaneously with the Constitution and were retained in force.

3. Because no legal power over appointments to executive positions is vested in the Diet, because the Constitution favors the executive over the legislature, and because of unfavorable historical conditions, developments in the direction of establishing the responsibility of the executive to the legislature were arrested in 1932.

4. While the Emperor's advisers are responsible to him for the policies that they adopt, he in turn bears no responsibility for their acts, although in theory it is his sanction that gives their measures effect. Japanese politics is characterized, in consequence; not by a line of responsibility between individuals or groups but

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rather by a sharing of responsibility which results in an unstable equilibrium maintained by a compromise. From this compromise, in varying degrees, the groups monopolizing the positions of power derive some advantage.

5. A large number of powers are defined in constitutional and other provisions as falling exclusively within the Imperial prerogative. These powers, actually exercised by various members of the executive, include the government of the Imperial Family, establishment of regency and alteration of the succession, the introduction of amendments to the Constitution, the exercise of the supreme command, the administration of the armed forces, the conduct of foreign relations, the declaration of war, the conclusion of peace and the negotiation of treaties, the determination of the administrative structure, the appointment and dismissal of civil and military officials, and the powers to prorogue and dissolve the Diet and to sanction laws.

6. In addition to the powers which it alone may exercise, the executive also participates in the legislative function not only by virtue of its final veto and the advantage which government bills enjoy in the Diet, but also because of the possession of extensive ordinance powers. Ordinances (meirei) may be issued by the executive to implement or supplement statutes (horitsu), to maintain public peace or promote public welfare in the absence of statutes, and to meet

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emergencies, in which case they may temporarily override statutes.

7. Ultimate power of the purse, furthermore, is exercised by the executive through its ability to enforce the budget of the preceding year should the Diet refuse to vote the proposed budget. Executive control of finance is also strengthened by its possession of an emergency financial ordinance power, as well as by the inability of the Diet to reduce fixed expenditures arising from powers exercised under the Imperial prerogative, or from the effect of law, or appertaining to the legal obligations of the government.

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THE JAPANESE EXECUTIVE: STRUCTURE AND FUNCTIONSI. THE NATURE OF THE EXECUTIVEA. Composition

Japan is a highly centralized state in which, in theory, all power inheres in and emanates from the Emperor. While the Emperor is the titular head of the state, his functions have in practice been exercised by a number of advisers, both individuals and groups, who may be defined collectively as the executive branch of the Japanese Government. These advisers include the palace officials, the most important of which are the Lord Privy Seal and the Imperial Household Minister; other civil advisers, including the Privy Council, the Premier, and the Cabinet; and the military advisers who are the members of Imperial Headquarters, the Supreme War Council, and the Board of Field Marshals and Fleet Admirals.<sup>1</sup> These positions of influence have for the most part been monopolized by members and representatives of four groups: the nobility, the military, the bureaucrats, and the great industrial interests.<sup>2</sup>

1. For details regarding composition, methods of appointment, and functions see Appendix A. In addition to the advisers formally designated by the Constitution and other fundamental law, practice has led to consultation of bodies which have developed informally. The Genro, until the death of its last surviving member, Prince Saionji, was an advisory body of major importance and was ultimately replaced by the Jushin, or Council of Senior Statesmen, composed of all living ex-premiers.

2. Of recent years the importance of the first group has diminished considerably in relation to that of the other three.

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B. The Source of Executive Power

Actual functions and powers of the Japanese executive are defined in the Constitution of 1889 and in such basic laws as were promulgated prior to or simultaneously with the Constitution and were retained in force. These include the Imperial House Law, the Privy Council Ordinance, the Imperial Rescript on the Functions of the Cabinet, the House of Peers Ordinance, and the Law of the Houses of the Diet.<sup>3</sup> But underlying the Constitution is the theory of the divinity of the throne, subordination to the policies of which is in consequence supported by a religious sanction.

The Constitution itself is the Emperor's gift to his people. It was promulgated, according to its preamble, "to exhibit the principles

3. Article LXXVI of the Constitution reads: "Existing legal enactments such as laws, regulations, Ordinances, or by whatever names they may be called, shall so far as they do not conflict with the present Constitution, continue in force."

The Imperial House Law was promulgated in February 1889. It may be amended by the Emperor with the advice of the Imperial Family Council and the Privy Council.

The Privy Council Ordinance was promulgated in April 1888. It may be amended by the Emperor with the advice of the Privy Council.

The Imperial Rescript on the Functions of the Cabinet was promulgated in December 1889 and contains no explicit provisions with regard to amendment.

The House of Peers Ordinance was promulgated in February 1889. Amendments must be submitted to the vote of the House of Peers.

The Law of the Houses was promulgated in February 1889. While it contains no provisions for revision, Article LI of the Constitution provides that each House may enact rules necessary for the management of their internal affairs in addition to those provided for in the Constitution and the Law of the Houses.



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by which We are to be guided in Our conduct, and to point out to what Our descendents and Our subjects and their descendents are forever to conform." The effect of the Constitution on the Emperor's powers was, at one time, a subject of considerable debate in Japan. One group of theorists maintained that its issuance placed no limits on the Emperor's powers; another regarded the enumeration of powers in the Constitution as a definite limitation on the Imperial prerogative. The former group has prevailed both in theory and practice; however, the Constitution is so clearly favors the executive over the legislative that no elaborate theoretical interpretation of its provisions has been required to place the executive in the dominating position.

C. Relations with the Legislative Branch

No legal power over appointments to executive positions is exercised by the Diet, Japan's bicameral legislative body. Nevertheless, in the brief post-war period ending <sup>in</sup> 1932, when the parliamentary system seemed destined for ultimate predominance in Japan, the Premier and his Cabinet were generally selected from among the leaders of the majority party or coalition in the lower house of the Diet. During this period, moreover, the tenure of the Cabinet came to depend to an important extent upon its ability to gain Diet support for its policies.

Diet control of the Cabinet, as it developed prior to 1932, was neither excluded by the Constitution nor mentioned in it. Other powers of control over the executive, however, are specifically vested in the

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Diet by the Constitution. Articles LXII and LXIV place partial control of taxation and the budget in the hands of the Diet, and according to Article V: "The Emperor exercises the legislative power with the consent of the Imperial Diet." In addition, the Constitution provides that certain matters, such as the civil rights enumerated in Chapter II, may be regulated only by statute (horitsu),<sup>4</sup> that is, by law in the passage of which the Diet has participated.<sup>5</sup> But although in some cases the Diet may exercise a degree of control over the ordinances (meirei) issued by the executive, the ordinance power is an unusually extensive one which enables the executive to take important action in which legislative participation is small.<sup>6</sup>

Ultimate power of the purse, furthermore, is exercised by the executive through its ability to enforce the budget of the preceding year should the Diet refuse to vote the proposed budget. Executive control of finance is also strengthened by its possession of an emergency financial ordinance power and by the inability of the Diet

4. For further details as to subjects coming within the province of statutes, see pp. 22 and 23.

5. The generic term law (horei) in Japanese includes both statute (horitsu) and ordinance (meirei). Standard translations of the Japanese Constitution, such as the one by ITO Miyoji used in this text, generally read horitsu as law. Such usage has been avoided in this paper in the interests of clarity. When using English translations of the Japanese Constitution, the reader should bear this distinction in mind.

6. For full discussion of the ordinance power, see pp. 20-26.

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to reduce fixed expenditures arising from powers exercised under the Imperial prerogative, or from the effect of law, or appertaining to the legal obligations of the government.

The Constitution thus places only very limited checks upon the power of the executive. No doctrine of responsibility to the Diet has been of sufficient strength in Japan to limit the executive by making it ultimately answerable to the legislature in fact if not in fundamental law.

D. Responsibility of the Executive

In actual practice the powers which the Constitution vests in the Emperor are exercised by his advisers, who are responsible to him for the policies that they adopt. He, however, bears no responsibility for these policies although, in theory, it is his sanction that puts them into effect. In the political sense, responsibility to the Emperor is a concept which serves to mask the source of policy rather than to reveal it. Not only is the Emperor himself without responsibility for the policy which those responsible to him adopt, but also an attempt to bring the Emperor's name into politics, by directly attributing to him some decision on a hotly contested issue before the actual elements in the conflict have succeeded in resolving their dispute, may cause a political situation so grave as to bring about the fall of a Cabinet.

During the period of greatest parliamentary development, when party cabinets succeeded for a limited time in imposing their policy upon the military advisers and their supporters in the Privy Council, the

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major doctrines of parliamentary government, selection of the Cabinet from among the leading parties in the representative body, determination of policy by Cabinet, and responsibility for policy so determined to the representative body, appeared to be well on the way toward permanent establishment in Japan. As the military drive toward expansion on the Asiatic continent gained in strength, however, the inherent instability and corruption of the political parties in Japan and the weakness of their hold on public opinion contributed to the termination of the trend toward parliamentary government, a termination which was facilitated rather than checked by Japan's constitutional structure.

On the whole, Japanese politics is characterized not by a line of responsibility between individuals or groups but rather by a sharing of responsibility. This sharing of responsibility results in an unstable equilibrium maintained by a compromise from which, in varying degrees, the groups monopolizing the positions of power derive some advantage. Within this equilibrium the representatives of the armed services have a technical advantage in their power to withdraw the service ministers from the Cabinet and so cause its fall. While the military may thus influence and, in some cases, determine domestic and foreign policy by their power over the Cabinet, the civil advisers have within their power no sanction of equal weight and are excluded from any share in the military command. In practice, however, this dichotomy is seldom so extreme as in theory it might become, since the resources

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under the control of those who represent the industrial interests and the prestige and experience which the bureaucrats command may exert considerable influence over the decisions of the military, particularly when, as is usually the case, there is some division of interests among the latter.

The equilibrium maintained among the groups represented in the executive may be temporarily destroyed by inability to achieve compromise or modified by an accession of overriding power by one of its components. But eventually, in the slow process of establishing policy and gaining the support of the major elements for its implementation, the equilibrium reasserts itself and the essential characteristic of Japanese politics, its ability to achieve a workable compromise in which all elements of the oligarchy controlling the state participate, is maintained. Within this framework the position of the Emperor is significant for the symbolic support which his role in Japanese theocratic philosophy gives to those who exercise power in his name and for the extensive character of the power so exercised.

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II. THE POWERS AND FUNCTIONS OF THE EXECUTIVEA. Types of Power Exercised

A large number of the powers of the executive are defined in Constitutional and other provisions as falling exclusively within the Imperial prerogative. These powers, actually exercised by various members of the executive, include the government of the Imperial Family, establishment of regency and alteration of the succession, the introduction of amendments to the Constitution, the exercise of the supreme command, the administration of the armed forces, the conduct of foreign relations, the declaration of war, the conclusion of peace and the negotiation of treaties, the determination of the administrative structure, the appointment and dismissal of civil and military officials, and the powers to prorogue and dissolve the Diet and to sanction laws.

In addition to the powers which it alone may exercise, the executive also participates in the legislative function not only by virtue of its final veto and the advantage which government bills enjoy in the Diet, but also because of its possession of extensive ordinance powers. Ordinances (meirei) may be issued by the executive to implement or supplement statutes (horitsu), to maintain public peace or promote public welfare in the absence of statutes, and to meet emergencies, in which case they may temporarily override statutes.



B. Powers Reserved to the Emperor

1. Control of the Imperial Family

a. Government. The rules governing the Imperial Family are laid down in the Imperial House Law promulgated simultaneously with the Constitution and regarded as part of the fundamental law of Japan. According to Article XXXV of the Imperial House Law: "The members of the Imperial Family shall be under the control of the Emperor." He is aided in the performance of his duties by the Imperial Family Council, which is composed of male members of the Imperial Family who have attained their majority. This Council is assisted in its deliberations by the Lord Privy Seal, the President of the Privy Council, the Minister of the Imperial Household, the Minister of Justice, and the President of the Supreme Court. Amendments to the Imperial House Law are decided upon by the Emperor, with the advice of the Imperial Family Council and the Privy Council.

Article LXXIV of the Constitution expressly provides that such amendments need not be submitted to the Diet.

b. Succession. The order of succession is laid down in the Imperial House Law, but may be changed, with the advice of the Imperial Family Council and the Privy Council, when the Imperial heir is suffering from an incurable disease of mind or body or for other weighty cause.

c. Regency. The Imperial House Law provides for the establishment of a regency on the advice of the Imperial Family Council and the Privy Council when the Emperor is a minor or is prevented by some



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permanent cause from personally governing. The order of regency is laid down in the Law but may be modified for weighty cause, with the advice of the Imperial Family Council and the Privy Council. During a regency no modification may be introduced into the Constitution or the Imperial House Law.

d. Expenditures. The expenses of the Imperial House are met by a fixed appropriation for which consent of the Diet is not required unless the appropriation is to be increased. In addition the investments and landed holdings of the Imperial Family make it the wealthiest in Japan. Any member of the Family who appears incapable of administering his property may be barred by the Emperor from the management thereof on the advice of the Imperial Family Council.

## 2. Powers over the Constitution

a. Amendments. Although amendments to the Constitution must be passed upon by the Diet, they may be initiated only by the Emperor. No amendments may be introduced during a regency.

b. Interpretation. The Constitution contains no provision indicating the location of the power of interpretation. The ordinance of 1888, however, which created the Privy Council, provided that the Council was to advise the Emperor "as to the interpretation of the Constitution or of laws appertaining thereto." In 1892 a dispute between the two Houses of the Diet with regard to their powers over the budget was referred to the Council for settlement, but there has been no subsequent instance of interpretation of the Constitution by that body.

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### 3. Military Powers

a. General Nature. The military powers vested in the Emperor by the Constitution are of two kinds: exercise of the supreme command under Article XI and administration of the armed forces under Article XII. Both of these powers are reserved to the executive, but within the executive they are exercised exclusively by the military advisers, and each is implemented in a different fashion.

b. The Supreme Command. The supreme command (tosui taiken) is the power to make decisions concerning the utilization of the armed forces in military operations, defensive or offensive. Military Ordinances (gunrei) are countersigned by the Army or Navy Chief of Staff.

c. Administration of the Armed Forces. The power of administration of the armed forces includes the organization of military divisions and fleets; the establishment of military districts; the procurement, storage, and distribution of arms; inspection and the maintenance of discipline; the establishment of fortifications, naval defenses, and naval ports; the organization of preparations for military and naval expeditions; and the determination of the number of men to be recruited annually. Ordinances issued in these fields (gunsei meirei) are countersigned by the Army or Navy Minister. Article XX of the Constitution, which provides that "Japanese subjects are amenable to service in the Army or Navy, according to the provisions of law" brings the regulation of conscription within the

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sphere of the Diet. Article XII, however, which gives to the Emperor the power to determine the war and peace standing of the forces, places difficulties in the way of an attempt by the Diet to utilize its power over conscription to regulate the size of the army or navy. The basic conscription law, moreover, was promulgated prior to the issuance of the Constitution and has since been modified and implemented to a very large extent by ordinance. In consequence, the potentially important functions of the Diet with regard to conscription have in practice been minor.

d. Military Appropriations. Considerable control over military appropriations is vested in the Executive by Article LXVII of the Constitution: "Those already fixed expenditures based by the Constitution upon the powers appertaining to the Emperor, and such expenditures as may have arisen by the effect of law, or that appertain to the legal obligations of the Government, shall be neither rejected nor reduced by the Imperial Diet, without the concurrence of the Government." In consequence of this clause it is beyond the power of the Diet to withhold its consent from appropriations for the armed forces once they have been established unless they are to be increased, in which case the consent of the Diet is required.

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#### 4. The Conduct of Foreign Affairs

a. The Conduct of Foreign Relations and the Negotiation of Treaties. In consequence of Article XIII of the Constitution, which asserts that "the Emperor declares war, makes peace, and concludes treaties," the control of foreign relations has been regarded in Japan as the exclusive prerogative of the executive. Day-to-day conduct of foreign relations is in the hands of the career officials of the Foreign Ministry. International agreements negotiated under the auspices of the Cabinet and the Foreign Minister are ratified by the Emperor on the advice of the Cabinet and, customarily, of the Privy Council.<sup>7</sup>

The Cabinet has some advantage over the Privy Council in that treaties are submitted to the Council only after Cabinet decision; the latter body has been able on occasion to delay submission until, by prolonged maneuvering, a favorable moment has been reached. The Anglo-Japanese Alliance of 1902 and adherence to the London Declaration of September 1914 both came into effect without prior submission of the agreements to the Privy Council; however, the weight of Japanese experience leans toward participation of the Council as the safest course for any Cabinet desiring to

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7. The Privy Council ordinance requires only that the Privy Council give its advice on treaties and international agreements upon "His Majesty's submission for advice." Treaties have generally been so submitted. Other international agreements, however, have on occasion not been submitted to the Council.



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incorporate its foreign policy in a major international agreement. In 1922 an attempt to bring a Postal Convention with China into effect without prior submission to the Privy Council produced heated political controversy. This controversy was resolved only by the Cabinet's decision to accede to the Privy Council's demand that the Convention be classed as an executive agreement effectuated by an exchange of notes rather than as a treaty requiring ratification since it had not been submitted to the Privy Council.

Generally speaking, however, the Cabinet cannot rely too heavily even on the executive agreement weapon as a means of circumventing Privy Council opposition to a policy which it wishes to incorporate into an international agreement. The withdrawal of Japanese troops from Shantung in 1929 as the result of executive agreement, for example, produced controversy even more bitter than that provoked by the Postal Convention. There is some evidence that the government then in power actually apologized to the Privy Council and the Emperor for its actions.

b. The Promulgation of Treaties. Article VIII of the Ordinance Relating to Public Documents (1907) provides that "In making public an international agreement, promulgation is effected by an Imperial Edict. This edict or ordinance shall state that the treaty has received the deliberation of the Privy Council, and after personal signature by the Emperor, the Privy Seal shall be placed

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thereon, and the Minister-President [the Premier] shall inscribe the date, and attach his countersignature, together with the Minister of State chiefly concerned."<sup>8</sup>

c. Internal Effect of Treaties. In practice treaties in Japan have been regarded as self-executing, although there has been some dispute among jurists as to the legitimacy of this interpretation. Treaty law (joyakuho) may thus modify status and ordinances but may not be modified by them. Appropriations required for the implementation of treaties need not be submitted for the approval of the Diet, since they are considered among the fixed expenditures based upon the powers appertaining to the Emperor as provided in Article LXVII of the Constitution. An attempt by the Lower House in 1894 to secure the right of consultation on all treaties affecting legislative matters or taxation ended in dissolution of the House. The functions of the Diet with regard to treaties, as with regard to foreign relations, have thus continued to be confined to its right of interpellating the government on questions of policy.

b. Determination of the Administrative Structure

a. Scope. Under Article X of the Constitution, "The Emperor determines the organization of the different branches of the

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8. The 1922 Postal Convention with China which, as has been noted, was classed as an executive agreement rather than as a treaty was published merely as a notification of the Foreign Ministry.

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administration, and salaries of all civil and military officers, and appoints and dismisses the same." In consequence of this provision, ministries, other administrative and advisory bodies, and the units of local government are established and their powers, functions, and procedures are determined by executive ordinance rather than by legislation. The organization of the courts, which according to Article LVII must be determined by law, is exceptional.

The concluding sentence of Article X, however, which states that "Exceptions especially provided for in the present Constitution or in other laws, shall be in accordance with the respective provisions (bearing thereon)", has encouraged the belief among some Japanese jurists that concurrent power over the administrative structure might be exercised by the Diet. Should the Diet exercise its functions in this field, the administrative organization so set up could not be abolished by ordinance, although it might be altered by ordinances issued in consequence of a delegation of power. In practice the Diet's activities in this field have not been extensive and changes in the administrative structure are customarily initiated by the Cabinet after consultation with the Privy Council. Nevertheless, executive control over the administrative structure is not complete, as the Diet must consent to appropriations for new administrative bodies. Once established by law, however, such appropriations cannot be reduced by subsequent Diet action.

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b. The Civil Service. Regulations regarding the civil service, like those concerning the organization of the administrative structure, come within the scope of Article X. Only one exception to this rule is laid down by the Constitution: the requirement in Article LVIII that judges "shall be appointed from among those who possess proper qualifications according to law!"

Appointments to positions in the classified civil service (Bun-kan) are thus wholly executive in origin. In the lower ranks up to and including such positions as section chief in a ministry, the executive has limited its freedom by ordinances regarding qualifications, training, and examination. Since, however, the highest political positions in Japan are also regarded as coming within the classification system, the executive has bound itself by no limitations affecting selection of high officeholders except those relating to the procedural formalities of appointment.

6. Powers over the Diet

a. Convocation, Prorogation, and Dissolution. Under Article VII of the Constitution, "The Emperor convokes the Imperial Diet, opens, closes and prorogues it, and dissolves the House of Representatives." The Diet is to some degree protected from arbitrary exercise of the executive power by constitutional provisions requiring that it be convoked annually (Art. XLI), and that its sessions shall last three months (Art. XLII). While dissolution of the House of Representatives may be ordered at the will of the executive, a general election must



be called and the new House convoked within four months after the dissolution of the old one. The Diet may be prorogued at any time, the Law of the Houses limiting the period of prorogation to fifteen days. Either House may recess on its own volition for an indefinite period. Sessions of the Diet may be prolonged or emergency sessions called only upon Imperial Order. Despite the restrictions with which the powers of prorogation, and dissolution are hedged, Japanese Cabinets have frequently utilized these powers to curb the Diet. In the twenty-six months during which the Tanaka government continued in office, for example, the Diet was once dissolved and twice prorogued to forestall no-confidence votes.

b. Powers of Appointment. Approximately one-third of the members of the House of Peers, which is equal in power to the Lower House, are appointed by the Emperor on the nomination of the Premier. Since such members, once appointed, hold their seats for life, the right of appointment in itself is not an important means whereby the executive at any given time can influence the policies of the Diet.

c. Powers Exercised Concurrently With The Legislature

1. Legislative Power

a. Scope. According to Article V of the Constitution, "The Emperor exercises the legislative power with the consent of the Imperial Diet." Both houses must, of course, consent to statutes and neither may override the veto of the other. In practice statutes (horitsu)



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are drafted by the Cabinet with the aid of the Legislative Bureau, are submitted to the Privy Council in most cases, and are then submitted to either House in the Diet (with the exception of the Budget, which must first be submitted to the Lower House). They may be amended, rejected or approved by the Diet. Government bills are given precedence in the deliberations of the Diet; although private members' bills may be introduced in either House, it is only rarely that they become law. A bill which has successfully passed through both Houses is then presented to the Emperor for his sanction.

b. Sanction. Under Article VI of the Constitution, "The Emperor gives sanction to laws and orders them to be promulgated and executed." A law is sanctioned by affixing to it the imperial sign manual and the privy seal, which is kept in the custody of the Lord Privy Seal. It is promulgated by publication in the Official Gazette (Kampo) published by the Cabinet Secretariat.

c. Control of the Diet's Financial Powers. Article LXXI of the Constitution provides that "when the Imperial Diet has not voted on the Budget, or when the Budget has not been brought into actual existence, the Government shall carry out the Budget of the preceding year." In effect this provision removes from the hands of the legislature the ultimate power of control over the executive usually vested in the representative body in parliamentary systems. Under the terms of this provision, although a Diet refusal to vote funds to a government

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which it opposes may have moral effect and subject the government to considerable inconvenience, it need not cause the government's fall.

The financial powers of the executive are, of course, further strengthened by Article LXVII (already discussed with relation to executive powers over military and foreign affairs and the administrative structure), which makes it impossible for the Diet to reduce fixed expenditures arising from powers exercised under the Imperial prerogative, or from the effect of law, or appertaining to the legal obligations of the government.

## 2. The Ordinance Power

a. Scope and Categories. The wide scope of the ordinance power, wielded under the provisions of the Constitution, is of major significance in facilitating executive control of the processes of government. Ordinances may be classified in terms of both the subject matter with which they deal and the particular executive body by which they are issued.

Ordinances issued in the implementation of powers reserved to the Emperor are known as prerogative ordinances (taiken meirei).<sup>9</sup> Of equal importance are those ordinances issued in the Emperor's name, or by

9. For discussion of the powers reserved to the Emperor, see II. B above.



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delegation, arising from powers which, while not exclusively reserved to the executive, may be exercised by it. Within this latter category fall three types of ordinances: the administrative ordinance (gyosei meirei), the independent ordinance (dokuritsu meirei), and the emergency ordinance (kinkyu meirei).

Power to issue administrative ordinances stems from the provision of Article IX of the Constitution: "The Emperor issues or causes to be issued, the Ordinances necessary for the carrying out of the laws...." The power to issue independent ordinance in the absence of law is also derived from Article IX: "The Emperor issues or causes to be issued the Ordinances necessary...for the maintenance of the public peace and order, and for the promotion of the welfare of the subjects."

Emergency ordinance powers arise from two provisions of the Constitution, Article VIII and Article LXX. Article VIII reads: "The Emperor, in consequence of an urgent necessity to maintain public safety or to avert public calamities, issues when the Imperial Diet is not sitting, Imperial Ordinances in the place of law." Article LXX provides: "When the Imperial Diet cannot be convoked, owing to the external or internal condition of the country, in case of urgent need for the maintenance of public safety, the Government may take all necessary financial measures, by means of an Imperial Ordinance."

When ordinances are of a general and inclusive nature, they are issued as Imperial Ordinances (chokurei), to which the imperial sign

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manual and the privy seal are affixed. Such ordinances are submitted to the Privy Council for its consideration and must be countersigned by the appropriate minister or ministers. Emergency ordinances must always be issued in this form. Ordinances of more limited or less important character may be issued as cabinet ordinances (kakurei) over the signature of the Premier, or as ministerial ordinances (shōrei) over the signature of the minister responsible for the particular activity which the ordinance seeks to regulate. Whether Imperial, cabinet, or ministerial, such ordinances may carry penal clauses providing for fines up to one hundred yen or imprisonment or penal servitude for a period as long as three months. When the matter to be dealt with by ordinance is of purely local character, the power of issuance may be delegated to the Superintendent-General of the Metropolitan Police Board or to prefectural governors. Ordinances so issued (keishichō-rei, or ken-rei) may carry fines up to fifty yen and are subject to the review of the ministers within whose jurisdiction their content falls. Regardless of the issuing authority, ordinances originating under the provisions of Article IX may be superseded by statutes or withdrawn by other ordinances.

b. Limitations. Administrative and independent ordinances are limited in content by the constitutional reservation of certain fields to the province of statute. Statutes must determine the effects of a declaration of a state of siege; the rights and duties of Japanese subjects as defined in Chapter II of the Constitution may be modified only

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by statute, the procedure by which Members are elected to the House of Representatives can be determined only by statute (Article XXXV); the structure of the judiciary must be established by Statute (Arts. LVII, LVIII); and new taxes or modification of the rates of an existing tax can be imposed by statute alone (Art. LXII). Emergency ordinances do not come within this limitation, however, being competent to affect any matter which can be affected by statute. In addition to these limitations on content, administrative and independent ordinances are limited in scope by the provision in Article IX that "...no Ordinance shall in any way alter any of the existing laws." Emergency ordinances, although they may replace or alter statutes, are limited by the requirement that they must be submitted to the Diet for its approval at the next session.

Judicial review of statute extends only to an examination of form to ensure compliance with procedural requirements, but judicial review of administrative and independent ordinances extends to an examination of substance as well. The Court of Administrative Litigation, within the jurisdiction of which such review falls, may examine an administrative ordinance to determine whether its subject matter falls within the authority of the issuing official, whether it countervenes a statute, or whether it countervenes an ordinance of a higher authority. Emergency ordinances are outside the sphere of judicial review.

The effect of these restrictions on the ordinance power is, however, considerably diminished by the fact that most Japanese statutes are

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couched in extremely vague terms, with implementation left almost entirely to ordinance.

c. Administrative Ordinance. Administrative ordinances (gyosei meirei) are statutory in origin, relying ultimately on a legislative delegation of power. Delegation by statute may be mandatory or discretionary. Mandatory delegation requires the executive to issue the ordinances necessary to fulfill the powers delegated to it and may limit the executive to the issuance of ordinances containing specified provisions. Once issued, it has been argued by Japanese jurists, such ordinances cannot be withdrawn without the consent of the Diet, but may be amended by the executive acting alone. Discretionary delegation empowers the executive to issue such ordinances as it sees fit within the general framework of the original statute and to amend or withdraw them at will. In Japan, a very loose interpretation of discretionary delegation has resulted in extensive exercise by the executive of what might more properly be regarded as legislative power.

It is within the province of legislation to delegate authority to issue ordinances necessary for the implementation of a statute to some specific agency within the executive. The executive to whom such authority is delegated is bound by the delegation. In the absence of specific delegation, practice has been to regard that organ which generally has jurisdiction over the subject matter of the statute as the empowered authority.

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d. Independent Ordinances. Independent ordinances (dokuritsu meirei) issued in the absence of statute are, of course, limited by the provisions discussed above which affect all ordinances other than those of an emergency nature. As to subject matter, however, they need fall only into one of the two rather vague categories established in Article IX: they must be necessary either for the maintenance of public order or for the promotion of public welfare. The Diet can, of course, curb excessive executive action in the field of public safety and welfare by initiating its own legislation on these matters, but practice has been to allow the executive considerable latitude in its issuance of independent ordinances.

e. Emergency Ordinances. Emergency ordinances differ from administrative and independent ordinances both in their ability to supersede statutes and in their temporary character. Such ordinances are justified by the existence of a pressing threat to public safety which must be met by financial or other measures. Emergency financial ordinances (zaisei-teki kinkyu meirei) may be issued only when the Diet cannot be convoked; other emergency ordinances may be issued whenever the Diet is not in session.

Emergency ordinances may be issued only as Imperial ordinances. They are submitted to the Privy Council for its approval and in addition to receiving the imperial sign manual and the privy seal must be countersigned by the Premier and the minister or ministers within whose jurisdiction the subject matter of the ordinance falls. Such ordinances,

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unless previously withdrawn by a second emergency ordinance, must be presented to the Diet at its next session and must be either approved or disapproved in full. Should the Diet grant its approval, the ordinance then assumes the effect of statute without the necessity of promulgation; should it refuse, the executive is obliged to issue an ordinance indicating that the emergency measure is to have no further effect. The withdrawal of an ordinance under such circumstances has no retroactive effect on measures taken under it, but automatically revives all laws suspended during its continuance in force.

The emergency ordinance power has been of major effect as an executive weapon for the coercion of a recalcitrant Diet. In June 1928, for example, an emergency ordinance prescribing the death penalty for certain offenses under the Peace Preservation Law was laid before the Privy Council within a month after the adjournment of the Diet, which did not meet again until January 1929. By the time the ordinance was presented to the Diet for its approval the Government had the tremendous advantage of a fait accompli and in addition had had sufficient time to win over enough members of the Diet to secure an approving majority.

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## APPENDIX A

COMPOSITION OF THE JAPANESE EXECUTIVE

Office	Composition and Method of Appointment	Powers and Functions
CIVIL OFFICES Lord Privy Seal ( <u>Nai-daijin</u> )	Appointed by the Emperor on the advice of the Premier -- customarily, although not necessarily, for life.	Highest personal adviser to the Emperor. The Seal of the Imperial and State Council must be affixed to all Imperial orders and laws to make them effective.  Together with the Imperial Household Agency makes all appointments for Imperial Household Agency.  Advises the Emperor regarding the appointment of the Premier.  Participates in deliberations of the Imperial Family Council.
Imperial Household Minister ( <u>Kanai-daijin</u> )	Appointed by the Emperor on the advice of the Premier -- customarily, although not necessarily, for life.	Advises the Emperor on all matters relating to the Imperial Family.  Advises the Emperor regarding the appointment of the Premier.  Advises the Emperor on conferring nobility and rank.

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APPENDIX A

COMPOSITION OF THE JAPANESE EXECUTIVE

Composition and Method of Appointment	Powers and Functions
<p>appointed by the Emperor on the advice of the Premier -- customarily, although not necessarily, for life.</p>	<p>Highest personal adviser to the Emperor Custodian of the Imperial and State Seals, which must be affixed to all Imperial ordinances and laws to make them effective.</p> <p>Together with the Imperial Household Minister, makes all appointments for Imperial Audiences.</p> <p>Advises the Emperor regarding the appointment of the Premier.</p> <p>Participates in deliberations of Imperial Family Council.</p>
<p>appointed by the Emperor on the advice of the Premier -- customarily, although not necessarily, for life.</p>	<p>Advises the Emperor on all matters pertaining to the Imperial Family.</p> <p>Advises the Emperor regarding the appointment of the Premier.</p> <p>Advises the Emperor on conferring of titles of nobility and rank.</p>

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Office	Composition and Method of Appointment	Powers and Functions
Privy Council ( <u>Sumitsu-in</u> )	Appointed by the Emperor on the advice of the Premier for life.	<p>Together with the Lord Privy Seal, makes appointments for Imperial Household Agency.</p> <p>Directs and supervises the Imperial Household Ministry.</p>
President ( <u>Gichō</u> )	Appointed by the Emperor on the advice of the Premier for life.	<p>Advises the Emperor regarding the Premier.</p> <p>Presides over the deliberations of the Council; determines time of business.</p> <p>Appoints the special committee to discuss the measures submitted by the Council to Council discussion.</p> <p>Has casting vote in the event of a tie.</p> <p>Signs all documents emanating from the Council.</p> <p>Consents to the appointment of members of the Council.</p>



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and Method of Appointment

Powers and Functions

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Together with the Lord Privy Seal, makes all appointments for Imperial Audiences.

Directs and supervises the activities of the Imperial Household Ministry.

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the Emperor on the Premier for life.

Advises the Emperor regarding the appointment of the Premier.

Presides over the deliberations of the Privy Council; determines time of meeting and order of business.

Appoints the special committees which consider the measures submitted by the Government prior to Council discussion.

Has casting vote in the event of a tie.

Signs all documents emanating from the Privy Council.

Consents to the appointment of new members.

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Office	Composition and Method of Appointment	Powers and Functions
Vice President (Fuku-Gichō)	Appointed by the Emperor for life on the advice of the Premier and the President.	Assists the President in the performance of his functions.  Presides over Council meetings of the President.
Secretary General (Shokikancho)	Appointed by the Emperor for life on the advice of the Premier and the President.	Attends meetings of the Council, vote.  Manages ordinary business of the Council under the direction of the President.  Investigates matters to be submitted to the Council and prepares reports thereon.  Countersigns all documents emanating from the Council.
Councillors (Komankan)	25 Councillors are appointed by the Emperor for life on the advice of the Premier, the President, and the members of the Council. In addition, all members of the cabinet are also members of the Privy Council ex officio.	The Privy Council as a whole:  Advises as to the institution of laws.  Advises as to changes in the constitution.



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Powers and Functions

Composition and Method of Appointment

Appointed by the Emperor for life on the advice of the Premier and the President.

Assists the President in the performance of his functions.

Presides over Council meetings in the absence of the President.

Appointed by the Emperor for life on the advice of the Premier and the President.

Attends meetings of the Council, but has no vote.

Manages ordinary business of the Privy Council under the direction of the President.

Investigates matters to be submitted to the Council and prepares reports thereon.

Countersigns all documents emanating from the Council.

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25 Councillors are appointed by the Emperor for life on the advice of the Premier, the President, and the members of the Council. In addition, all members of the cabinet are also members of the Privy Council ex officio.

The Privy Council as a whole:

Advises as to the institution of a Regency.

Advises as to changes in the order of succession.

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Office	Composition and Method of Appointment	Powers and Functions
The Cabinet ( <u>Naikaku</u> )	Appointed by the Emperor upon the advice of the Imperial Household Minister, the Lord Privy Seal, and the President of the Privy Council.	<p>Upon the Emperor's submission for deliberates and reports on:</p> <ol style="list-style-type: none"> <li>1. Matters under its jurisdiction to the Imperial House Law.</li> <li>2. Drafts of laws and doubtful points relating to the provisions of the Constitution and laws and ordinances supplementary to the provisions of the Constitution.</li> <li>3. Proclamations of martial law, Imperial ordinances, and emergency financial ordinances.</li> <li>4. International treaties and agreements.</li> <li>5. Matters relating to the amendment of the organization of the Privy Council and rules for the conduct of its business.</li> <li>6. Additional matters specially referred to its deliberation.</li> </ol>
Premier ( <u>Naikaku Sori Daijin</u> )	Appointed by the Emperor upon the advice of the Imperial Household Minister, the Lord Privy Seal, and the President of the Privy Council.	Selects the members of his Cabinet. Convenes, presides over, and draws up agenda for Cabinet meetings.

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and Method of Appointment

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Powers and Functions

Upon the Emperor's submission for advice deliberates and reports on:

1. Matters under its jurisdiction according to the Imperial House Law.
2. Drafts of laws and doubtful points relating to the provisions of the Constitution and laws and ordinances supplementary thereto.
3. Proclamations of martial law, emergency Imperial ordinances, and emergency Imperial financial ordinances.
4. International treaties and agreements.
5. Matters relating to the amendment of the organization of the Privy Council and the rules for the conduct of its business.
6. Additional matters specially submitted to its deliberation.

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by the Emperor upon the advice of the Imperial Household Minister, the Lord Privy Seal, and the members of the Privy Council.

Selects the members of his Cabinet.

Convenes, presides over, and draws up the agenda for Cabinet meetings.

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Office	Composition and Method of Appointment	Powers and Functions
Ministers ( <u>Daijin</u> )	Heads of Ministries and Ministers without Portfolio appointed by the Emperor on the advice of the Premier.	<p>Presents the views of the Cabinet to the Emperor.</p> <p>Advises as to the appointment of the Prime Minister, the President of the Privy Council, the President and members of the Privy Council.</p> <p>Countersigns all laws and Imperial Rescripts affecting the administration as well as the appointment and dismissal of high officials.</p> <p>Has general control over the various branches of administration and when necessary issues instructions to any branch of the administration or suspend its orders, pending Imperial decision on the subject.</p> <p>Advises as to the appointment of and <u>shinnin</u> officials (the highest rank in the civil service).</p> <p>The Cabinet meets as a group under the leadership of the Premier to determine the following matters being required for its deliberation:</p> <ol style="list-style-type: none"> <li>1. Drafts of laws, financial accounts and settled accounts.</li> </ol>

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Composition and Method of Appointment

Powers and Functions

Presents the views of the Cabinet to the Emperor.

Advises as to the appointment of the Lord Privy Seal, Imperial Household Minister, and the President and members of the Privy Council.

Countersigns all laws and Imperial ordinances affecting the administration as a whole.

Has general control over the various branches of administration and when necessary may give instructions to any branch of the administration or suspend its orders, pending an Imperial decision on the subject in question.

Advises as to the appointment of chokunin and shinnin officials (the highest ranks in the civil service).

Heads of Ministries and Ministers without Portfolio appointed by the Emperor on the advice of the Premier.

The Cabinet meets as a group under the leadership of the Premier to determine general policy, the following matters being required to be submitted for its deliberation:

1. Drafts of laws, financial estimates, and settled accounts.

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Office

Composition and Method of Appointment

Powers and Functions

2. Treaties with foreign
- national questions of impo
3. Ordinances relating to
- to the carrying out of re
4. Disputes concerned with
- potence of Ministers of D
5. Petitions from the peo
- the throne or submitted by
6. Expenditures apart from
- mates.
7. Appointments, promotion
- chokunin officials and pr

As individuals, bear admini-  
 ty for the functioning of t  
 istries, countersign ordina  
 issue instructions to local  
 their spheres of jurisdic  
 nances implementing laws  
 activity of their respective  
 Appoint and discipline subo  
 within the limits of the ci  
 tions.

(for the special position of  
 Ministers see below)

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Composition and Method of Appointment

Powers and Functions

2. Treaties with foreign countries and all national questions of importance.
3. Ordinances relating to Administration or to the carrying out of regulations and laws.
4. Disputes concerned with the relative competence of Ministers of Departments.
5. Petitions from the people, handed down from the throne or submitted by the Imperial Diet.
6. Expenditures apart from the ordinary estimates.
7. Appointments, promotions, and removals of chokunin officials and prefectural governors.

As individuals, bear administrative responsibility for the functioning of their respective ministries, countersign ordinances affecting them, issue instructions to local officials within their spheres of jurisdiction, and issue ordinances implementing laws within the sphere of activity of their respective ministries. Appoint and discipline subordinate officials within the limits of the civil service regulations.

(for the special position of the Army and Navy Ministers see below)

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Office	Composition and Method of Appointment	Powers and Functions
MILITARY OFFICES Imperial Head- quarters ( <u>Senji Daihonci</u> )	Set up in time of war or national emergency. Includes the Chiefs of the Army and Navy General Staffs, the Army and Navy Ministers, selected high-ranking officers and, since March 1945, the Premier.	Exercises supreme military
Supreme War Council ( <u>Gunji</u> <u>Sangi-in</u> )	Includes the Board of Field Marshals and Fleet Admirals, the Chiefs of the Army and Navy General Staffs, the Army and Navy Ministers, and high-ranking officers appointed by the Emperor.	Meets at the summons of the Emperor and advise upon important military matters.  Advises on the correlation between the services.  Army members recommend general officers on the active list of Army Minister, Navy members recommend vice admirals on the active list of Navy Minister.  Army and Navy members may meet to discuss business affecting the services.
Board of Field Marshals and Fleet Admirals ( <u>Gensui-fu</u> )	Composed of those of the rank of Field Marshal and Fleet Admiral; in peacetime this restricts its membership to a small number of Imperial Princes. In war, however, its membership is enlarged by the appointment of others to this rank.	Advises the Emperor on military



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Position and Method of Appointment

Powers and Functions

in time of war or national emergency. Exercises supreme military command. Includes the Chiefs of the Army and Navy General Staffs, the Army and Navy Ministers, selected high-ranking officers and, since 1945, the Premier.

Includes the Board of Field Marshals and Admirals, the Chiefs of the Army and Navy General Staffs, the Army and Navy Ministers, and high-ranking officers appointed by the Emperor.

Meets at the summons of the Emperor to discuss and advise upon important military problems.

Advises on the correlation of functions between the services.

Army members recommend generals or lieutenant generals on the active list for the position of Army Minister, Navy members recommend admirals or vice admirals on the active list for the position of Navy Minister.

Army and Navy members may meet separately to discuss business affecting only one of the services.

Composed of those of the rank of Field Marshal and Fleet Admiral; in peacetime it restricts its membership to a small number of Imperial Princes. In war, however, its membership is enlarged by the appointment of others to this rank.

Advises the Emperor on military affairs.

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Office	Composition and Method of Appointment	Powers and Functions
Chief of the Army and Navy General Staffs	Appointed by the Emperor from among generals, admirals, and vice admirals on the active list.	<p>Have direct access to the Emperor concerning the supreme command.</p> <p>Direct the activities of the army and navy, including the planning of military operations, national defense, and disposal of the armed forces.</p> <p>Countersign Imperial ordinances concerning the exercise of the supreme command.</p> <p>Are members of Imperial Headquarters and the Supreme War Council.</p>
Army and Navy Ministries	A general or lieutenant general and an admiral or vice admiral on the active list appointed by the Emperor after selection by the Premier and approval respectively by the army and navy members of the Supreme War Council.	<p>Have direct access to the Emperor concerning the supreme command.</p> <p>Have major administrative responsibility for the conduct of Army and Navy operations.</p> <p>Are members of Imperial Headquarters and the Supreme War Council.</p>



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Position and Method of Appointment

Powers and Functions

Selected by the Emperor from among generals, lieutenants, and vice admirals on the active

Have direct access to the Emperor on matters concerning the supreme command.

Direct the activities of the General Staffs, including the planning of military operations, national defense, and the size and disposal of the armed forces.

Countersign Imperial ordinances issued in exercise of the supreme command.

Are members of Imperial Headquarters and the Supreme War Council.

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General or lieutenant general and an admiral or vice admiral on the active list appointed by the Emperor after selection by the Premier and approval respectively by the army and navy members of the Supreme War Council.

Have direct access to the Emperor on matters concerning the supreme command.

Have major administrative responsibility for the conduct of Army and Navy affairs.

Are members of Imperial Headquarters and the Supreme War Council.

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McLaren, W. W.

Japanese Government Documents. Transactions of the Asiatic Society of Japan, Vol. XLII, Part I, Tokyo, 1914.

Translations of the basic documents pertaining to Japanese government, 1867-1890.

Government and Administration in Japan. Military Government Division, Office of the Provost Marshal General. Civil Affairs Handbook: Japan, Section 2A, Washington, 1944.

A brief study of Japanese national government.

The Japanese Civil Service Regulations. Book 1, Military Intelligence Service Language School, Fort Snelling, Minnesota, 1945.

Translations of documents pertaining to the Cabinet, the Privy Council, the Imperial Household Ministry, and the Ministries of Foreign Affairs and Home Affairs.

NAKANO, Tomio

The Ordinance Power of the Japanese Emperor. Baltimore, 1923.

A detailed and valuable study.

QUIGLEY, Harold S.

Japanese Government and Politics. New York, 1932.

The standard introductory text on Japanese government.

Reischauer, Robert K. Japan: Government, Politics. New York, 1939.

Particularly valuable for historical background and interpretation.

TAKEUCHI, Tatsuji

War and Diplomacy in the Japanese Empire. New York, 1935.

A detailed study of the conduct of foreign relations and the military power.



## APPENDIX B

SELECTED BIBLIOGRAPHY OF WORKS IN ENGLISH BEARINGUPON THE JAPANESE EXECUTIVE

Borton, Hugh      Japan Since 1931. Institute of Pacific Relations, New York, 1940. Brief discussion of the structure of Japanese government, with more extended treatment of social and political background.

Colegrove, Kenneth      "The Japanese Privy Council," The American Political Science Review, Vol. XXV, Nos. 3 and 4, August and November 1931.

"Powers and Functions of the Japanese Diet," The American Political Science Review, Vol. XXVII, No. 6, December 1933, and Vol. XXVIII, No. 1, February 1934.

"The Japanese Cabinet", The American Political Science Review, Vol. XXX, No. 5, October 1936.

"The Japanese Constitution", The American Political Science Review, Vol. XXXI, No. 6, December 1937.

In most cases these articles are the most detailed studies available in English on the subjects considered.

Fahs, Charles B.      Government in Japan. Institute of Pacific Relations, New York, 1940.

A study of recent developments in Japanese government with important material on administrative problems.

ITO, Hirobuni.      Commentaries on the Constitution of the Empire of Japan. Tokyo, 1931.

A translation of the text of the Constitution together with commentary by its principal author.



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DEPARTMENT OF STATE  
Interim Research and Intelligence Service  
Research and Analysis Branch

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MI .007/1

R & A No. 3405

THE JAPANESE NATIONAL ELECTION SYSTEM

Description

A study of the pre-surrender Japanese national election system, with a discussion of its development and operation.

18 October 1945

Copy No. \_\_\_\_\_

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RESTRICTEDSUMMARY

1. Election regulation in Japan prior to surrender was characterized by an increasingly enlarged suffrage, culminating in the establishment of universal manhood suffrage in 1925. The law of 1934, while it did not alter the basic features of the system, introduced important reforms aimed at correcting corruption and other abuses. Until October 1945 women were disenfranchised, but recent Cabinet action looks toward the extension of the suffrage to women and the reduction of the voting age from twenty-five to twenty.

2. Although Japanese law regulates election and campaign practices extensively and in detail, the system in operation differs substantially from the one on the books. The Japanese system makes no provision for nomination by primary election or convention, but, in actual practice, prior to the dissolution of political parties, few sought office without the financial and political support of one of the major parties. Campaigns were directed by the campaign manager for the party; for the party in control of the government this post was often filled by the Home Affairs Minister. The manager was responsible for raising the necessary funds and for securing an equal distribution of his party's votes in any area in order to ensure the election of all sponsored candidates. Campaign literature was written in an easy,

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popular style, but party platforms were vague and varied little between parties or from election to election.

3. Prior to passage of the 1934 law, wealth was one of the most decisive factors in determining the fate of many candidates. Many persons were subsidized by big corporations, financial leaders, and other interest groups, including the Cabinet itself. Financial corruption was common, occurring generally in the form of vote buying, which, by the late 1920's, had come to be regarded almost as a national institution in Japan. Vote brokerage seems to have been more common in rural than in urban areas, but there are no indications that controls of any sort, other than that of the mutual trust of the buyer and seller, were used to ensure the effectiveness of the system.

4. The election campaigns of the 1920's in Japan were marked by open government interference and partisan police activity, both designed to retain the existing party in office. The controls enforced primarily by the Home Affairs Minister not only effectively influenced the will of voters and consequently the outcome of elections, but also hampered the efforts of opposition candidates. Meetings of many aspirants were interrupted and the spokesmen assaulted by the police and professional bullies. Proletarian candidates suffered more than others in this respect, being, in addition, subject to constant harassment under the provisions of the Peace Preservation

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Act of 1925.

5. The revised election law of 1934 was aimed principally at the reduction of election costs and the decrease of official and police interference. This program to encourage free elections was strengthened not only by the co-operation offered by the political parties but also by the government's decision to undertake the management of all campaigns for the 1936 election. The plan for government supervision was not entirely successful, but the results of the 1936 election indicate that the reforms instituted by the 1934 law had succeeded in decreasing the amount of corruption, and consequently in curtailing the advantage of wealth when seeking office. In addition, official interference and partisan police activity were lessened as the result of nation-wide "purity" campaigns and the diminution of the powers of local government officials with reference to elections. Free elections seemed a distant prospect, however, with the rise to power of the nationalists and militarists in the late 1930's.

6. Although the reform law of 1934 was successful in reducing the element of corruption in national elections, the gains made under it in the direction of reducing government interference in elections were nullified after 1940. In that year political parties were abolished and the government-sponsored Imperial Rule Assistance Association

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was created. In the 1942 election recommendation by the IRAA was substituted for political party nomination. Despite this attempt to control elections completely, however, eighty-five of the 466 candidates elected to the Diet had not been sponsored by the IRAA.

7. Elections in Japan are under the exclusive jurisdiction of the Ministry of Home Affairs, with important administrative functions delegated to the government officials on the local level. Each of Japan's 122 election districts returns from three to five members to the House of Representatives; each elector votes for one candidate only.

The franchise is restricted under the 1934 law to male Japanese subjects, twenty-five years of age and over, who have resided within their respective electoral districts for at least six months prior to the annual compilation of the electoral lists. Incompetents, criminals, soldiers on active duty, and others specifically listed by the act are denied the right to vote. Eligibility to office is limited to male Japanese subjects, thirty years of age and over, who reside in the districts they desire to represent. Methods of campaigning, including the number of workers to be employed by each candidate, the amount of money to be spent, and the type of publicity employed, are regulated in detail.

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The date of a general election is announced twenty-five days beforehand by Imperial ordinance. Balloting takes place in the city, town, and township offices and schools, and the elector writes his vote in secret. Provision has been made for those incapacitated by illness or other recognized circumstances to cast their ballots.

The city and town mayors and the township headmen supervise balloting, the polls, and the counting of votes. Reports of the ballot count are forwarded to the proper election judge, who is appointed by the prefectural governor from among the mayors and prefectural officials. Candidates with the highest pluralities are declared elected at an election meeting, provided each has obtained the required minimum amount of votes stipulated in the law. By-elections take place only after two vacancies have occurred within a given district.

The election law is detailed in its enumeration of offenses and corresponding penalties. The principal penalties provided are invalidation of a candidate's election, prohibition to vote or to be a candidate, fines ranging up to ten thousand yen, and imprisonment for as long as seven years. Prohibited actions are numerous, and the candidate is held responsible for all offenses committed by his campaign manager. The law also provides for suits by the candidate or an elector against the successful candidate or local election chairman.

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RESTRICTEDTHE JAPANESE NATIONAL ELECTION SYSTEMI. THE DEVELOPMENT OF THE JAPANESE ELECTION SYSTEMA. Major Characteristics

Election regulation in Japan prior to surrender was characterized by an increasingly enlarged suffrage, culminating in the establishment of universal manhood suffrage in 1925.

Wealth, whether private or in the hands of political parties, has played an important part in elections because of the extensive practice of vote buying and the requirement that candidates post bonds which were forfeited if they failed to receive more than a given number of votes. A major attempt to reduce the importance of financial considerations was made in the reform law of 1934, which successfully reduced vote buying and other corruption in the three national elections which followed its passage.

Government interference has been common in Japanese elections, the party in power frequently seeking to utilize its control of the Home Affairs Ministry -- and hence of the police and of the machinery for the regulation of election procedures -- to hamper the campaign of its major opponent. Proletarian parties, limited from the outset by the restrictions of the Peace Preservation Laws, suffered most severely from government interference. Despite the moves toward reform embodied in the 1934 law, the provisions of which were of important effect in the 1936 and 1937 elections, the so-called Imperial

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Rule Assistance Election of 1942 represented a high point in government interference with election campaigns.

B. Early Election Laws

The Japanese Constitution, promulgated in 1889, created a House of Representatives to be elected by the people, but was silent as to the provision for suffrage. Both the voting right and the right to hold office were defined in a law enacted in the same year, however, which subdivided the prefectures of Japan into 257 small electoral districts, each entitled to one representative. Earlier, during the period immediately following the Meiji Restoration of 1867, political leaders had repeatedly sought the adoption of popular suffrage, but they made little headway chiefly for want of support from the general population.<sup>1</sup>

The 1889 law stipulated that qualified voters had to be male Japanese subjects, twenty-five years of age or over, who had paid direct national taxes of not less than fifteen yen, and who had resided in a given administrative district for more than one year. Lunatics, idiots, criminals, undischarged bankrupts, and military men in active service were ineligible to vote. As a result of these limitations, the number of voters qualified to exercise the franchise in the first general election of 1890 was a meager 450,000. Candidates for office, in order to qualify, had to be at least thirty years of age and meet similar tax and residency requirements. In addition, certain classes of people, specifically teachers, Shinto, Buddhist, and Christian priests and clergymen and



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government contractors, could not hold office.

The 1890 law failed to satisfy many politicians, primarily because the high tax qualifications largely disenfranchised the former warrior class and members of the educated class. Many potential voters were also eliminated by the residency requirement. Nevertheless, six general elections took place before the law was revised in 1900.

Unsuccessful attempts to change the system were made in 1895 and 1898. Finally, in 1900, an electoral reform bill reduced the annual tax qualifications for voters to ten yen and provided for a decrease in the number of electoral districts. In addition, the system of large electoral districts was adopted. Thus Japan had forty-seven rural electoral districts which coincided with the prefectures (fu or ken), to each of which were allotted from four to twelve seats according to the population. There were also sixty-one urban electoral districts, to each of which were allotted from one to two seats, except for Tokyo, Osaka, and Kyoto, which had more. The law also abolished the tax and residency requirements for candidates and introduced the principle of the secret ballot and the single non-transferable vote. This measure qualified 1,700,000 persons for the franchise, an increase of more than three times the number that had met the requirements under the law of 1889.

Despite the new features, however, the law of 1900 proved unsatisfactory. The arbitrary division of representation by which certain districts with as few as fifty voters were entitled

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to the same number of seats in the Lower House as those with several thousand often resulted in a minority of electors electing the majority of members. Moreover, the continuing tax qualifications for voting, as well as other restrictive features, evoked severe criticism from political leaders. Repeated attempts to revise the system were made. Bills advancing more liberal electoral provisions were introduced in the Diet on several occasions; one of these bills, introduced in 1911, proposed the granting of universal suffrage. Some of these measures failed to pass both Houses of the Diet, while others were rejected when the government dissolved the legislature.

After 1910, the people joined the politicians in the clamor for extension of the suffrage and a genuine liberalization of the entire electoral system. Public demonstrations, the Tokyo Imperial University students' petition to the Emperor,<sup>3</sup> and the untiring efforts of outstanding liberals such as OZAKI Yukio contributed to forcing through the 1919 electoral reform law. The most important features of the new legislation included the re-establishment of the system of small electoral districts (which were subdivided into numerous constituencies, each electing only one member to the Lower House); a reduction of the annual tax qualification for voters from ten yen to three; and a redistribution of the seats in the Lower House, in proportion to the readjustment of electoral districts, to increase its membership from 381 to 464.<sup>4</sup>

The law enfranchised the small landowning class but

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continued to exclude the peasants, laborers, and nearly two hundred thousand other men. Widespread dissatisfaction remained, giving impetus to reform movements that finally induced the government to introduce and secure passage of another electoral reform bill six years later.

C. The Law of 1925

The 1925 law abolished the tax qualification for voters. The bill was apparently "brought forward not because the Cabinet thought the time was opportune for so great an expansion of the electorate, but because popular sentiment for it had become too strong to resist."<sup>5</sup> Nevertheless, the final provisions did contain important qualifying amendments, such as the one demanded by the Privy Council and the Peers which disenfranchised all otherwise eligible persons who were receiving public or private charity. Passage was secured on 5 May 1925 only after the Lower House agreed to compromise on this point.

The law instituted certain significant changes. In addition to abolishing all tax qualifications, the electoral districts, formerly small areas sending one member to the Lower House of the Diet, were now enlarged sufficiently to elect from three to five representatives. The voter, however, could vote for only a single candidate. Election expenses for aspirants were limited, and detailed provisions regulating campaigning, the classes and numbers of election agents employable, and the methods of determining expenses were also included.<sup>6</sup>



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RESTRICTEDD. The Law of 1934

The 1925 act increased the size of the Japanese electorate to over twelve million voters, or one-fifth of the total population.<sup>7</sup> Nevertheless, many evils, such as bribery, financial irregularities, government interference, and partisan police activity in campaigns and elections persisted. Minority parties, which had grown in strength by the late 1920's and the early 1930's, continued their agitation for greater representation in the Diet and for a genuine liberalization of the entire system. This agitation, coupled with the pleas from the public itself for honest elections, which were reflected in the numerous "purity" campaigns launched throughout the country, compelled passage of the 1934 legislation.

The 1934 act, which is still in force, was aimed chiefly at the reduction of election costs in order to facilitate minority representation, and at the imposition of heavier penalties for election offenses and bribery in order to encourage the growth of free elections. Passage of the act not only effectively increased the competitive chances of all minority aspirants but also added many more persons to the rolls of qualified electors.<sup>8</sup> Nevertheless, certain critics contended that the restrictions and intricacies of the revised law caused many voters "to remain aloof and abstain from voting for fear of being caught in the meshes of the law."<sup>9</sup>

The 1934 act was the last step taken prior to the war in the direction of increasing the size of the Japanese electorate and permitting greater popular participation in the government.

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E. Movements to Enlarge Suffrage Further

Until October 1945, women were disenfranchised in Japan. Following World War I, organized woman suffrage movements, usually associated with one or more of the proletarian groups, became more numerous and grew in power. The New Women's Society founded in 1919, although short-lived, succeeded in 1922 in having the police regulations forbidding women to attend political meetings abolished.

In 1921 the Diet was petitioned to grant women limited franchise in municipal elections, and in 1926 this petition took the form of a bill which, if enacted, would have granted such rights to all women over thirty years of age who were the heads of families. However, the measure was rejected by the Lower House.<sup>10</sup>

After the passage of the 1925 law, women began to play a more prominent part in political campaigns and elections. Figures indicate that some 250 political speeches were given by members of the Women's Suffrage League in Tokyo and vicinity alone in the 1928 election, while a considerable share of other work connected with the contests was also carried on by them.

Two years later, the Lower House passed a Women's Suffrage Bill granting Japanese women the rights to vote and become candidates in municipal elections. The proposed legislation was defeated in the House of Peers, however, because of the alleged fear that such a step would endanger the stability of the nation's family system.<sup>11</sup>



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Nevertheless, in spite of numerous setbacks, the Women's movement continued to grow, and by the middle of the 1930's it had the support of many Japanese from all classes of society.

Other efforts to increase the size of the electorate included proposals to lower the qualifying age for electors; to admit persons designated as "officials" and the heads of noble families into the electorate; and to permit students of certain grades to exercise the franchise.<sup>12</sup> Each new attempt at reform, however, though backed by many interest groups in and out of the government, was blocked by the conservative elements in control.

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## II. ELECTION PRACTICES BEFORE AND AFTER THE LAW OF 1934

### A. Introduction

Japanese law regulates election practices extensively and in detail, covering in its provisions such minor matters as the size of the posters as well as more important questions of financing and vote counting.<sup>13</sup> As elsewhere, however, the system in operation differs from the system on the books because of both the gaps in the law which are filled in practice if not in theory and the development of corruptions despite provisions in the laws to the contrary. Corruptions were particularly prevalent prior to the passage of the 1934 law.

### B. Political Parties and Election Campaigns

Despite the fact that the Japanese election system as such makes no provisions regarding nominations by primary election or convention, in actual practice few have sought office without the financial and political support of one of the major parties. The organization usually provided the necessary security money for its chosen candidates and helped direct campaign strategy. Party members who ran without official sanction were often defeated and, as a result, were usually dropped from the party rolls.<sup>14</sup>

Before granting official recognition to any potential candidate, party officials and local vote brokers and political leaders carefully weighed the aspirant's financial status, clan connections, religious affiliations, and family reputation in relation to the attitudes of the district voters. In return for such official support, of course, the candidate necessarily aligned



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himself with the party in the Diet, voting for the organization's measures and taking orders from the party president.<sup>15</sup>

Campaigns were directed by the campaign manager for the party. This post was frequently filled for the party in control of the Cabinet by the Home Affairs Minister, (Naimu daijin) whose knowledge of local electoral conditions and control of the conduct of elections placed him in an advantageous position for influencing their outcome. The major functions of the manager were the raising of funds and the securing of an equal distribution of his party's votes in any area, so as to ensure election of all sponsored candidates.<sup>16</sup> The latter task was greatly facilitated by the existence and cultivation of "inner constituencies," or certain separated nuclei of voters within the district who were bound together by common interests and traditions.<sup>17</sup> Each candidate concentrated all efforts on the particular "inner constituency" he was depending on, instead of distributing his campaign activities evenly throughout his electoral district. How successful this scheme has been is indicated by the results of the election of 1930. In the first district of Akita prefecture, for example, three of the four seats were won by Minseitō candidates with votes of 20,990; 20,426; and 20,134. In the first district of Hiroshima, one of the two successful Seiyūkai candidates received 13,727 votes, the other 13,702.<sup>18</sup>

The local political leaders or "bosses" also played an important role in campaigns and elections. As in the United States, they had, in most instances, a strong attachment to their parties.

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The vote brokers, on the other hand, were genuine traders who received money from candidates for votes and were interested only in their own enrichment.

The campaign literature of all parties was written in an easy, popular style, containing slang phrases; great care was taken to make the reading intelligible to any person with even a minimum of education. The posters used were simple and appealing, and most of them bore the candidate's name in both characters (Kanji) and the phonetic alphabet (Kana) for the benefit of the uneducated voter. They were usually displayed in railway stations, shops, and other places frequented by the public.

Party platforms tended to be couched in vague generalities and to vary little either between parties or from election to election. Popular interest in political meetings,<sup>19</sup> therefore, was high, since they provided a guide to the voter which was absent in party platforms. Issues, in most cases, especially in the rural areas, centered about personalities and what the candidates proposed to do to promote local interests if elected. In urban areas, however, loyalty to and interest in political parties as such tended to be stronger than interest in individual candidates. As in other countries persons who dwelt and worked in crowded cities in Japan were more responsive to the efforts of political organizers and more keenly concerned with political issues than the agricultural population, which, though tightly knit socially, tended to be suspicious of organization and

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indifferent to political questions which did not affect their daily lives. Then too, voters of the large cities were less interested in national elections as a means of promoting purely local issues, being less dependent upon national and prefectural funds for the construction of roads, bridges, and schools.

In the country, on the other hand, there were many considerations, in addition to the attractive prices of the vote brokers, that caused the rural voters to regard political principles and practical issues as only secondary in importance. One of these was the almost chivalrous partiality shown by voters for the weak, intense sympathy always being felt for the candidates who had failed at previous elections. Moreover, men who were poor, seriously ill, or in a like unhappy predicament could make much of their apparent handicap. Finally, in some districts, candidates such as OZAKI Yukio were virtually worshipped as local deities, and popular admiration for and trust in them became a sort of religion with the voters of their constituencies, from which it was almost impossible to oust them.

On the whole, popular interest at election time ran high. This is evident from the percentage of qualified voters who actually cast ballots. The figure of 19.7 percent absentees in the 1928<sup>20</sup> election represented the average amount of abstention up to 1940, even though in many instances vote buying and police compulsion were largely responsible for turning out many of the eligible voters.

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C. Corruption, Interference, and the Influence of Wealth Prior to 1934.

1. The Importance of Financial Considerations. Prior to 1934 wealth was acknowledged by all as constituting one of the most decisive factors in the fate of many candidates. Often the first qualification for "official" recognition of a potential candidate by most parties was money, "the weight of the bag" being the measure of the chance of success of the aspirant in any given locality. Such considerations were probably dictated by the acknowledged fact that, especially before the 1936 election, the purchase and sale of votes very often influenced the outcome of general elections in Japan.

Aspirants usually began the struggle for funds after they had secured the recognition of party headquarters and paved the way for running. As in the United States and England, the financial resources of the organization and its members were placed at the disposal of the sponsored candidates. In the 1932 election, for example, the Seiyukai Party gave ten thousand yen to each aspirant nominated by the party, and it is probable that the Minseito Party did likewise.<sup>21</sup>

Many persons were also subsidized by big corporations, financial leaders, and other interest groups.<sup>22</sup> In addition, there is evidence that the Japanese cabinets, through the numerous economic enterprises that the government dominated, often gave financial aid to favored candidates. One source states, for instance, that for the year of 1929-30, the South Manchuria Railway and the Bank of Japan, both of which are government-controlled, has secret funds of over a million yen and 540,000 yen.



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respectively earmarked for this purpose.<sup>23</sup>

Financial corruption, especially before the enactment of the 1934 law, was common with most aspirants, the large contributions probably providing an incentive to such irregularities. One trustworthy commercial journal in 1930 stated that "at least 30,000,000 yen is required for an election, of which 80 percent is expended secretly. If the handling of this fund were exposed, 99 percent of the members of the House of Representatives would be disqualified."<sup>24</sup> The Yomiuri Shimbun on 2 February 1932 declared that "although under the election law the election expense of one candidate must be kept below the sum legally fixed, the actuality is that most candidates spend five or eight times more than the legal maximum. It is a well known fact that the total expense in which the two political parties are involved at a single general election amounts to twenty or thirty million yen." Scores of candidates reportedly spent as much as 100,000 yen in an election, while the average expenditure of all participants was estimated by one skilled campaigner at not less than 60,000 yen. Printing, rent for halls, transportation, and other legal expenditures often came to about 20,000 yen, but the purchase of votes involved the greatest financial drain amounting to as much as 60,000 yen in some cases.<sup>25</sup>

## 2. Vote Buying.

Vote buying in Japan had come to be regarded almost as a national institution by the late 1920's. A majority of the elections had been carried out under a closely developed system

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of brokerage. Such traffic had been a relatively open and accepted practice under the early systems and the one set up in 1925. From 1902 until 1928, an average of 91 percent of the total electoral violations reported involved the purchase of votes. (See Table I.)

The vote brokers (men who bought votes from the electors and sold them to the candidates or their managers) were in constant demand by hopeful aspirants, and a network of such middlemen posted in the towns and rural areas constituted the sphere of influence of the politician in whose interest it was to be used. Any man able to acquire or buy such a vote-bloc was almost certain to be elected, and such a person was then regarded as an "officially" recognized candidate.

The following table gives a list of reported election offenses, with the number and percentage of purchases of votes at each general election held in Japan since 1890.

Table I. PURCHASE OF VOTES

<u>General Election</u>	<u>Cabinet</u>	<u>Total No. of Offenses</u>	<u>Purchase of Votes</u>	<u>Percent</u>
1st 1890	Yamagata	159	131	82
2nd 1892	Matsukata	126	95	75
3rd 1894	Ito	359	254	71
4th 1894	Ito	229	189	82
5th 1898	Matsukata	364	258	71
6th 1898	Ito	339	310	91
7th 1902	Katsura	1,202	1,004	81
8th 1903	Katsura	487	424	87
9th 1904	Katsura	202	171	84
10th 1908	Sionji	1,427	1,333	93
11th 1912	Sionji	3,472	3,329	95
12th 1915	Okuma	7,437	7,278	97
13th 1917	Terauchi	23,208	22,932	98
14th 1920	Hara	5,393	5,266	97
15th 1924	Kiyoura	14,363	13,986	97
16th 1928	Tanaka	8,873	7,258	81
17th 1930	Hamaguchi	5,893	5,270	89

Source: Japan Chronicle 6 February 1930, p. 121.



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This situation was seemingly fostered by the fact that the Japanese electorate, even after the enactment of suffrage legislation, had apparently never understood the full significance of the franchise, with the result that they failed to realize the irregularity of selling their votes to the highest bidders. Furthermore, the "pork barrel" and "log-rolling" were familiar features of the Japanese system. There are numerous reports of the wholesale acquisition of blocs of votes of an entire town or township by candidates who promised, if elected, to promote projects of local interest, such as the construction of roads, bridges, and schools.<sup>26</sup>

Bribery seems to have been more common in the rural areas than in the urban districts. To the farmer, sale of his vote was "akin to accepting payment for a day's work or other routine service and carried with it no flavor of dishonor."<sup>27</sup> Japanese farmers were neither politically conscious of the election issues nor idealistic in outlook; they were readily tempted by the prospects of political patronage or offers of cash payments for their votes. Moreover, the poor financial status of the rural voters, plus the fact that they lived great distances from each other, lent favor to the operations of the vote brokers and the district political leaders.

Until the passage of the 1934 law, wide acceptance of the vote brokerage system, had severely handicapped the efforts of the proletarian aspirants, especially in the country areas. Only a few of such candidates were elected in those

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constituencies, largely because they lacked the funds to establish themselves in the confidence of the villagers.

Most of the serious violations of the election law, such as vote buying, were committed prior to the day of balloting. Although brokers might agree early in the campaign to deliver blocs of votes on election day, there are no indications that controls of any sort, other than that of the mutual trust of the buyer and seller, were used to ensure the effectiveness of the vote brokerage system. Conspicuously absent from the list of Japanese corruption techniques in this respect were many of the methods used in America and England, including the "chain" and marked ballots. Furthermore, such practices as the stuffing of ballot boxes, the corruption of election watchers, and the registration of dead men as voters were seldom, if ever, employed.<sup>28</sup>

3. Government Interference. The election campaigns of the 1920's in Japan were marked by open government interference and the suppression of the activities of opposition parties. Such interference, when directed against members of the leading opposition party, served to diminish the possibility that a general election would cause the downfall of the party in power and, when employed against candidates of the proletarian party, lent support to the maintenance of the status quo. That these aims were often accomplished is evident from the fact that only in very few instances has the government or the party favored by the government lost in any election.

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In most contests for public office, the police have constituted one of the dominant factors in control, being used to bring pressure to bear upon opposition candidates.

The Minister of Home Affairs, who, until 1940, was usually the government party's campaign manager, had almost complete control of all phases of the electoral system. This extensive power he wielded over prefectural governors and the local police was often used to bring pressure to bear upon opposition candidates; the party in office was therefore in an excellent position to influence directly the will of the voters, and, consequently, the outcome of elections. In addition, friends of the administration who were placed in high posts of the semi-official banks, business concerns, and monopolies used every possible resource of men, money, and influence to keep the administration in power. Hand in hand with such efforts went the extensive suppression of the activities of the proletarian and radical candidates.

One of the most effective methods of interference often employed by a newly appointed cabinet was the immediate replacement of the prefectural governors and police chiefs who owed allegiance to the opposition party by their own supporters. This was done to prepare the party machinery in case the Diet were dissolved and a general election followed. New appointees would then be called upon to collect information with respect to the local electoral situation and the prospects of all candidates, in order to be able to assist government supporters as

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far as possible.

As the situation was described by Home Minister WAKATSUKI Reijiro in 1924: "Police and other officials inquired of voters as to whom they were going to vote for, suggesting to vacillating voters the advisability of casting their votes for pro-government candidates. Police officials sometimes went further and gave voters to understand that their support of opposition candidates laid them open to suspicion of corruption. Cases of violation of the election law, in which pro-government candidates were involved, were deliberately handled with gloved hands, while those of the opposition candidates were most strictly dealt with."<sup>29</sup>

Meetings of many candidates were interrupted and the spokesmen assaulted by the police and the professional bullies (soshi) hired especially for that purpose. On the slightest pretext speeches were suppressed and the audience dissolved.<sup>30</sup> In the 1928 election, 978 political meetings in Tokyo were broken up by the police; in the 1930 election, 155 Tokyo meetings were similarly dealt with.<sup>31</sup> Such practices as summoning the campaign manager and the workers of the opposition party to the police station at a critical time of their campaign merely on vague grounds of suspicion, prohibiting the distribution of campaign literature on equally vague grounds, or shielding the bribery and corruption of government candidates were also common. Moreover, whatever rights had been granted by the 1925 law were subject to extensive qualifications by the provisions



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and workings of the Peace Preservation Law which was passed the same year.<sup>32</sup> Although this law was aimed specifically at the growing threat of Communist and left-wing elements in the country, it was conveniently used to restrain the efforts of all opposition political parties. Activities of any organization deemed likely to disturb the public peace and order were short-lived, the leaders of such groups being arrested and confined for long periods of time without formal charges.<sup>33</sup> Thus the weight of the burden under which opposition candidates -- and especially those of the proletarian and radical parties -- campaigned was left almost entirely to the discretion of the police.

D. The Reform of 1934

1. Reduction of the Importance of Wealth and Financial Corruption. The revised election law of 1934 was aimed principally at the reduction of election costs and the decrease of official and police interference. Legal expenditures for candidates were reduced from forty to thirty sen per voter in each district, thus entitling each candidate to spend a maximum of about ten thousand yen on an election, the exact amount varying with the size of the constituency. Other revisions limited the number of campaign offices and legal electioneers permitted to each candidate, provided for greater control over election literature, and greatly increased the penalties for irregular use of election funds and for partisan activity by the authorities during the campaigns and elections.<sup>34</sup>

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The program initiated by the 1934 law, designed to foster and encourage free elections, was implemented further two years later. In the 1936 election, the government announced its intentions of undertaking the management of all campaigns. The plan called for the placing of public facilities, including meeting halls, at the disposal of all candidates in an effort to equalize the chances of the minority parties with those of the two major parties. Local authorities were to be responsible for the printing and distribution of an "Election Gazette" (Senkyo Ho), in which every candidate of any given district was to be allotted three thousand words to set forth his life history, experience, and political views. General campaign literature was forbidden, but bills announcing the date and place of public meetings to be organized by any candidate were still permitted.<sup>35</sup> The plan was thus designed to lighten greatly the burden of those aspirants who campaigned with limited financial means and to afford them greater opportunity for placing the issues before the public for appraisal.

The official program to sponsor the growth of free elections in Japan was strengthened by the co-operation of the political parties themselves. This co-operation was, in part, stimulated by the fact that the law itself did not directly diminish party influence. As a matter of fact, discipline within the party ranks was further solidified and made easier to control. "In some ways, it gave the established parties an added advantage, for it placed no limitations on party campaigns as long as they

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were general in nature and not specifically directed toward aiding a single candidate."<sup>36</sup> In the 1936 election the Seiyukai reduced its financial contribution to each sponsored candidate to three thousand yen; the Minseito effected a similar reduction.<sup>37</sup> Nevertheless, there were indications in the 1936 contest that the system of government supervision had not been entirely successful, primarily because of the almost total lack of uniformity in the manner in which the various local authorities attended to their responsibilities under the plan. Very few candidates, except those of the proletarian parties, made full use of the benefits offered. Although candidates were to have set forth their political views in the Election Gazette, no earnest effort in this direction was discernible. Most candidates carefully avoided committing themselves to any set policy and utilized only about one-tenth of the space allotted. Moreover, the type in which the Gazette was printed varied greatly according to prefectures, and such matters as misprints, plagiarism, duplication by party aspirants called forth many complaints. The candidates of the major parties also objected to the inadequacies of the meeting places provided by the government.<sup>38</sup>

Despite the weaknesses of the law and the difficulties involved in its interpretation, the 1934 reforms did succeed in decreasing the amount of corruption and, consequently, in curtailing the advantage of wealth when seeking office. The reforms were especially effective with respect to vote buying. Although in the 1936 election a non-party government was in

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power and there was less cause for the familiar type of party favoritism, it was generally admitted afterwards that the nationwide "purity" campaigns had been more successful than on any other occasion in eliminating many of the unscrupulous election brokers. Nevertheless, 3,831 persons, involved in 1,513 cases, were convicted on various charges. These included cases of bribery and "treats" of food and drink, while, in a number of instances, campaigners violated the prohibition against personal canvassing. The buying of votes, though greatly reduced (totaling 416 cases involving 2,094 persons<sup>39</sup> in contrast to much larger figures in earlier elections) still stood out conspicuously among the violations recorded. In the 1937 contest, there was a further decrease in election offenses; only 1,827 people, charged with violations in 978 cases, were convicted.<sup>40</sup> The general election that was held five years later resulted in a still further reduction in the number of offenses committed, with only 431 cases, involving 1,176 persons reported.<sup>41</sup>

2. Reduction of Government Interference in Election. Attempts to eliminate government interference and partisan police activity in campaigns and elections were initiated in the early 1930's. In many instances, the parties opposing the government had formed vigilance committees consisting of ex-governors and police chiefs to counteract official interference. The administration itself was even compelled to initiate several similar projects.<sup>42</sup> With the passage of the 1934 act, nationwide "purity" campaigns were launched with great vigor by all parties

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to indoctrinate the public with regard to the sanctity of the franchise and the necessity for eradicating official corruption and interference.<sup>43</sup> At the same time, the education of the electors, designed to increase popular interest and participation in campaigns and elections, was intensified.<sup>44</sup> Moreover, the provisions of the 1934 law greatly increased the penalties for official and police interference.<sup>45</sup> In the next year, the Higher Police Section of the prefectural Police Division was completely abolished because of proof of partisan activity.<sup>46</sup> Finally, the role of the local governors was greatly diminished; after 1935 instead of supplying the government party with complete information concerning the local electoral situation and the prospects of all candidates, they were called upon to report only such items as the number of local candidates and their party affiliations.<sup>47</sup>

The results of the 1936 and 1937 elections were generally regarded as a great improvement over prior contests with respect to the lessening of both corruption and official interference. Nevertheless, free elections in which all aspirants could campaign without restraint from any quarters still seemed a distant prospect in Japan. With the rise to power of the militarists and nationalists in the 1930's, new limitations were imposed from above on the activities of all political parties. In the 1937 election, for example, police chiefs were instructed by the government that although "the right of campaign speakers to express their opinions must be respected, there must be no

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utterances charging the military with trying to provoke a war, alleging that the fighting services mean to reject the parliamentary system, arousing suspicion about obedience to orders in the services or affecting the attitude of the people toward the conscription system."<sup>48</sup>

E. The Election of 1942

Although the reform law of 1934 was successful in reducing the element of corruption in national elections, the gains made under it in the direction of reducing government interference in campaigns were nullified after 1940. In that year all political parties were abolished. Their functions were assumed by the Imperial Rule Assistance Association (Taisei Yokusan-kai), the single government-sponsored organization which was created in an effort to unify the nation's political life.<sup>49</sup> The 1934 election law remained in force, but a new method of nomination was devised to guarantee the election to the Diet of men who were completely in accord with the policies of the ruling group of the government. Candidate selection committees of the IRAA were established in each prefecture to compile lists of persons for potential party candidacy. The names selected were forwarded to the central IRAA headquarters, where they were carefully investigated and a final group of candidates chosen.<sup>50</sup> Officially sponsored candidates were then to have at their disposal all facilities and resources of the organizations' national and local structures to facilitate campaigning and ensure election. The security money was also presumably to be paid by

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the IRAA.

Complete information is not available concerning the campaign and election activities of the aspirants in the 1942 election. It is known, however, that the candidates of the government-sponsored IRAA party enjoyed the support of a broad campaign in their favor, in which apparently all members of the the government participated, including the premier, General Tojo. It has since been labelled a "khaki election;" the government tried to push its candidates by making them, through its support, the representatives of Japan's military forces.<sup>51</sup> Moreover, there are definite indications that the sponsored candidates maintained quite a vigorous pace throughout the entire campaign. "Political education speeches" were numerous; public indoctrination was carried out through the media of radio, phonograph records, and the moving picture screen. In all of this indoctrination, the mission of IRAA and its role in support of the government was the central theme.<sup>52</sup>

Little is known of the campaigns carried on by the dissident candidates, nor have the differences in their respective programs come to light. Moreover, it is not quite clear to what extent unofficial organizational activities tended to keep together the dissolved parties as political units. Nevertheless, the familiar pattern of government interference was as evident in 1942 as it had been in previous contests. In the campaign preceding election day, the Justice Minister ordered the police to do everything possible to prevent corruption, but at the same



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time "to refrain from excessively severe punishment of small offenses."<sup>53</sup> This might be interpreted to mean that the IRAA was to have a free hand in preventing undesirable independents from participating in elections. In the same spirit, Premier Tojo called upon the electors to vote only for candidates who understood the foreign and home situations, promising "active enforcement of the various rules in order that excellent leaders ... to meet the situation be sent to the wartime Diet."<sup>54</sup>

The election of 1942 was the only one held under the candidate selection system. Results indicate that, of the 1,080 registered candidates, the IRAA succeeded in having 381 out of its total of 466 sponsored persons elected, while 85 independents gained office.<sup>55</sup> Thus, although the IRAA might have been expected to enjoy a nomination and election monopoly after the dissolution of the traditional political parties, it was unable to prevent sharp competition. The fact that 19 percent of the Diet seats were won by dissidents clearly reflected a stronger opposition than appeared probable at first. Moreover, in spite of the fact that the rate of abstention from voting had been reduced to 16.8 percent,<sup>56</sup> the new candidate selection system instituted by IRAA was viewed with contempt by the public; many persons went so far as to ask officials "why members had not been appointed instead of elected!"<sup>57</sup> The government was also dissatisfied with the result and announced that "hereafter, the recommendation system would not be adopted."<sup>58</sup>

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Table 2. RESULTS OF THE APRIL 1942 ELECTION

Name of Prefecture	Fixed number of representatives to be elected	Number of Candidates	Number of voters	The rate of non-voters
Hokkaidō	20	53	599,199	2.43
Aomori	6	18	184,416	2.02
Iwate	7	12	209,317	1.67
Miyagi	8	19	329,996	1.43
Akita	7	17	197,444	1.70
Yamagata	8	21	208,938	1.37
Fukushima	11	24	239,607	1.37
Iberaki	11	25	322,418	1.38
Toshigi	9	13	227,172	1.30
Gumma	9	17	250,907	1.11
Soitama	11	26	324,263	0.93
Chiba	11	24	311,508	1.70
Tōkyō	31	99	1,449,424	1.40
Kanagawa	11	22	439,187	2.10
Niigata	15	35	403,240	1.73
Toyama	6	17	168,572	1.56
Ishikawa	6	14	157,906	1.66
Fukui	5	12	135,978	0.87
Yamashi	5	13	126,326	1.10
Nagano	13	25	343,757	1.24
Kifu Gifu	9	27	259,281	1.27
Shizuoka	13	26	397,342	1.38
Aichi	17	37	640,979	1.52
Mie	9	13	252,304	1.29
Shiga	5	14	150,035	1.51
Kyōto	11	22	365,318	1.89
Osaka	21	52	1,055,825	2.44
Hyōgo	19	43	680,227	1.75
Nara	5	10	128,074	1.50
Wakayama	6	17	184,832	1.92
Tottori	4	8	97,743	1.25
Shimane	6	10	160,277	1.59
Okayama	10	25	288,612	1.73
Hiroshima	13	27	392,020	1.58
Yamoguchi	9	19	265,124	2.05
Tokushima	6	13	151,451	1.75
Kogawa	6	11	154,656	1.75
Ehime	9	21	237,224	1.62
Kōchi	6	16	153,630	1.90
Fukuoka	18	45	578,124	1.63
Saga	6	12	127,625	1.15
Nagasaki	9	18	248,646	1.94
Kumamoto	10	19	261,869	1.74
Oita	7	17	196,058	1.58