

POLITICAL SERIES: 1094 (Continued)ITEM 2 (Continued)

KAZAHAYA: In my opinion, great significance should be attached to the haste with which the draft was presented by the Government to the present Diet. I pointed out before that the timing of the presentation of the draft and its contents were inseparable with each other. The new Constitution is democratic in outward appearance to avoid the criticism of the democratic influences of the whole world. It includes many provisions aiming at the retention of the bureaucratic system, while it appeals to the backward portion of the people who are for the maintenance of the Emperor system. There is a strong possibility under the new Constitution of bureaucrats wielding the actual power of state administration. Mr MIYAZAWA asserts that the Emperor's authority to appoint a premier is preceded by the approval of the Diet and is just nominal, but I do not think so. If the Emperor vetoes the approval of the Diet, which is quite possible, what will happen then? Bureaucracy was an entity with an organization and power. There is a strong possibility in sight that bureaucrats will dominate the Cabinet, disregarding and making fools of the Diet and political parties. The Constitutional amendment draft published in March will gag a movement for a democratic revolution and give good grounds to the reactionaries for their resurgence. The draft has a reactionary role to play in checking the development of the people and of stagnating the present situation. The draft may be passed because the two government parties, namely the Liberal and the Progressive, do not examine the Constitutional problem logically, and the social democratic party too, has no clear understanding of the significance of the presentation of the draft by the Government. Even the Social Democrats who understand its significance have a strong tendency to fawn upon the bureaucratic Government. It is against the interests of the people. It is up to us scholars to examine the Constitutional problem from an academic viewpoint and to present a logical opinion of revision so that the Constitution will be established as democratically as possible.

TSUKAMOTO, Chief of the political section of the TOKYO Shimbun:
Thank you very much for your frank discussions on the important Constitutional problem.

ITEM 2 Round-table Talks Regarding Discussion on Constitution in Diet - Tokyo
Shimbun - 27 Jul 46. Translator: M. Yasutake.

Summary:

KAZAHAYA: "Now let us take up chapter III of the new Constitution as the subject of discussion. The rights and duties of the people are established in this chapter, which forms the backbone of the Constitutional draft."

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NAKAMURA: "I think that the provisions for the fundamental rights of the people in the new Constitution are tantamount to the 'Declaration of human rights' in the French Constitution and the 'Declaration of Independence' in the American Constitution. (TN: Author probably meant to say "Individual Rights"). In my opinion, the provisions are merely the expressions of the 19th century idea of the right of freedom. We must remember that the social conditions of the present age are entirely different from those of the 19th century. It is true that the people have some Constitutional rights of freedom, but if they do not have money, they cannot have enough education. Though it is decreed in the Constitution that the people shall have the right to work, they cannot always find a job. State Minister KANAMORI stated in the present Diet that the 'right of labor' does not guarantee the opportunities for getting a job, but it signifies the inviolability of the fundamental rights of the people. The 'right of labor' must of necessity be the right of getting the opportunity to work and the right of education must guarantee the right of getting an opportunity to obtain sufficient education.

KAZAHAYA: I quite agree with you. The Communist Party strongly asserts that the endorsement of the stipulations regarding the people's freedom of speech, publication, assembly, association, labor dispute, and demonstration, the guarantee by the state of the printing-house, paper, public building, means of communication and other necessary material conditions for democratic and popular organizations to enforce the above-mentioned right of freedom must be clearly provided for in the Constitution. The party also asks for the insertion of the stipulation "an enterpriser must not, for his own convenience, prevent the employee from having an education". This is to ensure that the latter can enjoy his right to the fullest extent. The party insists on the substantial stipulation in the Constitution of the guarantee for the freedom of scientific research and artistic creation by the people, and of the establishment of research institutes, laboratories, technical and educational facilities, and various facilities for culture and art. The Social Democratic Party asserts its stand regarding the necessity for the economic endorsement of the rights of the people .

The Communist and Social Democratic parties represent the masses, and it is quite natural that they should assert the clearer and more concrete stipulation for securing the rights of the people. In this respect, they form a marked contrast to the Liberal and the Progressive Parties which are supported by the capitalists and land-owners and shut their eyes to the opinions of the masses. I think that the important thing is to insert concrete stipulations guaranteeing the rights of the people into the third chapter of the new Constitution. In the present Constitution, provisions for the rights of the people exist, though in an incomplete form. But these rights were utterly ignored in the past, because the present Constitution never failed to add a conditional clause 'within the scope of law' to the provisions for the rights of the people. The law was

POLITICAL SERIES: 1083 (Continued)ITEM 2 (Continued)

made in such a manner as to permit the police to override human rights. Worse still, the bureaucrats issued arbitrary commands not by law, but by the abuse of imperial ordinances. In the JAPAN of the past, the Constitution was not the highest law of the state. It was put under the law, and the law was subordinate to administration. This is very undemocratic.

In the preamble of the present draft, it is declared that all law and imperial rescripts against the Constitution shall be abolished. It is necessary to concretely protect the rights of the people by adding to Chapter III an article that no law or command against the provisions of the chapter shall be issued, and that in case of their issuance, the people shall have the right to refuse their observance.

500' NAKAMURA: Regarding the rights of property, the Constitution of the 20th century is more concrete than that of the 19th century. The WEIMAR Constitution decrees that the right of property shall be accompanied by a duty. The authors of the American Constitution put on drastic construction on the provision for the freedom of the right of property in the American Constitution in order to satisfactorily solve social and economic problems. I think that JAPAN should take these ideas from abroad into full consideration in its establishment of the new Constitution.

KAZAHAYA: "The idea of the accompaniment of the right of property by a duty is nowadays a matter of common knowledge, so it had better be clearly provided for in the new Constitution. Accordingly, if an enterpriser resorts to the so-called 'production sabotage,' it will be against the Constitution and production control by labor in such a case will be justified."

DISTRIBUTION "X"

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
ALLIED TRANSLATOR AND INTERPRETER SECTION

PRESS TRANSLATIONS

No. 4256

DATE: 30 Jul 46

POLITICAL SERIES: 1081

ITEM 1 Discussion Meeting on Discussions of the Constitution in the Diet.
Part 5 - Tokyo Shimbun - 26 Jul 46. Translator: N. Tachibana.

Full Translation:

Present at the meeting: KAZEHAYA, Yasoji, former Professor of the Imperial University of KYUSHU. MIYASAWA, Toshiyoshi, Member of the House of Peers, and Professor of the Imperial University of TOKYO, and NAKAMURA, Tetsu, former Professor of the Imperial University of TAIHOKU.

How Will the House of Councillors
Differ from the House of Peers?

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KAZEHAYA: If such a person as Mr MIYASAWA is appointed member of the House of Peers, it will differ greatly from what it was in the past. (laughter) In view of the examples set by members of the House of Peers in the past we must judge this problem from the viewpoint of their past history. The members of the House of Representatives were apt to be subordinated to the bureaucrats. Particularly when there are so many examples to cite as when the GUMBATSU and the House of Peers conspired to curtail the bills which the House of Representatives had already passed. It is quite possible that the House of Councillors may commit this same fault.

MIYASAWA: The House of Councillors will be quite different from the House of Peers.

KAZEHAYA: Surely it is set forth in the rules that it must be so, but whether or not it will be so is the question.

MIYASAWA: It unavoidably must be so.

KAZEHAYA: I think that in the event the members of the House of Councillors be elected from representatives of each profession, the unicameral system of the House of Representatives would be bettered. If the House of Representatives is conducted under the professional representative system, and if specialists be allowed to participate in the professional committee meetings in the House, the members of the House of Representatives will then work hard and a high degree of efficiency will be obtained. The House of Representatives should be made to have many professional members by revising the method of election.

NAKAMURA: Although the House of Councillors seems to be on the line of the professional representative system, it is still inclined toward the local representative system.

KAZEHAYA: If so, this is a problem, because then the bosses in the local districts or men of influence will hold a majority in the House of Councillors as the representatives of the highest tax-payers did in the House of Peers in the past.

POLITICAL SERIES: 1081 (Continued)

ITEM 1 (Continued)

The Japanese People are Not
Well Acquainted with Individualism.

MIYASAWA: In order to cultivate democracy in the proper direction, it is necessary that it spring up to some degree spontaneously among the whole people. The Japanese people are at a disadvantage in this point, since they are not well acquainted with individualism in a true sense. I fear that democracy, which is substantially liberal, may result in a despotism of the majority, anarchy, or a militaristic dictatorship. Some people believe that the unicameral system is best and that it is undemocratic to establish another House in order to check or control the House of Representatives. However, I have my doubts on this idea.

KAZEHAYA: If the House of Councillors must play such an important part in checking the House of Representatives, the problem of the House of Councillors should be discussed more carefully. We should realize that the people may be baffled at the start rather than run to extremes. This is the main point of the problem. We need not entertain misgivings about our first attempt. I think the reverse will be the case. If the House of Councillors is based on the professional representative system, I believe that the House of Representatives will then be able to take the same part as the House of Councillors because they will both be of the same nature.

500.1
NAKAMURA: I fear that the House of Councillors will become the headquarters of the anti-democratic influences and in case this does not come about, it will be much the same as the House of Representatives. I will cite an instance in FRANCE. I do not know much about the social conditions in FRANCE, but I do know that the French people believe that Parliament is representative of the whole people. Since this idea has spread far and wide, the members of Parliament behave in the sessions as the representatives of the whole people. So there is no one who is a representative of any local district. In order to correct this defect the French people have established another assembly composed of representatives of each local district. This is called the Union Conference.

In JAPAN the members of the Diet, who have not been well trained politically, are lacking in the belief that they are representative of the people. On one hand they are representatives of the people, and on the other they are bosses in the local district. They represent the interests of each local district and not those of a privileged few. Therefore if the House of Councillors be based on the local representative system, the representatives of the interests of each local district will participate in both the House of Representatives and the House of Councillors.

Seven ideas have already been advanced concerning the House of Councillors. One of them is the selection of the candidates for the House of Councillors by the House of Representatives. However this is a problem, because the present members of the House of Representatives were not elected on the perfect proportional representative system, and their number is not proportional to the number of votes of the people. Therefore if the members of the House of Representatives select the candidates for the House of Councillors, the wishes of the people will be neglected. Some political parties will conspire together to select the candidates to their own advantage. I fear then that the House of Councillors will not represent the wishes of the people. At any rate if the House of Councillors be established at all, it must be arranged so that the people can directly elect the candidates.

POLITICAL SERIES: 1081 (Continued)

ITEM 2 The Drifting of the Small Political Parties - Mainichi Shimbun -
29 Jul 46. Translator: N. Tachibana.

Full Translation:

Outwardly the indecisiveness of the small political parties appears to have been settled by the establishment of the New Political Association (SHIN SEI KAI), but inwardly they are still unstable. There is no doubt that when the Liberal and Progressive Parties begin action, the small political parties will undergo a great change. In the Co-operative Democratic Party, the Diet members from cities and the younger members have always attacked those members who have stuck to a narrow road of thought. This was because of the problem of qualifications of Chairman YAMAMOTO, and so it has been injurious to the Co-operative Democratic Party since it was organized. A few Co-operative Democrats are making efforts behind the scenes to obtain a president from outside the party. Other Co-operative Democrats are planning to abolish the chairman system and combine under the leadership of Secretary-General IGAWA, and advocate Vice-chairman KITA for their leader temporarily.

On 27 July at the Diet members' meeting and the political party reporters' meeting, Chairman YAMAMOTO made a statement that he would never tender his resignation. It seems that this statement was not only a challenge to the bureaucrats but also a cause for discord within the Co-operative Democratic Party. In case Chairman YAMAMOTO is eliminated, an alteration of the rules of the party pertaining to the problem of party officers will be demanded at the party's general meeting to be held about 20 August. Then if a new movement planned by some leaders is revealed, the Co-operative Democratic Party will be in danger of being split or losing some of its Diet members.

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On the other hand in the newly created New Political Association (SHIN SEI KAI), Messrs HIKIDA, Toshio and ISHIDA, Ichimatsu quarreled as to whether or not the New Political Association gives the impression of being a new political party according to the prospectus concerning the organization of the association as distributed to a group of reporters the other day. This shows the discord in the association. Because the association contains a Preparatory Committee for a Democratic Party (MINSHUTO JUMBI KAI) which has conservative trend, and the policies of the New Light Club (SHINKO KURABU) of educators, and a group led by Mr HOZUMI, Shichiro and other independent Diet members, it is difficult for them to have a platform and policies based on the same political idea and economic considerations. Therefore the New Political Association has rather dark prospects. The Independents' Club (MUSHOZOKU KURABU) has about 30 members of left wing, right wing and neutral inclinations. Each of these members form a political party by themselves, and map out their plans and future course as they please. Judging from this, the small political parties will suffer changes both with their movement for gaining their own sphere of influence, and with the formation of a united front of the Liberal and Progressive Parties prompted by the re-election of the local district assemblies in autumn.

DISTRIBUTION "X"

ITEM 3 Report of the Diet Session by Kōmei, Ryuta, Liberal - Provincial Newspaper Jyomo Shimbun (Gumma) - 16 Jul 46. Translator: S. Ono.

Summary:

500.1 The bill for the revision of the Constitution has now entered the article by article deliberation stage. Prior to the opening of the general deliberation, the Communists proposed the postponement of the revision. They argued that it is inopportune to establish a new Constitution here and now since the country is still retarded in the phase of democratization. However, the proposal was turned down by the opinion of the majority who supported the early establishment of the new Constitution.

The writer, of course, sided with the majority group. It is undoubtedly the best way for an early realization of democracy. A new Constitution should be first created instead of waiting for the public to be democratized. Establishment of a new Constitution, based on the spirit of democracy will go a long way in arousing the political consciousness of the public.

In my opinion, apart from the promotion of democratization, there exist two reasons which favor the early establishment of the Constitution. One is the material aid of the UNITED STATES for the economic recovery of JAPAN, and the other is the culmination of a peace treaty. It is evident that unless the Constitution, which decides the future course of the country, is published, we can expect neither of these. Without the material aid of the UNITED STATES economic recovery is evidently impossible, while without the culmination of the peace treaty, our country will never be allowed to become one of the members of the world community.

500.1 The crux of the revision of the Constitution can be summarized as follows:

1. The realization of a most thorough democratization of the economic structure, while avoiding the change of the national polity.
2. The renunciation of war in the foreign policy to contribute to the security of the world peace.

The public might have learned about the details of the official draft, but it is most advisable for them not to forget the spirit with which the draft was compiled. Under the present circumstances, it is likely that the Diet's deliberation on the Constitution will come to an end late this month. After a cooling-period of six months, the Constitution will be put into effect. The date will be February 11, 1947.

500.1 PARA PART TWO PD CURRENT SESSIONS OF CONSTITUTION SUB DASH COMMITTEE THOUGH CLOSED TO PRESS AND PUBLIC THROUGH QUOTE AN INFORMED COMMITTEE SOURCE UNQUOTE OMA IS REPORTED IN JAPANESE PRESS AS FAVORING CHANGE IN PREAMBLE FROM QUOTE WE PROCLAIM SOVEREIGNTY OF PEOPLES WILL UNQUOTE TO QUOTE WE PROCLAIM SOVEREIGNTY RESTS WITH PEOPLE UNQUOTE SEMCLN MARKED DIVERGENCE OF OPINION BETWEEN GOVERNMENT PARTIES PAREN LIBERALS AND PROGRESSIVES PAREN AND SOCIAL DEMOCRATIC PARTY MAY CAUSE PREPARATION OF TWO SETS OF SUGGESTED AMENDMENTS PARA DIET MEMBERS OF PROGRESSIVE PARTY TWENTY SIX JULY VOTED ALMOST UNANIMOUSLY IN FAVOR OF OUTRIGHT ABOLITION OF PEERAGE SYSTEM PD OPINION SHARPLY DIVIDED ON PROPOSAL TO ESTABLISH HOUSE OF COUNCILLORS PD ONE FACTION FAVORED UNICAMERAL LEGISLATURE SEMCLN OTHER DEMANDED CREATION OF SECOND HOUSE TO RESTRAIN POWERFUL HOUSE OF REPRESENTATIVES

28 JUL 1946
OUTGOING MESSAGES - SRS *conf*

ITEM 2 The Revision of The Constitution; Demands From Mr Ashida - Jiji Shimpō -
24 Jul 46. Translator: T. Kitayama.

Full Translation:

At the Constitution Revision Committee Conference of the House of Representatives on the 23rd, Chairman ASHIDA made a request of the Government. The gist of his request is as follows:

500' \ "First, it goes without saying that we can expect a complete application of the Constitution revision draft only when it is investigated together with various laws belonging to the Constitution. Since the Government has not yet completed all necessary proceedings for revision of the Imperial House Law, National Assembly Law, House of Councillors Law, Cabinet law and many other laws, we do not consider that we have grasped the whole of the Constitution revision draft. Especially, since the Constitution is to be enacted in a few months, we request that the Government draft the various laws attached to the Constitution at the earliest date, and make preparations to consult public opinion.

"Second, the news is received with joy, both abroad and at home, that, in the revision draft, armaments are abolished, war is renounced, and the ideal of securing permanent peace for mankind has been established. But if it is our country alone that renounces war, we cannot eliminate it. Even the structure of the United Nations includes, in its system, nothing but an extension of the maintenance of peace on the part of the victorious nations. Moreover, we cannot but think that, in inaugurating the U.N.O. the nations concerned must have been affected by the narrow sense of enemy and friend. We, as a Nation based upon the spirit of universal brotherhood, should strive for the maintenance of international peace, and be courageous enough to lead the world spiritually.

"Third, in the application of this revision draft, we must start with the promotion of democracy, which should be applied to the whole world. So long as we are possessed with a narrow-minded racial sense, we cannot be rid of war. We hope that the Government will center its attention upon this point in the future.

500' \ "Fourth, we appreciate the Government's strenuous efforts, regarding the reasonable investigation of the revised Constitution, by questions and answers at the Committee Conferences during the past 20 days. But the application of a democratic constitution cannot be made complete by means of laws alone. Regarding the points that have been revealed at the Committee conference, was disappointing to the Nation that the Government was lacking in enthusiasm for the construction of a new JAPAN by the application of a democratic government, both for its home administration and for diplomatic relations. We fervently hope that the Government lead the Nation in the reconstruction of JAPAN, solidifying the democratization of both Government and financial circles, and doing its utmost to win the confidence and friendship of all the nations of the world."

500' \ PART TWO PD AUTHORITY AND FUNCTIONS OF PUBLIC PROCURATORS WILL BE COMPLETELY DIVORCED FROM NATIONS JUDICIAL SYSTEM FOLLOWING ADOPTION OF NEW CONSTITUTION CMA DECLARED JUSTICE MINISTER KIMURA TO HOUSE COMMITTEE TWENTY JULY PD PLANS NOW MADE FOR ESTABLISHMENT OF PROCURATORIAL BOARD CMA COMPLETELY INDEPENDENT OF COURTS PARA PART THREE PD DURING TWENTY JULY HOUSE SESSION CMA MINISTER KANAMORI STATED PRESENT HOUSE OF REPRESENTATIVES MAY CONTINUE IN OFFICE EVEN AFTER NEW CONSTITUTION IS ENACTED PARA JAPANESE PEOPLE MUST BE GIVEN QUOTE GOOD CIVIC EDUCATION TO MAKE NEW CONSTITUTION SUCCESS CMA UNQUOTE DECLARED SONOSUKE SASAKI CMA MEMBER OF HOUSE OF PEERS AND WELL KNOWN CONSTITUTIONAL AUTHORITY CMA DURING PRESS INTERVIEW TWENTY JULY PD EVEN QUOTE PERFECT CONSTITUTION UNQUOTE WOULD BE INEFFECTUAL IF PEOPLE ARE UNPREPARED FOR IT CMA HE SAID PARA PART FOUR NIL PD 22 JUL 1946 OUTGOING MESSAGES-SRS

ITEM 3 Burning Points in the Problem of the Constitution - Provincial Newspaper: Kyoto Shimbun (Kyoto) - 2 Jul 46. Translator: T. Nakano.

Summary:

The JAPAN Communist Party has published its draft of the Constitution advocating the abolition of the Emperor system and the establishment of a republican form of Government. It is a question whether or not the draft of the Constitution should be decided upon by the Diet prior to other urgent bills concerning the food problem. However, it may be justifiable if a hope for the solution of the food problem will be brought about by the promulgation of the democratic Constitution. The opinions of the various parties concerning the draft Constitution can be divided into the following three groups:

1. The opinion of the Progressive and the Liberal Parties is that the democratization of JAPAN can be attained without making a change in the old theory of the Emperor's sovereignty, if we democratize the exercise of the Emperor's authority.
2. The corporate theory of the state is advocated by the Social Democrat Party.
- 500.1
3. The theory of popular sovereignty is advocated by JAPAN's Communist Party and the Constitution Inquiry Commission.

The first proposal is most conservative and aims at democratizing JAPAN based on the preservation of the Emperor System. As experience from JAPAN's past politics shows, it may be impossible to democratize the authority of the Emperor. The theory of popular sovereignty advocated by the Communist Party is the most radical and thoroughgoing. The Communists advocate the establishment of popular sovereignty for the purpose of materializing a democratic revolution. If not, the political powers of capitalists and large landowners will revive, and a democratic revolution will never be attained. Even if the Emperor system is camouflaged under the name of democracy, as long as it exists, the people will never be freed from the feudalistic shackles. A real democratic revolution will only be attained by emancipating the people from the political oppression and establishing popular sovereignty.

The corporate theory of the state advocated by the Social Democratic Party falls in between these two extremes. Whether such a moderate standpoint is proper or improper depends upon the process of a democratic revolution in the future. The principal point is that feudalistic and conservative JAPAN must be reconstructed into a democratic peace loving country. Thus, the new Constitution should be written in colloquial language, so that it can be understood by everyone.

ITEM 1 Constitution To Become Effective About 1 March 47 - Yomiuri Shimbun - 22 Jul 46. Translator: B. Ishibashi.

Full Translation:

The article-by-article examination of the draft Constitution by the House of Representatives Constitution Committee is behind schedule. Despite warnings from Chairman ASHIDA concerning repetition, the process of deliberations has shown little progress and was therefore carried over to this week. However, with the sub-committee studying all amendments presented by various parties, and exercising the necessary political negotiations, the House of Representatives is expected to formally decide on its attitude toward the draft Constitution within a week.

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The present session of the Diet was originally scheduled to last 40 days and its adjourning date was to be on 29 July. Taking into consideration the slow progress of deliberations on various bills already placed before the Diet and the estimated period of time to be used for deliberations on the budget, prolongation of the session for at least a month is necessary. The Government at first expected to have the draft Constitution passed by the Diet early in August and put into effect on 11 February next year. However, under the circumstances, the draft will not be approved by the Diet before the end of August, and so its enforcement is expected on or about the 1 March of next year. While the Food Emergency Measure had been thoroughly discussed by 11 July, it was not put to a vote because of the necessary negotiations between the Government and the political parties. It will be put to a vote early this week. The Labor Adjustment Law and the Livelihood Aid Law will be the focus of discussion for this week.

ITEM 2 (14) Socialist Party Decides Constitutional Revision Draft Of Its Own Without Any Difficulties - Provincial Newspaper Hokkaido Shimbun (Sapporo) - 11 Jul 46. Translator: H. Naoji.

Full Translation:

The problem of the Constitution revision has finally graduated from the stage of general interpellations to that of article by article deliberations. At this juncture to decide on the attitude towards this problem, political parties spent the day maneuvering behind the scenes. Until a decision was reached various interpellations on the problem were debated on the revision which is destined to become the framework of a democratic JAPAN.

In view of the fact that the Socialist, and the Communist Parties are the opposition groups, it may safely be said that their attitudes towards the problem had already been decided. However, they carried on careful maneuverings because of their public promises at the time of the general elections and the fact that their attitude if decided upon would remain on the record. The attitude of both the Progressive and Liberal Parties are alike regarding the Government's Constitutional revision. It seemed that some contention might occur among them as a result of the publication of Mr INUKAI's self-sponsored revision draft. Notwithstanding this, a conclusion was reached without any questions.

500.1 The Social Democratic Party has decided on their opinion of the revision draft and it will be made public in the near future. However, the party is studying its attitude carefully so that it may be able to respond easily towards whatever questions might arise.

The Communist Party has continued to insist that the revision of the Constitution is premature. On this point, the Communists may be said to be the party with the strongest opposition tinge. However, since their strength in the Diet is negligible their influence does not enter into any consideration of the Government sponsored Constitutional revision draft.

The budget planned by the Government totals 56 billion yen, of which 25 billion 800 million yen is in the red. It is supposed that heated discussions will be continued in the Diet session before this budget is passed. The budget will have a serious bearing on the public in general.

It is probable that the most active speeches to be made by the Diet members will be on the budget rather than on the Constitution. Since the problem of the budget is closely connected with the daily living of the people, interpellations will be made on those vital issues. It is expected that problems that are related to the financial world, the unemployed, and social policies will arise following the passage of the budget. Since these problems concern the adjustment of banks, and the levying of property tax, the discussion will attract much attention from the people.

PART TWO PD YOSHIO SUZUKI RESIGNED

500.1 POSITION AS CHAIRMAN OF SOCIAL DEMOCRATIC PARTYS CONSTITUTION COMMITTEE BECAUSE OF COMMITTEES FAILURE TO TAKE INITIATIVE IN INSISTING ON REVISION TO PROVIDE FOR CLEAR CUT STATEMENT ASSIGNING SOVEREIGNTY TO PEOPLE PD HE DECLARED PARTY LOST PRESTIGE BY PERMITTING LIBERALS AND PROGRESSIVES TO EFFECT CHANGE RECENTLY ADOPTED BY CONSTITUTION SUB COMMITTEE CMA AS PER DAILY OPERATIONS REPORT TWENTY EIGHT JULY PARA STATEMENT URGING IMMEDIATE ABOLITION OF PEERAGE SYSTEM AS REMNANT OF FEUDALISM SUBMITTED TWENTY EIGHT JULY TO PARTIES AND GROUPS OF HOUSE OF REPRESENTATIVES BY NATIONAL LEVELLING SOCIETY CMA ORGANIZATION REPRESENTING ETA CMA JAPANS OUTCAST GROUP PD ALL PARTIES URGED TO ASSIST IN REMOVING ALL VESTIGES OF PEERAGE FROM DRAFT CONSTITUTION

30 JUL 1946

OUTGOING MESSAGES - SRS

Conf

ITEM 3 Deliberations On Constitution Transferred To Small Committee - Mainichi Shimbun - 24 Jul 46. Translator: H. Naoji.

Full Translation:

As there was no interpellation on Articles 98, 99, 100, Chapter XI, of the revised draft, the House Constitutional Revision Committee completed its deliberation duties on 23 July, and Committee Chairman, ASHIDA, made public the committee's recommendations to the Government, and, on a motion by Mr. SUZUKI, (Socialist), appointed a sub-committee of 10 members. It was decided that all the articles would be referred to the sub-committee for revision, to be further considered and formally decided upon at a later meeting of the whole committee.

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It is expected that the revised draft will be submitted to the plenary session towards the end of this month. The first meeting of the sub-committee is scheduled to be held on 25 July at 1000 hours. The recommendations to the Government as stated by Chairman ASHIDA are as follows:

1. As the revised Constitution is scheduled to become legal within the next several months, we hope that the Government will draw up, as quickly as possible, the Imperial House Law, the National Diet Law, the House of Councilors Law, the Cabinet Law and other related bills, and will make preparations for referring them to the public for ratification.
2. The permanent elimination of war from the earth will never be realized through any one-sided method, such as our country's renunciation of war. In this connection, it is essential for our country, to go a step forward, and take the lead in establishing a world organization. Therefore, we should clarify our intention of spiritually leading all the nations of the world.
3. It will be necessary to educate the people for the new life under the new constitution. I hope the Government pays much attention to this point.
4. As far as the past activities of this Constitutional Committee are concerned, it is feared that the people may have been disappointed by the Government's slowness in pursuing National democratic reconstruction, both at home and in foreign affairs. At this juncture it is most necessary that the Government master the spirit of the new Constitution and do its utmost to achieve the thorough democratization of the whole nation, so that international confidence in JAPAN may be re-established.

ITEM 5 Draft Constitution Expected to Pass Diet About 27 July - Mainichi Shimbun 21 Jul 46.

Full Translation:

Under the skilled chairmanship of Mr ASHIDA, the House of Representatives Draft Constitution Committee progressed rapidly with their deliberations. Article 73 (Chapter 6) was completed Saturday, and a sub-committee is scheduled to discuss amendments on 23 - 25 July.

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The Progressive and Liberal Parties have already agreed on amendments. The Social Democratic Party is examining amendments under the direction of SUZUKI, Yoshio and MORITO, Tatsuo. They are expected to reach a decision shortly, and investigations on the draft Constitution will be made at a sub-committee meeting of that party, the Liberal and the Progressive Parties views will be exchanged and a few economic provisions will be inserted. It is expected that the draft Constitution will be presented to the Diet on 27 July. As soon as it passes the House of Representatives, it will be presented to the House of Peers. However, judged by the slow progress of deliberations in the House of Representatives, it will require more than 20 days for the House of Peers to complete deliberations. Thus, the Government will find it impossible to promulgate the new Constitution on or about 10 August and to enforce it on 11 February, the anniversary of the accession of Emperor JIMMU, as was originally scheduled. In addition, considering the opposition to the enforcement of the new Constitution on the Anniversary, it will most likely be put into effect on an ordinary day six months after its promulgation. The tenure of the members of the House of Peers, extended to 10 February, will be prolonged until the day of the enforcement of the new Constitution.

ITEM 3 The Location of Sovereignty (Letter to the Editor) - Yomiuri Shimbun
10 Jul 46, Translator: I. Kuniko.

Full Translation:

500.1
 It is proper that the Constitutional problem now under deliberation in the Diet is being focused on the existence of sovereignty. Needless to say that the Constitution prescribes the highest law of the land. State Minister KANAMORI, seeks the existence of sovereignty in the people's will, saying, "It will not be necessary to prescribe the existence of sovereignty because the Constitutional draft has been revised on that point, even though it is not written clearly into the text of the law." If he is thinking of the people's will, the enactment of the Constitution itself will be a nonsense. Why is he forced to make such an awkward, contradictory statement? It is because he has explained, "The sovereignty lies with the people including the Emperor." Such a statement is inexplicable and obscure; it is like saying, "The egg includes the yolk." The Emperor, the officials and the people are fundamentally in opposition to each other because the first two constitute the governing class and the latter the governed. If the existence of sovereignty means that "it consists in the people including the Emperor," There will be a division of the two. On the other hand, the Constitutional draft shows discrepancy between the sovereignty of the emperor and the sovereignty of the Diet in the following: "The Emperor is a symbol of national unity," (Article 1) and "The Diet is the highest institution of national power." (Article 36). If the Emperor and the people are to be placed in the same category then, one of the Articles must be rewritten. If such Articles are approved, the existence of sovereignty must be clarified by deleting such an inexplicable sentence as "The sovereignty lies in the people including the Emperor." By the deletion, the two Articles will have meaning; otherwise, cannot know the true positions and relations of the Emperor to the Diet. Lastly, I must point out that, the prescription, "The sovereignty rests upon the people", must remain, otherwise the highest general will of the people, mentioned in the text, "The Emperor depending upon the highest general will of the people---", will have no authority. (OMINAMI, Yutaka Company Employee EBARA-Ward)

500.1
~~PARA PART~~ TWO PD CONSTITUTION REVISION COMMITTEE OF HOUSE OF REPRESENTATIVES CONCLUDED DETAILED CONSIDERATION OF DRAFT AND IS REFERRING IT TO SPECIAL TEN MEMBER SUB COMMITTEE TWENTY FOUR JULY PD FOLLOWING CONSIDERATION BY SUB COMMITTEE DRAFT WILL BE REFERRED BACK TO MAIN COMMITTEE AND THEN TO LOWER HOUSE PARA IT IS GENERALLY DOUBTED DRAFT WILL BE PASSED BY BOTH HOUSES OF DIET PRIOR TO TEN AUGUST CMA THEREBY FORESTALLING POSSIBILITY OF ENFORCING CONSTITUTION ELEVEN FEBRUARY ONE NINE FOUR SEVEN CMA ANNIVERSARY OF EXISTING CONSTITUTION CMA UNLESS DIET DECIDES TO MODIFY ARTICLE PROVIDING FOR SIX MONTH INTERVAL BETWEEN ENACTMENT AND ENFORCEMENT PARA FUNCTION OF SUPREME COURT UNDER TERMS OF DRAFT CONSTITUTION WOULD BE QUOTE TO REGULATE ENFORCEMENT OF LAWS IN LIGHT OF CONSTITUTION CMA UNQUOTE DECLARED MINISTER KANAMORI DURING SESSION TWENTY TWO JULY PD KANAMORI REFUSED DECISIVE COMMITMENT ON QUESTION OF TAXING HEREDITARY ESTATES OF IMPERIAL HOUSEHOLD CMA BUT HE EXPRESSED TENTATIVE OPINION THERE WOULD BE QUOTE NO HARM UNQUOTE IN IMPOSING SUCH TAXES PARA PARTS THREE AND FOUR NIL PD 24 JUL 1946

OUTGOING MESSAGES-SRS

PART

500.1
 TWO PD CONSTITUTION SUB DASH COMMITTEE HELD FIRST MEETING TWENTY FIVE JULY PD FOLLOWING SESSION CHAIRMAN ASHIDA INDICATED COMMITTEES WORK WOULD PROBABLY NOT BE CONCLUDED QUOTE UNTIL SOMETIME NEXT WEEK UNQUOTE

27 JUL 1946

OUTGOING MESSAGES-SRS

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
ALLIED TRANSLATOR AND INTERPRETER SECTION

PRESS TRANSLATIONS

No. 4234

DATE: 30 Jul 46

POLITICAL SERIES: 1075

ITEM 1 Discussion On Constitution In Diet -- Provincial Newspaper Shinano
Mainichi Shimbun (Nagano) - 24 Jul 46. Translator: T. Kitayama.

Summary:

Since the opening of the 90th session of the Diet on 21 June, the article-by-article investigation of the Constitutional Revision Draft, which was the most essential problem of the Diet, has at last been finished. The following are the thoughts brought to our mind from the discussions that have taken place during the past thirty days.

500.1
Principal newspapers are agreed in their opinion that the answers of the Government, especially those of KANAMORI, Tokujiro, specially appointed Constitution Minister, were kind and polite but, when the answers are closely analyzed, they are evasive, deviating from the preciseness of logic and based on ambiguous and emotional words and phrases. These are what, we believe, the majority of the people feel.

Frankly speaking, this ambiguity of answers does not necessarily come from the character of KANAMORI's theory alone, but it must also be attributed to the political conditions which hinder the application of the consistently clear character of a theory. In the Constitution of the MEIJI Era, it is stated that sovereignty is vested in the Emperor, and the assumption of this sovereignty is not based on the admission or trust of the people, but is handed down from the Imperial ancestors. The Japanese people, as subjects, are given the right of participating in the exercising of this sovereignty to a certain extent. The people themselves do not originally possess such a right, but it is only delegated to them by the Emperor. In the old Constitution, the so-called three powers--namely, legislative, administrative and judicial powers--were considered the Emperor's supreme powers. In exercising them, each organ concerned participated in its execution or exercised them in the name of the Emperor and only to the extent that it was sanctioned by the Emperor. Such a fundamental principle does not exist in the democracy developed in EUROPE and AMERICA. Not only because a small number of our military clique and bureaucrats exercised despotic rule through the application of the Japanese Constitution, but because there exists in the Constitution itself a characteristic principle which engenders or necessitates despotism. It is most vivid and clear to those of us in the educated circle that the draft of the revised Constitution is quite different fundamentally from the old Constitution. But, there is existing, political conditions, which necessitate the Constitution being made ambiguous and the principles in the old Constitution should be transferred to the new One as much as possible. For this reason, there is no consistency in the revised Constitution and KANAMORI is obliged to resort to inaccurate logic and ambiguous answers.

POLITICAL SERIES: 1075 (Continued)ITEM 1 (Continued)

500.1
The Constitution is a law, and a law is, after all, a reflection of political relations and economic conditions, and how the new Constitution will be interpreted in the future will be decided on the basis of those factors. We only regret the fact that discussions, which are intolerable from the standpoint of academic criticism, are solemnly carried on.

Draft Constitution Published by Reds

Advocate Republican Form of State and Abolition of Emperor System

The Japan Communist Party on Sunday published its draft constitution advocating the abolition of the Emperor system and the establishment of a republican form of Government.

In making the draft constitution public, the Communist Party in a statement said that it wished to submit its draft constitution to public discussion prior to submitting it to the Diet.

In its preamble, the draft constitution of the Communists described the Emperor system as "incompatible with the maintenance of freedom and happiness of the Japanese peoples and declared that only through the adoption of a republican form of Government will the Japanese people be able to create a society where there will be no room for exploitations." The draft constitution, however, made no reference of the controversial issue regarding the renunciation of war.

Article one of the draft constitution, which is titled "The Constitution of the Japanese People's Republic," places the sovereignty of the state into the hands of the people. Other salient points of the draft constitution included the following:

- (1) All persons shall be equal before the law of the state and shall possess all fundamental human rights guaranteed under the constitution.
- (2) The Imperial Family system and the Peers' system shall be abolished.
- (3) Women shall have equal rights as men in every field of life.
- (4) Laborers shall be guaranteed by the state to have the right to own a home, receive education and an appropriate vacation.
- (5) All persons over 18 years of age shall have the right to vote and be elected. Elections will be held under a proportional representative system, and the Diet shall consist of one house.
- (6) The Diet shall supervise and guard the sovereignty of the people.
- (7) The Diet shall elect a 25-men committee whose chairman shall represent the republic.
- (8) All judges shall be elected by the Diet.
- (9) Local governments shall be established on a self-governing basis.
- (10) Police and all other public officials shall be elected.

NIPPON TIMES
2 JUL 1946

Sunday, June 30 DELIBERATION ON THE CONSTITUTION

ASAHI—The Constitution Bill was referred on Friday to the Special Committee on the Amendment of the Constitution, after four days spent in questions and answers in the plenary meeting of the House of Representatives. These questions and answers revealed a cleavage of opinion, especially on the question relating to the location of sovereignty. The tendencies disclosed will have a considerable influence on the development of democracy in this country, a warning as to the

difficulties that may be expected in the working of the new Constitution.

Prince Ito's Commentaries on the Imperial Constitution supplied a standard of interpretation for that constitution. In the case of the new Constitution, the Supreme Court will decide, when doubt arises on the meaning of provisions; but the records of the Diet respecting the enactment of the new instrument will form an important material for the Supreme Court. The explanations so far given by government representatives on the location of sovereignty are ambiguous, to say the least of it. The bill defines the Emperor as the symbol of the people's unity. A symbol is something static; it cannot be the subject of rights. In March, when the government draft was announced, the public thought that the sovereignty of new Japan was lodged in the people, a conclusion one reaches after a perusal of the new document.

The government stand as revealed in the replies given by its spokesmen in the Diet cannot be sustained. Explanations on such a matter as the seat of sovereignty must be clear and straight. It is the supreme will of the Japanese people that ordains and establishes the new Constitution, as its preamble declares. The Diet itself may properly adopt a resolution on this crucial point.

NIPPON TIMES
2 JUL 1946

Committee Starts Constitution Study; 10-Day Period Set

Sharpest Discussions Scheduled To Center On Sovereignty Issue

The constitutional revision special committee of the House of Representatives started deliberation on Monday, July 1, regarding the Government draft of the Constitution.

At the outset of the meeting, State Minister Tokujiro Kanamori made an explanatory remark on the outline of the draft. Representatives of various political parties then interpellated on the bill.

Article By Article

It is expected that the 72-man House special committee will continue studying the draft Constitution, article by article, hereafter both in the morning and afternoon.

Since the Government has set aside about 10 days for the deliberations, the interpellations are expected to be completed around July 15 when the bill will be immediately referred to the Upper House. The Government, moreover, is pushing preparations in an effort to enforce the newly revised Constitution early in February, next year.

Split Into 2 Camps

Political observers believe that

heated discussions at the meetings of the special committee will center on the question of sovereignty because this touchy issue has already split the Diet into two camps, conservative and progressive.

Observers further say that both the conservative and progressive groups will engage in more severe heckling at the conference of the House special committee with regard to the constitutional stipulations on people's rights and duties.

MAINICHI ' 2 JUL 1946

Relation Is Clarified Re Constitution Draft And Allied Decisions

Council's Decisions Have No Direct Bearing, Says Minister Kanamori

State Minister Tokujiro Kanamori declared in the Diet on July 9 that he believed the decisions of the Allied Far Eastern Commission did not directly affect the present draft Constitution of Japan.

Replying to the query of Gen-taro Taketani, Independent, at Tuesday's meeting of the House Constitution revision committee which opened its session at 10.20 a.m., the State Minister said that in cases they did have a vital bearing on the present draft, he intends to initiate pertinent counter-measures.

Mr. Taketani's question was whether the decisions of the Far Eastern Commission reached on Japan's Constitution had any connection with the present draft Constitution.

When another interpellator Mikiji Mori, Socialist, asked the Prime Minister for his view on the probable date of Japan's conclusion of the peace treaty, Prime Minister Yoshida replied it was entirely dependent upon Japan's attitude and the understanding of world nations, and that the sooner Japan democratized herself the sooner would be the date for the peace treaty conclusion.

MAINICHI JUL 11 1946

ITEM 3 "The Sovereignty Rests with the People" Will be Stated in the Preamble of the Constitution - Provincial Newspaper Shin Iwate Nippo (Morioka) - 28 Jul 46. Translator: R. Ochiai.

Summary:

500 Both the Liberals and Progressives submitted their Amendment Bill to the Constitution Subcommittee and required the change of the clause in the preamble of the Government's draft, "We proclaim the sovereignty of the people's will into, "We proclaim that the sovereignty rests with the people." Although one is apt to think that the parties and the Government take a fundamentally different viewpoint regarding sovereignty, this is not the case. By the clause, "We do proclaim the sovereignty of the people's will" the Government meant that sovereignty lies in the people's hands. The two parties, therefore, changed only the clause's style of expression. The Government, however, included the Emperor in the word "people," but the problem now lies in the parties' interpretation of the word. Do they also include the Emperor when they say, "The sovereignty rests with the people?"

The Progressives held their Diet members meeting on 26 July in order to discuss the problem of the maintenance or abolition of the Peerage System and the establishment of the House of Councillors. They decided to do away with the former, but with regard to the latter, they could not reach any conclusion. The problem was too important to be decided in such a short period of time. Respecting the ideas advanced, they will consider the matter at a future date. They also decided to change the clauses, "We proclaim the sovereignty of the people's will" into, "We proclaim that the sovereignty rests with the people;" and "We revoke all laws and ordinances in conflict with this Constitution" into, "We reject all constitutions, laws, ordinances, and rescripts in conflict with this theory."

The Progressives and Liberals have shown a much more progressive view than the Social Democrats by demanding the statement, "The sovereignty rests with the people" in the preamble to the Constitution. The Social Democrats who ought to have been more democratic and progressive are ashamed of their conservatism in their attitude towards the Constitution.

PART TWO PD JAPANESE GOVERNMENT ESTABLISHED

500 PROVISIONAL LEGISLATIVE INVESTIGATING COMMITTEE TO INVESTIGATE AND RECOMMEND CHANGES IN LAWS DIRECTLY RELATED TO PROPOSED CONSTITUTION PD STUDIES WILL RELATE TO CLN IMPERIAL HOUSEHOLD AND CABINET CMA INCLUDING ORGANIZATION OF ADMINISTRATIVE DEPARTMENTS SEMCLN DIET CMA INCLUDING ESTABLISHMENT OF HOUSE OF COUNCILLORS SEMCLN REGULATIONS FOR BOTH HOUSES CMA AND ELECTION LAWS SEMCLN JUDICIARY AND CODES CMA INCLUDING LAW FOR ORGANIZATION OF COURTS CMA CIVIL AND CRIMINAL PROCEDURES CMA CIVIL AND PENAL CODES SEMCLN AND FINANCE PD SCAP WILL REVIEW WORK OF COMMITTEE REGULARLY

23 JUL 1946

OUTGOING MESSAGES-SRS Conf

100 PARA PART THREE PD JAPANESE PRESS REPORTS CONSTITUTION SUB COMMITTEE OF HOUSE OF REPRESENTATIVES MAY MODIFY WAR RENUNCIATION PROVISION IN DRAFT CONSTITUTION BY ADDING CLAUSE STRESSING SINCERE AND POSITIVE DESIRE OF JAPANESE PEOPLE FOR INTERNATIONAL PEACE BASED ON JUSTICE PD COMMITTEE MEMBERS SAID TO FEEL THAT PRESENT LANGUAGE MAY GIVE IMPRESSION THAT JAPAN RENOUNCES WAR WITH RELUCTANCE

3 AUG 1946

OUTGOING MESSAGES-SRS Conf

ITEM 2 Comments on the Diet - Nippon Keizai Shimbun - 25 Jul 46. Translator:
M. Ota.

Summary:

The discussion on the revised Constitution has finally reached its height. Now that all the political parties have decided on their respective amendments, they are to be studied at the sub-committee meetings, to begin on 25 July. Delicate movements are seen between the Government and all parties the past few days. Members of political parties will hereafter maneuver behind the scenes. However, the Government should keep the democratic administration from being tainted by apparently conciliatory measures.

500.1 How will people be able to understand the revised Constitution through the month-long discussions? Although, we recognize the effort and worries of State Minister KANAMORI, no one can deny that the Government seems to shift its responsibility for revising the Constitution on to State Minister KANAMORI alone. Only a few Cabinet ministers attended the Constitution Committee meetings. Some of the ministers are conventional in their answers to the questions of the Diet members. Premier YOSHIDA, as well as the other Cabinet ministers, should attend the Committee meetings and listen to the interpellations of the Diet members. Also, they should investigate the draft, in co-operation with the Diet members, in order to make no mistakes in this fundamental law of the State. This is also one of the important missions of the YOSHIDA Cabinet. Judging from these attitudes taken by the Government, it is a question of whether or not the people can really understand the revised Constitution.

In connection with the revision of the Constitution, there are many problems, such as the rearrangement of the related laws, to be solved before the new Constitution is put into effect. However great the efforts of the Government, it is impossible to accomplish this great epoch-making task without the complete co-operation of the people. Furthermore, JAPAN is now the center of the world's attention. Everyone is intent on discerning whether the people can re-establish a new JAPAN as a peace-loving nation, by being thoroughly democratic. However, the progress of discussions on the draft Constitution is unsatisfactory in view of the present situation. They must do their utmost in order to establish an ideal Constitution.

ITEM 3 Revision of Article I Reserved - Mainichi Shimbun - 30 Jul 46. Trans-
lator: S. Hirata.

Full Translation:

500.1 The 29 July session of the House subcommittee for Revision of the Constitution opened at 0940 hours. Both the Liberals and Progressives introduced a revision to the second paragraph of Article IX, Chapter 2, altering the provisions, "War potential shall not be maintained" and "The right of belligerency shall not be recognized", so that they do not sound like statements made under duress. This revision was brought up for discussion and a temporary compromise was reached. The Socialist introduced a revision of Article I which read, "Sovereignty shall be vested in the people", but discussion of this revision was postponed to give the Liberals and Progressives sufficient time to consider it. The Committee continued discussion of the draft as far as Article XIII. After a noon recess, the session was resumed at 1340 hours. Both the Socialists and the Co-operative Democrats introduced revisions to Articles XXII and XXIII, which were discussed. No conclusions were reached and it was decided to discuss them again at the 30 July session of the subcommittee. The session adjourned at 1630 hours.

Revisions on Articles XXII and XXIII introduced by the Socialists are as follows: Article XXIII: The domestic life of the people shall be safeguarded (supplement); Article XXIII: All the people shall have a right to the minimum requirements for physical well-being and civilized existence (supplement).

The revision of Article I introduced by the Socialists, which reads, "Sovereignty shall be vested in the people", was reserved for future discussion at the 27 July session of the Constitution Subcommittee, but both the Liberals and the Progressives will probably accept it. The change in wording of Article I, Chapter 2, which denounces war, is also expected to receive general acceptance.

ITEM 2 Reactionary Revisional Plan of the Constitution - Mimpo (Tokyo) - 25 Jul 46. Translator: W. Hayashi.

Summary:

The Liberal and Progressive Parties have published their collaborated revisional plan of the Constitution. They seem to be attempting a compromise with the Social Democratic Party to work out a common plan with their published revision as the basis.

500.1 We cannot but presume the plan to be conservative and reactionary, except for the abolition of the Peers System. The published plan, in our opinion, attempts to devalue the Government's original draft, especially on the following two points.

The first point is that it entirely advocates cancelling the provision of the latter part of the first clause of article 4 which reads, "Never shall he (the Emperor) have powers related to government." It is the fundamental spirit of the, Symbolic Emperor System, that the Emperor shall never have practical powers related to government. This fundamental spirit is clearly indicated in the draft written in English whereas that written in Japanese is obscure. The above-quoted part is the only provision which the Japanese draft has distinctly described as the fundamental spirit.

The two parties' plan tries to eliminate only this provision. They seem set on restoring the old Emperor System in place of the proposed Symbolic Emperor System. An all powerful Emperor cannot be based upon the will of the Japanese people when the people have the sovereignty.

The second point is that certain elements in these two parties believe that the guarantee of the freedom of assembly, association, speech and press is premature, and that it must be deliberated on more carefully. Among the provisions of Chapter 3, which provides for the rights and duties of the people, article 19 is the most important. Whether the new Constitution will be democratic and progressive or conservative and reactionary depends wholly upon whether or not article 19 in the draft is adopted in the new Constitution without amendments. If the freedom of speech is not guaranteed, JAPAN will go back to the days of despotism. If the people will refrain from any abuse of these freedoms and rights and be responsible for utilizing them for the public welfare as is provided for in article 11, there is no need of applying any restrictions on these freedoms.

500.1 It is no exaggeration to say that a democratic constitution exists to guarantee the freedom of speech. The Japanese people as a whole lack the zeal and apprehension to assert that the oppression of the past applied upon such freedom was quite irrational. It is high time to protect this freedom with all their strength. The people must maintain the freedom of speech, assembly, association and press at all costs.

It is clear to the people that the revisional plan which attempts to convert the, Symbolic Emperor System, into an all powerful Emperor System does not represent the will of the people or protect their rights. The democratic forces must make the Government revise their revisional plan. The people must not forget that there are many problems in the democratic revision of the Constitution such as the establishment of a single chamber system, and the maintenance of the right to work, etc.

ITEM 2 All Three Parties Agree to Add, "State Sovereignty Rests with the People to the Constitution - Asahi Shimbun-27 Jul 46. Translator: R. Ochiai.

Full Translation:

500.1 The people have been watching the various parties' proposed amendments to the Government's draft of the Constitution. The problem of where sovereignty rests is what interests them most. How will the parties handle the problem and provide for it in the text? Following the Liberals' advocacy of their amendment bill as expressed at their Constitution Sub-committee meeting on 25 July, the other parties revealed their intention to express in the text the idea that sovereignty rests with the people.

Although some Liberals and Progressives advocated at the first stage of discussion that the word "symbol" in Article I be changed to "head of the state", they did agree with one another that the problem of sovereignty should not be touched upon. However, on 25 July at the Constitution Sub-committee meeting, the Liberals presented their revised bill which demands the changing of the clause, "We, the Japanese people do proclaim the sovereignty of the people's will" to "We do proclaim that sovereignty rests with the people." The Liberals expressed their viewpoint in their amendments to the preamble of the text stating that sovereignty lies in the people's hands. The other parties also showed the same attitude.

On looking back upon the changes of each party's attitude toward the matter, the Liberals at first advocated that sovereignty lies in the nation, and since they supposed that a nation consists of the Emperor and the people, the above mentioned advocacy was fundamentally similar to the Government's draft. They thought it was all right to carry out this idea in an expressed statement that reads, "Sovereignty rests with the people." As for the Progressives, they at first indicated their desire to state that sovereignty rests with the Emperor, but being influenced by the reforming elements within the party, they reversed their decision and made it very similar to the Government's draft. The recent state of affairs encouraged them so much that on 26 July at the Diet members meeting, they accepted the Liberals' idea. The Progressives decided to keep in perfect step with the Liberals.

500.1 The Social Democrats, on the other hand, intended to have sovereignty defined as "the trust of the national corporate body which includes the Emperor", but some of them had already demanded that the statement which says that the sovereignty rests with the people be included in the text. They expressed their approval of the Liberals' attitude to revise this portion of the preamble. Minor parties seem to agree without many exceptions, and it is almost certain now that this most important problem of the Constitution will be resolved by the stipulation in the text that states that sovereignty rests with the people. Our historic Constitution Revision Bill is going to be passed with a new democratic government as its basis. At the sub-committee meeting on 25 July, the question was brought up as to whether or not the phrase, "the sovereignty rests with the nation" could be defined as meaning the whole nation; so they agreed to say that the sovereignty rests with the "people, and not with the nation." Although other parties are not pleased with the attitude of the Liberals, they will keep in step with one another in regard to the change in the sovereignty clause.

PART THREE

SRS HBR

500.1

PD IF ENACTMENT OF DRAFT CONSTITUTION IS DELAYED BEYOND TEN AUGUST GOVERNMENT PARTIES WILL PROPOSE THAT DIET SHORTEN BY ONE MONTH THE SIX MONTH PERIOD BETWEEN ENACTMENT AND ENFORCEMENT CMA AS PROVIDED BY THE PROPOSED DRAFT CMA ACCORDING TO JAPANESE PRESS REPORTS PD SOME MEMBERS OF DIET SAID TO BE EAGER TO MAKE NEW CONSTITUTION EFFECTIVE ON ELEVEN FEBRUARY ONE NINE FOUR SEVEN CMA ANNIVERSARY OF ENFORCEMENT OF EXISTING MEIJI CONSTITUTION

19 JUL 1946

OUTGOING MESSAGES-SRS Conf

ON ASSUMPTION THAT NEW CONSTITUTION WILL BE

500.1

ADOPTED CMA GOVERNMENT IS PREPARING LEGISLATION DESIGNED TO ABOLISH OR AMEND LAWS TO BRING THEM INTO CONFORMITY WITH NEW CONSTITUTION PD LEGISLATION WILL BE PRESENTED DURING NEXT SESSION CMA SCHEDULED THIS FALL PD THREE SPECIAL COMMISSIONS DETERMINING CHANGES TO BE MADE

27 JUL 1946

OUTGOING MESSAGES-SRS Conf

PART TWO PD DURING PAST WEEK 500.1 Trial

500.1

CONSTITUTION SUB COMMITTEE REACHED AGREEMENT ON SIX AMENDMENT PROPOSALS WHICH WILL BE PRESENTED TO HOUSE OF REPRESENTATIVES CONSTITUTION REVISION COMMITTEE PD PROPOSED AMENDMENTS FOLLOW CLN REVISION OF PREAMBLE TO INCLUDE SPECIFIC STATEMENT ASSIGNING SOVEREIGNTY TO PEOPLE SEMCLN INCLUSION OF CLAUSE IN ARTICLE TWENTY SEVEN PROVIDING FOR PEOPLES QUOTE LIABILITY TO TAXATION UNQUOTE SEMCLN INSERTION OF PROVISION IN ARTICLE THIRTY SIX REQUIRING STATE TO COMPENSATE FOR ILLEGAL ACTS COMMITTED BY GOVERNMENT OFFICIALS SEMCLN INSERTION OF STATEMENT IN ARTICLE SEVENTY FIVE TO PROVIDE FOR APPOINTMENT OF CHIEF JUSTICE OF SUPREME COURT PARA DELETION OF CLAUSE QUOTE AND THE LAWS AND TREATIES MADE IN PURSUANCE HEREOF UNQUOTE FROM PROVISION IN ARTICLE NINETY FOUR QUOTE THIS CONSTITUTION AND THE LAWS AND TREATIES MADE IN PURSUANCE HEREOF SHALL BE THE SUPREME LAW OF THE STATE UNQUOTE SEMCLN REVISION OF ARTICLE NINETY SEVEN TO PROVIDE FOR OUTRIGHT ABOLITION OF PEERAGE SYSTEM

2 AUG 1946

OUTGOING MESSAGES-SRS Conf

ITEM 1 Constitutional sub-committee to Adjourn - Yomiuri Shimbun - 2 Aug 46. Translator: K. Yasutake.

Full translation:

500.1

The committee meeting for the revision of the Constitution convened at 1020 hours on 1 August. A discussion arose between the Social Democrats and the progressives and liberals on the drastic amendment to the clause concerned with the abandonment of any war, Chapter II, Article 9, but an agreement was not reached until after Minister KANAMORI had his say. This led to discussion on the amendment regarding the guarantee of the right to live, Chapter III, Article 23, proposed by the Socialists. Various parties expressed their opinions and an agreement was reached. The meeting adjourned at 1215 hours.

When the meeting reconvened at 1340 hours, all of Chapter III was taken up for discussion. Only Articles 27 and 84 were disagreed upon. The meeting adjourned at 1600 hours. The reply to the Socialists on their proposal for the insertion of Article 1 will be given at the 2 August meeting and will be followed by discussions on other clauses, after which time the sub-committee will adjourn for the final time.

ITEM 2 Which System Should We Adopt, Bicameral or Unicameral? Provincial Newspaper Chuugoku Shimbun (Hiroshima) - 22 Jul 46. Translator: T. Hayashi.

Summary:

500. The establishment of a bicameral system is one of the aims of the revision of the Constitution. Aside from questioning the organizational structure of the House of Councillors, some groups, including the Communist Party, oppose its organization from a rationalistic point of view, and advocate the unicameral system. Since the communists hold a small number of seats in the Diet, we thought it would hardly be considered a vital problem. Suddenly, however, Mr INUKAI, chairman of the Board of Directors of the Progressive Party, announced his opposition to the organization of the House of Councillors. Thus,

advocacy of a unicameral system has begun to gain force. State Minister KANAMORI, explaining in the Diet the reasons for adopting the bicameral system, said that the function and responsibility of the Diet under the new Constitution is so great that it is necessary to set up an institution which can control the unwise decisions of the majority party of the House of Representatives.

We doubt that the House of Peers ever fulfilled such an important function and that it contributed much to the national life. On the other hand, on account of the history of the House of Representatives and political parties, the people's confidence cannot be gained to such an extent that they will support the unicameral system. Although the reasons for the existence of the House of Councillors may disappear in the future, when political parties' actions are in complete conformity with the will of the people, we must support the bicameral system in view of the present political situation.

500. In selecting the members of the House of Councillors, KANAMORI stated that the vocational representative system is almost impossible since all vocational fields remain in confusion. However, it is necessary to select experts from various vocational fields in order to advise and supervise the Lower House.

Recently, in FRANCE, the adoption of a unicameral Constitution was decided upon by the majority in the Parliament, but it was rejected in a plebiscite. This is evidence that the decision of a Parliament does not always represent the will of the majority of the people. The situation in JAPAN is, in our opinion, the same. Therefore, we advocate the adoption of a bicameral system, and we hope that an effective electoral system can be set up so that able persons, who have no direct connection with political parties, can be elected as members of the proposed Upper House.

ITEM 4 Joint Amendment To Constitution Expected Soon - Asahi Shimbun - 2 Aug 46. Translator: B. Ishibashi.

Full translation:

The Liberal, Progressive, and the minority parties expressed general approval of the Social Democrats' amendment of the Draft Constitution at the House of Representatives sub-committee meeting held on Wednesday. As a result, a joint amendment of the Constitution by almost all political parties with the exception of the Communist party may become a reality. The following three items in the Social Democrats' proposals were approved by party representatives present at the sub-committee meeting:

500. 1. Stipulation of the duty of workers as well as their rights.
2. Provision to guarantee workers a minimum standard of living.
3. Stipulation of their right to rest.

The same party's proposals to insert the words "the sovereignty rests with the people" in Article 1 in addition to the Preamble to form the House of Councillors on the basis of occupational representation or to adopt the unicameral system, to allay the present strict inviolability of private ownership, and to curtail the Imperial prerogative were carried over to the sub-committee meeting of the following day. Inasmuch as some measure of compromise can be reached with regard to these above points, the Social Democratic party, the party's representatives at the sub-committee believe, will agree with the joint amendments to the Constitution.

ITEM 3 Views of the Socialists on the Amendment of the Constitution Bill -
Asahi Shimbun - 25 Jul 46. Translator: S. Sano.

Full Translation:

500.1
 Concerning the first and second amendment plans for the Constitutional bill, made public by the Social Democratic Party, the party leader's meeting, held from 1000 hours on 24 July in the Diet, decided to adopt the second amendment plan as the formal proposal of the party. This decision was announced to all members of the party at its Diet members meeting held from 1300 hours on the same day and was approved, although OSAWA and INAMURA demanded that the decision be made at the Central Executive Committee meeting.

The gist of the formal amendment plan is as follows:

- 1) As the condition for accepting article one, the chairman is to secure the final answer of the Government on the recognition of the principle of people's sovereignty and to have this registered in the official records.
- 2) Regarding the obligations and rights of the citizen, the additional provision for the obligation to work is to be inserted in article 25 together with the right to work. Some phraseologies are to be added to article 27 which will tend to moderate the "inviolability of property."
- 3) The House of Councillors is to be composed of the professional representatives. If the House of Councillors is not to be based on professional representatives, there is to be no need for its establishment.
- 4) Article 97, stipulating the existence of the present peer system, is to be abolished. The peerage titles should also be eliminated.
- 5) Article 84, concerning the property of the Imperial families, is to be supported, although the Liberal and the Progressive parties advocate its abolition.

It is expected that the Social Democratic Party will firmly stand by its amendment plan at the sub-committee meeting for the Constitutional bill. However, if, in concession to the views of other political parties, any changes have to be made on the plan, the party leader's meeting will be entrusted with the task.

ITEM 3 Plenary Session on Constitution Draft to Open Next Week - Yomiuri Shimbun -
1 Aug 46. Translator: K. Sato.

Full Translation:

The Lower House Sub-committee for the Revision of the Constitution deliberated on Articles 33 through 100. They agreed on the following points:

1. Items concerning reparations and responsibility of the nation or the public body concerned with the illegal conduct of officials shall be inserted after Article 33.
2. The appointment of the chief Justice of the court shall be distinguished from ordinary judges in Article 75.
3. The provisions for the temporary retention of the peerage in Article 97 shall be rescinded.

Thus, they ended their deliberations on the drafts revising some articles. They postponed deliberations on the following and several other points:

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1. A sentence defining "sovereignty in the people" shall be provided in Article 1.
 2. Article 9, stipulating the permanent renunciation of war, shall be revised.
 3. Duty to labor shall be added in Article 25.
 4. A decision on the advisability of the bicameral system.

Particularly on the issue of the provisions for labor, those who interpret the clause as a legal duty and others, such as socialists, who define labor as a moral obligation fitting in with the social structure are conspicuously in opposition to each other. Hence, some heated controversy is expected. The sub-committee will request two or three days more for further deliberation, and the plenary session will subsequently be opened next week.

ITEM 3 Views Of The Liberal Party On The Amendments To The Constitution Bill - Asahi Shimbun - 26 Jul 46. Translator: S. Sano.

Full Translation:

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At the Constitutional subcommittee meeting of the House of Representatives held on 25 July, the Liberal Party made the explanation on its amendments to the Constitution bill. It is worth noticing that the Liberal Party which once advocated the Emperor's sovereignty not only renounces this but has the intention of formulating the principle of people's sovereignty in the Constitution. The gist of its amendments is as follows:

1. The words, "The establishing of this Constitution proclaims the sovereignty of the people's will", in the preamble should be revised to read, "proclaims that the sovereignty shall rest with the people."

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2. The words, "The Emperor shall perform only such state functions as are provided for in this Constitution and shall never have powers related to the Government," in article 4 should be revised to read, "Never shall he have powers related to other state functions."

The Constitution Subcommittee Was Opened.

The Constitution subcommittee, held on 25 July, after deliberating on the method of operating the meeting, heard the representatives of various parties explain the amendments for the Constitution bill proposed by them respectively.

Amendments of the Liberal Party were explained by KITA, Reikichi and ETO, Natsuo. The Social Democratic Party's amendments were made by SUZUKI, Yoshio and the proposal by the New Politics Association (SHINSEI KAI) was explained by OSHIMA, Tazo.

On 26 July, the sub-committee is to enter into discussion after the explanation on the amendments to be proposed by the Progressive Party.

Chairman ASHIDA thinks that it will be difficult to reach an agreement within this week, as, at least, three days will be required to deliberate on the amendments proposed by the various parties.

ITEM 1 Social Democrats Propose Amendments to Constitution Draft - Tokyo Shimbun 30 Jul 46. Translator: R. Shibata.

Full Translation:

Social Democrat representatives at the 29 July Lower House Constitution Sub-Committee meeting insisted on a statement manifesting the national desire for peace to be inserted in renunciation-of-war statement in the Constitution Draft. Progressive and Liberal committee members expressed their views on the matter, and a compromise was effected after considerable discussion.

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Social Democrat committee members MORITO, Tatsuo and SUZUKI, Yoshio then proposed that the Article assigning sovereignty to the nation become Article 1, and that Articles 1 and 2 be transposed, giving the sovereignty declaration an initial position. The proposal was discussed, but no conclusion was reached. It will be presented for further consideration at the 30 July Sub-Committee meeting. At the same time, the Social Democrat proposal for curtailment of the Imperial prerogative was reserved for discussion at the plenary committee meeting.

PART THREE PD JAPANESE PRESS PREDICTS THAT NEW CONSTITUTION

WILL BE PASSED BY DIET LATE THIS MONTH AND WILL BE PROMULGATED IN SEPTEMBER

PD POSTPONEMENT OF ENACTMENT UNTIL SEPTEMBER IS SAID TO BE NECESSITATED BY

FACT THAT DOCUMENT APPROVED BY DIET MUST RECEIVE IMPERIAL SANCTION THROUGH

PRIVY COUNCIL PARA PART FOUR NIL PD 4 AUG 1946 OUTGOING MESSAGES-SRS

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ITEM 2 Women's Requests re the New Constitution - Magazine Seikai Hyoron (Monthly)
Jul 46 issue. Translator: Y. Asada.

Summary:

We have never hitherto studied the Imperial Constitution. The society in which we have lived has been such as to present no opportunity to people who are not famous or renowned. However, we Japanese women, who are living amid the oppression of a detestable bureaucratic feudalism, cannot help expressing our sincere longing for a real democratic Constitution. We are unable to overlook the ignoble fact that the Constitution is going to be drafted in terms far from the thoughts of the people. Lincoln's statement should not be forgotten, while settling the Constitution that is, "Government of the people, by the people, and for the people". If the Constitution of the people should be made by the people, it will not be useless for reference to state the women's opinions.

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Our first desire is a stronger assurance of the existing rights of the people. That is, the life of the people, including food, clothing, and housing, should be protected by the Constitution. As long as the capitalists are allowed to exploit the people in general, capitalism will eternally dominate JAPAN, and it will be decided by other progressive countries, that JAPAN is a small country with many big plutocrats. As long as it is possible for the ruling class to lower the level of the people's living, without limitation, greedy war mongers will devour profits, and consequently the possibility of another war will not be remote. Therefore the people themselves should provide some device to protect their own lives. We should establish a new society in which

SOCIAL SERIES: 992 (Continued)ITEM 2 (Continued)

rights of living, of education, and of recreation are respected, and in which everybody being given enough nourishment, is in high spirits, and working efficiently and with great interest. The deplorable system of overworking should be eradicated from society, and the Government should not be allowed to turn a blind eye toward the inflation which tortures the people extremely. Laws for the protection and nourishment of children; the complete equipment and economic protection of industries; health insurance associations; equal chances in education; public nurseries, libraries and public reading rooms should all be established.

Secondly, we should like the authority of the Diet extended and strengthened. In the present Draft Constitution Amendment, an article renouncing war is included, but I think 'abandoning war' is not sufficient. The people have long been taught to abuse democratic countries, calling them, the American bogey, the English bogey, the Red (Soviet) bogey etc. If, by any chance, some reactionary leader should appear and misuse this article, stating that it was the one put in under compulsion by McARTHUR, taking a mean advantage of our weakness as a defeated country, the Japanese people, those blind followers, would immediately believe the reactionary. Consequently the Diet should become powerful, so as to exclude forever the aggressive policies of Japanese military cliques and plutocrats. We are not in the least ashamed of our motherland having no power to fight, in fact we are rather proud of her decision to give up brutal hostilities forever. A world without war is our ideal. I don't know why human beings can be so cruel as to squander the precious lives of many young men, while human hearts ache even at the destruction of one flower. When we remember the many promising young men who died on the battlefield, we must endeavor to maintain peace at all costs.

50 People often say that if women's suffrage had been granted before the war, World War II would never have occurred, do not believe this, since if women's suffrage had been given us before the war, what could the women representatives have done in a Diet like the present, what could they have said: It is quite a groundless opinion that women's suffrage could have been a shield against the war. 'Where is the reason for the Diet's existence?', we wonder, looking back on the absurd fact that such a large scale war was started, without a particle of knowledge, concerning it, on the part of the people. Every important matter or event in this country should be discussed fairly and squarely in the Diet. The Diet should be given the power to reflect the will of the whole people. To whom is the Government going to give the right of dissolving the Diet? Moreover, the Government has established the ambiguous system of the House of Councilors of State. The Government hitherto has consisted of members who are not the real representatives of the nation, but the intruders, elected by some unknown black-market routine. That has been the origin of those bureaucratic cliques. But now is the time to request the Diet to decide which members are to be responsible for the Government.

We are very satisfied with the fact that the Constitution this time has been written in the spoken language. But simplicity of form alone is not enough; the contents of the Constitution should also be simple and clear to everybody. We are looking forward to a Constitution which will protect, with sincerity, the people's earnest efforts towards democracy. We feel discouraged to hear some people say that laws can be interpreted variously according to the tastes or beliefs of a person. They say that the Constitution is only an ornament, and if the law for the maintenance of public peace and the police law for the maintenance of the public peace are established besides the Constitution, the feudalistic government hitherto can be maintained, and so on. We are utterly disillusioned when

SOCIAL SERIES: 992 (Continued)ITEM 2 (Continued)

we see the Labor Relations Adjustment Law, including fairly oppressive regulations, being established, after the establishment of the progressive Labor Law.

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We will not put our faith in laws which are endowed with powers to control the people. The democratization of JAPAN will never be realized without such laws as aim to protect the people actively with real love 'for' them. Every Japanese woman is longing for the elevation of the position of Japanese women in the Civil Law, but if the law itself has no sympathy for the people, what is the use of revising it? We are afraid that the revision based upon a cold heart may fall into something formal and lifeless.

Generally speaking, the Japanese people are inclined to despise CHINA, calling it, 'SHINA, SHINA.' However, the society in which the Chinese live is a progressive, democratic world, so I cannot help envying them.

The time has come for JAPAN to make up a real democratic Constitution for the people. It should not be such as to conceal armour beneath the garb of peace. The history of the world never goes backward. We should go ahead.

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Upper House Set For Deliberation Of Draft Statute

Majority of Members Opposed To Abolition of House Of Councillors

Various groups of the House of Peers have completed their preliminary examination of the draft Constitution, which is now in the hands of a committee of the House of Representatives, reports Kyodo.

A survey of House opinion by the committee for the study of the draft Constitution, sponsored by Saburo Yamada of the Independent Club, has revealed that the majority of the Peers are flatly opposed to any idea of abolishing the House of Councillors provided in the draft statute.

As the Representatives push their examination of the draft Constitution the Peers increased their touch with the Government so that when the draft Constitution is sent up from the other House they may take it up with hope that the progress in their study of the statute will be smooth. For the Peers Marquis Tsuneyasu Nakamikado is contacting the Government through Baron Kijuro Shidehara and Takao Saito, Ministers without Portfolio.

Dr. Soichi Sasaki of the Independent Club, Ushimaro Sawada of the Doseikai, and Dr. Shigeru Minami-hara of the Independent Club, have given notice that they would interpellate the Government of the draft Constitution when the bill is before the House. Two or three other members are expected to speak.

Any interpellation concerning the vital part of the statute is expected to be made in the special committee to which the House will refer the bill when the interpellation at the plenary sessions of the House is over. The indication is that the Independent Club will be adequately represented on the special committee.

Compromise Seen Impossible

The Lower House Constitution sub-committee, now working on various parties' proposed amendments to the draft Constitution, seems to have practically no chance of succeeding in working out a compromise amendment proposal agreeable to all parties concerned, according to Jiji Press.

An informed source said that Dr. Hitoshi Ashida, chairman of the sub-committee, as well as leaders of the Liberal and Progressive parties were known to be highly anxious to incorporate all suggested amendments in a single proposal to be reported out by the sub-committee to the Constitution Committee.

According to the same source, however, it is now definitely clear that there still remain considerable divergencies between the Liberals and Progressives on the one hand and the Social Democrats on the other in their respective suggestions for amending the draft Constitution.

In case it becomes definitely certain that there is no chance of working out a single amendment proposal of the sub-committee, he said, the sub-committee is most likely to decide as a compromise, in favor of submitting to the Constitution Committee, two separate amendment proposals.

In other words, he added, present indications are that unless both the

Liberals and the Progressives are prepared to entertain to a fairly large extent the Social Democratic views on amendments, the Social Democrats' amendments will have to be reported back to the Constitution Committee as separate from the joint proposal.

NIPPON TIMES
JUL 29 1946

Wording Clumsy But Ideas Progressive, Declares Ozaki Supporting Draft Statute

Japan's veteran parliamentarian Yukio Ozaki, in a letter to Hitoshi Ashida, Chairman of the Constitutional Revision Committee of the Lower House, declared that he would support the draft constitution which, he said, is "very progressive in spite of the clumsy way in which it is written."

Regretting the fact that he is unable to attend the current session of the Diet due to old-age and illness, Ozaki said, "I am confident that the present members of the Diet will be able to draft a good constitution. I believe the Government has written the draft constitution in a very clumsy way but I think the contents are very progressive and agreeable."

"The abolition of armed forces and the solemn declaration that the people of Japan will work for world peace," Ozaki said, "are two points in the draft Constitution which must be commended upon from the standpoint of freedom and world peace."

"In this connection" the 88-year-old parliamentarian declared, "I be-

lieve it is necessary to create a central world organ whose purpose will be to settle all international disputes. I am of the opinion that the League of Nations which was treated after World War I and the United Nations Organization which was recently established are still insufficient for the maintenance of a permanent world peace.

Declaring that the Japanese people, who have been thrown into one of the most pitiful situations ever confronted since their country had been founded, should be the first to realize the futility of war, Ozaki suggested that the following four points be carried out to indicate the Japanese people's will to contribute to world peace:

1. To work for the creation of a World Peace Organization.
2. Training and education of thought and sentiment necessary for the maintenance of world peace.
3. Fundamental revision of current educational policies.
4. Improvement of the Japanese language and the creation of selection of a world language.

House Of Representatives Passes Draft Revision Of Constitution; Communist Nosaka Alone Opposes

Momentous Lower House Plenary Session Approves Form Adopted By Inter-Party Group; Charter Drawn Up By Socialists Voted Down

The momentous plenary session of the House of Representatives aimed at deliberating on the new Constitution was convened on August 24 at 10.57 a.m. at which the inter-party draft revision of the Constitution was finally adopted by an overwhelming majority.

Chairman Ashida Reports On Committee's Work

The session was called to order after the due number of Diet members were assembled as stipulated in the Constitution. Takeo Yamazaki, new Speaker, took the chair, after which Dr. Hitoshi Ashida, chairman of the Constitution committee, gave a detailed account on the results of the deliberations at the committee meeting.

The deliberations on the draft revision started with an interpellation by Yukio Ozaki, unattached veteran Diet man. The session was broken by a short recess.

Immediately after the session was resumed, the draft revision proposed by the Socialist party was taken up for discussion. Hyonosuke Hara, Socialist, expounded on the revision, but the revision was voted down.

The inter-party joint draft revision was then introduced by the chairman of the committee concern-

ed. In the deliberations that ensued, Sanzo Nosaka, Communist leader, voiced his objection.

Reikichi Kita, Liberal; Ken Inukai, Progressive; Tetsu Katayama,

Socialist; Heima Kita, Cooperative; Tamezo Oshima, Shinsai-kai, and Hisao Tanaka, unattached, favored the draft revision.

The voting took place in which the revision was adopted by all with the exception of Nosaka. The session was adjourned in a tense atmosphere.

MAINICHI AUG 24 1946

Satisfactory Development

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The Diet's handling of the problem of constitutional revision seems to have settled down at last to a sensible and practical basis. It was not always thus. When the draft Constitution was first taken up in the early days of the present session of the Diet, many of the interpellations showed a distinct lack of comprehension of the true significance of the proposed revision. Many of the suggestions made by the various members of the Diet were either unduly reactionary, only thinly disguised, or else wildly impractical. The Government's replies to these interpellations, while generally sound enough, too often gave the impression that the chief motive was to evade the embarrassing questions as adroitly as possible without making any definite commitments.

But despite these earlier signs of an unsatisfactory handling of the matter, good sense and mature judgment seem to have prevailed in the end. After the lunatic fringe and the exhibitionists had had their say, the sounder heads seem to have taken over the proceedings. As the House of Representatives Committee on Constitutional Revision continues with its article-by-article examination of the draft Constitution, it is becoming evident that the new Constitution as finally formulated will be the product of serious and responsible deliberation.

This conclusion is supported by the stand which the major parties have taken on the draft Constitution. Within their own ranks the major parties have sifted out the less appropriate suggestions made by their members, and what remains as the formal recommendations of the various parties represents pretty hard-headed thinking. Evidence of this fact is to be seen from the sections of the draft Constitution which the major parties are disposed to accept without further question and from the modifications which they will seek in certain other sections.

It is significant that the major parties seem inclined to approve of the greater part of the draft Constitution without change. This is highly proper, for, although the Government has not done a particularly brilliant job of presenting its case, the officially-sponsored draft Constitution is eminently sound in its essential characteristics. Its idealism may seem too lofty for the nation to achieve immediately, but the provisions it makes for the full application of democratic principles while assuring the stabilizing influence of such of the traditional institutions which are not harmful make it most likely that it can be made a practical success. Such a Constitution is most decidedly just the thing which Japan needs. The major parties are showing good sense in pledging their general support to this Constitution.

At the same time, in certain

details this draft Constitution is far from perfect. Admirable though it be in its general characteristics there are certain passages which might be re-phrased to make the ideas underlying them more readily comprehensible to the average Japanese. There are some sections which might be condensed and others which might be elaborated for the sake of better balance and surer workability. It is gratifying that the recommendations for changes in the draft Constitution made by the major parties have, for the most part, unerringly found these points. To be sure, some of the recommendations hardly seem necessary or desirable, but on the whole the parties have succeeded in putting their finger on those sections of the draft Constitution which stand most in need of further refinement.

To be especially noted is the fact that none of the parties find much fault with the mechanics of government provided for by the draft Constitution, but more than

one party has called for the simplification of the Preamble. This can be nothing but another manifestation of the general feeling that the practical effects of the draft Constitution are highly welcome but that the theoretical statement of the principles underlying it is phrased in such a manner that it cannot be readily understood by the Japanese people without considerable revision.

It may be assumed, however, that with the Diet showing an increasing tendency to deal conscientiously with the subject, and that with the major political parties taking stands which are soundly constructive, what shortcomings there are in the Government's draft of the new Constitution will be satisfactorily corrected. At least the temper of the Diet offers much more promise of satisfactory results than was the case a couple of weeks ago.

NIPPON TIMES

JUL 16 1946

Councilors Will Have Status Below That Of Representatives

7 Tentative Blueprints Of Proposed Chamber Announced By Cabinet

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State Minister Tokujiro Kanamori declared in the Diet on Friday, July 19, that the status of the new House of Councilors would be lower than that of the present House of Representatives because the latter is authorized to enact legislation on its own initiative and can force the Cabinet to resign en bloc.

The State Minister's statement was made at Friday's meeting of the House constitutional revision committee in reply to the interpellation of Juji Kasai, Democrat, who asked the Government whether the House of Representatives was in a superior position to the House of Councilors.

Seven tentative plans on the structure of the new House of Councilors were made public by the Cabinet on Friday, July 19, at 3.10 p.m. and State Minister Kanamori immediately submitted them to the House constitutional revision committee which started immediately an article-by-article deliberation on Chapter IV (National Assembly) of the draft Constitution.

The present Government plans, however, are for reference only and the final draft will be worked out by the provisional legislative inquiry commission in the future. Political experts hold that the Government plans still leave much room for discussion regarding the number of House membership, age qualification of candidates and voters and method of elections.

MAINICHI JUL 21 1946

Constitution Might Be Promulgated On October 20; National Fete Slated

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The date for promulgation of the new Constitution was tentatively fixed as October 20, the Constitution Bill being expected to be passed by the House of Peers early next month at the latest, reports Jiji Press.

Promulgation of the new Constitution will be celebrated at a national rally on the palace plaza, with the Emperor, General of the Army Douglas MacArthur, Prime Minister Shigeru Yoshida and other Cabinet Ministers, members of both Houses of the Diet present, it was said.

The national fete will be sponsored by the Committee for Popularization of the Spirit of the New Constitution, which will be organized

shortly with representatives of both Houses of the Diet and the Government as members. Proceedings of the ceremony will be broadcast on a national hookup. All prefectural, municipal, town and village offices will simultaneously hold their respective ceremonies to fete the occasion.

One of the plans entertained by the committee for Popularization of the Spirit of the New Constitution is publication of a booklet explaining the new Constitution, a copy of which will be given to every household in the country, it was said.

Should the new Constitution be promulgated on October 20, it will take effect on April 20 next year.

NIPPON TIMES

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Comment by: J. Y. Suthinoon

Disposition of Commun: Excised

Type of Commun: Magazine Article

COMMENT

OCCUPATION FORCES: SCAP'S PART IN CONSTITUTION MAKING
CRITICIZED

"The revision of the constitution must be the most important concern of the Japanese people. Frankly speaking, however, I say that as far as the constitution draft published recently by the Japanese government goes, it is a half-breed of the government's independent decoration and a General MacArthur directive."

ACTION NOTE: The publisher has been notified of violation of the Press Code of Japan.

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COMMENT

OPINION: TWO VIEWS ON DRAFT CONSTITUTION

"From the Prime Minister's statements, there are two deductions which might be made. One is that, for all the Government's denial, the Government is not too anxious to have its draft Constitution tampered with by the Diet and is, therefore, hinting about the nation's external relations and its present 'restricted' and not fully independent status in order to frighten the legislators into thinking that any tinkering with the officially proposed draft Constitution would court the displeasure of the Allied authorities.

"Another possible deduction is that although the Government itself may at heart desire something else, it actually believes that the conditions of Japan's surrender bind it to push this particular draft Constitution through at all costs."

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M'Arthur Hit For Praise Of Constitution

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LONDON, July 7 (INS)—Mikhail Markov, Soviet radio commentator, attacked General Douglas MacArthur today for his "ill-timed praise" of Japan's new constitution. Markov charged that the document was one of the "greatest factors at present preventing the development of genuine Japanese democracy."

He added:

"Japanese ruling circles are striving in every way to dress up their hypocritical dodges as democratic reforms. The Constitution should be completely rewritten. It should have been clear from the first that nothing could come out of the old half-Fascist half-Monarchist Constitution."

Markov said the new document like Japan's old Constitution, claims divine origin for the Emperor and did not offer supreme power to the people.

"It gives freedom to militarists to hide behind the Emperor," he said. The commentator declared that aside from General MacArthur's "praise" the new Constitution had little more to recommend it as a picture of democracy.

STARS & STRIPES

JUL 8 1946