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(5) Item description and comment:
Includes Contents List

(6) Reproduction: (Yes) No

(7) Film no. Sheet no.

Heading removed
by Mr. Feriener
CCS

16 November 1948

MEMORANDUM:

SUBJECT: Additional Corrections in the Proposed Ministry of Telecommunications Establishment Bill

1. In addition to the corrections which were made in the Ministry of Telecommunications Establishment Bill by pen, the corrections listed below shall also be made.

2. Article 2

a. Paragraph 2. Re-insert the parenthetical term "(exclusive of materials in storage)".

b. Paragraph 3. Re-insert the parenthetical term "(exclusive of materials in storage)".

c. Paragraph 7.

(1) Re-insert "When stations are installed to provide service for a single individual, an agency, company, corporation, or similar organization engaged in a common activity or business" and add "except ~~may be~~ when special contract arrangements are made by the Ministry of Telecommunications to provide service to other subscribers".

(2) Re-insert "associated in a common activity" and add to the end of the sentence "except when special contract arrangements are made to serve such subscribers".

3. Article 5

a. Paragraph 23. Re-insert "any dispute arising between the Ministry of Telecommunications and other Japanese Government agencies shall be referred to the Cabinet and settled by the issuance of a Cabinet Order. With respect to all other disputes the Ministry of Telecommunications' decision will be final subject only to appeal to the appropriate court".

b. Paragraph 30. Change the pen correction to read "the conduct of qualifying examination and to grant operating licenses".

c. Re-insert Paragraph 31 which was deleted and renumber the remaining paragraphs of the article.

4. Article 11

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a. Paragraph 1. Insert the word "direct" between the words "and" and "execution" in the first line; delete the parenthetical expression "excepting those in charge of the Telecommunications Division".

b. Paragraph 2. Add the parenthetical expression "excluding the publication and distribution of advertising carried in telephone directories".

c. Paragraph 3. Add the parenthetical expression "excluding complaints received and handled by the Commercial Operations groups".

d. Paragraph 4. Delete present wording and substitute "Negotiations for the purchase of privately-owned facilities; the sale and determination of requirements for special customers services and conclusion of agreements incident thereto".

e. Paragraph 5. Insert the word "fundamental" between the words "the" and "planning" in the third line and delete "mentioned in 1, Article 12".

f. Paragraph 7. Change the word "the", between the words "concerning" and "rates", to "all".

5. Article 12

a. Paragraph 1. Delete the whole of Paragraph 1 and substitute the following: "Based on the reports of the investigations mentioned in paragraph 5, Article 11, preparation of initial recommendations for the quantitative amounts of equipment and circuits including associated facilities which are expected to be required to meet expected traffic loads".

b. Paragraph 2. Add the parenthetical expression "(not including technical standards of circuits and equipment)".

c. Paragraph 3. Delete the whole of Paragraph 3 and substitute the following: "Determination of circuit routings, switching plans, exchange service areas and other circuit and equipment useage plans which will obtain the most economical and efficient use of plant facilities."

d. Paragraph 4. Delete the whole of Paragraph 4 and substitute the following: "Determination of the characteristics of facilities insofar as they affect operating procedures and service standards".

e. Paragraph 5. Delete the whole of Paragraph 5 and substitute the following: "Preparation of recommendations for the utilization of building space for traffic operating and commercial operation activities and determination of space required for both traffic and commercial operation activities in new buildings. (This will be coordinated with the Commercial Operation Bureau)".

f. Paragraph 6. Add the parenthetical expression "(with concurrence of the Plant Engineer Bureau regarding engineering characteristics of

(3)

facilities involved)".

g. Paragraph 7. Delete the whole of Paragraph 7 and substitute the following: "Determination of operations equipment and operating office arrangements which will obtain most economic and effective use of equipment and personnel from an operating standpoint".

h. Paragraph 8. Delete the whole of Paragraph 8 and substitute the following: "Technical assistance of the Commercial Engineering personnel in determining types and amounts of equipment required to meet specialized customer service requirements".

6. Article 13.

a. Paragraph 2. Delete the whole of Paragraph 2 and substitute the following: "Execution of sales, informational and public relations programs established in accordance with Article 11 insofar as these programs involve commercial operation activities".

b. Paragraph 3. Delete paragraph 3 and substitute the following: "Establishment and discontinuance of telephone and telegraph business offices."

c. Paragraph 4. Delete the whole of paragraph 4, and substitute the following: "Receipt and clearance of customer complaints and compilation of information regarding complaints for use of the Advertising, Public Relations and Commercial Engineering bureaus.

d. Paragraph 5. Delete the whole of paragraph 5.

e. Paragraph 6. Delete the whole of paragraph 6.

f. Renumber paragraphs 7 through 10.

g. Paragraph 11. Delete the whole of this paragraph and change to read as follows: "Compilation, preparation, publication and distribution of telephone directories including advertising matter contained therein, (this excludes the sale of advertising included in directories)".

h. Renumber paragraphs 12 and 13.

7. Article 14.

a. Paragraph 8. Renumber Paragraph 8 to be 11. Add a new Paragraph 8 to read as follows: "Executing those parts of informational and public relations programs involving actions of operating personnel which have contact with customers and subscribers of the telecommunications system".

b. Paragraph 9. Add a new Paragraph 9 to read as follows: "Determination and establishment of hours and methods by which service will be provided to the public".

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c. Paragraph 10. Add a new Paragraph 10 to read as follows: "Provision of records, statistical information and data regarding traffic needed by other groups of the organization to carry out fundamental and management planning".

8. Article 15.

a. Paragraph 1. Insert the word "circuit" between the words "the" and "requirements" in the second line. Delete the last part of the sentence reading "and presentation thereof to the Traffic Bureau" and substitute for this the expression "Presentation to the Plant Engineering Group".

b. Paragraph 2. Change the first word of the paragraph "provision" to read "establishment".

c. Paragraph 3. Change the first word of the paragraph "provision" to read "establishment".

d. Paragraph 4. Delete the last part of the sentence reading "announcement and publicity of the information related thereto" and substitute the expression "presentation to the Advertising, Public Relations and Commercial Engineering bureaus for inclusion in rate and tariff publicity".

e. Paragraph 8. Delete the first part of the sentence reading: "collection of rates and tariffs"and substitute the expression "settlement of accounts with Governments and other agencies outside of Japan".

f. Paragraph 11. Delete the first part of the paragraph reading: "Preparation and execution of plans" and substitute the expression "assistance and recommendations". Insert the words "involving affairs" between words "program" and "in charge of the division".

9. Article 16.

a. Paragraph 1. Delete the whole of Paragraph 1 and substitute the following: "Evaluation of recommendations made by all other subdivisions of the organization which involve the rearrangement, removal or addition of telecommunications plant; establishment of annual construction programs and long-term fundamental plans".

b. Paragraph 2. Delete the words "Article 12" and substitute the word "above", third line. Delete the word "specifications" in the 6th line and substitute the words "technical requirements" therefor.

c. Paragraph 6. Delete "(including the study of requirements for the services) mentioned in 1, Article 12".

d. Paragraph 12. Add the expression "and execution of agreements for" between the words "planning" and "for" in the first line.

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e. Renumber Paragraph 19 to read "20". Insert a new Paragraph 18 reading the same as Paragraph 3, Article 17.

10. Article 17.

a. Paragraph 1. Add parenthetical expression "(except for installation performed in accordance with Paragraph 3, Article 18)".

b. Paragraph 3. Delete. Substitute the following: "The receipt and storage of materials and equipment to be used in carrying out installation and construction work in accordance with the above".

c. Paragraph 4. Delete the words "and maintenance" and substitute the words "and installation" in the second line.

11. Article 18.

a. Paragraph 1. Insert between the words "and" and "replacement" the words "recommendations for".

b. Paragraph 2. Add to the parenthetical expression "(excluding those in charge of the Plant Engineering Bureau)" the expression "and Construction and Installation Bureau".

c. Paragraph 3. Add the expression "and installation of ordinary customer and subscriber equipment".

12. Article 19.

a. Paragraph 1. Delete the word "required" and add the expression "determined to be required".

b. Paragraph 3. Add the word "abolition" between the words "establishment" and "and".

c. Paragraph 5. Delete the expression "establishment of specifications for" and substitute the words "provision of".

13. Article 20.

Paragraph 1. Add, between the words "and" and "repair", the word "major". Delete the expression "required by Plant Engineering Bureau and Personnel Bureau" and substitute the words "required by the telecommunications system". Re-insert the words "acquisition and disposal of real estate by request of the subdivisions concerned".

14. Article 22.

a. Paragraph 3. Add the expression "based upon recommendations determined by interested subdivisions of the organization".

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b. Paragraph 9. Add between the words "established" and "the", first line, the expression "for the bureau".

15. Article 24.

a. Paragraph 17. Add the parenthetical expression "except when these functions can be effectively performed by the Supplies Bureau".

16. Article 33

Paragraph 1. Delete the last sentence reading "However, this excludes those relating to, etc....", and substitute "However, this does not include the preparation of such standards and operational procedures which are prepared by the telecommunications system and which are within the regulating standard prescribed under the above".

17. Article 35.

Paragraph 6. Delete the following at the end of the paragraph: "and forecast concerning the propagation of radio wave".

Kyoichi Suzuki
Vice Minister of Communications

Cleared by Col. Lattin as the final amendments to the Telecommunication Establishment bill for introduction in the 3rd session of the Diet as per conversation at 1135 16 Nov. 1948.

C. T. Lundo

(3)

DRAFT OF LAW

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

- Nov. 22 1948.

1. CLCO Number: 38

2. Name of Law: The Ministry of Telecommunications Establishment Bill.

3. Compatent Ministry: Communication Ministry.

4. Date of Cabinet Approval: Nov. 13

5. SCAP Section concerned: Mr. C.A. Feiffner. C.C.S.

6. Remarks:(Reference:)

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7. G.S. Reviewers:

8. Date of G.S. Approval: Nov. 16

9. G.S. Member Responsible: H. Kobayashi

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Civil Communications Section
APO 500

13 November 1948

SUBJECT: Nomenclature of Subdivisions and Relative Rank and Titles of Officials of the Proposed Postal Service Ministry and the Telecommunications Ministry

MEMORANDUM FOR: Record

1. The following participated in a conference in the office of the Assistant Chief of CCS to discuss the above with a view to arriving at a decision that can be accepted by SCAP, the Ministry of Communications and the Office of the Prime Minister:

Col. Jay D. B. Lattin, Asst. Chief, CCS
Mr. Joe W. Lisman, Deputy for Postal Affairs
Mr. W. L. Wardell, Deputy for Telecommunications
Mr. John E. Pauer, Director of Finance, Savings and Life Insurance Division
Mr. Donald D. Duggan, Director of Domestic Postal Division

Mr. K. Onogi, Deputy-Director-General, Administrative Management Agency
Mr. Y. Osaki, Administrative Management Agency
Mr. T. Kato, Central Liaison & Coordination Office
Mr. S. Suzuki, Vice Minister of MOC
Mr. M. Mori, Interpreter, MOC

2. SCAPIN 5985-A/1 of 16 September recommended to the Japanese Government careful consideration of a suggestion for a reorganization of the MOC with a resulting Postal Service Ministry. After much discussion it was agreed that the term "Administrative Vice Minister" with a job classification of 15 is satisfactory for the official who actually is responsible for directing the business activities under the Postal Service Ministry. It was further agreed that the designation of "Department" for the four principal subdivisions of the Ministry, namely: Post Office Life Insurance, Postal Savings, Postal Services, and Postal Inspection would be changed to the more general term of "Bureau". However, it was distinctly agreed that, in order to give those responsible for those four principal activities the grade, rank, title, and pay which is considered commensurate with such responsibilities, the title of each of these four persons in charge of these four principal activities would be either "Rigi", meaning more or less Managing Director; or "Kan" (the Japanese term translated as supervisory official, or the highest man of that category, and being equivalent more or less to a Deputy Vice Minister) would be used to designate these four officials, each to have the job classification of 14.

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BASIC: Memo for Record, subj: Nomenclature of Subdivisions and Relative Rank and Titles of Officials of the Proposed Postal Service Ministry and Telecommunications Ministry, dtd 13 Nov 48.

3. The four bureaus listed on the chart accompanying SCAPIN 5985-A/1 would be headed by directors with the job classification of not less than 13. The several divisions under each of the four "Rigi" or "Kan" would carry the job classification of not over 13.

4. The 10 local postal management offices and the 10 local postal inspection offices will be headed by chiefs with a job classification no higher than 13. The chiefs of the seven local life insurance branches and the 29 local postal savings branches will have a job classification of not over 13.

5. The conferees from the Japanese Government agreed to recommend the preceding although they advised that the actual matter of ratings would have to be confirmed by the National Civil Service Commission.

6. It was agreed that with these changes the Administrative Management Agency of the Office of the Prime Minister and the Ministry of Communications would go along with recommending to the Diet the Ministry of Postal Services Establishment Law as transmitted to the CCS in English, except for minor changes of interest primarily to the CCS and the present MOC, which changes could be agreed upon after the Bill had been submitted to the Cabinet. It is understood that there may be minor points in the Law that the Cabinet may desire changed, but these will be taken up with the CCS before the Law is finally presented to the Diet.

7. Mr. Wardell, at this point, with the concurrence of the other conferees present, desired to state definitely the status of that part of the revision pertaining to telecommunications.

8. It was agreed as follows: That the operating organization within the Telecommunications Ministry would be headed by a Director General with the job rating of 15, carrying the title now given in the law under consideration. He will have two executive assistants with the title of "Rigi" and a job rating of 14. Chiefs of all bureaus and divisions reporting to the executive assistants holding a "Rigi" rating will carry the normal job and office titles. In no case will job ratings be greater than 13. Independent bureaus and divisions reporting to the Director General will normally carry job ratings of 13 or less. In no case will they exceed 14.

9. Because of the importance of the conference, the number of points covered and in order to avoid any possible misunderstanding, copies of this memorandum for record have been furnished to all representatives attending the conference.

COPIES TO:
Col. Lattin
Messrs. Lisman, Wardell, Duggan, Pauer,
Onogi, Osaki, Kato, Suzuki & Mori

JAY D. B. LATTIN
Colonel, Signal Corps
Asst. Chief

(2)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 311.1(2 Sep 48)CCS
SCAPIN 5985-A

9 September 1948

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Report of Joint Investigation Committee on Organizational Matters Within the Ministry of Communications

1. This refers to letter from the Japanese Ministry of Communications to Civil Communications Section, General Headquarters, Supreme Commander for the Allied Powers, subject: Request for Report, dated 2 September 1948.

2. Forwarded herewith is one copy of Section One of the joint committee report regarding organizational requirements of the telecommunications system. This section of the report outlines the basic organization which was determined by the joint committee to be that most suitable for the proper functioning of the telecommunications system. It also covers the basis upon which these findings were based. Section Two of the report will be completed about 21 September 1948 and will be forwarded at that time. It will cover the development of the organization, described in Section One, into the subdivisions of organization considered necessary to carry out management and administrative functions.

3. Attention is called to that part of the Introduction to Section One which outlines the qualifications of the committee members and describes how the committee functioned. In view of the qualifications of this personnel, and considering the careful analysis upon which the final plan is based, it is urged that this report be considered carefully by those in the Japanese Government interested in the current reorganization problems associated with the telecommunications activities of the Ministry of Communications.

4. The report of studies of a similarly constituted committee made in connection with the organization of postal activities of the Ministry of Communications is now being compiled and will be forwarded direct to the Ministry of Communications at an early date. Similar careful consideration should be given to this report.

5. Direct communication between Civil Communications Section, General Headquarters, Supreme Commander for the Allied Powers and the Ministry of Communications regarding matters within the scope of this memorandum is authorized.

FOR THE SUPREME COMMANDER:

for R. M. LEVY
Colonel, AGD
Adjutant General

1 Incl
Sec one, Rpt on Joint Committee
(To addressee only)

(2)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 311.1 (2 Sep 48)CCS
SCAPIN 5985-A/1

16 September 1948

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Reorganization of Postal Activities in the Ministry of Communications

1. Reference is made to the following:

a. Letter from the Japanese Ministry of Communications to Civil Communications Section, General Headquarters, Supreme Commander for the Allied Powers, dated 2 September 1948, subject: Request for Report.

b. Memorandum for the Japanese Government, file AG 311.1 (2 Sep 48)CCS, SCAPIN 5985-A, dated 9 September 1948, subject: Report of Joint Investigation Committee on Organizational Matters Within the Ministry of Communications.

2. The memorandum cited in paragraph 1 b above, although pertaining primarily to the telecommunications system, indicates in its paragraph 4 that a report of studies in connection with postal activities would be forwarded at an early date. This memorandum is issued in lieu of such a report.

3. There has been no protracted joint committee investigation into the proposed reorganization of postal activities, such as has been under way in connection with the telecommunications activities of the Ministry of Communications. A committee was formed by this Ministry on 27 February 1947 to study the matter. Members of this committee met from time to time with authorized representatives of General Headquarters, Supreme Commander for the Allied Powers, and the problems of reorganization were discussed at length. It was found that whereas the organizational structure of the postal services in the main was considered to be sound, there had been a considerable departure during the war from procedures legally established before the war and still in effect today. Administrative responsibility, apparently assumed very largely by field bureau directors during the war emergency, should be returned to Ministry levels where such responsibility and authority still belong under law and regulations based thereon.

4. However, the two major unsolved problems affecting organization at Ministry levels which should be considered carefully and acted upon promptly are:

a. Separation of postal activities from all other activities now the responsibility of the Ministry of Communications, and the development of an organizational structure for handling the Postal, Postal Savings and Postal Life Insurance activities, as separate and distinct enterprises.

b. The formation of an independent Postal Inspection Department, directly under and reporting directly to the Minister of Postal Services, to handle service, criminal, and miscellaneous investigations. Its personnel would be obtained by transfer from the various postal enterprises, bureaus and other agencies each now carrying on a separate inspection service for its own activities. This matter will be discussed in more detail later in this memorandum.

5. The Ministry of Communications recently formed a committee to plan the reorganization called for by the contemplated separation of the postal and telecommunications enterprises of the present Ministry of Communications. As in all such matters, personnel of General Headquarters, Supreme Commander for the Allied Powers have been available for advice and consultation. There have been several conferences between representatives of General Headquarters, Supreme Commander for the Allied Powers, and the Chairman of the committee of the Ministry of Communications concerning a suitable organization at Ministry level. The following represents the consensus of opinion of the conferees and is developed around the thought, expressed by high Ministry of Communications officials, that the postal services should be organized under a separate Ministry.

6. Separate Postal Service Ministry: The attached chart sets out the organizational structure considered essential at Ministry level for efficient operation of the postal services. The Chairman of the Ministry of Communications committee, referred to previously, advises that it meets with general agreement by the committee.

7. The Administrative Vice-Minister or Director General, should be a classified Government official and a postal career man. All personnel in the Ministry below that level should also be in the classified service.

8. Separation of administrative and operational functions of the postal services from other related activities under the present Ministry of Communications, and the formation of an independent Postal Inspection Department under the contemplated Postal Service Ministry, are, in actuality, the only major changes involved in the reorganization proposed herein for Postal Services. Such a reorganization can be accomplished under this plan with a minimum of dislocation of current

activities. Detailed comment on the Postal Inspection Department will be found under the succeeding sub-title.

9. Postal Inspection Department: A most urgently needed change in the interest of efficient, economical and dependable postal services is the formation of an independent inspection service responsible direct to the Minister through the Administrative Vice-Minister or Director General.

10. The present system of conducting inspections does not meet even minimum needs for (1) placing responsibility for theft and rifling of mail, or for other crimes committed by employees, (2) providing effective control over the use of personnel, and (3) keeping the Minister advised as to general conditions and needs of the service through a medium not under the influence of intermediate operating and administrative agencies.

11. By the formation of an independent inspection service, the Minister, through the Administrative Vice-Minister or Director General would be kept informed of conditions throughout the service and would be in a position to proceed in an orderly manner to eliminate any waste, extravagance and inefficiency, including the replacement of any incompetent officials or those who are unwilling to adopt progressive ideas in the interest of economy and efficiency. While extravagance must be eliminated in the interest of overall economy in Government, it should be borne in mind that the postal services are operated for service to the people and not for profit.

12. Importance of Postal Enterprises: The postal enterprises - Postal, Postal Savings and Postal Life Insurance - affect, directly or indirectly, the daily lives of all of the people of Japan. Failure to provide efficient and reliable postal facilities would contribute toward unrest, hamper the economic and social welfare of the people and encourage the development of undemocratic influences. It is definitely the Government's responsibility to provide such service and the people would inevitably hold their representatives in Government answerable for failure to do so. To illustrate briefly and in round figures the importance of the Postal Services, some 14,000 post offices provide the varied postal facilities so essential to the commercial and social welfare of the people; 90 million insurance policies totaling 70 billion yen protect the security and future of the masses; and 164 million savings accounts - more than 2 accounts for every man, woman and child - totaling 56 billion yen, serve as a curb to inflation and as a bulwark against want and disaster. No governmental activity is more important than these enterprises in meeting the needs of the people. The postal enterprises currently employ approximately 250,000 persons.

13. It is urged that the foregoing be considered very carefully by those in the Japanese Government taking part in planning the reorganization of postal activities now associated with the Ministry of Communications.

14. Direct communication between Civil Communications Section, General Headquarters, Supreme Commander for the Allied Powers and the Ministry of Communications regarding matters within the scope of this memorandum is authorized.

FOR THE SUPREME COMMANDER:

1 Incl
Organizational Chart
(to addressee only)

for R. M. LEVY
Colonel, AGD
Adjutant General

POSTAL SERVICE MINISTRY
MINISTER

PARLIAMENTARY
VICE MINISTER

ADMINISTRATIVE
VICE MINISTER

SECRETARIAT

P.O. LIFE
INSURANCE
DEPARTMENT

MANAGEMENT
DIVISION

BUSINESS
DIVISION

FINANCE
DIVISION

ACTUARIAL
DIVISION

(7)
LOCAL LIFE
INSURANCE
BRANCHES

POSTAL
SAVINGS
DEPARTMENT

MANAGEMENT
DIVISION

BUSINESS
DIVISION

ACCOUNTING
DIVISION

(29)
LOCAL POSTAL
SAVINGS
BRANCHES

POSTAL
DEPARTMENT

MANAGEMENT
DIVISION

BUSINESS
DIVISION

TRANSP.
DIVISION

FOUR BUREAUS

BUILDING & REPAIR

SUPPLY

FINANCE

PERSONNEL

(10)
LOCAL POSTAL
MANAGEMENT
OFFICES

POST OFFICES
(13,952)

POSTAL
INSPECTION
DEPARTMENT

DIV. 1

DIV. 2

DIV. 3

(10)
LOCAL POSTAL
INSPECTION
OFFICES

THE ERRATA

~~DRAFT OF LAW~~

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

Nov. 22 '48,

1. CLCO Number: 39

2. Name of Law: Bill for the Establishment of Postal Service Law

3. Compatent Ministry: Communication Ministry

4. Date of Cabinet Approval:

5. SCAP Section concerned: Mr. Feissner

6. Remarks:(Reference:)
The errata of the above-mentioned bill is submmitted herewith for your information.

7. G.S. Reviewers:

8. Date of G.S. Approval:

9. G.S. Member Responsible: H. Kobayashi

(2)

DRAFT OF LAW

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

Nov. 15, 1948

1. CLCO Number:39

2. Name of Law: Bill for the Ministry of Postal Services Establishment.

3. Competent Ministry: Communication Ministry

4. Date of Cabinet Approval: 13/Nov.

5. SCAP Section concerned: Mr. C.A. Feissner C.C.S.

6. Remarks:(Reference:)

DRAFT OF LAW
to be submitted for GS' approval
Coordination Section, CLCO (TEL.57-6010)
7845)
1948

7. G.S. Reviewers: Read GS 11/15/48
CS &: CCS (Feissner)
LS/L+J (Oppler)

8. Date of G.S. Approval:

9. C.S. Member Responsible: H. Kobayashi

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

W. E. Monagan, Meiji 2635, Ex. 582

(Do not remove from attached sheets)

File No.: Subject: The Broadcast Law

Note No.:	From: LS	To: GS	Date: 9 Dec 1948

1.

1. Legal review of this bill and a check of the pertinent references has been made. It is noted that "The Broadcasting Corporation of Japan" established by this bill is in the nature of a public corporation, similar to that established by the recently enacted Japanese National Railways Corporation Law and the Japan Monopoly Public Corporation Law. It is suggested that comparison with these may be helpful, if it is desired to redraft the Broadcast Law, after consideration of the following comments.

2. Article 4.

a. This article is strongly objected to as irreconcilable with the guarantee of freedom of expression, provided for in Article 21 of the Constitution of Japan. It would be impossible to conduct a radio station without continuous violation of this article, as presently written, and conversely the article could be used to suppress any type of realistic reporting, or criticism, if the government chose to do so. This article would render it easy to reintroduce thought control devices of the former police state and to make the radio system a propaganda vehicle of the forces in power, the exact opposite of the presumed purpose of this legislation. Since the radio has actually become the most important means of communication in Japan of public information and education, the danger involved in such a development cannot possibly be maximized. For instance, paragraph 2 of this article requires that news commentaries must strictly adhere to the truth, be devoid of editorial opinion and "not colored". It is self-evident that these restrictions would deprive such commentaries, which by definition are expressions of individual opinions, of their informative and educational values. Even apart from political aspects, the restrictions are not workable. Thus, no national disaster, such as a typhoon, could be reported under paragraph 2, item 2, because it might "disturb public tranquility".

b. It could be pointed out in defense of the article that it is taken in part from SCAPIN No. 33 of 19 Sept of 1945. There is a difference, however, between the proper content of a SCAPIN and domestic law. This SCAPIN was never designed to control purely domestic matters, but only matters having a relation to the occupation. Not only has this SCAPIN never been used for restriction or suppression of expressions of opinion, but, as far as domestic matters are concerned has been superceded by SCAPIN 66 of September 1945 and SCAPIN 93 of October 1946.

c. Because of the sweeping prohibition of freedom of speech, Legal Section recommends the complete deletion of this article,

(1)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET W. E. Monagan, Jr. Meiji 2635, Ex 582

(Do not remove from attached sheets)

File No.: **Subject:** The Broadcast Law

Note No.:	**From:** LS **To:** GS **Date:** 9 Dec 1948
1 cont.	inasmuch as the reasonable objectives of broadcasting, including impartiality, are covered by the standards expressed in Chapter III, Articles 46 and 47.

3. Article 9. Items 7 and 8 of Article 9 should be made specifically subject to the hearing procedure (Chapter V). It may be preferable to add to Chapter V a provision that the hearing procedure is of general applicability to all determinations of the Commission. (This may be the intent of Item 3, Article 8, but this is not clear.)

4. Article 11. Item 4 of paragraph 2 of this Article may be susceptible of abuse. Since there is little danger that the Prime Minister will appoint Commissioners who fall into this classification, in any case, the article should be omitted as unnecessary.

5. Article 13. The limitation here might be reduced to profit making exterprises only, so as not to bar honorary memberships, etc. (c.f. Article 23, Japanese National Railways Law).

6. Article 18. This article raises the question as to whether all other benefits, such as mutual aid, etc, now afforded government employees, will apply to Commissioners during their term of office. (Also, the law does not state whether the National Public Service Law (Law No. 120 of 1947) is generally applicable either to Commissioners or employees of the Broadcast Corporation itself). Reference in this connection might be made to Articles 56 and 62 of the Japanese National Railways Law.

7. Article 25.

a. The following definition, used in the Japanese National Railways Bill, is suggested to make clear the public character of the corporation:

> "The Broadcasting Corporation of Japan shall be a juridical person of public law. It shall not be considered to be a commercial company within the meaning of Article 35 of the Civil Code or of the provisions of the Commercial Code concerning commercial companies and associations."

b. Paragraph 3 should be referred to ESS/Public Finance for coordination with financial policies in the other public corporations now established in Japan.

8. Article 27. Articles of Incorporation is the preferable translation, rather than Constitution.

FEAF 6 - [illegible]

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET W. E. Monagan, Jr. Meiji 2635, Ex. 582

(Do not remove from attached sheets)

File No.: **Subject:** The Broadcast Law.

Note No.:	**From:** LS **To:** GS **Date:** 9 Dec 1948
1 cont.	9. Article 34. See comment on Article 13 above (par 6 of this check sheet).

10. Article 39. Articles 39 through 43 should be referred to ESS/Public Finance for co-ordination with government financial policy.

11. Article 47. As far as campaigning for public office is concerned, GS may wish to suggest other proposals for additional safeguards in connection with political impartiality.

12. Article 65. This article is not clearly worded in translation.

13. Article 85. The meaning of the word dogmatic in this article is not clear.

14. Article 88.

a. The crime defined here should be left to revision of the Criminal Code, now under consideration in this exact particular. As worded, this paragraph is too broad. A technical criticism is that no fine is provided.

b. L.S. recommends that paragraph 2 be deleted because of the ambiguity in Japanese of the words "public morals". Indecency is covered under existing law.

c. Paragraph 3 should be deleted. (See comment in paragraph 2 of this check sheet).

15. Article 91. This is provided for in the Criminal Code and is not necessary in this law.

16. Article 93. The penalty here seems excessive. Dismissal would suffice. Any related criminal act could be punished under existing law.

17. Article 98. It is Legal Section policy that administrative bodies exercising subpoena power must apply to the courts for enforcement. This article should be rewritten to grant the subpoena powers but require application to a court when a witness refuses to appear. Punishment can then be given for violation of the summons of the court, and a delegation of judicial power is thereby avoided.

18. This bill raises the general policy question as to whether an

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET W. E. Monegan, Jr. Meiji 2635, Ex. 582

(Do not remove from attached sheets)

File No.:

Subject: The Broadcast Law.

Note No.: From: LS To: GS

Date: 9 Dec 1948

1 cont. additional public corporation should be established. This in turn involves the question of whether the National Public Servants Law (Law No. 120 of 1947) shall be applied to the employees of this corporation or whether they shall be separately treated, asis contemplated under the Public Corporation Labor Relations Bill, now pending in the Diet. These questions should be passed upon by GS. Further, there are broad financial aspects and a need for co-ordination with existing financial laws and regulations which should be considered by ESS/Public Finance, since they are similar in character to the questions in this field raised by the Railway and Monopoly public corporations laws (referred to above). Labor Division, ESS, may also have an interest in the labor relations aspect. Legal Section expresses no opinion on these matters.

1 Inc.
Broadcast Law

acc
A. C. C.

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Bills and Resolutions Received From L.C.O.

	TITLE	L.C.O. No.	Originator	Date	Remarks
1.	Broadcast Bill	28	Comm M	11/11	cs: CCS (Feissner) App'd LB Nov CIE/Info/Radio (Crews) App'd, 16 Nov GS/PA (Hauge) App'd 11/16 LS/L&J (Oppler) To be studied at An Oppler's Convenience - Dec cs 12/9
2.	Postal Service Establishment Bill. O.K.	39	Comm Min	15 Nov	Approved by: CCS(Back) GS(Whitney) Info Copy to: LS/L&J(Oppler) ESS/PF(Reed)
3.	Telecommunication Ministry Establishment Bill. O.K.	38	Comm Min	15 Nov	Approved by: CCS(Back) GS(Whitney) LS/L&J(Oppler) ESS/PF(Reed)

15 November 1948

MEMORANDUM FOR DR. WILLIAMS:

Bill for Broadcast Law (Communications Ministry), approved by the Cabinet on 9 Nov, was received in GS, 11 November, and dispatched to CCS, CIE and LS for comment. CCS and CIE approved this draft bill today. LS states that they have not progressed in study of the bill, and that it may take some time, as they desire to consider what they deem questionable features thoroughly. Dr. Oppler has the bill for his consideration. Both the Government and CCS are pressing for immediate presentation of this bill to the Diet.

R. G. BROWN

Tell CCS that LS is holding up the bill in order to consider "the questionable features."

JW

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2 From: CIE To: Govt Sec Mr D Brown 26-5680
13 November 1945

The Civil Information and Education Section concurs in the introduction of the Bill for the Broadcast Law in the Diet.

1 Incl
n/c

D. R. H.

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DRAFT OF LAW

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

Nov. 10 , 1948

1. CLCO Number:28

2. Name of Law: Bill for Broadcasting .

3. Competent Ministry: Communication MAnistry

4. Date of Cabinet Approval: 9/Nov.

5. SCAP Section concerned:

Mr. C.A. Feissner.
C
C.S.

6. Remarks:(Reference:)

Rec'd GS, 11/10/48
C.S. to: CCS (Feissner)
CI&E (Crews)
GS/~~CD~~PA (Hauge)

7. G.S. Reviewers:

8. Date of G.S. Approval:

9. C.S. Member Responsible: H. Kobayashi

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