assistance to the encouragement of the improvement of horses, but comparing the two kinds of horse racing, they have different missions. It can be said that both are necessary institutions for the progress of horse-breeding in Japan.

The second difference is in the horses participating in the racing under the Horse Racing Law. These horses are all raised solely for racing purposes. They are transported to the race tracks throughout the country, in other words they can be entered in any of the races held at the eleven courses designated by the Horse Racing Law. This method is used to select the best horses in the country.

In the local races, however, the majority of the horses are utility horses, and can only be entered in certain limited districts. The above is in accordance with Article 4 of this Bill. By limiting the localities, local races can maintain close relations with local horse breeding, and by grading the capacities of horses breed in the local regions contribute to the improvement and increase of horses.

In a small, crowded country like Japan, the interest of the people concerning the breeding of livestock is very low. The breeding of horses is economically difficult, and if left alone, the capacity of Japanese horses will inevitably degenerate, and horses with poor physique unsuitable for practical purposes will result. This fact is clearly borne out in the experience of many years. In America and England, the people understand livestock and can grasp the psychology of livestock. Therefore, they are able to freely utilize the animals. In these countries, horse racing is popular, and efforts are being made to improve the breed.

Therefore, in a country like Japan where native breeds are very poor, it is necessary to use the institution of horse racing to stimulate and maintain horse breeding and eliminate inferior strains. Unless this is done, even if nothing is said of demands made for military purposes, it cannot be anticipated that horses useful for industrial purposes can be bred. The fundamental spirit of the presentation by the House of Representatives of this Bill is contained in this second point.

The third point is that the sponsor of the races under the Horse Racing Law is limited to a unique organization—the Japan Horse Racing Association. In the case of local horse races, the Prefectural Federations of Horse Breeding Unions become the sponsors, and are able to display the characteristic features of horse breeding according to the local conditions.

Next I wish to explain the contents of this Bill.

First, in principle, the sponsors of local races are limited to the Prefectural Federations of Horse Breeding Unions. As an exception, public welfare organizations of a nation-wide nature, may sponsor the races. The object of holding races is limited to the encouragement of affairs concerning horses. Should the above bodies desire to sponsor races, they must obtain the permission of the Ministry in charge. This is stipulated in Article I. Should the concerned bodies obtain the permission of the Ministry in order to hold races, they must inform the local authorities of the fact. This is stipulated in Article 2. The number of race tracks are limited to 3 in Hokkaido, and one in each prefecture.

Horses that can participate in races are limited to only those horses which were raised for certain length of time within an area of the organization. It is stipulated in Article 8 that pari-mutual tickets can be sold for less than ten yen a piece. This law also lifted the old limitation of one ticket per each person. Therefore now many tickets can be sold to a single person. Moreover the old limitation of refundament to those who hit the right ticket is raised from ten times to one-hundred times of the price of tickets. Article 11 stipulates that the sponsor to the horse race can, after obtaining a permission from the Minister concerned, earn 25 per cent of the total sale of tickets. In this case, according to Article 12, that the sponsor of the race must pay certain amount of money to the central horse breeding organization, a juridical person for the public benefit, organized by the Horse Breeding Union. Moreover, in order to carry out horse races in strict fairness, there is a regulation concerning orders which the Minister in charge can issue and punishment for those who violate this regulation. This regulation is just about the same as the Local Horse Racing Law and the Law for the Preservation of the Sources of Military Horses. The supplementary provision is the regulation set forth to adjust relation with the other laws concerning horse races.

Now I shall explain the gist of the interpellation brought up during the Committee meeting.

To the question whether the Government would agree to this Bill submitted by the House of Representatives, a member of the Committee of the Government replied that the Government is hoping a speedy enactment of the law as since the annulment of the training competition for horses under the Law for the Preservation of the Sources of Military Horses, many horse races are being held in various locality under different names without any legal basis. By enacting this law the Government wishes to supervise the race and to use the revenue obtained from sales of tickets for encouraging horse breeding and for social works.

The next question was what the Government thinks about winning ticket provision stipulated in this Bill which is not properly balanced like the Horse Racing Law in respect to number of tickets to be sold and limitation on amount of refundment.

The answer was that the Government is preparing to submit to the present Special Session of the Diet a bill concerning the reformation of the existing Horse Racing Law in order to keep the balance on that point.

Raising of horses in our country had been so far mainly from the standpoint of the military use. However, since the termination of the war, military horse is no longer in demand. Therefore the object of raising horses should naturally be altered; and after deciding a new horse raising policy, the question of horse race should be taken up as a means to improve horse breeding. Why the Local Horse Racing Bill was submitted prior to the announcement of a new horse raising policy?

The answer was that:

It is necessary hereafter to raise suitable horses for industrial purpose in large numbers. As a new horse raising program should be worked out after studying carefully the area of arable land, distribution of population and number of principal live-stocks in Japan, we think we may be able to announce a new definite plan in the near future after gathering all the above informations. Horse race is to be carried out for the purpose of testing the ability and quality of horses raised in the country for practical use. It is no doubt that this would serve to encourage in improving and increasing the number of horses. Since the number of horses in Japan have

greatly decreased, it is necessary to increase number of live-stock to about several hundred thousands in order to cultivate the waste land of about 1.600,000 cho-bu. It will be necessary to further the breeding of horses alone to even about 300.-000. Hitherto enormous amount of the Government subsidies were appropriated for breeding horses, but hereafter this can not be expected. Therefore, the local horse breeding organizations' activities are to be assisted by the profit earned from the local horse races. Even if horse raising policy is newly altered, there is no change in fundamental principle in keeping up horse race.

I think sales of pari-mutual tickets have so far been supported from the standpoint of that the improvement in breeding horses were essential to the state defence. Therefore I do not understand why the limitation of number of tickets is abolished and limitation for refundment is increased.

To the above question the answer was given as follows:

Many changes have occurred since the war, such as flotation of loan bonds and public-loans. Therefore by keeping up such limitation as one ticket per person or less than ten times refundment, it will be impossible to draw the public interest. If it could not attract enough public interest, horse racing may become an hinderance in encouraging horse-breeding by losing money. Therefore proper alterations are being made to the limitations in keeping abreast with the times.

Then a question was made as to whether sales of pari-mutual tickets is considered to have same character as those of gambling and lottery from the legal standpoint.

The answer was:

Sales of pari-mutual tickets have been even recognized by the old Horse Racing Law as betting. But it is not considered as an ordinary gambling like a dice game. Ability of horse can be judged scientifically forehand and there is a way to find out general outcome of races. It is, therefore, different from just a mere game of chance where your scientific thinking and study are of no use. But it is recognized as a kind of betting game.

To the question why restriction of sales of pari-mutual ticket—a betting game—to minors was lifted from this Bill?

The answer was:

It is considered that the restriction to minors can be prescribed in the detailed regulations or in the execution rules. In practicing this law, if it is considered to have bad effect on the public order or on the national sentiment, severe restriction will be added to the detailed regulation in order to preserve discipline.

Then will it be all right to think that restriction on students and minors will be prescribed in the detailed regulation or some other rules?

Affirmative answer was given to the above interpellation.

To sound the Government view, a hot discussion was held concerning the prevention of inflation by pari-mutual tickets taxes and the relation between the 100 thousand yen prize to the 10 yen lottery tickets and the pari-mutual tickets.

The answer was given by an official from the Treasury Department. However I shall not report it to you as it deals with small and detailed figures.

Payment for the Government and taxes are to be deducted from the total sales of tickets. Therefore it has effect on the refundments to be made. The Government has often altered the law in order to increase the revenue. As the result of it, number of tickets sold were decreased and the Government could not attain the objective. In consequence, so called racketeers have come into existence, and the authorities concerned have been much troubled in controlling them. This, in turn, cast a gloom over race tracks. It is really regrettable.

The interpellator expressed his views that for horse racing to be carried on honestly in the future it was necessary to recognize a delicate effect the relation of the percentage amount of proceeds deducted for the management and the amount of dividends to the winning ticket holders has on the ticket sales, and that in the methods of control and supervision, some among the Ministries of Agriculture and Forestry, Justice and Home Affairs, so as to imbue the race ground with hilarious atmosphere, making it an amusement resort where people could enjoy the thrilling sports under the blue sky, and that on the part of the management it was also necessary to make sufficient effort to make the horse racing pleasant and enjoyable, namely to improve the accommodation arrangements so as to let the spectators enjoy the racing, by relieving the congestion and thereby making the place orderly and the sports refined, and generally to use utmost care in the treatment of "fans", and asked for the Government's views in the matter. To this, the Government delegates representing the Ministries of Agriculture and Forestry, Justice and Home Affairs respectively answered that they fully agreed with the interpellator's views. In particular the Government delegate of the Justice Ministry stated that he wanted to suppress local races which had no legal recognition. Next, I wish to report on the interpellation made by a member not sitting in the committee. He stated that if local races were promoted in various parts of the country, their proceeds would come to a fairly big amount, and expressed a desire that part of the income be expended for encouraging horse-riding, and asked the Government's view on the necessity and the mode of supervising the expending of such large amounts of income. To this question it was answered that as the matter of finance was fraught with danger of evils it was intended to exercise strict supervision in collaboration with the Ministries of Justice and Home Affairs.

Finally, another member, not being a committee member, asked the question that, the present Horse Race Law had primarily a military Motive for its enactment, namely the chief underlying reason for the enactment was to defray the cost for improvement of horses out of the proceeds of sale of champion tickets, as the Government could not afford to spend much money on military horses following the armament reduction in 1923. By the passing of the epoch-making Revised Horse Race Law in 1936 the military feature of the law was strengthened and the Nippon Horse Race Society, which exercised exclusive power in the matters of horses, came into being. Now that Japan had accepted the Potsdam Declaration, signed the Instrument of Surrender, renounced wars in the new Constitution, and thrown away all warlike activities, why should the undemocratic and militaristic Horse Race Law and a monopolistic organ like Nippon Horse Race Society be allowed their continued existence. Against this, the answer was that Nippon Horse Race Society, although it could not be said to have no military significance, did not exist merely for military purposes. The importance of the policies on horses in this country was the same in peace-time as in war-time. Even after Japan renounced wars and has done away with things military, importance of

horses did not diminish. Considering the cultivated area of farm land in our country, it would be necessary to breed and keep one and half million horses, and if this area was to be expanded, their importance would be increased. The horses bred mainly for military purposes were not all fit for industrial purposes, and they had to be converted gradually into industrial types. For this purpose the breeding of stallions and stud-mares is of fundamental importance, and in examining and deciding on the requisite qualities, carrying out reform and breeding, the Nippon Horse Race Society would play an important role and should be retained. But with regard to the structure of this society the Government was preparing to make a thorough study and to propose a necessary change in the near future.

The foregoing is the outline of the questions put, and there at the interpellation was closed and debates were opened. One committee member stated his view in support of the Bill to the following effect. Namely, the Horse Race Law, since its inception some 20 years ago, has aimed at and succeeded in getting "thorough bred" horses, acclimatised to this country, which is one of its great merits, and up to the year 1943, a sum of about ¥300,000,000, which came into the hands of the Government was expended for the improvements of horses and it is considered that the projected local horse racing will bring about a good result in the same end, and therefore he supported the Bill. There was another member speaking for the Bill, and when finally it was put to vote, the Bill was carried unanimously. With this I close my report on the proceedings of the committee.

PRINCE TOKUGAWA, Iyemasa (President):

If no member wises to speak, I will take a vote. Is there any objection to holding a second reading of this Bill?

(Cry of "no objection.")

PRINCE TOKUGAWA, Iyemasa (President):

I take it that there is no objection.

VISCOUNT NISHIOJI, Yoshimitsu:

I move that the second reading of the Bill be held forthwith.

VISCOUNT TOZAWA, Masami:

I second the motion.

PRINCE TOKUGAWA, Iyemasa (President):

Is there no objection to Viscount NISHIOJI's motion?

(a voice of "no objection" is heard.)

PRINCE TOKUGAWA, Iyemasa (President):

I take it that there is no objection. The second reading of the Bill is now open. With your approval, I put the entire Bill for discussion. Is there any objection to adopting the entire Bill as reported by the committee chairman?

("No objection" is voiced.)

PRINCE TOKUGAWA, Iyemasa (President):

I take it that there is no objection.

VISCOUNT NISHIOJI:

I move that the Bill be put to the Third Reading immediately.

VISCOUNT TOZAWA:

I second the motion.

PRINCE TOKUGAWA, Iyemasa (President):

Is there any objection to Viscount NISHIOJI's motion?

("No objection" is heard.)

PRINCE TOKUGAWA, Iyemasa (President):

I take it that there is no objection. The Third Reading on this Bill is now open. Is there any objection to adopting the entire Bill as passed in the Second Reading?

("No objection" is heard.)

PRINCE TOKUGAWA, Iyemasa (President):

I take it that there is no objection.

The agenda for the next sitting will be notified on the official bulletin, as soon as it is decided. We now adjourn this meeting.

(Adjourned at 0:29 p.m.)
(No. 35 END)

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THE HOUSE OF PEERS

The 90th Session of the Imperial Diet

THE OFFICIAL GAZETTE EXTRA

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No. 36 Saturday, September 28, 1946

Minutes of the Proceedings in the House of Peers

Opened at 10:19 a.m., on September 27, 1946 (Friday).

The Order of the Day, No. 36. To be opened at 10:00 a.m., on September 27, 1946.

1. Disbursement from the First Reserve Fund for the fiscal year 1944-1945. (for ex post facto approval.) (Sent from the House of Representatives.)
   Session.
   (Report by Chairman.)
2. Disbursement from the First Reserve Fund of the Special Account for the fiscal year 1944-1945. (for ex post facto approval.). (Sent from the House of Representatives.)
   Session.
   (Report by Chairman.)
3. Disbursement from Reserve Expenses of the Special Account for the fiscal year 1944-1945. (for ex post facto approval.) (Sent from the House of Representatives.)
   Session.
   (Report by Chairman.)
4. Disbursement from the Second Reserve Fund of the Special Account for the fiscal year 1944-1945. (for ex post facto approval.) (Sent from the House of Representatives.)
   Session.
   (Report by Chairman.)
5. Disbursement from the Second Reserve Fund for the fiscal year 1945-1946. (for ex post facto approval.) (Sent from the House of Representatives.)
   Session.
   (Report by Chairman.)
6. Disbursement from other than the Reserve Fund for the fiscal year 1945-1946. (for ex post facto approval.) (Sent from the House of Representatives.)
   Session.
   (Report by Chairman.)
7. Disbursement from the Second Reserve Fund of the Special Account for the fiscal year 1945-1946. (for ex post facto approval.) (Sent from the House of Representatives.)
   Session.
   (Report by Chairman.)
8. Disbursement from the Reserve Fund of the Special Account for the fiscal year 1945-1946. (for ex post facto approval.) (Sent from the House of Representatives.)
   Session.
   (Report by Chairman.)
9. Disbursement by Emergency Financial measures for the fiscal year 1945-1946. (for ex post facto approval.) (Sent from the House of Representatives.)
   Session.
   (Report by Chairman.)
10. Disbursement from the Second Reserve Fund for the fiscal year 1946-1947. (for ex post facto approval.)
    Session.
    (Report by Chairman.)
11. Disbursement by Emergency Financial Measures for the fiscal year 1946-1947. (for ex post facto approval.)
    Session.
    (Report by Chairman.)
12. Disbursement from the First Reserve Fund of the Emergency Measures Expenses for the fiscal year 1946-1947. (for ex post facto approval.) (Sent from the House of Representatives.)
    Session.
    (Report by Chairman.)
13. Temporary Supply and Demand Adjustment Bill. (Submitted by the Government; sent from the House of Representatives.)
    In continuation of the First Reading.
    (Report by Chairman.)
14. Petition for Increase of Government Subsidies and Improvement of the River Kiso.
    Session.
15. Petition for Government subsidies to war-damaged Private Schools.
    Session.
16. Petition for commencement of Government Automobile service, in the Shiribeshi and Donan area, Hokkaido.
    Session.
17. Petition for Improvement of the Hitachi fishing Port in Ibraki-ken.
    Session.
18. Petition for Improvement of the Estuary of the River Nobeji in Aomori-ken.
    Session.
19. Petition for Establishment of a Post Office not in charge of collection and delivery service at Furusawa-Mura, Isumi-Gun, Chiba-ken.
    Session.
20. Petition for Diffusion of Reading Institution.
    Session.
21. Petition for the rapid Construction of the Railway Line crossing through the eastern area in Hokkaido.
    Session.
22. Petition for Improvement of the Biroo Port in Hokkaido.
    Session.
23. Petition for the Construction of the Railway Line between Shimizu, Okura-Mura, Mogami-

Gun and Shinsho Station on the Ou main line.
Session.

24. Petition for Establishment of the Shikoku University.
Session.

25. Petition for raising the status of the Takamatsu Economic College to University.
Session.

26. Petition for Compensation of overseas Personal Properties.
Session.

Prince TOKUGAKA, Iemasa (President):

Reading of various report will be omitted, if there is no objection.

(Reference.)

The following bill submitted by the Government and approved on 23rd in this House was submitted to the Throne and this House informed the House of Representatives of the approval.

Bill for the Local Horse Race.

The following persons were elected Chairman and Vice-Chairman in an election held on the same date.

Special Committee for the Bill for the Reconversion Finance Bank:

Chairman: Viscount TAKAHASHI, Koretaka.

Vice-Chairman: Baron SUGITANI, Yoshikoto.

Special Committee for the Bill for the Temporary Supply and Demand Adjustment:

Chairman: Baron FURUICHI, Rokuzo.

Vice-Chairman: Viscount YANAGIZAWA, Mitsuharu.

The Chairman submitted the following report on the same date:

Report concerning the approval of the matter on the Disbursement from the First Reserve Fund for the Fiscal Year 1944-1945. (for ex post facto approval.)

Report concerning the approval of the matter on the Disbursement from the First Reserve Fund of the Special Account for the fiscal year 1944-1945. (for ex post facto approval.)

Report concerning the approval of the matter on the Disbursement from the Reserve Expenses of the General Account for the fiscal year 1944-1945. (for ex post facto approval.)

Report concerning the approval of the matter on the Disbursement from the Second Reserve Fund of the Special Account for the fiscal year 1944-1945. (for ex post facto approval.)

Report concerning the approval of the matter on the Disbursement from the Second Reserve Fund for the fiscal year 1945-1946. (for ex post facto approval.)

Report concerning the approval of the matter on the Disbursement from other than the Reserve Fund for the fiscal year 1945-1946. (for ex post facto approval.)

Report concerning the approval of the matter on the Disbursement from the Second Reserve Fund for the fiscal year 1945-1946. (for ex post facto approval.)

Report concerning the approval of the matter on the Disbursement from other than the Reserve Fund of the Special Account for the fiscal year 1945-1946. (for ex post facto approval.)

Report concerning the approval of the matter on the Disbursement by Emergency Financial Measures for the fiscal year 1945-1946. (for ex post facto approval.)

Report concerning the approval of the matter on the Disbursement from the Second Reserve Fund for the fiscal year 1946-1947. (for ex post facto approval.)

Report concerning the approval of the matter on the Disbursement from the First Reserve Fund by Emergency Measure Expenses for the fiscal year 1946-1947. (for ex post facto approval.)

This House received on the same date from the Prime Minister a note concerning the following appointment:

Government Delegate in charge of the affairs under the jurisdiction of Ministry of Home Affairs:

MASUDA, Kinehichi, President of Government of Hokkaido.

The Chairman submitted on 25th the following report.

List of Petition (The 13th report.)

The Chairman submitted on 26th the following report:

Report concerning the approval of the Bill for the Temporary Supply and Demand Adjustment.

Prince TOKUGAWA, Iemasa, (President):

Now the House, please come to order. The order of the day No. 1. The item of expenditure of the first reserve funds of 1944. The order of the day No. 2. The item of expenditure of the first reserve funds of the special account of 1944. The order of the day No. 3. The item of special account reserve expenses for 1944. The order of the day No. 4. The item of expenditure of the second reserve funds of the special account of 1944. The order of the day No. 5. The item of expenditure of the second reserve funds for 1945. The order of the day No. 6. The item of expenditure of reserve funds for 1945. The order of the day No. 7. The item of expenditure of the second reserve funds of the special account for 1945. The order of the day No. 8. The item of expenditure of special account reserve funds and others for 1945. The order of the day No. 9. The item of expenditure by urgent financial settlement for 1945. The order of the day No. 10. The item of expenditure of the second reserve funds for 1946. The order of the day No. 11. The item of expenditure by urgent financial settlement for 1946. The order of the day No. 12. The item of expenditure of the first reserve funds of urgent measures expenses for 1946. All these items submitted by the House of Representatives need approval. Now this Session the reports by the chairman. Is there any objection to take up all these 12 items to be made as subjects of discussion?

(Some said, "No objection".)

Prince TOKUGAWA, Iemasa, (President)

I take it that there is no objection. Baron TAKASAKI, Chairman.

The order of the day No. 1. The item of expenditure of the first reserve funds of 1944. The order of the day No. 2. to No. 11 omitted. The order of the day No. 12. The item of expenditure of the first reserve funds of urgent measures expenses for 1946.

I report that it is decided that all 12 items referred to above be approved.

September 23, 1946.

Baron TAKASAKI, Yumihiko, Chairman.

To Prince TOKUGAWA, Iemasa, President of the House of Peers.

(Baron TAKASAKI, Yumihiko takes the platform.)

Baron TAKASAKI Yumihiko:

I am going to make brief report of the deliberation and the result of the special committee with regard to the item of expenditure of the first reverve funds of 1944 and 11 other items which need an retroactive approval. Mutual election of the Chairman and the committee members took place at the committee on September 21, and after which the conference was held. The reasons for the submitting of these items were explained by the Government side. With regard to these Bills the explanations have already been made in this Hall by the Minister of Finance. So I shall give you only the gist of it. In 1944 the amount of expenditure from the first reserve funds and the reserve expenses were over 386,800,000 yen, and the amount of expenditure from the second reserve funds was 15,000,000 yen thereby making the total over 401,800,000 yen. In 1945, the amount of expenditure from the second reserve funds was 15,000,000 yen thereby making the total over 401,800,000 yen. In 1945, the amount of expenditure from the second reserve funds and from others was over 4,821,400,000 yen. Of these the amount of expenditure from the second reserve fund of the general account is 2,000,000 yen. The amount disbursed before the cessation of hostilities was over 1,038,500,000 yen, and the amount disbursed after the cessation of hostilities was over 961,400,000. The amount disbursed by urgent financial settlement was over 4,376,800,000 yen, and this amount was disbursed after the cessation of hostilities. The total amount of money disbursed in 1945 was over 9,197,300,000 yen. In 1946,2,000,000,000 yen from the second reserve fund, 400,000,000 yen from the first reserve fund of the urgent measures expenses and 2,123,000,000 yen by the urgent financial settlement thereby making the total expenditure to 4,523,000,000 yen. Now retroactive approval is required for this. The total amount reaches to over 14,122,100,000 yen. What I have so far mentioned is the outline of these Bills. Of this amount I am going to mention some of the important ones belonging to different fiscal years as follows. Of the expenditure of the first reserve fund for 1944, the amount disbursed was over 130,000,000 yen. Of these items the disbursement of which reach to over 10,000,000 yen are as follows. The police expenses, the joint disbursement money and conscription expenses of the Ministry of Home Affairs, the refunded money of the Ministry of Finance, the military allowances and the war calamities protection expenses of the Welfare Ministry, and the war and the incident temporary allowances of the Great East Asia Ministry. With regard to the disbursement of the first reserve fund of the special account for 1944, the items the disbursement of which reached over 10,000,000 yen are as follows. The loss insurance state control reinsurance money of the Ministry of Agriculture and Commerce. In the case expenditure of reserve fund of the special account for 1944, the supplementary money for the funds for supplies and enterprising expenses reached over 10,000,000 yen. In the case of expenditure of the second reserve fund of the special account for 1944, supplementary money for the funds for supplies of the Ministry of Transportation reached over 10,000,000 yen. In the case of the expenditure of the second reserve fund for 1945 the each of the items reaching over 100,000,000 yen are as follows. The air defence urgent establishments expenses of the Ministry of Home Affairs, the salt and camphor urgent increase measures expenses of the Ministry of Finance, the food increase measures expense, the forest production urgent equipments expenses, and the food increase temporary expenses of the Ministry of Agriculture and Forestry. In the case of the expenditure other than the reserve fund of 1945, the temporary allowance of the Government staff of the Ministry of Home Affairs, the Ministry of Finance, the Ministry of Justice, the Ministry of Education and of the Ministry of Welfare reached over 10,000,000 yen. Temporary expenses of increased lumbering of the state owned forest of Hokkaido of the Ministry of Home Affairs, the preparation expenses for the establishment of the property taxes of the Ministry of Finance and the price adjustment supplementary money of the Ministry of Agriculture and Forestry also belong to this category. In the case of the expenditure of the second reserve fund of the special account for 1945, the defence measures expenses of the Governor General of Chosen of the Ministry of Foreign Affairs, urgent supplementary fund for supplies and four other items of the Ministry of Transportation reach over 10,000,000 yen in each case. In the case of expenditure other than the reserve fund of the special account for 1945, the business account of the Ministry of Agriculture and Forestry, urgent supplementary expenses of fund for supplies, supplementary expenses of the Ministry of Transportation reach over 100,000,000 yen in each case.

Among the expenditures made by means of the emergency financial measures for 1946, those exceeding one hundred million yen per item are as follows: In the connection of Finance Ministry, emergency measures expenses for Japanese repatriates from over-sea and those from Japan; and in the connection of Transportation Ministry, compensation and subsidy to the Board of Shipping Operation and various expenses for demobilization, all of which are based on Imperial Ordinance No. 127; then in the connection of Home Ministry, River restoration expenses, and subsidy for temporary allowances to local Government officials; in the relations of Education Ministry, subsidy for temporary allowances to teachers of national schools and young men's schools; in the relations of Commerce and Industry Ministry, subsidy for prices-adjustment; and in the connection of Transportation Ministry, compensation and subsidy to the Board of Shipping Operation, all of which are based on Imperial Ordinance No. 159. Then those based on Imperial Ordinance No. 170 are subsidy for evacuation works of Metropolis and cities, and subsidy for temporary allowances to local Government officials. About the expenditures defrayed out of the second reserve fund for 1946, those in excess of one hundred million yen per item are as follows: in the relations of Foreign Ministry, repatriation expenses of Government officials from abroad, in the relations of Finance Ministry, expenses for post-war disposal measures, and demobilization expenses; in the relations of Welfare Ministry, subsidy to relief and welfare works; in the relations of Agriculture and Forestry Ministry, subsidy for vegetable-prices-adjustment, and in the connection of Commerce and Industry Ministry, subsidy for coal price-adjustment. Regarding the expenditures defrayed in pursuance to the emergency financial measures for 1946, those in excess of one hundred million yen per item are: in the connection of Finance Ministry, demobilization expense, post-war disposal expenses; in the relations of Commerce and Industry Ministry, repatriation expenses, and subsidy to the Board of Shipping Operation. As regards the expenses defrayed out of the first reserve fund as the emergency measures expenditures for 1946 is the war-sufferers protection expenses. Then fervent and note-worth dscussions between Government delegates and Committee members ensued. About these I should like to refer you to the minutes, but to cite a few of the interpellations, there was a question raised as to the subsidy in support of home-made salt. The Government answered to the effect that although due to shortage of salt, the salt industry had been subsidized during the war, the Government intended to limit the subsidies to cover only those installations needed to produce 800,000 tons of edible salt and to rely on the imported salt for the industrial requirements, because of high cost of

production in our country. Consequently subsidies will be granted only to the existing installations and to those expected to be completed or nearly completed by March next year, which, it was said, would be enough for the production of 800,000 tons required, and further subsidies will be rescinded. The next was about military and naval hospitals. It was said that those now in existence were transfered to the Welfare Ministry to function as State hospitals, and that although at present their inmates are principally sick or wounded servicemen and officers, they are intended to cater to the needs of the general public in future if accommodation become available. As to the time when such conversion is made, it is now under consideration in the Welfare Ministry. It was also said that there are many now under construction, and study is now being made as to their future use, whether they be used as hospitals or for some other purposes. Then a question was raised about the use of hitherto unutilized resources as food, to which it was given in answer that in the latter part of last year, there being no prospect for securing enough staple food, the Government planned for and encouraged the production of these stuff equivalent to 1,500,000 koku of rice in quantity, but actually only 100,000 koku was cropped. As the products of these unutilized resources lack the required nutritive value as staple food, the Government, today, is said to have no intention to ration them as substitutes for staple food. Next was question about the restoration of national schools. It was replied to the following effects: Whereas the problem of restoration of national schools is taken up largely in discussions, the Finance Ministry, not to say of Education Ministry, is far from being satisfied with their present conditions: Although in the past only the interest on loans of public entities has been borne by the Government, one-half of the restoration expenses will be borne by the national treasuary, and one hundred million yen will be defrayed out of the economic stabilization expenditures, and still further disbursement is considered according to circumstances. Priority supply of materials is being made, but under the existing conditions, has to put up with temporary wooden "barracks" for about three years, although as an ideal, they should be of ferro-concrete construction. The Government expects to restore them to ideal state in the subsequent 5 years. Further, a question was raised about the clerical errors or inaccuracies experienced with regard to works of local tax offices. Up to about 15 years ago, the Government had confidence in the accuracy about the collection of taxes, but with the expansion of financial administration, officials have increased in number, and at present, there are 10,000 men working in general tax-business dealing with the general public 6,000 men in the works of property tax, and then there are as many as over 380 tax offices throughout the country, and naturally the majority are newly appointed men, and the Government says, it feels much embarrassed that many regrettable incidents crept in. It has a plan, it says, to improve the Training School for Tax-collectors, arranging for necessary expenses in this year's budget. Besides these, many questions were raised regarding the production of alcohol, shortage of cigarettes, about installations for processing of agricultural products, about the temporary family allowance to the Government officials, about measures for subsidizing and making low-interest loans to private schools, about compensation for rice—about all these discussions were made, and I should like to refer you to the minutes for further details. Then we entered into debate, and then the requests for ex post facto approval for the disbursement out of the first reserve fund for 1944 and 11 other matters have been given our unanimous decision that they should be approved of. I conclude report.

Prince TOKUGAWA, Iemasa (President):

If no voice is requested, I propose for the decision. Is there no objection to giving approval to the 12 matters as per the Chairman's report?

("No objection!")

Prince TOKUGAWA, Iemasa (President):

I see no objection.

Prince TOKUGAWA, Iemasa (President):

Order of the Day No. 13 Bill for Temporary Measures for Supply and Demand Adjustments of Commodities, submitted by the Government, sent from the House of Representatives. Continuation of the First Reading. Report by the Chairman of Committee.

Chairman Baron FURUICHI!

Prince TOKUGAWA, Iemasa Esq.,
President, House of Peers.
September 26, 1946.

Bill for Temporary Measures for Supply and Demand Adjustments of Commodities. It is hereby reported that the Committee has decided for the above Bill to be approved of.

Baron FURUICHI, Rokuzo,
Chairman.

(Baron FURUICHI, Rokuzo takes rostrum.)

Baron FURUICHI, Rokuzo:

I shall report on the proceedings and the result of the Special Committee on the Bill for Temporary Measures for Supply and Demand Adjustments of Commodities now submitted for deliberation. The Committee met on the 23rd, 25th and yesterday, on 26th. On the outset, we heard the Commerce and Industry Minister's explanation of the reasons for introducing the Bill, and then listened to article-by-article explanation of the Bill by the Director of Commerce's Bureau.

The present conditions of the industries in our country show that its satisfactory recoveries have been much hampered by the tremendous damages done to the factories and installations by war, by deterioration and devastation of installations, by the shortage of materials, by the rise of prices, by the confusions of industrial orders that followed the cessation of the war, by the uneasiness caused by labor disputes and other circumstances, and then the extreme shortage of coal, iron and steel, which form fundamental materials greatly affects the recovery of productivity. And then, the strain of people's living has been increasing since the cessation of the war. In order to relieve all these circumstances, some measures should be taken for securing the equitable allotments of essential materials.

Thus different kinds of measures should be carried out with legal background as the occasion demands, to secure production according to a fixed plan and importance as well as rational distribution regarding basic materials of various industries, collateral goods to be exported in return for import, foodstuffs and other necessaries for the people's living. This is the purport of this Bill.

The substantial provisions are only Art. 1 and Art. 2. Art. 1 defines the limit of the powers of the ministers concerned and lays the basic foundation of this bill. Its object is to determine the orientation for materials and stuffs as well as the route of distribution. The issuance of necessary orders are subjected absolutely to the measures previously fixed by the President of the Economic Stabilization Board. In compliance with the principle of economic democracy, directors and

other officials of the Board are chosen from among those persons actually in office in the economic and academic circles; and also to determine the problems an Economic Stabilization Council, is formed consisting of men of authority of various Ministries in economic, political and labor questions. The Government policy as was clarified in this bill is to respect the initiative and experience of the people with regard to basic materials and stuffs and at the same time to secure active operation of industrial organizations democratically organized for effecting rationing of materials necessary for the operation of the industries concerned. It is said, the Government is particularly cautious not to make any unnecessary interference with these organizations.

After all, the questions are like this. The style of the text is so simple, that global mandate of legislation will occur rendering the power of the Ministers concerned very wide, whereby what sort of control is to be effected is made unknown. The next point is how to adjust the relation bttween the economic Stabilization Board and Ministers in charge Eventually the amendment was made on the next seven points by the House of Representatives.

The first point of amendment is that the execution by ministers in charge of the power of giving orders is to be subjected to the approval of the President of the Economic Stabilization Board, thereby to restrain the execution of selfish orders by ministers in charge and to secure unified adjustment of policies between various Ministries, and that the attempt is to be made at democratic operation by the operation of the Economic Stabilization Council.

The second point is that in order to prevent government officials from officious dealings when orders are given, the orders prescribed under Paragraph 1 should be applied without discrimination to those being under the same conditions.

The third point is about creating a new stipulation relating to restriction and prohibition of the use of materials in connection with the matters falling under Art. 1; to add shipment orders under the item on production orders; to limit to application of the measures as prescribed in Number 2, 3 and 4 to materials in short of supply and also to limit the transfer, delivery or loan of establishments to sleeping establishments.

The fourth point is that as to indemnities for loss in production order, shipment order and undertaking order, compensation is to be limited to positive orders, and no compensation is to be given to negative orders.

The fifth point is to amend the original text of Art. 2 which provides that any protest regarding the rationing of materials by industrial organizations can be filed with and decided upon by the ministers in charge and to prescribe that such protest can be decided upon by a committee consisting of a complainant, industrial organization and the third person.

The sixth point is to restrict the excessive power of Government regarding inspection and examination provided for in Art. 3.

Finally the seventh point is to change the original arrangement, fixing the date of invalidation of this law at the date of abolition of the Economic Stabilization Board is abolished or on April 1, 1948, corresponding to one year and half after the present law is put into operation.

This bill being important for the vigorous start of a new Japan, enthusiastic questions, warnings to the Government, recommendations, and demands were made by vorious members. I shall now introduce them to you. A member asked the Government whether it can go along with this law which is confined to materials only, with no consideration to labor, finance, transportation and others, while the Mobilization Law dealt with all phases of production. Regarding this the Government admitted the inadequacy of this law because of its activities limited to materials only, but believed in its operation, because financing can be obtained from the Reconstruction Bank, operation secured by the Council according to the importance, transportation operated smoothly by the Transportation Ministry without need of special legislation. Thus, with supply of materials according to the importance and backed by funds production can be secured. Another member, expressing his view that although the Government says there are enough laborers, it is not a question of the number of persons as it was during the war, and that the Government will not be able to induce them to work positively when production orders are issued, doubted whether the enterprisers can drive forward with production. The Government explained in reply that such fear may exist since there are no compulsory law and regulation with regard to labor, and cited an example where the question was solved in consultation with the labor union in the case of the fertilizer industry. Next, a member, speaking of the present situation that the goods to be exported in return for import appear to be produced by middle and minor industrialists, but the scale of management is becoming smaller on account of cooperative production in locality as well as in brands, said accordingly that the necessity of wholesale dealers is felt, that neglecting of the importance of commercial structure has been the biggest mistake in business control up to the present and that as a result of this the makers have been checked from proceeding with the production of better articles and with more efficiency.

To the question whether the industral organisations under this law have any nature of commercial enterprise, it was answered that, the industrial organisations are organs for allocation, the individual distributing companies being in the place of wholesale agents. Some feature of wholesale agents is left in the working of the distribution Council. The difference between the control prevailed up to date and the control for the future lied in this, that the old control was the result of force of circumstances, but the new control is to be introduced to attain a definite objective and will be an open and bright one. It was asked if the control in such a form as under this law would not tend to enhance centralization of powers. To this the answer was, that the matters to be covered by this law were to be controlled universally in the country, while the matters outside its scope were to be left to local and autonomous control. One committee member suggested that it would be better if the Government concentrated its efforts on increase of production rather than on distribution of scanty commodities. The Government's answer to that was that the suggestion was right in principle but the scanty commodities could not be left to free markets, and that this law too purported to increase production. A desire was expressed that the Government make efforts to check the apparent tendency of industrial circles being unduely influenced by circles. To Commerce and Industry Minister admitted the existence of such instances but promised to make every effort to do away with such conditions and to make the Reconstruction Finance Bank serve the purpose of reconstructing industry.

An opinion was expressed by a committee member that the wages, which are at present "living wages" should be corrected and made "efficiency wages," and the Minister answered that the matter was receiving attention and careful study. Next, the Government's view was asked on the policy of importation of steel. Importation of steel is urgently needed, and for that there are three alternatives, namely importation of iron ore and coal, importation of pig iron and importation of steel itself. Under the existing conditions in America where too the shortage of steel is felt, the third alternative is hopeless and for the first, shipping facilities are lacking. In the second alternative, the freight requirements can be reduced to half of the first but the question of unemployment with become acute, and in addition by-products which are the advantage of the first cannot be obtained. The interpellator asked which of the three alternatives the Government was going to adopt. The answer to this that the Allied Council for Japan fixed our requirements quota at 2,000,000 tons of pig iron and 3,500,000 tons of steel, but our actual capacities are only 700,000 tons and 800,000 tons respectively, and the deficits will be covered solely by pig iron operation, using the coal for rolling as fuel, and that it was applying for an import of crude oil as substitute fuel. Another committee member asked as to the supply and demand of lumber and pointing out that the control of local lumber companies has been defective; asked as to what sort of control the Government was going to enforce. The answer to this was that in place of local lumber companies there will be established the Japan forestry Industry Association, with prefectural forestry unions federations and forestry industry unions as its suborgans in turn, and that the objective of production for the current year is 75,000,000 "koku" the actual result for the first quarter was 14,-000,000 "koku" being 74 per cent of the same quarter of last year, and also that although since July this year some increase has been seen due to food shortage, the total of 65,000,000 "koku" can be secured. Further it was stated by the Government that the demand for lumber was for packing of reparation goods reconstruction, and building barracks for the Occupation Army, that for packing purposes. 16,000,-000 "koku" for two years and for reconstruction purposes 75% have already been supplied, that by the end of the year the required supply was expected to be completed, and that the demand for building military barracks would be fully met by the end of September, and the import of lumber would reach 15,-000 "koku" by the end of the year and further an importation of 20,-000,000 "koku" was applied for next year. The next question was about maintenance of official prices for the future. State Minister Zen replied that the official prices fixed following the termination of war were not considered reasonable; the price system became confused by cornering and hoarding due to the shortage of staple food and as the removal of future economic uneasiness was the first requisite for stabilization of prices, the Stabilization Board would make its effort to stabilize the prices so as to accelerate the flow of commodities into markets, and that as there was a good prospect for securing ample staple food, the Government would ensure smooth working of the delivery and distribution of commodities in conformity with the actual conditions. In answer to the question that high taxation was suppressing prouction-will, the Commerce and Industry Minister stated that under free economy with abundance of commodities, production-will would be accelerated by free competition, but the present time constrained in every respect, is a transitory period and a degree of abnormality must be overlooked. To a question that the increase of production of salt is very important so well as that of potassium salt, boracic acid and zorax, and what the Government's policies in this respect are, the reply was that salt was short for the present and the needs were being met by import; as the matter was under the jurisdiction of the Finance Ministry, no plan was included in the present bill, but full collaboration would be maintained between the stabilization Board, Ministries of Commerce and Industry and of Finance; at the same time question of import was being studied; as the self-supply of salt was very meagre in Japan, and on account of the prospect of the price of electric current and coal not falling for some ten years to come, the cost of salt production would be too high, and the soda industry and the like must necessarily depend on cheap imported salt, the Government was seriously considering the question of importation, and further that applications had already been made for the importation of potassium salt, borracic acid, borax, asbestos, mica diamond sand diamond dice, vanadium, and copra necessary for production of soap. Next question asked was at to the state of production of rear-cars, bicycles and motor trucks, the shortage of which appear to be hampering the development of middle and small scale industries. The answer to this was that the monthly output of bicycles was 5000, that of rear-cars 700 to 800 with an objective of 15000 a year, and that of motor trucks 1400; their distribution was in the hands of the Transportation Ministry; in August bicycles were allotted to the use of the post office, waterworks and electricity distribution; and the rear-cars to the agricultural, middle and small scale industries. A further question was put by a committee member to the effect that many cases of delinquency are anticipated under this law, as under the General Mobilization Law, and operators of middle and small scale industries will be the delinquent, and what is the Government's plan to cope with that.

To this, it was answered that although strict penal regulations are set up, the attitude for their invocation is totally different from the one such as forcibly employed by the Mobilization Law, because they are not intended to apply the penal regulations without just cause, but they are intended to be used reasonably for the purpose only of carrying out the voluntary control in conformity with the wishes of those who are engaged in this business. Another committeeman questioned if this distribution company would be substantially the same as a control pool, the difference being found only in their names. The Minister of Commerce answered that the wartime control disappeared as a result of the dissolution of the control companies, but owing to short of the staff, or to the sudden change, some distribution companies have the same contents as the control pools. He promised to supervise their contents strictly by the Supervising Section, looking forward to gradual democratization. Next, it was desired to make more smooth the distribution of paper and radio sets as cultural goods in view of the importance of spiritual aspect for increased production. To this, the Minister of Commerce set forth his views as follows: The Information Board which existed during the hostilities having been abolished, freedom has

come to be recognized relative to the press and cinema. It is now, impossible to put them in order. The Paper Section is in charge of the distribution control of paper, and the Ministry of Communications of radio sets. It will be better to unify the work in the Cabinet to make our nation a cultural state. He holds a view to set up a committee on culture in the Cabinet, but he fears that his view should be criticized as reactionary and he will have to wait for its realization until the actual state of affairs in the world will have been settled a little more. Many other questions and answers were exchanged between the Committee and the Government. As to details I should like to refer you to the stenographic records, and hope that there you will evaluate the situation. With above we finished all questions, and then entered upon a debate.

A committeeman hoped that the Ministry of Commerce would take up proper steps as an executive organ. Another committeemen desired that full attention would be paid to the execution of this Law. For shortage of a bit of iron would stop the whole process of production, he expressed his opinion in favor of this Bill amounded by the House of Representatives. Next, this Bill was put to a vote, and was unanimously carried. With above I conclude my report.

Prince TOKUGAWA, Iemasa (President):

If there is no request to make a special, this Bill will be put to a vote. Is there objection to the holding of the second reading of this Bill?

("No objection" is voiced.)

Prince TOKUGAWA, Iemasa (President):

I take it that there is no objection.

Viscount NISHIOJI, Yoshimitsu:

I move a motion to hold the second reading of this Bill immediately.

Viscount UMESONO, Atsuhiko:

I second it.

Prince TOKUGAWA, Iemasa (President):

Is there objection to Viscount NISHIOJI's motion?

("No objection" is voiced.)

Prince TOKUGAWA, Iemasa (President):

I take it that there is no objection.

Prince TOKUGAWA, Iemasa (President):

I declare to hold the second reading of this Bill. If there is no objection, the whole Bill in its entirety will be made a subject for discussion. If there is no objection to the whole Bill as reported by the chairman of the Committee?

("No objection" is voiced.)

Prince TOKUGAWA, Iemasa (President):

I take it that there is no objection.

Viscount NISHIOJI, Yoshimitsu:

I request that the third reading of this Bill be held immediately.

Viscount UMESONO, Atsuhiko:

I second it.

Prince TOKUGAWA Iemasa (President):

Is there objection to Viscount NISHIOJI?

("No objection" is voiced.)

Prince TOKUGAWA, Iemasa (President):

I take it that there is no objection.

Prince TOKUGAWA, Iemasa (President):

The third reading of this Bill will now be held. Is there no objection to the whole Bill as decided in the second reading?

("No objection" is voiced.)

Prince TOKUGAWA, Iemasa (President):

I take it that there is no objection.

Prince TOKUGAWA, Iemasa (President):

Now, I propose to hold a meeting on petitions scheduled on the order of the day from No. 14 to No. 26.

Approved Petition.

TO: Mr. YOSHIDA, Shigeru, Prime Minister

FROM: Prince TOKUGAWA, Iemasa, President, House of Peers

Re: State Subsidies to the Restoration of War-Damaged Private Schools Submitted by TAKEUCHI, Sadayoshi, School Teacher, No. 125. Shimoigusa Machi, Suginami Ward, Tokyo Metropolis

The purport of the petition concerning the above subject is for the purpose of requesting the state subsidies for the restoration of various kinds of private schools burnt down by the air raids, and asking for special measures for a loan and for the simplification of process for the withdrawal of special and blocked deposits because of the actual conditions under which it is difficult for them either to restore them with their own ability or to pay the salaries to the teachers therein.

The House of Peers having decided to adopt the petition in principle, I hereby have the honor to forward to you the annexed file of papers, in pursuance of the Diet Law, Article 65.

Approved Petition.

TO: Mr. YOSHIDA, Shigeru, Prime Minister

FROM: Prince TOKUGAWA, Iemasa, President, House of Peers

Re: State Subsidies to the Restoration of War-Damaged Private Schools Submitted by TAKEUCHI, Sadayoshi, School Teacher, No. 125. Shimoigusa Machi, Suginami Ward, Tokyo Metropolis

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The House of Peers having decided to adopt the petition in principle, I hereby have the honor to forward to you the annexed file of papers, in pursuance of the Diet Law, Article 65.

Approved Petition.

TO: Mr. YOSHIDA, Shigeru, Prime Minister

FROM: Prince TOKUGAWA, Iemasa, President, House of Peers

Re: Commencement of Governmental Bus Service in the Districts at the Foot of Mt. Shirishi and the Donan Area. Submitted by KOBAYASHI, Eizaburo, Village-Headman, Minamishiribetsu Mura, Isoya Gun, Hokkaido, and five others.

The purport of the petition concerning the above subject is that: a Governmental bus service is requested to be commenced promptly in the districts covering each village at the foot of Mt. Shirishi and the Donan area, Hokkaido, for the purpose of improving the present food situation and contributing toward the development of the said districts thereby, because it is regrettable that lack of transportation facilities has not developed the said districts in spite of their abundant agricultural, forestry, and fishery resources.

The House of Peers having decided to adopt the petition in principle I hereby have the honor to forward to you the annexed file of paper, in pursuance of the Diet Law, Article 65.

Approved Petition.

TO: Mr. YOSHIDA, Shigeru Prime Minister

FROM: Prince TOKUGAWA, Iemasa, President, House of Peers

Re: Repairs of Hidachi Fishing-

Port, Ibaraki Prefecture Submitted by Takashima, Hidekichi, Mayor of Hidachi City, Ibaraki Prefecture, and another.

The purport of the petition concerning the above subject is that Hidachi Port is requested to be repaired promptly and the installation for a fishing-port be expedited for the purpose of contributing toward the reconstruction of Hidachi City, because the actual conditions therein have made the city inevitable to rely upon its fishery in view of the geographical situation in order to redeem the city from the daily decline caused by the war-damages and the collapse of various kinds of heavy industries resulted from the cessation of the hostilities.

The House of Peers having decided to adopt the petition in principle, I hereby have the honor to forward to you the annexed file of papers, in pursuance of the Diet Law, Article 65.

Approved Petition.

TO: Mr. YOSHIDA, Shigeru, Prime Minister

FROM: Prince TOKUGAWA, Iemasa, President, House of Peers

Re: Riparian Works of the Estuary of the River Nobechi, Aomori Prefecture Submitted by NAKAMURA, Kameshiro, acting Headman and Deputy Headman, Nobechi Town, Kamikitano gun, Aomori Prefecture.

The purport of the petition concerning the above subject is that the riparian works of the estuary of the River Nobechi are requested to be made by State Treasury promptly, because the poor financial condition of the said town has made it impossible to realize the expansion and dredging of the estuary and the extension of the breakwater which are now under project, although the said town has opened a port at the estuary with its own finance and has devoted itself to transporting the land sea products in view of its important position to communicate Honshu with Hokkaido.

The House of Peers having decided to adopt the petition in principle I hereby have the honor to forward to you the annexed file of papers, in pursuance of the Diet Law, Article 65.

Approved Petition

TO: Mr. YOSHIDA, Shigeru, Prime Minister

FROM: Prince TOKUGAWA, Iemasa, President, House of Peers

Re: Setting up of Non-Collection and Delivery Post-Office in Furusawa Mura, Isumi Gun, Chiba Prefecture Submitted by KITANO, Yoshisaku, Public Official, Furusawa Mura, Izumi Gun, Chiba Prefecture.

The purport of the petition concerning the above subject is that: a non-collection-and-delivery post-office is requested to be set up in Kuwata, Furusawa Mura, Isumi Gun, Chiba Prefecture promptly for the purpose of advancing the productive efficiency and affording facility to the villagers, because the competent Daito Post-Office being located at the distance of four kilometers, the villagers waste too much time and labor, while Furusawa Mura is situated at the center of the district in question, and close connection is needed by the villagers.

The House of Peers having decided to adopt the petition in general, I hereby have the honor to forward to you the annexed file of papers, in pursuance of the Diet Law, Article 65.

Approved Petition

To: Prime Minister YOSHIDA, Shigeru.

FROM: President of the House of Peers, Prince TOKUGAWA, Iemasa Draft comment: concerning popularization of reading facilities.

Presented by NAKATA, Kunizo, Government official, 241 3 Chome, Tamagawa Okuzawa-cho, Setagayaku, Tokyo-to, and 650 others, and by MATOYA, Masaru, ordinary citizen, 4 Nakadori-cho, Otsu-shi, Shigaken, and 63 others.

In consideration of the fact that a plan to foster national morality and to promote fundamental education is essential to the establishment of democratic Japan, and that reading is the permanent short-cut towards such an end, the above petition had been submitted asking for the various reading facilities in To. Do. Prefecture, City, Town and Village promptly revising the laws and regulations regarding the library, and establishing the library by law and the center of respective community, so as to contribute toward the advancement of social education.

The House of Peers have passed a resolution to the effect that the petition shall, in principle, be approved.

Accordingly, in pursuance of Article 65 of the Diet Law, it is submitted to you herewith enclosed.

Approved Petition

TO: Prime Minister YOSHIDA, Shigeru.

FROM: President of the House of Peers, Prince TOKUGAWA, Iemasa.

Draft Comment:

Concerning—the prompt completion of the trans-eastern Hokkaido railway.

Presented by MIYAMOTO, Tomijiro, Miso and Syoyu manufacturer, 1 Minami-Gochome, Nisi-nijyo, Obinhiro-shi, Hokkaido.

The purport of this petition concerning the above subject is that: construction of the railway between Samani Station of Hidaka Line and Hiroo Station of Hiroo Line, between Tokatsumimata Station of Shihoro Line and Kamikawa Station of Ishikita Line will result in completion of the trans-eastern Hokkaido railway, which will greatly contribute for the development of forestry and agricultural resources along the said line together with Port of Hiroo, is requested to be realized promptly so as to contribute for the solution of food and population problems as well as for the economic and cultural development of the Eastern part of Hokkaido.

The House of Peers have passed a resolution to the effect that the petition shall, in substance, be approved.

Accordingly, in pursuance of Article 65 of the Diet Law, it is submitted to you herewith enclosed.

Approved Petition.

TO: Prime Minister YOSHIDA, Shigeru.

FROM: President of the House of Peers, Prince TOKUGAWA, Iemasa.

Draft Comment:

concerning construction and enforcement of Hiroo-habour, Hokkaido.

Presented by TAKAHASHI, Takematsu, farmer, 7 chome, Aza Nishidori, Hiroo-mura, Hiroo-gun, Hokkaido.

The purport of the petition concerning the above subject is that Port of Hiroo is the only ice-free port on the Pacific side and has significant mission as the fishing base for one of the 3 world fishing districts as well as the shelter for northern navigation route, in addition, a good port most suitable for the transportation of rich forestry, agricultural, and marine products, is requested to construct a harbor to make it a big commercial and fishing port to contribute for the development of eastern Hokkaido.

The House of Peers have passed a resolution to the effect that the petition shall, in principle, be approved.

Accordingly, in pursuance of Article 65 of the Diet Law, it is submitted to you herewith enclosed.

Approved Petition.

TO: Prime Minister, YOSHIDA, Shigeru.

FROM: President of the House of Peers, Prince TOKUGAWA, Iemasa.

Draft comment

concerning construction of railway between Shinzyo Station of Ou Main Line and Shimizu, Okura-mura, Mogami-gun.

Presented by NARAOKA, Tetsu, Public official, Kaminaka-cho, Shinzyo-machi, Mogami-gun, Yamagata-ken.

The purport of the petition concerning the above subject is that: the construction of the railway between Shinzyo Station of Ou Main Line and Shimizu, Okura-mura, Mogami-gun, Yamagta-ken, contributes greatly for the rich agricultural forestry resources along the said line, and is requested to be promptly realized so as to contribute toward the solution of food and fuel problems.

The House of Peers have passed a resolution to the effect that the petition shall, in principle, be approved.

Accordingly, in pursuance of Article 65 of the Diet Law, it is submitted to you herewith enclosed.

Approved Petition.

TO: Prime Minister, YOSHIDA, Shigeru.

FROM: President of the House of Peers, Prince TOKUGAWA, Iemasa.

Draft comment

concerning establishment of the Shikoku University.

Presented by MATSUURA, Shingo, Public official, 648 Zentsuji, Zentsuji-cho, Naktado-gun, Kagawa-ken.

The purport of the petition concerning the above subject is that: it is regrettable that there are many students unable to attend the schools in distant localities due to the present prevailing shortages of foods, houses, etc., although the higher education is an essential matter for reconstruction of Japan, and is requested the prompt establishment of the Shikoku University to meet the expectation for a long period of the residents of 4 whole Shikoku prefectures, at the same time, to achieve the desire for higher education of the youth of the said area, and also is requested the center of Shikoku, accommodated with transportation facilities and the various buildings formerly belonged to the 11th Army Division still remain, is choosen as its site.

The House of Peers have passed a resolution to the effect that the petition shall, in principle, be approved.

Accordingly, in pursuance of Article 65 of the Diet Law, it is submitted to you herewith enclosed.

Approved Petition.

TO: Prime Minister, YOSHIDA, Shigeru.

FROM: President of the House of Peers, Prince TOKUGAWA, Iemasa.

Draft comment

concerning rise of the Takamatsu Economic College to the University status.

Presented by MATSUURA, Shingo, Public official, 648 Zentsuji, Zentsuji-cho, Nakatado-gun, Kagawa-ken.

The purport of the petition concerning the above subject is that: it is regrettable there is no university in Shikoku in spite of many students desirous to enter the Universities exist in 4 whole Shikoku prefectures and is requested the Government to raise the Takamatsu Economic College to the Commercial University according to the University Ordinance so as to meet the desires of whole Shikoku people.

The House of Peers have passed a resolution to the effect that the petition shall, in principle, be approved.

Accordingly, in pursuance of Article 65 of the House Law, it is submitted to you herewith enclosed.

Approved Petition.

TO: Prime Minister, YOSHIDA, Shigeru.

FROM: President of the House of Peers, Prince TOKUGAWA, Iemasa.

Draft comment

concerning the compensation for individual properties in abroad.

Presented by HOZUMI, Shinrokuro, no occupation, c/o Settlement Office of Matters of Korean Relations.

The purport of the petition concerning the above subject is that: the repatriates from abroad have no foundation to plan their rehabilitation although they returned with firm determination for reconstruction of the mother country, are unable to find proper jobs, and they are under such condition to collapse one after another, and so is requested the Government to remit proper compensation without considering and inflicted damages similar to these related to the war-time compensation.

The House of Peers have passed a resolution to the effect that the petition shall, in principle, be approved.

Accordingly, in pursuance of Article 64 of the Diet Law, it is submitted to you herewith enclosed.

Prince TOKUGAWA, Iemasa (President):

Is there any objection to adopting these petitions as reported by the Chairman of Petition Committee?

(Some say "No objection")

Prince TOKUGAWA, Iemasa (President):

I take it there is no objection.

The meeting is adjourned for today.

(Adjourned at 11.05 a.m.)

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THE HOUSE OF PEERS

The 90th Session of the Imperial Diet

THE OFFICIAL GAZETTE EXTRA

No. 37 Tuesday, October 1, 1946

Minutes of the Proceedings in the House of Peers

Opened at 10:08 a.m., on September 30, 1946 (Monday)

The Order of the Day, No. 37. To be opened at 10:00 a.m., on September 30, 1946.

1. Bill for the Forestry Industry Association. (Submitted by the Government; sent from the House of Representatives.)

First Reading.

2. Commercial and Industrial Cooperative Union Bill. (Submitted by the Government; sent from the House of Representatives.)

First Reading.

3. Bill for the Rehabilitation Finance Bank. (Submitted by the Government; sent from the House of Representatives.)

First Reading.

In continuation of the First Reading.

(Report by Chairman.)

4. Bill for the Amendment of the Sericultural Industry Law. (Submitted by the Government.)

First Reading.

Prince TOKUGAWA, Iemasa (President):

The Prime Minister delivered on 27th the Imperial Rescript to the effect that the Present Session of the Imperial Diet be ordered to be prolonged for 10 days till October 7th.

Various reports will be omitted, if there is no objection.

(Reference)

The following Government Bill which was approved on 27th in this House was submitted on the day to the Throne for sanction, and this House informed the House of Representatives of the approval.

Temporary Supply and Demand Adjustment Bill.

The following Government Bills which were decided on the same date to be approved in this House were submitted on the day to the throne, and this House informed the House of Representatives of the fact that the Bills were decided in the approved.

1. Disbursement from the First Reserve Fund for the fiscal year 1944-45.

2. Disbursement from the first reserve Fund of the Special Account for the fiscal year 1944-45.

3. Disbursement from the First Reserve Expenses of the Special Account for the fiscal year 1944-45.

4. Disbursement from the Second Reserve Fund of the Special Account for the fiscal year 1944-45.

5. Disbursement from the Second Reserve Fund for the fiscal year 1945-46.

6. Disbursement from other than the Reserve Fund for the fiscal year 1945-1946.

7. Disbursement from the Second Reserve Fund of the Special Account for the fiscal year 1945-1946.

8. Disbursement from other than the Reserve Fund of the Special Account for the fiscal year 1945-1946.

9. Disbursement by Emergency Financial Measures for the fiscal year 1946-1947.

10. Disbursement from the Second Reserve Fund for the fiscal year 1946-1947.

11. Disbursement by Emergency Financial Measures for the fiscal year 1946-1947.

12. Disbursement from the first Reserve Expenses by Emergency Financial Measures.

Petition for the Increase of Government Subsidy and the Improvement of the River Kiso and 12 other petitions which were decided to be adopted in this House on the same date were sent to the Government together with observations.

The Chairman submitted on the same date the following report:

Report concerning the approval of the Bill for the Rehabilitation Finance Bank.

The following Government Bill was received on the same date from the Government:

Bill for the Forestry Industry Association.

The House of Representatives submitted on the same date the following Bill:

Bill for the Amendment of the Sericultural Industry Law:

This House received on the same date from the Prime Minister a note to the effect that the following persons were appointed the Government Delegate to the 90th Session of the Imperial Diet.

Government Delegate:

HIRATA, Keiichiro, Secretary of Cabinet.

HASHIMOTO, Ryugo, Secretary of Cabinet.

The following Government Bill was received on 28th from the House of Representatives.

Commercial and Industrial Cooperative Union Bill.

This House received on the same date from the House of Representatives a note to the effect that the following note which was sent from this House was approved in the said House, and submitted to the throne.

Bill for the Amendment of the Law for the Control of Distribution of Coal and Coke Law.

Prince TOKUGAWA, Iemasa (President):

Today's meeting will now be opened. I should like to consult you about the matter of leave of absence. Viscount KYOGOKU, Takamistu has applied for leave of ab-

sence during the session on account of his ill health. Is there no objection to giving him the leave?

("No objection" voiced.)

Prince TOKUGAWA, Iemasa:

I see there is no objection.

Prince TOKUGAWA. Iemasa (President):

Agenda No. 1. The Forestry Industry association Bill. Submitted by the Government. Sent from the House of Representatives. The first reading. The Minister for Agriculture and Forestry WADA.

To Prince TOKUGAWA.

President, House of Peers

September 27. 1946.

The Forestry Industry Association Bill presented by the Government has been passed with amendments in this House. Accordingly, I beg to forward it herewith under article 54 of the Diet Law.

YAMAZAKI Takeshi

Speaker, House of Representatives.

The speech of Minister WADA Hiroo omitted. Refer to the minutes of the House of Representatives on August 6th.

Viscount TOZOWA. Masamoto.

I rise to make a motion that, as regards the Forestry Industry Association Bill now on the order, the special committee be composed of nineteen members and the nomination of the members be left to President.

Viscount AKITA, Shigesue.

I second it.

Prince TOKUGAWA. Iemasa (President):

Is there no objection to Viscount TOZAWA's motion?

("No objection" voiced.)

Prince TOKUGAWA. Iemasa (President):

I see there is no objection. The names of the special committee will be read.

(Senior Secretary MIYASAKA reads:)

Special Committee of the Forestry Industry Association Bill:

Prince SANJO, Sanetaru
Marquis IKEDA, Nobumasa
Count MAEDA, Toshio
Viscount NISHIOJI, Yoshimitsu
Viscount KATO, Yasumichi
Viscount HOJO, Shumpachi
Viscount AOKI, Shigeo
SHIRASAWA, Homi
KOYAMA, Matsukichi
Baron MATSUDAIRA, Toyomaro
Baron SATAKE, Yoshifumi
Baron HIRAYAMA, Yosaburo
Baron MAEJIMA, Kanichiro
TAKESHITA, Toyoji
MATSUO, Kunimatsu
TANABE, Choemon
TAKENAKA, Toemon
SAITO, Masuo
SUGIYAMA, Shigeru

Prince TOKUGAWA, Iemasa (President):

Agenda No. 2. The Commercial and Industrial Cooperative Union Bill. Submitted by the Government. Sent from the House of Representaitves. The first reading. The Minister for Commerce and Industry HOSHIJIMA.

To Prince TOKUGAWA.

President, House of Peers

September 28. 1946

The Commercial and Industrial Cooperative Union Bill presented by the Government has been passed with amendments in this House.

Accordingly, I beg to transmit it herewith under Article 54 of the Diet Law.

YAMAZAKI, Takeshi

Speaker: House of Representatives

The speech of Minister HOSHIJIMA omitted. See the minutes of the House of Representatives on September 4th.

Viscount TOZAWA, Masamoto:

I rise to make a motion that, as regards the Commercial and Industrial Cooperative Union Bill now on the order, the special committee will be made up of nineteen members and the President nominate the members of the Committee.

Viscount AKITA. Shigesue:

I second it.

Prince TOKUGAWA, Iemasa (President):

Is there no objection to Viscount TOZAWA's motion?

("No objection" voiced.)

Prince TOKUGAWA:

Prince TOKUGAWA, Iemasa (President):

I see there is no objection. The names of the special committee will be read.

(Senior Secretary MIYASAKA reads.)

Special Committee of the Commercial and Industrial Cooperative Union Bill:

Marquis OKUBO, Toshiaki
Marquis SATAKE, Yoshinaga
Count SEIKANJI, Yoshisada
Viscount YANAGISAWA, Mitsuharu
Viscount KATANO, Masayuki
Viscount TORII, Tadahiro
Viscount KYOGOKU, Takatoshi
Mr. NAKADA, Kaoru
Mr. YOSHIDA, Hisashi
Baron OKUDA, Takero
Baron TSURUDONO, Iekatsu
Baron KIMOTSUKI, Kanefusa
Baron TANAKA, Tatsuo
Mr. YUKI, Yasuji
Mr. ISHIKAWA, Ichiro
Mr. TAKAHASHI, Ryutaro
Mr. OKU, Shuichiro
Mr. AKITA, Sanichi
Mr. HASHIMOTO, Manemon

The President (Prince Tokugawa, Iyemasa) announced the Order of the House, the Third Reconstruction Financing Bank Bill introduced by the Government and referred to the House of Representatives, and the reporting by Viscount Takahashi, Chairman of the Committee, on the continuation of the first reading of the same Bill. The said Report is as follows:

To: Prince Iyemasa Tokugawa, President of the House of Peers.

From: Viscount Korekata Takahashi, Chairman of the Committee.

Subject: The Reconstruction Financing Bank Bill.

It is herewith reported that the above-mentioned Bill has been carried.

(Viscount Takahashi Korekata, takes the platform.)

Viscount Takahashi, Korekata!

I wish to report on the progress and the result of deliberation by the Special Committee concerning the Reconstruction Financing Bank Bill, which has just been made a subject for discussion. The Committee met every day for the period of three days from the 25th to the 27th of this month, and, after an enthusiastic debate, it has passed the Government, Let me state how the discussion was conducted by the Committee. To begin with, I will explain an outline of the Bill. The purpose of this Bill is to supply promptly, smoothly and abundantly such funds as are necessarily required by those enterprises which should be adjusted and rebuilt in order to prevent the post-war confusion in the economic circles of this country and to ensure the resurrection of civilian consumer goods production and the stabilization of national life at the earliest possible date and yet cannot be obtained from financing institutions in general by an ordinary procedure. This Bill consists of seven chapters together with an annex, and contains forty-five articles of provisions. The outstanding features of the Bill are: first, the authorized capital of the proposed Bank amounts to ¥10.-000,000,000, which is to be contributted entirely by the Government, and ¥4,000,000,000 of which amount is to be paid in simultaneously with the establishment of the Bank: second, the Bank will have one Chief Director, one Managing Director, two or more Directors, and one or more Inspectors, who are to be appointed by the Government in accordance with the recommendation of the Reconstruction Financing Committee, while the said Committee will decide the basic principle of operation of the Bank and have, at the same time, a considerably broad range of authority in regard to the superintendence of daily affairs of the institution: third, as for the business of the Bank, it will undertake, as I have already referred to, the accommodation of funds, taking the responsibility or standing security for liabilities, the floating of debentures, etc., and besides, with the approval of the Reconstruction Financing Committee, it may engage in other business necessary for the attainment of its objective; fourthly, since the Bank will require a considerably large amount of funds in order to Financing Debentures to the extent of the balance left after deducting the amount of liabilities undertaken or guaranteeed by the Bank from its paid-up capital and unpaid capital put together.

As to the period of existence of the Reconstruction Finance Bank, it is fixed at three years from the date of its establishment. Both the Reconstruction Finance Committee and the Reconstruction Finance Bank are under the supervision of the competent Minister of State. Lastly, the special Financing undertaken by the Japan Industrial Bank since August 1st last, as a provisional measure up to the time of establishment of the Reconstruction Finance Bank, will as a matter of course be taken over by the latter upon its coming into existence. The Reconstruction Finance Bank will furnish debtors under the Special Financing with funds equivalent to the amounts of the debts they owe to the Japan Industrial Bank, so that these debts can be paid off. Th above explanation is an outline of the present Bill.

I shall next recapitulate several of the principal questions and answers that passed at the Special Committee.

The first question was to this effect: The financing objectives of the Reconstruction Finance Bank are laid down to be those which find other financial institutions. Under the present conditions in Japan, it might almost be said that there is none in industrial circles which does not encounter such difficulties. Isn't it intended to give relief to those who are suffering from the difficulties? From what point of view does the Government speak of the "difficulties"? To this question the Government made an answer to the following effect: There are enterprises which ordinary financial institutions cannot but hesitate to finance at their own risk. Even in the case of such enterprises, the Government is prepared to accommodate them with funds, in the face of a considerable risk. This is why the whole amount of the capital is to be supplied by the Government. Nor is the proposed institution a mere organ for giving out relief. Accordingly, full consideration will be exercised in regard to the intrinsic worth of a given enterprise, the propriety or otherwise of its management, its future prospects, and whether its continuance is necessary or not, so that its financing shall be done in an appropriate manner neither severe nor indulgent.

The next question was about the composition and operation of the Reconstruction Finance Committee. The answer was made to the effect that the Committee would be composed of the State Ministers concerned, the Governor of the Bank of Japan, representative persons in industrial and fianacial circles, and also persons chosen from among the Members of both Houses of the Diet. In the operation of the Committee, special efforts would be made to ensure its mobility, smoothness and expedition.

The question next asked was and small enterprises. The Government's answer was to the effect that the Reconstruction Finance Bank would make special efforts for the financing of intermediate and small enterprises, especially commerce and industry in this category. Facilities, such as Inquiry Offices, would be established to give assistance in obtaining financial accommodation of the contemplated nature, It was also stated that industrial corporations and so forth would be put to active use in order to offer positive aid, and that the establishment of facilities for providing guidance concerning enterprises was at present under consideration.

Then, a question was asked as to the reason why the period of businese operations of the Reconstruction Finance Bank is fixed at three years. To this the Government replied that:

As this Bank is intended to assist the revival of business during the transitional period of our national economy on its way to recovery, a period of three years was consdered sufficient on the estimation that it would take about that length of time before arriving at a provisional stability of some degree. So the Minister replied. Then questions were asked as to the supply of funds to transportation business. The Government replied that it was paying keen attention to the restoration of shipping; that the Industrial Bank of Japan would take good care of the supply of the necessary funds; and that, in case the supply would fall short of the demand to build or import ships, the Government would take positive steps to finance the shortage.

Besides these, the questions were raised as to the reconstruction of war-damaged dwelling houses, change in the rate of interest and so forth, but as to their details I would leave you to the stenographic record.

After exchange of questions and answers as outlined just now, the subject was brought up for discussion. Committee Itaya agreed to the proposal with the reservation that, as without proper operation important national interests would be at stake, scrupulous consideration should be given in the organization of the Reconstruction Finance Commission and the board of executives of the Bank. Committee Hashimoto also gave expression to his desire that, in consideration of the importance of this enactment, the Government should exercise paricular care to contrive and endeavor satisfactory functioning of this Bank.

Then the bill was put to the vote and agreed to with an unanimous vote.

So I conclude my report of the Committee meeting.

President (Prince TOKUGAWA, Iyemasa):

Unless any member wants to express his opinion, we will put the bill to the vote. Is there any objection to this bill being put to the Second Reading? (Voices, "No objection!")

President (Prince TOKUGAWA, Iyemasa):

I understand there is no objection.

Viscount NISHIOJI, Yoshimitsu:

I propose the Second Reading of the bill is proceeded with immediately.

Viscount AKITA, Shigesue:

I second the motion.

President (Prince TOKUGAWA, Iyemasa):

Any objection to the motion of Viscount NISHIOJI?

(Voices, "No objection!")

President (Prince TOKUGAWA,

Iyemasa):
I see there is no objection.

President (Prince TOKUGAWA, Iyemasa):
I announce the Second Reading of the bill is now proceeded with. If there is no objection, the bill as a whole shall be our subject of discussion. Is there any objection to the bill in its entirely as reported by the Chief Committee?
(Voices, "No objection!")
President (Prince TOKUGAWA, Iyemasa):
I understand there is no objection.
Viscount NISHIOJI, Yoshimitsu:
I propose the Third Reading of the bill is proceeded with immediately.
Viscount AKITA, Shigesue.
I second the proposal.
President (Prince TOKUGAWA, Iyemasa):
Any objection to the proposal of Viscount NISHIOJI?
(Voices, "No objection!")
President (Prince TOKUGAWA, Iyemasa):
I understand there is no objection.

President (Prince TOKUGAWA, Iyemasa):
I announce the third Reading of the bill is now proceeded with. Is there any objection to the bill in its entirety as agreed upon at the Second Reading?
(Voices, "No objection")
President (Prince TOKUGAWA, Iyemasa):
I understand there is no ojection.

President (Prince TOKUGAWA, Iyemasa):
Agenda No. 4. Bill to Amend the Sericultural Industrial Law, submitted by the House of Representatives. The First Reading.
Viscount TOZAWA, Seiki:
I move that a specal committee of 15 members to be nominated by the President be formed to deal with the Bill to Amend the Sericultural Industrial Law, which has been just tabled.
Viscount AKITA, Shigesue:
I second the motion.
President (Prince TOKUGAWA, Iyemasa):
Is there any objection to the proposal of Viscount Tozawa?
(Voices, "No objection!")
President (Prince TOKUGAWA, Iyemasa):
I understand there is no objection. I will have the names of the members of the special committee read aloud.
(Secretary Miyasaka reads aloud.)
Members of Special Committee to deal with the Bill to Amend the Sericultural Industrial Law.
Marquis KURODA, Nagamichi
Count HIGASHIKUZE, Michitada
Viscount INAGAKI, Nagakata
Mr. ARAKAWA, Bunroku
Baron MISU, Seiichi
Baron MATSUMOTO, Teiichi
Mr. KASHIMA, Seiichi
Mr. TOGUCHI, Yonejiro
Marquis SHIJO, Takanori
Viscount KURODA, Chokei
Viscount ITO, Sukeatsu
Mr. CHO., Tsugiyoshi
Baron SHIMAZU, Tadahiko
Mr. OKUMURA, Yoshizo
Mr. KATAKURA, Kentaro

President (Prince TOKUGAWA, Iyemasa):
The order of the day at the next sitting will be notified in the bulletin as soon as decided. Now I announce recess for to-day.
(Adjourned at 1.35 a.m.)

See attached Corral for Japs

THE HOUSE OF PEERS

The 90th Session of the Imperial Diet

THE OFFICIAL GAZETTE EXTRA

No. 38 Friday October 4, 1946

16 NOV 1946

Minutes of the Proceedings in the House of Peers

Opened at 10.08 a.m., 3 October 1946 (Thursday)

The Order of the Day No. 38
To be opened 10.00 a.m., 3 October 1946.

No. 1 Report by the Chairman of the Petition Committee.
No. 2 Forestry Association Bill (Introduced by the Government and forwarded from the House of Representatives): Continuation of the First Reading (Report of the Committte Chairman)
No. 3 Commerce and Industry Cooperative Association Bill (Introduced by the Government and forwarded from the House of Representatives): Continuation of the First Reading (Report of the Committee Chairman)

President of the House of Peers (Prince Iyemasa Tokugawa):
Mr. Toyoji Ito yesterday obtained a seat in the House of Peers by virtue of Item 6, Article 1 of the Regulations of the House of Peers and he has been enrolled in the Fourth Division.
President of the House of Peers (Prince Iyemasa Tokugawa):
If you have no objection, I will dispense with further reading of various reports of this kind.
Junior Third Court Rank, Third Class Order of Merit.
Mr. Chuzo Iwata
Relieved of membership of the House of Peers at his own request on September 30, 1946
The following Bill introduced by the Government which this House passed on September 30 was submitted to Imperial sanction on the same day and the House of Representatives was notified of its passage:
Bill for the Rehabilitation Finance Bank
The following are the Chairmen and Vice-Chairmen elected in the respective Committees on the same day:
The Special Committee for the Forestry Association Bill
Chairman: Prince Shohachi Hojo
Vice-Chairman: Baron Toyoro Matsudaira
The Special Committee for the Commerce and Industry Cooperative Association Bill
Chairman: Baron KIMOZUKE, Kanehide
Vice-Chairman: Viscount YANAGISAWA, Koji
The Special Committee for the Bill Amending Part of the Silk-Reeling Industry Act.
Chairman: Viscount INAGAKI, Nagasato
Vice-Chairman: Baron SHIMAZU, Tadahiko
The same day this House received a communication from the House of Representatives to the effect that the following Bill introduced by the Government was passed and submitted to the Throne:
Bill for Revision of Part of Central Bank of Agriculture and Forestry Bill
The same day a communication was received from the Prime Minister to the effect that the following were appointed government delegates to the 90th session of the Imperial Diet:
Government delegate of the Ministry of Finance Secretary of the Ministry of Finance Mr. Kikuzo Watanabe.
Government delegate of the Ministry of Commerce and Industry, Secretary of Commerce and Industry Mr. Taro Wada
The following reports were presented yesterday from the chairmen of the respective Committees:
Report on Approval of Forestry Association Bill
Report on Approval of Commerce and Industry Cooperative Association Bill
Special Report No. 7 of the Petition Committee
Fourteenth Report on the List of Written Petitions

President of the House of Peers (Prince Iyemasa Tokugawa):
Today's meeting will now come to order. Mr. Chuzo Iwata's resignation caused a vacancy in the Special Committee for the Draft of the Revised Constitution and Mr. Mineta Sakata is appointed to fill the vacancy.
President of the House of Peers (Prince TOKUGAWA, Iyemasa):
The Order of the Day No. 1, Report of the Chairman of the Petition Committee, Chairman of the Petition Committee, Viscount Takagi.
(Viscount Shotoku Takagi takes the platform.)
Viscount Shotoku Takagi:
I will now present the second report of the Petition Committee. I will first report on the findings after the first report on 23 July. The Petition Committee has since held six sittings, that is, on August 2, 16 and 23 and September 13 and 20 and October 2.
As for Divisional Committees, 16 meetings in all have been held up to date; they were 4 meetings of the First Divisional Committee on August 19, September 12, 16 and 28; 4 meetings of the Second Divisional Committee on August 20 and 31 and September 17 and 28; 6 meetings of the Third Divisional Committee on July 29, August 12 and 19, Septem-

ber 2, 16 and 28; and 2 meetings of the Fourth Divisional Committee on August 20 and 31. Lists of the letters of petitions were reported 11 times; they were submitted to the committee on July 24 and 31, August 7, 14, 21 and 28, September 4, 11, 18 and 25 and October 2 respectively. There were 6 extraordinary reports of the Petitions Committee; Petitions No. 2 on August 2, No. 3 on August 16, No. 4 on August 23, No. 5 on September 13, No. 6 on September 20 and No. 7 on October 2 were respectively submitted. The number of acceptances of written petitions was 68 and the number of persons jointly signing the petitions was 10,372, 72 cases in all appear on the present list of the letters of petition; the breakdown of these is the above-mentioned 68 petitions and 4 cases which were mentioned at the time of the first report. As a result of a deliberate examination of these 72 cases and those which had not yet been examined at the time of the last report 62 cases have been submitted to the House, and one case was named as not needed to be submitted to the House. As to the details of these I should like to refer you to the shorthand records.

By way of winding up the report let me show you the total sum of the present report and the first report: the number of meetings held of the Committees was 8; meetings of the Divisional Committees were 17 in all, that is to say, 4 meetings of the First and the Second Divisional Committees respectively, 7 meetings of the Third Divisional Committee and 2 meetings of the Fourth Divisional Committee. The lists of the letters of petitions were reported 14 times; the number of acceptances of written petitions is 86; the number of persons jointly signing the petitions is 11,236; the cases of petitions which appear on the lists of the letters of petitions are 86, and there is not one case which is not yet listed; the result of the examination of these petitions is that 65 cases of them should be submitted to the meeting of the House and one case need not be so treated.

This is all the report to be made up to October 2 of the year 1946.

The president (Prince Iyemasa Tokugawa). "Now we proceed with the second time on the order of the day; the Forestry Society Bill, submitted by the Government and sent to this House from the House of Representatives; resumption of the first reading, report by the Chairman of the Committee on the Bill. Viscount Hojo, Chairman of the Committee!"

To; Prince Iyemasa Tokugawa, President of the House of Peers.

2 October 1946

The Forestry Society Bill

This Committee has decided that the above-named Bill should be carried. Threefore, the Committee hereby reports to the effect to the President of the House.

Viscount Shohachi Hojo,

Chairman of the Committee on the Forestry Industry Association Bill.

(Viscount HOJO, Shohachi, takes the rostrum)

Viscount HOJO, Shohachi: I shall report on the proceedings and results of deliberation at the Special Committee on the Forestry Industry Association Bill now laid before us.

The Special Committee commenced its deliberation on the present Bill on September 30 and after careful deliberation for three days, that is, on September 30 and October 1 and 2, decided that the Bill be passed as it was.

The purport of the present Bill is to organize a Forestry Commission to be composed of both Forestry Unions which are organizations of forestry owners and Forestry Production Unions which are organization of timber-dealers and others engaged in forestry production, maintain forest products through spontaneous activities of these autonomous and systematized organizations.

Since the regulations concerning the Forestry Union are provided for in the existing Forestry Law, a greater part of the present Bill is devoted to the provisions relative to the formation of the Forestry Commission and the Forestry Production Union. The present Bill has by the way, been already revised on the following three points at the House of Representatives:

The first point is the insertion of the words "firewood and charcoal" after the word "wood", with the revised statement in question reading as follows:

"Forestry products shall mean wood, firewood and charcoal and such other forestry products as are designated by the Competent Minister."

The second amended point is this. Namely the following Paragraph has been inserted as Paragraph 2 of Article 91:

"As for the liabilities taken over by the Forestry Commission of Japan in accordance with the provisions as provided for in the preceding Paragraph, the said Commission shall be responsible for the compensation of the same, within the extent of the assets taken over."

That makes it clear that the obligations for the liabilities need not be taken over.

The third amended point is this. Namely, an Article, designed for partial amendment to the existing Forestry Law, has been inserted as Article 98, which clarifies that, like the Forestry Production Union, the Forestry Union shall conduct autonomous and coordinated undertakings relating to the demand and supply of forestry products.

Next, very enthuslastic interpellations and views are delivered by every Committee member, to which concrete replies were given from the Government authorities. As for the details, I would like to request you to see the stenographic records thereof and here I shall only briefly speak about some of the main interpellations and replies.

At the outset, an interpellation put by a committee member was to the future prospect over the demand and supply of wood, to which the Government replied to the following effect:

The future prospect is none too rosy. Namely the yearly production level of 100,000,000 koku recorded up to 1944 could more or less cover the demand, which that of 1945 did not exceed 65,000,000 koku or so. The Government is striving to reach the production goal of 75,000,000 koku for this year but the actual production results attained up to last August show only 60 per cent as against the production program for the first half of this year. Such being the case, it is far from easy to attain the production goal for the year and on the part of the Government, they are exerting every effort for production increase. The Government intends henceforth to effect production increase autonomously through full utilization of the organization under the present Bill.

As for the demand of wood, the Government plans 70,000,000 koku for this year but, as in the case of production results, the actual results of distribution program set for the first half of this year, the Government Authorities also make it clear that they are paying due attention to importation of foreign wood and have, in fact, requested the Allied Authorities to grant the importation of 1,500,000 koku of wood by the end of this year and about 20,000,000 koku for next year. According to

the Government estimate, it is said that if only this plan has been materialized, the balance between demand and supply will be maintained.

Next, a member put a question as to the development and encouragement of the Forestry Union. The gist of the question is to the following effect:

Although the Forestry Production Union and the Forestry Commission are to be newly formed under the present Bill, the extent of business of the Forestry Production Union is the same as that of the Forestry Union. Therefore, is it not unreasonable to seek production increase of wood through two organs simultaneously, that is, through the Forestry Union for producers on the one hand and the Forestry Production Union for timber-dealers on the other? Also the Forestry Union—

It was also asked whether Forestry Associations should not be further strengthened and enlarged, so that they could undertake all operations from afforestation to the processing and sale of forestry products. In practice, it was thought, Forestry Products Associations exerted pressure on Forestry Associations. In such circumstances, how was the strengthening of Forestry Associations to be carried out?

In answer to this question, the Government authorities said it was very desirable, as an ideal, that Forestry Associations should undertake all operations from production to processing, but that under the existing state of affairs it would be impracticable to unify all those operations under Forestry Associations alone. It was believed that only by mutual cooperation between Forestry Associations and Forestry Products Associations would it be possible to maintain and develop forests, to ensure the production of forestry products and to see to a proper distribution of such products. It was not thought that Forestry Products Associations brought unwarranted pressure to bear on Forestry Associations. As to the promotion of the development Forestry Associations, however, the Government would make unstinted efforts hereafter as they had done in the past.

Then, several members of the Committee posed questions concerning the prices of wood. These questions were to the following effect: At present the prices of trees are calculated inversely on the basis of those of timber which are officially fixed. In some places, owners of trees are unable to realize any profit; on the contrary, they sustain losses in not a few cases. Why not lay down reasonable prices which will at least make the owners willing to offer trees and enable them to plant new trees on the spots where the old trees have been felled? Again, the prices of timber are officially fixed according to thousands of specifications, which are so complex as can hardly be imaginable to common sense, and which are often out of keeping with actual conditions. Why not simplify and make more reasonable the scale of prices?

The Government answered these questions to the following effect: It is difficult to fix the official prices of trees, but it is thought necessary that funds should be granted for reafforestation. The Government is well aware that the present prices cannot be said to be wholly appropriate, and has the matter now under review from the fundamental point of view. The matter of specifications is also under consideration, in order that the more basic of them may be prescribed simply and intelligibly. In the determination of prices, the opinions of the people will be respected and taken into full consideration.

In questions next asked, several members of the Committee requested concrete particulars of afforestation plans for places where trees were indiscriminately felled during the war.

The authorities replied to the following effect: They are fully aware of the urgent necessity for afforestation. During the five years beginning with the current year, they contemplate afforesting 2,720,000 cho-bu. Of this area, they hope to complete the afforestation of 470,000 cho-bu in the course of the current year. It is also intended to aid privately-operated afforestation as much as the Budget allows. Further, the idea of managing privately-owned forests under Government operation is under consideration, while a considerable number of the unemployed will be used for securing seeds and saplings necessary for afforestation.

In addition, there were various important questions and answers on problems concerning fuel, precautions against sandstorms, acceleration of undertakings for privately-owned forests, etc. I excuse myself from making a report on them, but for particulars I hope you will refer to the Stenographical Records.

The questioning was thus finished and the debate entered into. To begin with, a member of the Committee stated his opinion in favour of the Bill, together with his desire on the following three points:-

The first point was the observance of the opinions of persons representing the civilian and consumers' interests, with experience in forestal industry, in regard to the standard and price of forestal products; the second, the official fixing of the prices of growing trees owned by the owners of mountains and forests, with a view to encouraging afforestation; and the third, a fair and just valuation of the property of the Japan Afforestation Association for the inheritance of such property. Another member of the Committee expressed his opinion in support and his wishes as under:-

Although the circumstances under which the Bill had to be drafted tentatively and with despatch are understandable, yet, for the future a further investigation should be executed and legislation of a more permanent and fundamental nature made. And, in order to prevent the sufficiently democratic and autonomous operation should be made in full.

Last, one of the members set forth his favourable view with his desire concerning the operation on the following six points:—

First, clear distinction should be made between the enterprise of the Forestal Union and that of the Forestal Product Union; second, in regard to the price of forestal products, especially that of growing trees, a fair and just valuation to be made, by making an appropriate original cost computation and taking into consideration both cost and market values; third, lumber standards to be rationalized as far as possible so as to conform with actualities; fourth, a further strengthening of the fostering and guidance of the Forestal Union; fifth, the distribution of superior seeds and sprouts for the enforcement of afforestation schemes; and lastly, the guidance of firewood and charcoal industry so that such industry might be conducted as an enterprise of the Forestal Union at the earliest possible date.

The debate was then finished and, as a result of voting, the original draft was unanimously passed. The report, though quite brief, is concluded here.

The President (Prince Tokugawa, Iyemasa):-

If there is no other questioning, a vote will be taken on the Bill. Is there any objection against the commencement of the second read-

ing?

(Some call out, "No objection!")

The President (Prince Tokugawa, Iyemasa):-

I note that there is no objection.

Viscount Nishioji, Yoshimitsu:-

I move that the second reading of the Bill be commenced at once.

Viscount Umezono, Atsuhiko:-

I second the motion.

The President (Prince Tokugawa, Iyemasa):-

Is there no objection against Viscount Nishioji's motion?

(Some call out, "No objection")

The President (Prince Tokugawa, Iyemasa):-

I note that there is no objection.

Prince TOKUGAWA, Iyemasa (President):

Let me announce the commencement of the second reading on the Bill now. If there is no objection, the matter will be dealt with as a whole. Is there no objection against the Chairman's report on the Bill as a whole? (Some call out, "No objection!")

Prince TOKUGAWA, Iyemasa (President):

I take it that there is no objection.

Viscount NISHIOJI, Yoshimitsu:

I move that the third reading of the Bill be opened immediately.

Viscount UMEZONO, Atsuhiko:

I second the motion.

Prince TOKUGAWA, Iyemasa (President):

I note that there is no objection.

Prince TOKUGAWA, Iyemasa (President):

We will enter now into the third reading of the Bill. With regard to the whole of the Bill, is there no objection against the resolution passed at the second reading? (Some call out, "No objection!")

Prince TOKUGAWA, Iyemasa (President):

I note that there is no objection.

Prince TOKUGAWA, Iyemasa (President):

Now, for the third item on the Order of the House, the Commercial and Industrial Co-operation Union Bill, presented by the Government and referred to this House by the House of Representatives, the report on the continuation of the first reading will be rendered by the Chairman of the Committee. Baron KIMOTSUKI, Chairman of the Committee, please.

REPORT

To: Prince Tokugawa, Iyemasa, the President of the House of Peers.

From: Baron Kimotsuki, Kanehide, Chairman of the Committee.

Subject: The Commercial and Industrial Co-operatiin Bill.

Date: 2 October, 1926.

It is reported herewith that the Committee has resolved that the above-mentioned Bill should be carried.

(Baron Kimotsuki, Kanehide, takes the platform.)

Baron Kimotsuki, Kanehide:—

Concerning the Commercial and Industrial Co-operation Union Bill, now placed before the House, let me report how the Committee has conducted its discussion on the said Bill. The Committee met for that purpose on the three days, September 30, October 1 and 2.

First, the Minister of Commerce and Industry explained in considerable detail the reasons for introducing the bill and its contents. But I would like to omit the explanation.

Then questions were asked and careful deliberation was conducted, and it was decided that the bill be adopted as it was. The bill had been amended by the House of Representatives. That is, the following paragraph was added in Article 31: In cases where especial circumstances exist, not more than two of the directors may be selected from among persons who do not come under the provisions of the preceding paragraph. The Committee regarded the bill as amended by the House of Representatives as the draft bill. The draft bill distributed to you is the draft of the Government, so I would like to bring this fact to your notice.

I will now report the outline of the questions and replies.

To a question whether the character of the Commercial and Industrial Cooperative Society is a public juridical person, reply was made that the Society is, like the existing Equipment Society, a private juridical person, belonging neither to the category of public welfare juridical persons nor to that of private profit juridical persons.

To a question as to the relations between the Commercial and Industrial Cooperative Society on the one hand and the Chamber of Commerce and Industry, the Industrial Corporations and the Industrial Rehabilitation Corporation designated in accordance with the Extraordinary Material Supply Adjustment Law, it was replied as follows:

The Chamber of Commerce and Industry is an agency to represent the opinion in conformity with the independent public opinion of economic circles of the particular locality.

If medium and small industrialists desire to join the Chamber of Commerce and Industry, and if it is more convenient for them, financially and otherwise, to join collectively than to join individually, they may do so collectively through the Cooperative Society. The Cooperative Society has as its original purpose the conduct of commercial enterprises. However, if the Society is in such a state as will make it fit for a business of control, for instance the allotment of materials, then it may become the designated society in accordance with the provisions of the Extraordinary Material Supply Adjustment Law. The Industrial Rehabilitation Corporation has taken over the equipment of the Industrial Equipment Corporation and accommodates loans to industries which expand anew their equipment and constructs equipment to be loaned to medium and small commercial and industrial enterprises.

To a question how the financing of medium and small commercial and industrial enterprises will be taken care of in future, reply was made that it had been taken care of by the cooperatives and ordinary banking organs but that it would be dealt with principally by the Reconstruction Finance Corporation.

To a question whether the principal objective of the cooperative equipment is its utilization by the members of the society or its sale, custody, etc. mainly by the society, and whether a cooperative market is included in the cooperative equipment, it was replied as follows:

The first and principal objective of the cooperative equipment is its utilization by the members. Therefore, when it is sold or kept in custody at the consignment of the members, or sold or kept in custody as the business of the society itself, it is a cooperative sale or a cooperative custody. A cooperative market may be established so long as the business of each member is preserved independently.

To a query whether it does not cause inconvenience if industrialists are permitted to join a commercial society, it was replied as follows:

Persons engaged in manufacturing industry, those engaged in commerce and those engaged in mining may organize societies according to the classification of industries or that of lines of business. Industrialists may join a society of commercial people if there is connection between their businesses. It is most important that there exist connection. If there has been any inconvenience, a member may freely withdraw.

To a question what will be the relations between the Commercial and Industrial Cooperative Society and the general warehouse men if the former issues warehouse certificates, it was replied as follows:

The Commercial and Industrial Cooperative Society conducts the business of custody. It is allowed to issue warehouse certificates to conduct that business satisfactorily. But the certificates are issued only against the goods consigned by the members. Therefore there is no likelihood of competition with the general warehouse men.

It was then asked whether or not the issue of exchange checks, if left uncontrolled, precipitate inflation, since they have a function similar to currency, and it was replied as follows:

It may not be time that exchange checks were issued since the economic condition is such as it is. The provisions are enacted, however, in anticipation of the future. Evil effects of uncontrolled issue will be prevented, as in the case of ordinary exchange checks, in accordance with the Exchange Checks Control Law.

The next question was: Department stores in the six big cities once issued excessive exchange checks, for their financial convenience; if it is not likely that small-scale cooperative societies resort to the same measure in future; if it is not intended to enact restrictions that the issue of exchange checks be issued only to such and such fraction of the capital and prevent the above-mentioned possibility. It was stated in reply that the gist of the question would be fully taken into consideration and proper steps would be taken by maintaining contact with the Ministry of Finance.

To a question how the state of our industries and medium and small industries should be in future, it was replied as follows:

It is deemed necessary to retain industries of considerable scale. It is expected, in the light of the dissolution of the Zaibatsu and the payment of reparations, that the number of medium and small industries will increase in future and their importance will become greater. Support will be given to them by organizing them, or assisting them in the way of capital and materials, or through technical guidance by the Medium and Small Industries Assistance Bureau to be created in the Government in the near future or their federations.

To a query whether or not the relationship of parent and child factories that existed during the War is to be recognized in future, it was replied that rational connection between these factories are still necessary and that proper direction will be given to the whole relationship, longitudinal and lateral, through the organization of societies.

Then a question was put with regard to the qualification for membership: There may be no need of defining qualification with regard to big business, but is it not difficult to draw a distinction between big and small and medium business? The reply was that the bill was intended to apply principally to medium and and small industries but that there was no restriction on the participation of big business and that therefore there would be no difficulty so far as this question was concerned.

Lastly, it was asked: How is the Government going to cope with the labor problems which will arise accordingly as the labor union develops; the rise of wages may be taken care of by rationalization in the case of big business, but will not the medium and small industries, which will be so affected by the rise of wages, face difficult problems? It was replied as follows:

The rationalization of management should be effected as much as possible by improving techniques and utilizing machinery. In this respect the Cooperative Society under reference is charged with a very important task. It is not intended to make the Society one of employers which stands in opposition to the labor union. The Government intends to see to it that the Society includes both the industrialists and laborers, adjusts their mutual relations and as an agency for common existence and prosperity, promote the improvement and development of the industry concerned.

As well as the cooperative associations of cooperative unions may be called excellent organs from a theoretical point of view. As a matter of fact, however, those organs have been embodying the biggest weakpoints of the bureaucrats and some characteristics of the people involving many evils. This is a matter of thousand pities. How are these weak points of the bureaucrats to be disposed of, and how those undesirable characteristics of the people are to be dealt with upon the enforcement of the present bill? Again, what is the view of the Government about the future of our textile industries? And what measures will the Government take for the settlement of the numerous questions concerning the economic rehabilitation of our country after the industrial retrenchment carried out in wartime. The above, I remember, were the gists of the questions asked by different interpellators. For details, however, I wish that you will refer yourselves to the minutes of the meeting. Because, I have not enough time to go into such details now. But, I wish to speak a little here about some points concerning the future of our textile industry as explained by the Director of the Textile Bureau. As you are aware, the textile industry of our country, in competition with the cotton industry of Lancashire, took great leaps all over the world, embodying the productive power of the Japanese nation at its best for a long time before the war. This remarkable industry has received heavy blows during the war due to the industrial retrenchment as well as in the successive war disasters. After our defeat in the war, however, our textile industry has been following a path for its steady restoration. Recently, a three-year plan for the restoration of our textile industry has been established by the Government. In accordance with the plan, it seems that for some time to come, we must endure some inconvenience in our daily life due to the shortage of clothing materials. Upon the completion of the plan in three years, however, we shall find this industry showing such activities we cannot easily imagine at present though it is hardly possible to restore it to the same stage of development as in the prewar days. In order to achieve our purpose in this respect, we are required to exercise our best efforts for the acquisition of the required supply of raw cotton and other materials to work on, as well as the fuel which is necessary for the maintenance and development of the industry in view. That we have been enabled to establish this three year plan for the revival of our textile industry is a result of the good-will manifested by the United States authorities through their recognition of the special position this industry occupies in our country, for which we must heartily thank them.

The above was the gist of the answer given by the Director of the Textile Bureau. Concerning the provisions of other Articles many questions were asked and answered in an

earnest manner. I wish that you will please refer yourselves to the minutes of the meeting for details. Then debate was started. One of the members of the Committee said that the bill in question was a very progressive and timely one. He was, therefore, ready to support it unconditionally. He was desirous, he added, that the Government would exercise special efforts for the guidance and training of the middle and small traders and manufacturers for whose benefit the bill had been submitted to the Diet. Then, another member said that the Government was expected to take necessary measures in order to guide the members of the cooperative associations along the right path so that the common facilities belonging to such associations might not be operated in an undemocratic and selfish manner to the undue inconvenience or annoyance of any outsiders. He said in conclusion that he was quite willing to support the bill, provided that such measures as mentioned now would be taken by the Government. Then, votes were taken, and the bill was unanimously carried by the committee without any amendment.

My brief report on the bill is now concluded.

President (Prince Iyemasa Tokugawa): Have you no objection to our opening the second reading, if you have nothing to say about the bill in question?

(A voice: "No objection.")

President (Prince Iyemasa Tokugawa): I observe that you have no objection to make.

Viscount Yoshimitsu Nishioji: I wish you will open the second reading at once.

Viscount Atsuhiko Umezono: I say ditto.

President (Prince Iyemasa Tokugawa): Have you nothing to say against the motion by Viscount Nishioji?

(A voice: "No, nothing to say.")

President (Prince Iyemasa Tokugawa): I observe that you have no objection at all."

President (Prince Iyemasa Tokugawa): Now, we shall open the second reading for the present bill. If you have no objection, we shall decide on the entire bill at once. Have you no objection to our passing the bill as a whole as reported by the chairman of the committee?

(A voice. "No objection at all.)

President (Prince Iyemasa Tokugawa): I observe that you have no objection.

Viscount Yoshimitsu Nishioji: I wish you will open the third reading for the present bill at once.

Viscount Atsuhiko Umezono: I say ditto.

President (Prince Iyemasa Tokugawa): Have you anything to say against the motion by Viscount Nishioji?

(A voice: "No, nothing.")

President (Prince Iyemasa Tokugawa): I observe that you have objection at all.

President (Prince Iyemasa Tokugawa): We shall open the third reading for the present bill. Have you any objection to the passage of the entire bill as decided on at the second reading?

(A voice: "No, no objection.")

President (Prince Iyemasa Tokugawa): I see that you have no objection. The proceedings to be put in the order of the day at the next meeting shall be communicated to you by bulletin. Let us adjourn for today.

(The meeting rose at 10:46 a.m.)

THE HOUSE OF PEERS

The 90th Session of the Imperial Diet

THE OFFICIAL GAZETTE EXTRA

No. 39 Sunday October 6, 1946

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Minutes of the Proceedings in the House of Peers

Opened at 10:45 a.m., on October 5, 1946 (Saturday)

The Order of the Day, No. 39. To be opened at 10:00 a.m., on October 5, 1946

No. 1 Bill for the Revised Imperial Constitution (sent from the House of Representatives)
Continuation of the first reading (Report made by the Chairman in charge).

No. 2 Bill for Partial Amendments to the Horse-Race Law (proposed by the Government; sent from the House of Representatives) . . . First reading.

No. 3 Bill for the Foreign Trade Fund Special Account Law (proposed by the Government; sent from the House of Representatives) . . . . . First reading.

No. 4 Industrial Rehabilitation Corporation Bill (proposed by the Government; sent from the House of Representatives) . . . . First reading.

No. 5 Bill for Special Exceptions to the Pension Law (proposed by the Government; sent from the House of Representatives) . . . First reading.

TOKUGAWA, Iyemasa (Speaker): I shall have a report read.

(Secretary Nemoto reads)

A notification was sent to the House of Representatives that the following Bills proposed by the Government which were passed by this House on the 3rd were submitted for Imperial sanction on the same day and were approved:

Bill for the Forestry Association.

Bill for the Commerce and Industry Corporative Union.

The following Bill proposed by the Government was received from the House of Representatives on the same day:

Bill for Partial Amendments to the Horse-Race Law.

A written request was received from the Government on the same day, asking for deliberation on the following, Bill by this House in accordance with the proviso of Article 27 and the proviso of Article 28 of the Diet Law:

Bill for Partial Amendments to the Horse-Race Law.

The following report was submitted by the Chairman in charge on the same day:

Report on the Amendments made to the Revised Imperial Constitution. The following Government Bills were received from the House of Representatives yesterday (4th):

Supplementary Bill to the Revised General Budget for the 1946 Fiscal Year (Revised No. 1)

Supplementary Bill to the Revised Budget in the Special Account for the 1946 Fiscal Year (Revised Special No. 1)

Supplementary Bill to the Revised General Budget for the 1946 Fiscal Year (Revised No. 2)

Supplementary Bill for the Revised Budget in the Special Account for the 1946 Fiscal Year (Revised Special No. 2)

Concerning Necessity of Contracts to be Made, which are to be Charged upon the National Treasury in addition to the Budget.

Bill for Loans, etc., to cover the Expenditures Needed in the Special Accounts of the Government Railway and Communications Enterprises for the 1946 Fiscal Year.

Bill for Issuance of Public Bonds to Cover Payment of Government Investments for the Rehabilitation Financial Bank and the Industrial Rehabilitation Corporation.

Bill for the Special Account Law for Special Measures for Establishment of Small Farm-Holders.

Bill for the Foreign Trade Funds Special Account Law.

Industrial Rehabilitation Corporation Bill.

Bill for Special Exceptions to the Pension Law.

The following Bill was proposed by members today:

Bill for Amendments to the Revised Constitution (Proposed by Yamada, Sanryo and another member.)

TOKUGAWA, Iyemasa (Speaker): Let us sit for today.

Day's Agenda No. 1, revised Constitution Bill sent from the House of Representatives, the first reading thereof will be continued. I ask for the report of the Chairman in charge.

(Abe, Yoshinari takes the platform.)

ABE, Yoshinari: The Special Committee for the revised Constitution of this House entered into deliberation on August 31 and held twenty-two meetings in all.

The interpellations were finished on September 26, and then we held a table-talk meeting. As the result of it, a small committee was established to deliberate on the amendment bills proposed by various committee members. The small committee held four meetings in all and drafted its amendments, which were reported to the Committee on October 3.

Debate on the Bill and various amendments was made by the Committee on the same day and as the result of it, the Committee approved the Bill as well as its amendments.

I shall make an explanation on the outline of interpellations and replies made on the draft Amend-

ments. The revised Constitution submitted by the Government to the present session of the Diet was sent to this House, after undergoing several amendments by the House of Representatives. The fact that the House of Peers has intended to deliberate upon the Bill with all its wisdom and efforts in view of its serious nature was already recognized by the public in general, as was seen in the deliberation made in the plenary session the other day, but in committee meetings as well, deliberation was made with the same serious and earnest attitude which was maintained throughout the whole meetings. To open the committee meeting, the Chairman considered, in view of the time limit of the session, that period of deliberation would be about three weeks, and intended to allot the first week to the general interpellations and the second week to the deliberation on each chapter and the third week to the debate and decision of amendments, expecting that the Bill would be submitted to the plenary session about September 22 or 23. But as detailed and earnest interpellations were made by various committee members, it was found difficult to make the proceedings progress as was scheduled. However, by postponing the period of the session, we could have sufficient time to bring the deliberation of the Bill to a satisfactory end. In reporting the results thereof today, it is a matter for great joy for the Chairman to be able to report to all the members of the House, first of all, that the deliberation made by the Committee was very worthy of its name. First I make a report on the main points of the general interpellations.

The point most discussed on was whether the present Revised Constitution would not bring about a change in our national character. As you are aware, this was the question on which debate was focussed in the House of Representatives. In this house too it was a subject of a great deal of interpellations and replies. The same was the case at the committee meetings of this house, many of the members having asked the view of the Government on this point. The replies given by the Government to their interpellations were not different in tone from those given in the House of Representatives, but the interpellations made by the committee members of this house having been logically more exact, beside being poignant in purport, closing in, as they did, upon the core of the question, it seems to me that the replies of the Government were more circumstantial and definite. For instance, a certain committee member stated that the opinion that Art. I to Art. IV of the existing Constitution are provisions defining our national character is the view generally accepted as true. Hence the Revised Constitution, he said, would cause a change in our national character, but, he thought, the fact that the Government holds a view of its own with regard to the importance of our national character is not so much for theoretical reason as the fear that if the amendment causes a change in our national character and the constancy and continuity of the State is lost, it follows that it is impossible to amend the constitution in accordance with the provision of Art. LXXIII of the existing Constitution, no amendment is possible. He was inclined to doubt if it was not for the purpose of avoiding this issue that the Government insists on the unchangeability or constancy of our national character. To this question, the Government replied that the Potsdam declaration imposed on our country the obligation to reform our political system, but our acceptance of the declaration did not immediately cause its change, so that the continuity of our State has not been shaken on that account. Accordingly, opining that it is quite certain that a general amendment of the Constitution is possible, in accordance with Article LXXIII of the existing Constitution, the Government declared its view as follows, namely, that the fact that no doubt was hitherto held as to Art. I to Art. IV of the existing Constitution being provisions defining our national character was due first to the idea that the position of the Emperor is based on divine command and secondly to the idea that as this is already expressed in written form in the Constitution there is no room for doubt, but this second explanation does not serve as explanation of the essential basis of the question. The Government thinks it is right to consider that the position of the Emperor stands on the will of the entire people including the Emperor. This idea of our national character in this sense was latent in the minds of the people all through the history of our country. As long as the State lasts, it continues to exist, and if it undergoes any change, the State disappears. If this fundamental feature of the State is taken as our national character, it must be as one as pointed out by the Government.

In counter-reply to this explanation, the same questioner expressed his opinion to the following effect: In the view of the Government, the national character in the old sense has undergone a change. Isn't it desirable, therefore, for the purpose of clarifying the true significance of the present Constitutional revision, to state positively that the national character has so changed?

Another Member of the Committee said: I cannot accept the view of the Government that in this country sovereignty has resided in the people even in the past. In the sense of the Imperial Rescript relating to the current Constitution as well as of Article I of that Constitution, the basis of the orthodoxy of the Emperor's right to rule lies in God's ordainment derived from descent from Heaven. On the other hand, the Revision Draft lays down that the position of the Emperor is derived from the sovereign will of the people, thus unequivocally stating that the people has sovereignty in contradistinction to the right to rule on the part of the Emperor. Therefore, the Emperor system could, theoretically, be denied. By transcending that possible denial, the Emperor system has been continued, and herein, it has to be said, lies the significance of the Revision Draft. The national character, which represents the basic traits of a nation, cannot lurk in a hidden space divorced from a written law. In short, the basis of orthodoxy of the right to rule has been completely altered by the Revision Draft. This is surely the greatest revolution witnessed since this country was first founded. It is, therefore, incumbent upon the Government to make it clear that a new Emperor-system has been established upon the solid and immovable foundations resultng from the new self-awakening of the people.

In reply to this view of the Member of the Committee, the Government said: It cannot be thought that the basis of such a conception as this orthodox interpellatation in the sense of God's ordainment has undergone a sudden transformation. Even in times when this conception of God's ordainment—the conception of being ordained by God—was a controling force, that idea of national character which has been described by the Government was latently cherished by the people. And this idea has now come to be

patently conceived. This was the reply of the Government.

As will have been seen from the above, the interrogations made by the two Members were both designed to press the Government for straightly recognizing that a change has come over the national character. When all the interrogations and answers made on this question at the Committee meetings are taken together, I think it has been clarified that the fundamental view of the Government is as follows: While it is upheld that the national character in the sense interpreted by the Government is unchangeable, the national character in the old sense —to which the Government has on occasion referred as "political character"—is recognized as having undergone an unmistakable change. I might say that the above proceedings have resulted in making it clear that the present question depends, in short, on how to determine the conception of the national character.

A Member of the Committee has said: The reason why there were different arguments as to whether or not the national character has been altered by the Revision Draft is due, after all, to the difference in the manner of determining the conception of the national character. In addition to the national character as revealed in Articles 1 to 4 of the current Constitution, or the national character perceivable in the Peace Preservation Law, etc., there is a national character as a matter of faith or morality which does not appear on the face of the Law. The latter is not overt in the Constitution, and it is this national character which the Government means when it says that the national character does not change. On the other hand, those who hold that the national character has changed interpret the national character in the first-mentioned sense. I think this statement of the Committee Member approximately epitomizes the significance of the present question.

Another Member of the Committee has said: There are two different conceptions of the national character. One is the national character laid down in the Peace Preservation Law, and national character in this sense is recognized by the Government as having changed. The other is the national character as the nation's fundamental characteristic, which consists in the phenomenon of the people being held together with the Emperor as the center. The national character in this sense is, says the Government, unchangeable. And the people at large think that our national character consists in the one phenomenon that "the Emperor is with us." Therefore, the fact that the Government takes the national character in this sense and speaks of its unchangeability is, I think, in keeping with the common sense of the people at large. "The Emperor is with us" typifies the national character. May the matter be conceived as above?

The Government replied that that was exactly the case.

Something like that conclusion has been reached on the question as to whether or not the Revision Draft involves a transformation of the national character, but it seems to me that this question still remains to be hereafter settled.

A Member of the Committee said that this manner of explanation of the national character by the Government was not yet sufficient, and expressed a desire that the theory of our national character be constructed from the standpoint of a more academic view of the world or of a philosophical conception. In reply, the Government said that academic theories differed in as many respects as there were scholars, and that it was not up to the Diet to lay down any academically authentic interpretation as to such a question as "What is the national character?" A Member of the Committee asked what the Government would do with it, if, despite these assertions of the Government, the opinion that the national character had changed had gained ground in non-official and academic circles. The Government replied that it would be a contention on a point of truth, and that the Government had no intention whatever of restricting the freedom of speech and learning. It was added that the Government thought it should avoid, issuing any official interpretation partaking of the nature of a Government exposition of public rights in respect of the Constitution, such as the Commentary on the Imperial Constitution once given out to the public.

After all, the Government's views on the question of the Constitution have been made generally clear, but I think this question still remains to be settled hereafter by cooperation on the part of the people themselves.

In connection with these arguments on the national character, there were also asked many questions with respect to Article 1 of the Revision Draft.

According to the explanations made by the Government, Article 1 of the Revision Draft, though not specifically providing for the national character, is in a relationship of implicit inseparability from the national character in the sense of the fundamental characteristic of our country. It might be said that the shape of the national character reflects its shadow on the letter of the Constitution.

With reference to the meaning of the word "unity" in Article 1, a Member of the Committee asked if the "unity" signified an "entity of unity" or a "process of unity", and proceeded to the following effect: The Emperor may not come to the surface in ordinary times, but, as was exemplified by the functions he fulfilled at the time of the termination of the war, he has a supreme power in unifying the people at a moment when the fate of the nation is at stake. And in the hearts of the people, potent is the spirit of devotion to the Emperor. Therefore, the "unity" should be interpreted in the sense of a "process or course of unity". When this interpretation is adopted, it will be seen that the functions of the Emperor specified in Articles 4, 6, 7, etc. are too meager. None of the functions under Articles 6, 7, etc. might be given to the Emperor, but, as against the possibility of an extraordinary emergency confronting the nation, shouldn't he be assigned functions such as the emergency prerogatives under the current Constitution?

The Government answered to the following effect: The Government interprets the "unity" as a unified shape rather than as a "process of unity." The Government appreciates the warm enthusiasm with which the questioner discussed the functions of the Emperor. But, when the hereditary system of the Emperor and the non-accountability of the Emperor are taken into consideration in this connection, it will be seen that, for the purpose of securing the position of the Emperor, we should not rely on his wisdom alone, but that the object in view can be realized by relying upon a cold and hard system. The Emperor should be in a position which, in whatever circumstances, transcends actual power in politics. It is believed this is the shape of what a Constitutional Monarchy should be.

In addition, the view was expressed that the supervision of the right to rule was not the same thing as

the exercise of the right to rule; that, even under a democratic political system, there was nothing wrong in the Emperor supervising the right to rule; and that, if proper persons were obtained as his cooperators, no involvement should be caused to the Imperial House and the Emperor. The Government authorities replied in a sense similar to that I have just mentioned.

One of the special features of the deliberations at the Committee meetings was the enthusiasm with which the primary educational principles to be followed in the future were discussed, in view of the far-reaching effects which the spirit of the Revised Constitution would have on the morality and ethics of the people, and of the fact that true significance of the Revised Constitution could be fully attained only after a new morality of the people shall have been established. These discussions, in point of volume as well as in importance, occupied a considerable portion of the proceedings at the Committee meetings. As to the concrete problems discussed, the central problem was what to do with the current Imperial Rescript on Education. The standopint of the Government on this problem was that it considered the attitude generally assumed in the past toward the Imperial Rescript had not always been correct.

To regard the Imperial Rescript on Education as the words of god is contrary to the spirit of the Imperial Rescript issued last January; and it is true that the former teaches us the fundamental moral code, but it is a known fact that the content of that Imperial Rescript was distorted and interpreted with ultra-nationalistic colour. Such was the opinion of the government. Next to the question in connection with the interpretation of the revised constitution, as to whether or not the Emperor will be able to issue another Imperial Rescript on Education, the government answered that the non-political activities of the Emperor in the capacity of an individual had nothing to do with the constitution; and though we should give the most careful consideration to the question of an Imperial Rescript on Education, the Emperor should not issue such Rescript as an administrative measure, but He may issue such Imperial Rescript in the capacity of a private individual but not of an organ in the state administration, to be obeyed by the people simply because of the objective truth contained in it. On this answer another Committee member stated that the issuance of such Imperial Rescript would be meaningless unless we could expect some political significance of it; and if the issuance of such Imperial Rescript was not authorized in the proposed constitution, the Emperor could not issue a revised Imperial Rescript on Education. Then the government answered, "If another Imperial Rescript on Education is to be issued, it will be of entirely different nature. He will be teaching the people the fundamental moral code just as a parent will teach his children. And whether or not it has effects on the democratic administration will be left to the judgment of the people themselves." The government remarked that it had no intention to advise the Emperor to issue another Imperial Rescript on Education and it was observed that the government would give the matter serious consideration.

Next in taking up the introductory remark, it was the fundamental spirit of Chapter III which prescribes rights and duties of the people that was most vehemently debated. Some opined that the fundamental spirit of Chapter III which prescribes rights and duties of the peoples should be more positive on the whole; that is, it should not merely mention the fundamental principles of the Civil and Criminal Codes and guarantee the freedoms and emancipation to the people, but should lead the people in the future by clarifying the content of such freedoms. These fundamental human rights were criticized from the standpoint of socialism and some revisions were made in the House of Representatives also, and some asked whether the government would consider the original provision satisfactory. To this question the government answered, "Regarding the fundamental rights, in the first place, what are undoubtedly regarded as the fundamental human rights viewed from a broad field of vision were decidedly taken in the provisions; and in the second place, as to what are believed to be taking form or developing, but whose content is not still determined, only their trends are laid down as the guiding principles of legislation and administration; and in the third place, what are held dear by some people but should be developed hereafter through free discussion are not taken in this proposed constitution. On these three principles the content of fundamental human rights were determined. The government agreed to the revisions made in the House of Representatives in the sense that such revisions were made only on such basis.

Next, the subject on which serious controversies were proceeding was the system of the House of the Councillors. Unlike the House of Representatives which has been liable to be influenced by the prevailing state of affairs, the House of Peers has been taking an active part in the legislature from its own independent standpoint and has been a merit in the Two House system. Needless to say, in the revised Constitution a great interest is taken in the system of the House of Councillors, but the Constitution simply prescribes that the House shall consist of elected members, representative of all the people, and that the electors and members of the House shall be fixed by law but there shall be no discrimination because of social status, family origin, education, properties or income. It was a common concern among the committee members that unless scrupulous consideration is given to the election of the members of the House of Councillors, there will be no difference between the Members of the House of Councillors and those of the House of Representatives, and the Double House system will prove to be meaningless. From the outset of the Committee meetings some of the Committee members requested the government to prepare and submit the general outline of the law for the election of the members of the House of Councillors. But the government answered that the Provisional Legislation Investigation Committee is studying the matter but that the definite plan was not yet completed. By the day when the Article 43 of the Revised Constitution was to be deliberated upon, the said definite plan was not submitted. Then some Committee members insisted before entering into the discussion on Article 43 that if the government was not sure of making a definite plan, they would have to give consideration to the revision of Article 43 itself, but other members were of opinion that regarding Article 43 they shold discuss and determine whether the matter should be prescribed by the constitution or by law and logically it was not a matter which claims prior settlement to determine the content of the House of Councillors Law, so that they should enter into discussion on the matter regardless of the presence of the plan by the government. The

government replied that it is not lacking confidence in making a definite plan but simply want to have sufficient time so as to make a thorough study of the matter and hoped that they would enter into the deliberation on Article 43, and declared that the government is against the idea that the provision that both Houses shall consist of elected members, representative of all the people should be applied only to the House of Representatives while the organization of the House of Councillors shall be fixed by the House of Councillors Law, because such an idea is contrary to the fundamental principle of the Diet system designed by the revised Constitution. And to the question by a Committee member as to the reason for creating the House of Councillors, the government made a specially detailed answer and explained that it would be most proper to create the House of Councillors which will act as a Secondary House in order to harmonize the spirit of the revised Constitution to realize genuine and thorough democracy with the intention of preventing the despotism which might be brought about by the Single House system and of securing the opportunity for careful deliberation on the national affairs and of forming fair judgement of public opinions, and that there would be no alternative. The Committee agreed to this opinion on the part of the government.

Therefore the question was how to materialize the structure of the House of Councillors so as to conform to this principle and I think this is one of the most difficult points expected to be encountered in the enforcement of the revised Constitution. As I have stated a little while ago, no concrete draft thereof has so far been mapped out yet on the part of the Government or such private proposals as have been submitted by some of the Committee members are yet to be perfected. So, in short, this problem is the one which must be further studied eagerly by us as well as by the Government.

Lastly, the much discussed problem, besides the above-mentioned points, was the problem of the phraseology of the present revised Constitution. Namely, some of the Committee members presented various amendments on the ground that there were included in the Preamble and Body of the present Constitution, especially in the former, not a few points where the expression of terms was inappropriate and that the matter was not the question of mere expression but bound to have some bearing upon the substances of the revised Constitution.

In reply to this, the Government clarified its stand as follows:

(1) In case of using the colloquial language in the revised Constitution, the most widely used colloquial style by the general public at present had naturally to be used;

(2) Since there is not established grammar in the colloquial language, the Government has placed the greatest emphasis on the use of the most normal and just colloquial language which can easily be understood by the people and naturally only a secondary importance has been attached to the literary or artistic expression of terms;

(3) Although there may seem outwardly points whereto the people's feelings up to now would not fully conform, the Government had to be content with it, taking a calm and realistic view of the matter and also thinking that this kind of expression used in the revised Constitution was appropriate and opportune.

That covers the main points of the interpellations on the Constitution viewed as a whole.

Next we entered into deliberations on the present Constitution Chapter by Chapter, and I shall report here the gist of interpellations and replies taken place.

At the outset, in regard to the Preamble, negative views were expressed by a couple of Committee members as to its legal effect. Namely they asked for the view of the Government as to whether or not it was better, after all, to delete the whole of the Preamble or merely state the reasons for, or records of, the enactment of the Body of the revised Constitution, as was suggested by them.

The Government replied to the following effect:

(1) Although the Preamble does not take the form of Articles, it is the same as the Body in its formal effect;

(2) Therefore there are some points in the Preamble which have the full force and effect of a law;

(3) It will, at least, serve as a guiding-principle in the interpretation of each and every Article of the Body;

(4) Therefore it certainly has a legal meaning.

Next, as regards the part of the Preamble amended by the House of Representatives as "we reject and revoke all constitutions—," criticism was made that the term "all constitutions" was inconceivable in a country like Japan where exists only one constitution, and an interpellation was made on the difference in meaning between "reject" (Haijosuru) and abolish (Haishisuru). According to the Governments' interpretation, the adjective "all" was added in the sense that the existence of not only the present but all future constitutions, laws and ordinances which run counter to the principle of democratic government shall be ignored, the term "reject" bearing a more political significance than "abolish." As to the Preamble as a whole, the crudeness of the style was pointed out and a suggestion was advanced for altering and consolidating the contents so as to lend them virility sufficient to stir up the future generations of Japan. The suggestion, however, was not accepted by the Government. Next I shall proceed to Chapter I. As this chapter deals with the "Emperor," the greatest deal of time was devoted to interpellations and replies, and a hot controversy raged in a tense atmosphere. Concerning Article 1 which provides for the position of the Emperor various views worth listening to were exchanged, as the result of which the purport of this Article was, I believe clarified to a certain extent. There was an interpellation as to whether the Government had any intention to change "symbol" to "head of the state" (Genshu), or "emblem" (Hyosho) or "center" (Chushin). To this the Government replied that the "head of the state" was likely to be interpreted as the "sovereign of the state" or at least as the "head of administrative power" and that the use of the term would therefore destroy the principle of the revision which aims at placing the Emperor outside the pale of government. On the contrary, the Government added, the term "symbol" not only had a deep significance but because of its unfamiliarity to the public ears it is a most appropriate word to explain the position of the Emperor. To an interpellation on the legal effect of Chapter I the Government replied that the provisions of this chapter formed the basis for determining the non-responsibility of the Emperor's position and his honorific term, and for attesting to the rationality of providing in Articles 6 and 7 for a series of acts of the Emperor in matters of state. I call your attention to the following opinion expressed by a certain member of the committee: "The symbol of the state" in this chapter signifies the symbol of Japan as a political state, and 'the symbol of the unity of the people,' the symbol of the Japanese as a community. Without consciousness of the distinction between 'State' and 'community'

it would be impossible to understand the chapter and consequently the whole draft. From this point of view, the term 'the unity of the people' is not adequate inasmuch as it assumes a coloring of 'state'." There is some semblance between this point of view and the Government's interpretation on the national character. Another member of the committee expressed his views that although we must discard the mystic idea that the Emperor is a living god, it is necessary that the Japanese should be divine, and that it would be impossible for us to renounce war and effect disarmament without our firm determination to make the future Japan a divine country. There was a heated but serious controversy as to articles in this chapter too, and the Government's replies clarified the following points: That the Imperial Throne shall be dynastic is not essentially different from "an unbroken line of Emperor;" only a metaphorical expression was avoided. The Imperial Household Law is entirely identical with ordinary laws. In future, all laws and ordinances will be unified under one principle, abolishing the distinction between those based on the Constitution and those based on the Imperial Household Law. Distinction between Imperial court and government shall also be abolished, and all business pertaining to the position of the Emperor shall be conducted by a state organ. As regards the stipulation that the Emperor shall not have powers related to government, it was clarified that the Emperor, who succeeds to the Throne by heredity and occupies a position of non-responsibility, should not interfere in government; that, although he may perform acts concerning matters of state, such as protection of classic arts and expression of his views as to education, he shall not concern himself with government.

Further, the Government has throughout maintained its attitude of absolue disagreement to an attempt to mollify the isolation of the Emperor from actual government, on the ground that such would defeat the objective of the revision. Relating to this point, there was raised the question of attestation of state documens, against which there were, as you already know, strong opposition among the committee members, especially on the ground of lack of uniformity with other nations in connection with matters diplomatic. The Governments reply to this was that although there was no precedent abroad for such a system as attestation up to date it indicated a proper procedure to be followed by a constitutional monarch for the future, and with the change in the internal relations such a system would be accorded international recognition, a necessary international usage would be established and no inconvenience was expected to arise; as no legal effect was to be given to any document without required attestation, the system was by no means devoid of significance, and its formality could be considered as fit and appropriate; if the Emperor's such function was made his prerogative instead of merely an act of attestation, he would have to be made responsible for any consequence and the Imperial House-hold would become involved, to which the Government could not agree absolutely. The committee members who opposed the Government's views contended that inasmuch as the attestation was necessary to give a legal effect, the difference between it and ratification was merely one of form, and the latter formality would not augment the Emperor's political power in the least, and that the same argument would apply to the appointment of ambassadors, ministers and other plenipotentiaries. With regard to the stipulations of Article 8 relating to property gifts to and from the Imperial House, several committee members pointed out the disorder in the wording of the text and strongly urged that resriction be placed only on gratuitous acts, namely gifts to and from, and receipt of such gifts by the Imperial House. Against this the Government stated that this Article provided against emergency case and was put in for the sake of completeness of the phraseology of the Constitution, that its actual applications of the Diet, and it was provided in detail to prevent illicit transfers of property to the Imperial House that might perchance occur, leaving the transfer of properties therefrom to the natural restraint inherent to bilateral transactions, and that unilateral gifts by the Imperial House were expressly included in the Article, which would otherwise be left out of any restriction. A committee member suggested that Article 8 should properly be placed after Article 88 in the Chapter on Finance, but the Government explained that this Article was specially put in to avert complications between the people and the Imperial House and insisted on keeping it as it is in Chapter I.

Next, about Chapter II. This chapter is peculiar to the present revised Constitution having no match in other constitutional laws. According to scholars, there are some rare instances of renouncing war, but repudiation of war potentials and belligerency rights of the state is unique in our new Constitution. I will here introduce the Government's theory on this question. Permanent peace in the world is an ideal of mankind, but our country of today is not permitted to make any positive and international contributions towards the attainment of that ideal. The only thing we can do at present is at this time of revising the constitution to proclaim to the whole world our country's absolute pacific stand and that we mean to take the lead toward the ideal. In doing this dispelling the sense of distrust of us on the part of the United Nations may follow as a result, but it is not our aim. If there should be any attack or criticism that by hoisting up such stipulation in the Constitution we are trying to cheat the world, we only say that our future behavior will refute such charge most eloquently.

Of course this provision being a domestic legislation and besides a political significance, has no legal effect internationally.

Further, the question of the right of self defence was brought up. As a result of repudiating war potentials and the belligerency rights, the exercise of the right of self defence becomes very difficult, and as it is impossible to enter into any offensive and defensive alliance with other states, when we are allowed to join the group of United Nations in the future, the stipulations on wars of self defence and of joint defence mentioned in the Charter cannot be applied to our country. In such event therefore, we shall have to except the responsibility to provide armed forces. In short, the renunciation of war and repudiation of war potentials and the belligerency rights as stipulated in the new Constitution are a mark of our firm determination, risking our national existence in the hope of saving ourselves. Thus was the Government's explanation.

I now pass on to Chapter III. This chapter recognises the fundamental rights of man and stipulates as to the rights and duties of the people. One committee member

interpreted this chapter as restraining the political power of the state in relaion to the people, besides recognising fundamental rights of man. Politically speaking, he said, it seemed that the power of the state was to be restrained by this chapter in the interest of people's liberty. The Government agreed to that interpretation on the whole. The fundamenal rights of man are considered permanent and inviolable rights given to mankind.

The rights which are stipulated in this Constitution are guaranteed to the people; but the people, on the other hand, have to make constant positive efforts for maintenance and insistence on their fundamental human rights, without yielding to any state unreasonable powers. The above is the spirit of the Chapter III of the Constitution. Fundamental human rights which, by nature, belong to all human beings are not the rights peculiar only to the Japanese people. In stipulating such rights as have universal nature, this Constitution purposely uses the expression "nonpitomo (every one) instead of "Subete Kokuminwa" (the people) so as not to prevent its application to aliens. But, for the present, the object of the application is the Japanese people. This is the opinion of the Government.

What became a subject for discussion, first, in the deliberation on Chapter III was whether or not the so-called people contains the Emperor and the Imperial Family. As it is stipulated in Article XIV that all of the people are equal under the law, the Emperor who, holding the position as the symbol, has to maintain his special dignity should not be included in the people stipulated in this Chapter; from the historical view point of the Constitution, this Chapter, having succeeded Chapter II "Rights and Duties of the Subjects" of the Constitution now in force, stipulates about the people in relation to the Emperor, and the Emperor should be interpreted as excluded from the people; when interpreted in this way, "the people" seems contradictory with that in the Preamble of the Draft Constitution, but the people in the Preamble means the nation in a collective sense which remains theoretically unchanged through the ages, while the people in this Chapter means the individuals of the people, and then the two words are the same in form but different in meaning. On the above mentioned grounds, many members of the Committee argued that the Emperor should not be included in the people of this Chapter. But the Government held fast to the opinion that the Emperor as well as the Imperial Family should be included in the people of this Chapter.

According to the explanation of the Government, it is rather nattural that the Emperor as an individual enjoys the fundamental human rights, in view of the nature of the rights. For example, legal restriction or tax may be imposed on the Imperial property in future, and suppose the stipulations of this Chapter be not applied to the Emperor as an individual is considered to be the same with the people as far as possible. The Government is of the opinion that to treat the Emperor as something supernatural as before is rather contradictory with a country like Japan in which the Emperor and the people are united together; the Emperor should, therefore, be interpreted as included in the people of Chapter III. Again it is further pointed out that the argument that the Emperor is different from the Imperial Family which is included in the people causes difficulties in explaining the Succession to the Throne. Again, the provisions of this Chapter do not stipulate the relations between the people and the Emperor, but rather guarantee the position of the people in its relation to the state. The dispute on the Emperor should be solved not on the basis of the historical relation of the Chapter with Chapter II of the Constitution now in force, but rather on the basis of the nature of fundamental human rights from the historical view point of the world. These are the grounds on which the Government held to its opinion.

Even the Government, however, in its explanation stated that the special position of the Emperor as stipulated in Chapter I would effect the application of this Chapter in relation to the Emperor and the Imperial Family so much that it would be possible to make a special exemption, if necessary, without causing any practical inconveniences.

After all, it is presumed that this point will remain a question of dispute in its interpretation for the future.

Concerning the abolition of the peerage system in connection of the deletion of Articles 97 by the House of Representatives of the Draft Constitution, the Government is of the opinion that, though the peerage can be admitted as honours, the hereditary peerage system should be abolished in the light of the general situation of democratic tendency of today.

But the Government was of opinion that there was no need for a hasty action. However, the House of Representatives took steps to abolish it because it was feared that it might offer an obstacle to the democratization of this country in the future time. And it was stated that the reason for the abolition was not asked for by way of objection to that step. A further view was set forth that something like a respect for art and technique should be introduced in addition to and learning; but the Government thought that it was not always necessary to put it down in the letters of the article. For the rest in Chapter 3, let me just enumerate very briefly those points which were brought up for argument. One of them was that freedom of religion was accompanied by the separation of politics from religion; and it was feared that the strengthening of religious sentiment in religious education might become difficult to attain. And then another question was whether such new provisions as equality of the status of man and wife, respect for individuality, essential equality of both sexes and so on in the family which are written down in the article are not destructive to that conventional fine custom by which parents are held in esteem in this country. The Government answered to the effect that on their part they are only trying to reject the evils which are incidental to the principle of everything in favor of the head of a family, but they do not mean positively to abolish the existence of family as a social fact, the organization of a family as a family system. One of the members also demanded that importance should be attached to the middle class people.

Chapter 4 of the constitution provides for the Diet which is specifically prescribed as the supreme organ of the national rights and the only legislative organ of the State; and as it also has in it a doubtful question of the system of Councillors very active arguments were offered on this chapter by various members of the committee. I have already explained elsewhere about the organization of the House of Councillors but with regard to the competence of the House of Councillors in relation to the unequality of the two Houses or the superior-

ity of the House of Representatives one of the members asked for the opinion of the Government whether they are ready to admit any specific right to the House of Councillors in the deliberation of the Imperial Household Law, the House of Councillors Law and so on. The Government's reply to the question was that as long as they are to be laws they are naturally subject to Article 59 of the constitution, and there is no theoretical reason to admit the Council of State a superior position in the deliberation of these bills. Only, they admitted that with regard to the drafting up of the Imperial Household Law it may be necessary to device a special procedure for the sake of discretion. Another member put a question concerning the right of the House of Councillors to summon an emergency meeting; and the answer was to the effect that the emergency meeting can deal with all questions that come under jurisdiction of the Diet, but that this right is naturally limited to emergency measures only, and in inevitable cases the meeting may even pass a vote of Budget. One of the members voiced a somewhat remarkable opinion concerning the right of the House of Councillors on recognition of treaties; that is to say, so long as treaties are concluded after a deliberate consideration by the Cabinet it may not be proper from the point of view of international faith for the Diet to deny them after they have been concluded, but on the other hand as they often involve important questions of national fortunes it is necessary for the Diet to give a discretious consideration to them. But under Parliamentary Cabinet system it is sometimes inevitable that the House of Representatives is liable to echo the line of policy of the Cabinet; therefore the House of Councillors should for the most part take the duties upon itself to criticize it. Judging from the practice of the Senate of the United State, for instance, it seems not too much to think that the House of Councillors is to be superior to the House of Representatives in its competence of deliberation so long as diplomatic problems are concerned. Therefore, the honorable gentleman thought that even though it was essentially desirable that both Houses should have an equal right on recognition of treaties, in case it is not practically possible, at least the provisions of the 2nd and 3rd Paragraphs under Article 59 should be made applicable to recognition of the conclusion of treaties; and this requires exchange of position of Article 60 for Article 61. To this question the Government replied that it is proper to put the right of recognition of treaties on the same level as Budget because it is not desirable from the point of view of foreign relations to deny conclusion of treaties; and further the right of decision on this point should after all be vested with the House of Representatives which clearly has the character of representation of the people; that the United States Senate has a character of its own which originates from the diplomatic rights owned by each State in the history of the United States; and that is not always to be compared with the House of Councillors of this country. It is to be mentioned in this connection that one of the members stressed the necessity of setting up a Foreign Relations Committee in the House of Councillors for the same reason.

As for Chapter 5 on Cabinet, Chapter 6 on Legislature, Chapter 7 on Finance, Chapter 8 on Local Self-Government and Chapter 9 on Revision of the Constitution, I am not dwelling on them now because there is not enough time I can afford to them. Let me just tell you that each of the members of the committee asked questions in real earnest and in detail on the theoretical elucidation and practical application of each of the problems in these chapters; and the Government in turn answered all these questions with sincerity. Therefore, there is no room left for doubt that all this has contributed very much to the understanding and enforcement of the revised constitution in time to come.

As for Chapter 10 on the Supreme Law there was a strong opinion voiced by the members that the whole chapter should be deleted because it is just a repetition of other articles or because it is axiomatic; but the Government stuck to claim that it was necessary that it should remain in existence, and some of the members of the committee agreed with the Government, and so the point was left as it is after all.

I will next report on the draft as amended by the Special Committee. As to the preamble we have tried to simplify its wording as best we could, as you see in detail in the pamphlet on hand.

We have added the sentence "Universal adult suffrage is hereby guaranteed with regard to the election of the public officials" to Clause II if Article XV which reads "The people have the inalienable right to choose their public officials and to dismiss them. All public officials are servants of the whole community and not of any special group. In all elections, secrecy of the ballot shall be preserved inviolate, nor shall any voter be answerable, publicly or privately, for the choice he has made." Although the universal adult suffrage is guaranteed in this Constitution, we have considered it necessary to stipulate it in express terms with regard to the election of public officials as well.

As to Article LIX which reads "A bill becomes a law on passsage by both Houses, except as otherwise provided by the Constitution. A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present," we have added to it the sentence "the provision of preceding paragraph does not preclude the House of Representatives from calling for the meeting of a joint committee of both Houses, provided for by law." It is stipulated in the Constitution that a joint committee may be held between the House of Representatives and the House of Councillors as regards the appointment of Ministers of State, budgets and conclusion of treaties, but there is no such stipulation as regards law. There are some questions as to whether it necessarily follows from the provisions of the Constitution that such stipulation is to be made in the Diet Act, and further it is considered to be appropriate to make assurance doubly sure by inserting this provision. From these points of view, we have decided on this amendment.

As to Article 66 which reads: "The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State as provided for by law. The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet," we have inserted between Clauses 1 and 2 the sentence "the Prime Minister and other Ministers of State shall be civilians." This amendment is intended to contribute to securing the lasting peace of the world along with the renunciation of war provided for in Article 9 of Chapter 2. The word "bummin" (translated above by "civilians") is somewhat immature in Japanese and such words as "bunjin"

(civilian person,) "bunchijin" (civil government man,) "bunshin" (civil subject,) "heijin" (common person,) and "minjin" (subject person) (these Japanese words are all actually interpreted by "civilians," though they have such slight different connotations as shown in brackets respectively) have been presented for substitution, among which the "bunjin" (civil person), though apparently the best, was feared to be interpreted to comprise government officials only, and we have adopted the word "bummin", which is an antonym to "bushin" (military person).

The above three are all the amendments made by the Special Committee. With regard to the draft Constitution in whole, there were various criticisms offered at the meetings of the Committee, such as that its wording is imperfect or it lacks in positive factors. However, I need hardly say that the constitutional revision is only a matter of necessity for the Japanese people in view of what they have done in the past by turning the existing Constitution to evil account. Setting aside the general public, those in power, Diet members, scholars, government officials and like cannot evade their responsibilities on that point. I am of the opinion that all these people who have committed mistakes in the past have to assume the responsibility of materializing a new constitution. When we were deliberating on the draft Constitution, I was full of deep emotions, looking back on the past. Now I cannot necessarily feel overjoyed at the new draft Constitution but I think the Japanese people must act hereafter on the basis of the new Constitution with a view to fully developing its good spirits and deriving therefrom great delight and benefit in future. (Cheers).

President of the House of Peers (Prince Iyemasa Tokugawa): Baron Sonoda will address an interpellation.

(Baron Takehiko Sonoda takes the platform.)

Baron Takehiko Sonoda: I will venture to express my opinions on the draft Constitution and ask Prime Minister Yoshida's opinion thereon. Now that the present session of the Diet is drawing to a close, I don't want to occupy much of your precious time and so I will limit my interpellation to one point.

I wonder who has foreseen such a radical reform of the Constitution established by the Emperor Meiji. Partial revision thereof was expected of course to keep pace with the times but not such a radical one. Indeed, if Japan had been governed properly, she could have well prevented the War and remained a peaceful country permanently. The existing Constitution would not be considered inappropriate for this country in her way of establishing a truly democratic country. However, this country was defeated in the War and surrendered unconditionally by accepting the Potsdam Declaration, the provisions of which the Japanese people are pledged to abide by faithfully. In consequence, I believe, a total revision of the Constitution has been necessitated for her reconstruction as a truly democratic and peaceful country. Throughout the present session, the most important was the Constitution Revision Bill, which would form the foundation of this country. I am really grateful for the painstaking efforts made by all the Committee members in earnest deliberations on this Bill. Especially in the House of Peers which boasts of authorities on the subject and eminent scholars of this country, high and expert opinions were advanced and all the people listened eagerly and intently to their right and irrefutable arguments. After all, however, the Bill is now ready to be passed without any such amendments as would cause a change in its fundamental ideas, although some amendments were made by both Houses to the original bill as introduced by the Government. I hope that the Government would publish everything to the people along democratic lines so that they may well understand. I pressume that the Government followed the policy of the former Cabinet and consulted fully with General MacArthur on the Constitution Revision Bill as it was only after his approval was obtained that the Bill was submitted to the Diet.

Further I cannot but doubt that an important amendment to the Bill is not permitted although full discussions thereon are authorized along democratic lines, or that the merits of the existing Constitution are not well recognized under the present circumstances in which Japan can hardly be called a perfect independent country. As the administrative power of the Japanese Government is partially restricted at present, a bill, which ought to be submitted to the Diet and approved thereby, may be put into force by a directive to be issued by the Government from above, even if in violation of the Constitution, because legal basis therefor is given in the provisions of the terms of unconditional surrender. This means, I presume, that the existing Constitution itself is not fully recognized. In consequence, all the arguments which have been advanced on the existing Constitution as their object or on the basis thereof would be subject to changes in their merits and meanings, just as the saying has it, "One hour's cold will suck out seven years' heat." Take, as an example, the case in which the Diet has determined on Ministers of State who are subsequently labelled as undesirable on the part of the Allied Powers. I wonder how the Constitution would be enforced and interpreted if the Allied authorities are entitled to veto such decisions. Such being the case, I think, the Constitution would not come to function properly as a true Constitution of this country until we have faithfully fulfilled the provisions of the "Potsdam Declaration," and this discharge is fully acknowledged by the Allied authorities and we have succeeded in establishing a peaceful and democratic country in the true sense of the word and consequently all the Occupation Forces have evacuated the land.

In looking forward with keen anticipation to such a day, we must realize the great importance of the present day when we should refrain from internal conflicts and put forth our best efforts in close cooperation towards establishment of a peaceful and democratic country in the true sense of the word. The Government must also use its utmost endeavors and leave nothing to be desired in guiding the people.

I wish to conclude my interpellation and ask the opinions and beliefs of Prime Minister Yoshida. (Cheers)

(Minister of State Shigeru Yoshida takes the platform.)

Minister of State (Mr. Shigeru Yoshida): I will answer his interpellation. I understand the interpellator wants to know what effects the acceptance of the Potsdam Declaration and the surrender terms has produced on the Japanese Government or the sovereignty of the Japanese nation and, accordingly, how the new Constitution would be enforced under the military occupation. As I repeatedly stated in the plenary sessions of this House, the Japanese Government or the sovereignty of the Japanese nation is only restricted within the scope of execution of the Potsdam Declaration and the surrender terms. The Japanese Government exists in full force and the sovereignty of the Japanese nation is being freely exercised outside the scope of the restrictions. Accordingly, in deliberating on the draft Constitution, you are fully entitled to discuss it to your heart's content and make amendments to or proposals on it as freely as you want. The new Con-

stitution will be enforced effectively outside tht range of the restrictions imposed by the acceptance of the Potsdam Declaration even under the military occupation. However, this country has been placed in an extremely difficult position since its defeat, and all the people should unite efforts to overcome these difficulties. In that sense, I agree with the interpellator that useless political controversies or rivalries are quite undesirable. It is the strong desire of the Government to tide the nation over this difficult situation by the concerted efforts of the people so that all the people, high and low may work in unison for the establishment of a new Japan.

Baron Takehiko Sonoda: Will you allow me to speak from my seat as it is brief?

President of the House of Peers (Prince Iyemasa Tokugawa): Yes, you may.

Baron Takehiko Sonoda: I fully understand the matter thanks to the kind reply of Prime Minister Yoshida. I wish to express my hearty gratitude and close my interpellation.

President of the House of Peers (Prince Iyemasa Tokugawa):

We shall have a recess. We will meet again at 1.30 in the afternoon.

(Adjourned at 0.09 p.m.)

(Meeting resumed at 1:39 p.m.)

President (Prince TOKUGAWA, Iyemasa):

We now resume the meeting and enter into debates. The floor will be given in the order of notice. Dr. Sasaki, Soichi.

(Dr. Sasaki takes the platform.)

Dr. SASAKI:

I am the one to oppose the Bill for Revision of the Constitution. It gives me unspeakable pain of heart to expound my views in opposition to the Bill from the platform of this House. I do feel the necessity of revising our Constitution at the present time just as much as the Government, but I cannot agree to a revision in the form as proposed. To begin with, I wish to set the basic principles on which we should base our judgement either for or against the proposed revision of our Constitution. The following two points require our consideration. First, the proposed revision purports to change, not any specific articles or parts of the existing Constitution, but the whole of it. It intends to enact an entirely new Constitution under the name of a revision. So, in judging the good or bad of the bill as a whole, no just conclusion can be obtained by picking up a few specific provisions in the bill and deciding on their propriety. We must place all of the provisions of the bill in coordinated and clear perspective and weigh the importance of the matters proposed to be settled by it. If any matter of national importance to our country is ignored, the bill as a whole must, in my opinion, be branded as bad even though it has good points on other matters. Secondly, what has made us feel the necessity of revising our Constitution at the present time? It comes to this, that from the bitter experience of late we have come to harbor a keen desire in respect of our future activities as a state. Our nation must discard the militaristic and ultra-nationalistic ideas which swayed us until the termination of war and adopt a peaceful and moralistic attitude and wake up to the mission of promoting the welfare of mankind. To live up to this mission, we must resuscitate the democratic structure of a structure or a structure of "Min-I Shugi" (People's will First Principle) of our country, which has been destroyed in state activities, the freedom of the people must be respected in reality and their basic rights must be guaranteed; by restoring and strengthening the structure of "Min-I Shugi" (People's Will First Principle) of the nation and respecting the freedom of the people in reality, we must not leave any room, as of old, for militaristic and ultra-nationalistic elements to emerge again in a position to direct state policies. This is our keen desire today. It is quite natural that such a desire has been awakened in our own heart, but at the same time such is strictly ordained on us by the Potsdam Declaration which we have accepted. Such a desire, as I have just stated, is being keenly felt by us under the present internal and external circumstances, and to carry it into effect we must direct our activities to proper directions. But under existing Constitution satisfactory activities to meet our desire are not possible. Hence arose the necessity to revise that Constitution. To summarise what I have stated, we must not forget that a revision of our Constitution is necessary to regulate our activities towards the realization of our desire, a desire to restore and strengthen the structure of "Min-I Shugi" (People's Will First Principle) to respect the people's freedom in reality, and thereby to shut out forever the possibility of militaristic and utlra-nationalistic elements regaining political power. Therefore, in revising our Constitution we must try to avoid making any changes in the existing provisions which are adequate to meet our demands or introducing new provisions which cannot cope with such demands. On this view-point I have studied the the present Bill, listened to the Government's explanations, asked questions of it and to my great regret have come to the conclusion that the Bill as a whole should not be adopted. The reasons for my conclusion are as follows. First, the fundamental political character of our country ought not to be altered. According to the Revision Bill our country's fundamental political character will be changed. And as a result of such change, various matters connected with our political activities will be affected necessitating multifarious changes therein. Each nation has a political character of her own, based on various facts and circumstances. The most important among them is the fact which is considered by the people as the characteristic or identifying feature of their own country. This is the fundamental political character of that nation. If this fact, which forms the fundamental political character of a nation, is changed that nation undergoes a change in her character as a political organization. I am talking about the character of a nation as a political organization, and the question of legal construction whether or not a state changes its legal status in the eyes of domestic or international laws, by a change of its character, is besides the point here.

The position of the Emperor in which he combines in Himself the rights of sovereignty—to be more exact, he is the main-spring of the will of the State which he governs and controls—is based not on the will of the people but on the fact that he comes of the Imperial Line unbroken for ages eternal. The above fact lends a specific character to our country, which we call "kokutai" or national character. The term "national character" is used in various senses, but when considered from the political point of view, it denotes who assumes the reins of government of that country. Of course, each country has its own national character, but so far as our country is concerned, the fact that the Emperor combines in Himself the rights of sovereignty solely because he comes of the Imperial Line unbroken for ages eternal forms the political basic character of our country, and the Imperial Constitution is a manifestation of the people's consciousness of this fact in the form of a written law. Thus, Article 1 of the Imperial Constitution provides that "The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal," and Article 4, that "The Emperor is the head of the Empire, combining in Himself the rights of sovereignty and exercises them . . ." The draft Revised Constitutoin attempts to alter the above stipulation; it attempts to deprive the Emperor of the reins of government he holds. In paragraph 1, Article 4 of the draft Revised Constitution it is provided that "The Emperor shall perform only such acts in matters of state as are provided for in the Constitution. Never shall he have powers related to government," and under Article 7, that "The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people," such acts being enumerated in Items 1—10. Other acts to be performed by the Emperor are provided for under Articles 6 and 96. In short, according to the Revised Constitution, the Emperor has powers only to perform a limited number of specific acts in matters of state, and even these acts are mostly of a nominal character, having no substantial connection with matters of state. This means the complete loss of the Emperor's sovereign power. Really I cannot understand what makes it necessary to make such a revision. (Applause)

Next, Article 1 of the Revised Constitution provides that "The Emperor shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power." I have an objection to defining the Emperor as a symbol in the provisions of a law, but I shall not take up this question now. The fact that the Emperor derives his position from the will of the people means that the Emperor holds his position as such because it is recognized by the will of the people. This is diametrically different from the conception that the Emperor assumes his position because he comes of the Imperial Line unbroken for ages eternal. To deprive the Emperor of his position as a sovereign or to rest it on the basis of the people's will is to alter the political basic character of our country. The Emperor combines in Himself the rights of sovereignty because he comes of the Imperial Line unbroken for ages eternal. Mere possession of the title unaccompanied by sovereignty never makes the Emperor. Under the Revised Constitution, however, the Emperor is a mere figurehead. Thus the Emperor system in the exact sense of the term is going to be abolished. (Applause). In our country greatest value has been set on its political basic character, which is popularly called "kokutai" or national character. In national laws the term is used in the above sense, and the court of justice interprets it in the same way in the application of laws. The same term as we see in "clarification of national character," "defence of national character," "dignity of national character" and "the idea of national character" has in all cases been employed in a similar sense in the various measures taken by the Government, the laws, educational institutions, etc. Its use is not limited to a small circle of people, for instance, scholars. It is in comcon use, and is in no way a technical term. Now, the national character in such a sense is going to be changed under the Revised Constitution. In reply to our interpellations the Government at first made a statement tantamount to the denial of its intention to change our national character but later openly declared the same intention.

That a fact constituting the national character should be altered —that the supervision of the right to rule on the part of the Emperor of one unbroken line should disappear—this is a very serious problem to our country. Why is it? As I have just said, the people at large, since ancient times, have continued to attach the utmost importance to that fact and have been living a political or a social life along the lines of that inclination. That fact should not be changed unless the people at large is conscious of a desire for that change, and unless this consciousness, under serene social conditions, is manifested in a manner most evident and most genuinely substantial. Today there does not exist anything like the most evident and most genuinely substantial manifestation of such desire on the part of the people at large. The consciousness of the people is traditional in nature, and might be said to be a sort of national sentiment. Therefore, this consciousness should be respected in working out the system of the State. I need scarcely say that, in devising the system of the State, we should be guided by reason and should not be swayed by sentiment. To say that persons who are engaged in devising the system of the State should respect the traditional sentiments of the people, flows not from sentiment, but from reason. There prevails among our people today a traditional sentiment which sets store by the political fundamental character, or the national character, of the State. For persons, who are engaged in establishing the system of the State, to respect that sentiment in devising that system, is to act in accordance with reason. While such is the case, under the Draft Revised Constitution the traditional sentiment of the people is disregarded, and an attempt is made to alter the fact constituting the national character. I cannot but oppose this proposition.

Secondly, it is unnecessary to go beyond a thoroughgoing reform of agencies cooperating with the Emperor and proceed to an alteration of the national character, which is the political fundamental characteristic of the nation. This unnecessary step is going to be taken under the Draft Revised Constiution. For the Emperor to supervise the right to rule under the current Constitution does not mean that the Emperor is to exercise dogmatically the right to rule in regard to each concrete matter. In the three branches of State functions, legislative, judicial and executive, there exist the respective cooperative agencies provided for in the Constitution, and they cooperate with the Emperor. In cooperating with the Emperor, these cooperative agencies do not do so at their will or according to their whims. Things are so arranged that in politics the will of the people should be respected, and the seat of responsibility should be made clear. At the same time, it must be said that there are unsatisfactory points in the provisions of the Imperial Constitution, and errors have been made in the interpretation and operation of those provisions. In consequence, there are not a few instances where the results of political action have proved injurious to the State. The latest and the most serious example is the action of the military, which, as you are well aware, has driven our country into the calamitous plight in which it now finds itself. Despite the fact that the Military

Command is State affair under the Japanese Constitution, the military treated it as a non-State affair in which the Government should not be allowed to participate. The military ruled that the Ministers of War and of the Navy must be Servicemen on the Active List, and that their appointment must be subject to the recommendation of the three topmost officers in either Service. Thus, it was rendered impossible for the Government to have a voice in their appointment. I think it cannot be said that, all this while, not only the Government, but, I am sorry to say, also the Imperial Diet, our highest organ of legislation, has always assumed a proper and stern attitude in respect of the military from the standpoint of the State. The reason why the war, which is now most strongly denounced by the Japanese people in official and private circles, was waged, is because the Emperor's cooperating agencies had erred in the manner of cooperation. It is by no means a consequence of the fact that the Emperor supervised the right to rule. In order to secure just and proper results of government in general, the Emperor's supervision of the right to rule should not be abolished, but his cooperating agencies should be thoroughly reformed in their composition and in their manner of cooperation. The goal of this reform should be to ensure that the cooperating agencies shall fully translate into actual governmental action the true will of the people, that they shall be responsible to the people for their actions, and that the people shall be enabled to hold them to accountability. On this point, there is something unsatisfactory in the provisions and operation of the current Constitution. These deficiencies are made good by the Draft Revised Constitution. For this reason I support the provisions of the Draft Revised Constitution. According to the Draft, Article 67 and 68 explicitly provide that the Prime Minister and a majority of the Ministers of States shall be appointed from among the Members of the Diet. This means a Parliamentary Cabinet System legally provided for. Which is better, a Parliamentary Cabinet System with legal provisions therefor, or a Parliamentary Cabinet System functioning as such in actual operation? This question itself is open to discussion. In my opinion, it is better to have a Parliamentary Cabinet System in operation—a system similar to that in England. But we are not now concerned with this question. At any rate, if it comes to this that the will of the people is respected in regard to the composition of the Cabinet, this will clearly be better than is the case under the current Constitution. Even under the current Constitution, the Cabinet tended to be a Parliamenary Cabinet in operation, but this trend was interrupted during the war. Since its termination, as you know, the Parliamentary Cabinet System in operation has been revived, and as a matter of fact the present Cabinet is regarded as coming close to a Parliamentary Cabinet System in operation. As to the point that the people should be enabled to hold the Cabinet to accountability, there is an express provision in the second Paragraph of Article 66 of the Revision Draft, reading: "The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet". I think this is one of the revisions embodying improvements. But the purport of this new provision should also have been recognized, as a matter of course, under the current Constitution, if its provisions were properly interpreted. Despite that fact, practical men and some scholars following in their wake have made an ambiguous issue of the problem of the Government's responsibility to the Diet. But, setting this error aside for the present purpose, it may be noted that the matter is unequivocally provided for in the Revision Draft. On this point, too, I support the Draft. From these points of view, I think the objective of the Draft Revised Constitution is, on the whole, right and just. This I say in regard to the propriety of revising the manner of cooperation on the part of the cooperating agencies. What I say has nothing whatever to do with anything like the idea of abolishing the position of the Emperor as the supervisor of the right to rule.

That the Emperor exercises supreme control over the power of government is entirely different from that he wields the power of government, over which he exercises supreme control, in respect of actual, particular cases. We call it the Emperor's prerogative that he wields the power of government in respect of a certain case. The power of government is unique, but prerogatives are varied. There are organs that cooperates with the Emperor in the exercise of his prerogatives. It is necessary that the cooperation in the exercise of his prerogatives is so reformed as to best realize the people's will in government and to make government responsible to the people. But it has nothng to do with the alteration of the Emperor's exercise of supreme control over the power of government, that is to say the factual national characteristic of ours. There is no need at all to alter it. But the proposed amendment of the Constitution is going to effect that unnecessary alteration, and I cannot help opposing it.

Third. We should not overlook the fact that the Emperor is invested with an especial mission of great importance. And it is overlooked in the proposed amendment of the Constitution. The Emperor exercises supreme control over the power of government, but when he wields the power of government in respect of actual, particular cases, he accepts in general what is advised by the cooperating organs. He will not make decisions at his own, personal discretion. However, under extraordinary circumstances, there may be cases where he has to make decisions at his own discretion. Did we not witness such an instance at the termination of the War? The organs to cooperate with the Emperor were all incapable of judgment and had to seek the decision of the Emperor, who brought the War to an end. If he had not so decided at that time, what would have been the condition in this country? A mere thought of it makes us shudder. (Cheers) Such a case would seldom happen, but what seldom happens is a matter of import. Our own experience has indeed proved to us that it does happen. And it does not necessarily mean war. In cases where a serious situation has arisen and the cooperating organs are incapable of coping with it, there should be the power somewhere to make a decision with finality such as above mentioned. There does not exist such a power in the legal order as provided for by the draft amendment to the Constitution. It may be the inevitable consequence that there can be only a de facto decision through a conflict of forces. Who would guarantee that there would be no social confusion? That a decision is pronounced with finality in such a case by the discretion of the Emperor is not the outcome of the fact that the decision originates in a person who exercises supreme control over the power of government—it is not that any person who controls the power of government can do it—but is the outcome of the fact that it originates in the Emperor as the person who exercises supreme control over the power of government.

We, the people, are confident that the Emperor keeps in mind in any case only the interests of the country and people at large and that he does never act on his personal sentiment and interests Therefore, the whole nation remains at peace when a decision is made under inevitable circumstances at the sole discretion of the Emperor. It is an effect of the people's psychological reaction and not an effect of law or force. It is the effect that can be caused only by the action of the Emperor. There is no gainsaying its necessity not only in the case of war but in any other cases.

A person who has such a psychological influence cannot always be found in every country. It is fortunate that such a person does exist in our country.

Why should we abolish this institution? That is the question we must ask. There is a certain influence the Emperor exercises in such a case, and accordingly there is a certain function of especial importance of the Emperor who possesses such an influence. And that function has in practice has an important bearing upon the people's daily life.

We should never forget that the Emperor is invested with such an special mission. The present draft of the amended Constitution overlooks it. And I cannot but oppose it.

Fourth. We should not misunderstand that to divest the Emperor of power in respect of government means to free him from responsibilities. According to the draft of the amended Constitution, it seems to me that such a misunderstanding exists.

It goes without saying that the Emperor should not be held answerable because of his participation in the government of the State. That is the sentiment with which all of our people regard the fact that the Emperor is their monarch. But it does not follow that the Emperor should not hold a position which would enable him to participate in government. The sentiments that the Emperor should not be answerable is the sentiment of our people entertain toward a specific person who is the Emperor. That sentiment does not originate in the non-participation of the Emperor in government. To stipulate that the Emperor should not participate in government means to render the Emperor incompetent to wield his will concerning government, namely, to make him politically incompetent. To make a person incompetent to wield his will concerning government means to treat him not as a human being with a volition but in the same way as inanimate things which have no volition. We should not regard the Emperor as a deity. Nor should we regard him in the same way as we regard inanimate things. We must regard him as a human being. A human being should be accorded a position where he can exercise his volition for society and, in the case of the Emperor, also for the state. To hold the Emperor unanswerable concerning government should mean to free him from responsibilities although he has a volition with regard to government just as ordinary human beings. That should be the real significance of the Emperor's freedom from responsibilities and the preservation of the Imperial Family. Accordingly, it is not the real significance of his freedom from responsibilities and the preservation of the Imperial Family to render him politically incompetent.

It sounds plausible to make it impossible for the Emperor to participate in government for the purpose of freeing from political responsibilities. It is however a misunderstanding of his freedom from responsibilities as I have mentioned. I believe it is an explanation that sounds puerile.

The present draft of the amended Constitution has virtually deprived the Emperor of his political competence. I believe at the outset that the Government deemed it right to deprive him of political competence. Apart from pro and con, I thought it was one of the ways to look at the matter and respected it. However, the Government stated in its subsequent explanation that the deprivation of his political competence would free him from responsibilities or insure the safety of the Imperial Family. And I was disappointed at the superficiality of the opinion or rather the method of explanation or the tenchnique of explanation.

In short, we should not misunderstand that to render the Emperor politically incompetent means to free him from responsibilities. The present draft of the amended Constitution commits that fallacy, and I have to oppose it.

Fifth. We should not forget to provide for the Emperor's freedom from responsibilities. It has been forgotten in the present draft of the amended Constitution.

As I have stated, the Emperor should not be held answerable for government; he should be free from responsibilities. However, less to say, the Ministers of State shall be held responsible according to the existing Imperial Constitution. Under the draft of the amended Constitution, there are very few cases where the Emperor performs state functions as I have pointed out. Article III provides that the Cabinet shall be held responsible for his state functions. The provisions of the Article can be interpreted as freeing from responsibilities, although no explicit reference is made to it.

However, the Emperor's freedom from responsibilities should not be considered only in reference to his political acts. Not only in reference to all acts of his, the state should not hold him responsible in a manner which may be interpreted according to social standards as derogatory to him. That is the general principle of his freedom from responsibilities. His freedom from political responsibilities is only one of the applications of the general principle. The existing Imperial Constitution provides in Article III that the Emperor shall be sacred and inviolable. That is the provision for the general principle of his freedom from responsibilities. The Article does not provide only for his freedom from political responsibilities. The word "sacred" does not mean mysticism or something like that, contrary to the interpretation of some people who spot this word alone. The word has a legal significance. It means after all that the Emperor's dignity should be maintained as befitting him. It follows from this provision that the state should not subject the Emperor to a treatment which would be deemed derogatory to him not only in respect of his political acts but in respect of all acts of his. For example, whatever act the Emperor may have committed, he should not be subjected to a punishment. The state cannot provide by law that he should. Nor can it provide that his property be subjected to attachment or distraint. That is the interpreta-

tion now prevailing. But there is no provision in the draft of the amended Constitution corresponding to Article III of the existing Constitution, the general principle of the Emperor's freedom from responsibility. Since there is no such provision anywhere in the draft, it may follow from its plain interpretation that a law which may be enacted in future whereby he may be subjected to a punishment or his property may be distrained upon cannot be regarded as contrary to the draft of the amended Constitution. We must not argue that such a case will not happen even if there is no such provision when we are about to enact a law. The law must not envisage only the present times. It must envisage any eventuality any person that may possibly appeal in future. Nobody knows if there will not appear a person who will take advantage of this defect of the Constitution and attempt to enact a law which will impose responsibility upon the Emperor. Law should be enacted with such a long-range view, envisaging the national life in the distant future. That is especially the case with the Constitution.

When I interpellated about this the Government replied that it follows from Article I which provides that the Emperor shall be the symbol of the state, I am not sure if the government had this in mind from the outset. I think it is a rather far-fetched explanation. But it is a matter of opinion and it is useless to argue about it.

On the other hand, when I asked about the meaning of the symbol of the state, I was told that the word "symbol" has no legal significance in itself. That is right. But I believe it is a far-fetched interpretation to argue that the Emperor's freedom from responsibilities, which an important legal consequence, ensues as a matter of course, even without a provision for it, from the words "symbol of the state" which has no legal significance. Much more so since there is an explicit provision for it in the existing Imperial Constitution. Why should we delete the explicit provision in the Imperial Constitution and seek the same effect through interpretation? I cannot understand the reason. So I am compelled to oppose the draft in this respect, too.

Sixth. Attention must be paid to the psychological unification through the Emperor of the organs of the three separate branches of government. But it is neglected in the draft of the amended Constitution.)

Under the Imperial constitution, the legislative organs, the judicial organs and the executive organs, perform their respective functions as you are well aware, but these functions are all interpreted as related to the Emperor's functions. The legislative organs assist and participate in the Emperor's function of legislation. The judicial organs perform judicial functions in behalf of the Emperor. The executive organs execute administration under the Emperor's authorizatoin. In plain language, all these organs are entrusted by the Emperor with the performance of these functions. Their respective functions are different. Their respective modes of of performance are different. But these organs hold themselves responsible to the Emperor in accordance with the idea that they have all been entrusted by the Emperor. The Imperial Diet, which is the legislative organ, the courts of justice, which is the judicial organs, and some of the executive organs are not subject to the direction of the Emperor and are independent from him. They have been entrusted by the Emperor to perform their functions independently from him. So they all hold themselves responsible to him. It goes without saying that they hold themselves responsible to the Diet.

Accordingly, all these organs realize the responsibility not to betray the trust of the Emperor. At the same time, the idea of psychological unification is naturally engendered among the legislative, judicial and executive organs in the sense that they have all been entrusted by the Emperor. They are not necessarily conscious of the idea of psychological unification. Even if they are not conscious of it, there is no doubt that it is lying deep in their minds. That is the psychological unification through the Emperor of the organs of the three separate branches of the state. That is the particularly noteworthy merit of the separation of the three branches of government in our system.

The existing constitutional state have all adopted the principle of the separation of the three branches. But the methods to realize the principle in practice are not alike. The points of difference lie in the system itself. But a matter of far greater importance is the difference in the psychological attitude of the organs which comprise the system. The psychological unification through the Emperor of the organs of the three branches is never found in the system of foreign countries. That is one of the merits of our system of the separation of the three branches viewed in its psychological aspect.

According to the draft of the amended Constitution, there are general provisions for the Emperor's position of non-participation in government. It is also specifically provided in reference to the legislative, judicial and executive functions that he shall be excluded from these functions.

The sole legislative organ is the National Diet. Unlike the existing Constitution, the draft Constitution does not invest him with veto power, not to mention the power to sanction. Positively and negatively, he is excluded from the legislative function.

The judicial power is vested in the court. That is provided in Article LXXVI of the revised draft. That the court exercises the judicial power is the same in the case of the existing Imperial Constitution. However, the existing Constitution provides that the judicial power shall be exercised by the courts in the name of the Emperor. Therefore it belongs essentially to his functions, and the courts are entrusted with its exercise. On the other hand, the draft of the amended Constitution excludes him from the judicial function. Does it not make a great difference? We must not overlook the essential difference between the two for the outward identity of the exercise of the state function through the court.

Executive power is vested in the Cabinets as provided in Article LXV of the revised draft. It also differs greatly from the system of the existing Constitution. Under the existing Constitution executive power is vested in the Emperor. Executive organs exercise it under his authorization. That is the general principle. The principle of the draft of the amended Constitution is that it does not belong to him. Accordingly, he does not exercise it except in very few cases as specifically provided for in the Constitution. In other words, he is excluded from the executive function as a matter of principle. In this case too, therefore, there is the outward identity of the exercise of executive power through the executive organs, but essentially the two are entirely different from each other.

From these considerations, we cannot expect it under the draft of

the amended Constitution that, as has hitherto been the case, the three categories of organs performing state functions hold themselves of their respective functions which he entrust to them and are psychologically unified with each other through the Emperor.

The draft of the amended Constitution provides that the National Diet is the highest organ of state power. Therefore, with the Diet as the intermediary, the unification of various organs can be maintained, as it is now maintained through the Emperor, as a matter of formality and in respect of individual affairs. What I am concerned about is not such a matter of formality in individual cases but the psychological attitude behind the acts of these organs. The psychological unification of various organs through the Emperor is the most noteworthy merit of our system of the separation of the three branches of government, but it is given no consideration in the draft of the amended Constitution. So I have to oppose it.

Seventh. We must not misinterpret the purport of the Potsdam Declaration and that it has altered Japan from a monarchical state to a non-monarchical state or that it requires Japan to effect such alteration. There are points in the draft of the amended Constitution which seem to be the outcomes of the misunderstanding I referred to it in the course of my interpellation at a plenary session. Since it is a matter of great importance and there are some points which I did not clarify at that time, I would like to be permitted to refer to it again.

Needless to say, our country has been obligated to faithfully execute the terms of the Potsdam Declaration which she has accepted. In Paragraph 10 of the Declaration it is stated that the Japanese Government shall remove all obstacles to the revival and strengthening of democratic tendencies among the Japanese people. In paragraph 12 it is stated that the occupying forces of the Allies shall be withdrawn from Japan as soon as these objectives have been accomplished and there has been established in accordance with the freely expressed will of the Japanese people a peacefully inclined and responsible government. Accordingly, we are under the following obligations:

Firstly, from now on democratic tendencies in all spheres of our social life should be revived and strengthened, "Democratic" means that all decide upon their attitude in social life according to their will —I may call it the principle of common will.

Secondly, a government, peacefully inclined responsible, and in accord with the freely expressed will of the Japanese people, should be established in Japan.

These concern the fundamental attitude which determines the mode of our social life.

The above—the first of the above is related to the mode of our social life in general. it is not restricted to the mode of our political life. When it is applied in particular to the mode of our political life, it finds expression in the second of the above and I am now referring to the latter.

Accordingly to the second, there shall be established in Japan a peacefully inclined and responsible government, and that government shall be in accord with the freely expressed will of the Japanese people. The Potsdam Declaration provides that the Government of this country shall be peacefully inclined and responsible and that it shall be established in accordance with the will of the Japanese people themselves. In other words, it depends upon the will of none other than the Japanese people themselves how a peacefully inclined and responsible government is established. It demands the free and independent efforts of the Japanese people themselves. They (the people of the state of Japan) are the Japanese people in English as I said the other day . The "Japanese people" does not mean the people of the state as opposed to the monarch of the state as some people misunderstand it. It means the human elements which comprise Japan, without making distinction between the monarch and the people. The Japanese translation of the term is not appropriate. But it should be so interpreted. Such interpretation of the terms of the Potsdam Declaration themselves and from the documents exchanged between Japan and the Allied Powers at the time of the termination of the War. I would not dwell upon them here. In short, we must, in accordance with our own will—not the will of the people as opposed to the monarch of Japan—the will of the human elements which comprise Japan. establish a democratic system of government.

It is a gross misunderstanding. therefore. to think. in connection with the obligations ensuring from the acceptance of the Potsdam Declaration, that Japan has been converted from a monarchical state into a non-monarchical state or that she is required to so convert herself.

I have asked about this to the government representatives at a plenary session and Committees meeting. It was agreed that, as I have stated, the term "Japanese people" did not mean the people as opposed to the monarch but the people who are nationals of Japan. That concludes the seventh item.

Eighth. We must not forget that the alteration of the character of the state—what I call the political fundamental character of our country—is likely to bring about an alteration of the character of the state in the other sense, namely, the character of the state in its spiritual and moral aspect. It is forgotten in the draft of the amended Constitution. It alters the fact that the Emperor of the unbroken lineage exercises supreme control over the power of government because he belongs to that unbroken lineage. If that fact is called the character of the state, the draft alters the character of the state, the national polity. That is not only what we say, but has been admitted by the Government. The Government has admitted the alteration in that sense.

Now the term "character of the state" or "national polity" is often used in a different sense I would not enlarge upon it. In a word, the character of the state can be viewed in its spiritual and moral aspect. The character of the state in the former sense is the one viewed in the light of the mode of government.

It must be clarified as above that there are two distinct senses in what we call the character of the state, otherwise the issue will be confused. I believe that some of the recent arguments about are causing confusions mainly because they do not distinguish these two senses. The Government authorities have admitted that the character of the state viewed in the light of the mode of government is indeed altered by the draft of the amended Constitution, but maintained that the character of the state in its spiritual and moral aspect is not. The issue concerned from the outset the character of the state in the former sense namely, the character viewed in the light of the mode of government. Since the Government has admitted that it is altered, I would not refer to it now.

I will now proceed to the question whether or not the character of the state viewed in its spiritual and moral aspect can remain unaffected by the alteration of the character of the state viewed in the light of the mode of government.

In the society of human beings who comprise a nation, their spiritual and moral conditions are inalienably related to the mode of government. This is especially the case with Japan. The Emperor of the unbroken lineage exercises supreme control over the power of government, respecting the people's will and clarifying where the political responsibilities rest. No one can deny that this fact has a very serious bearing upon the spiritual and moral activities in our social life. Not only that it has a bearing. The character of the state in its spiritual and moral aspect, namely, the character of the state in another sense, includes among its elements the idea to respect that fact that the Emperor of the unbroken lineage exercises supreme control over the power of government. It is not a mere bearing. It is an integral element of the idea of the character of the state in the spiritual and moral sense of the word.

Accordingly, if the character of the state, namely, the fact that the Emperor of the unbroken lineage exercises supreme control over the power of government, is altered, the character of the state viewed in its spiritual and moral aspect is also bound to be altered. The character of the state in the former sense cannot be at altered without affecting the character of the state in the latter sense. It is not a matter of interpreting the words "character of the state." It concerns the fact denoted by the words.

The Government has explained that, even if the draft of the amended Constitution alters the character of the state, the character of the state that exists in the spiritual and moral sphere—I am not sure if these words were actually used by the Goyernment but the same effect was meant—shall not be altered. But I say that the character of the state in the latter sense is also likely to be altered. The above consideration is neglected in the recent arguments about the character of the state. Sometimes the two senses of the character of the state are regarded as separate and not related to each other. Phenomenon in our social life cannot be differentiated from each other in such an idealistic manner. They are related to each other and comprise a whole. Accordingly, if the character of the state viewed in the light of the mode of government is altered, in all probability it is likely to cause effects upon the character of the state viewed in its spiritual and moral aspect, if not immediately, at some future time. But it is neglected in the draft of the amended Constitution. There is no way for me but to oppose it.

Ninth. The peaceful and moral mission of our country cannot be achieved without her activities based on her individuality. That demands our attention, but the draft of the amended Constitution does not pay adequate attention to it.

It is the mission of our country to become a peaceful and moral state, both in her domestic life and in her international life, and realize the peace and morality of the human society. In order to achieve it, she must exert her efforts on the basis of her national individuality. Otherwise no fruitful results will be brought about.

Needless to say, human beings, all human beings of society, have characteristics common to all of them. However, when so many nations are independent and each of them is leading social life as a nation, their activities unless based on their respective individualities in the way of the mode of activities and so forth, will be futile. I will not treat of it in detail as I have little time to talk. That is a matter of special importance in respect of the domestic life and the international life of our country.

All people of the world must endeavour alike for the realization of a peaceful and moral social life. But their efforts should conform to the individuality that is peculiar to each nation. Otherwise they cannot obtain any fruitful result.

It is a matter of course that our country should rectify her part mistaken attitude in foreign relations and realize a peaceful morality in cooperation with the countries of the world. Then it is still more required that her activities conform to her individuality. The draft of the amended Constitution does not pay enough attention in this respect. So I have to oppose it.

Tenth. In my judgment, agreement or disagreement to each provision of the draft of the amended Constitution do not in themselves affect agreement or disagreement to the draft viewed as a whole. If the provisions of the draft are examined separately, some are agreeable and others are not. I heartily support not a few of them. Be that as it may; I believe that the draft should be judged as a whole and that pro and con, should be decided by observing it as a whole. Therefore, even though there are some points in the draft which I support and I agree to the draft so far as these points are concerned, but I am constrained to disapprove it as a whole. The reasons are as I have stated already.

In conclusion, I would like to be permitted to express my personal impressions.

I have stated the reasons why I disapprove the present draft of the amended Constitution. Needless to say, the Constitution is the fundamental law of a nation. Once it is enacted, it may naturally be subjected to legitimate criticisms. However, so long as it is not revised through proper procedure, we must observe it in practice as the norm of our conduct. Therefore, we must earnestly and zealously examine its merits and elements before it is enacted. This is especially so, since the General Headquarters has issued a statement to the effect that the Japanese people are permitted to express their frank opinions about the draft amendment. Not that they are permitted. They are so required. If, in spite of the statement, we failed now to express opinions of disapproval as we entertain them, it would not be unlikely that the General Headquarters, the Allied Powers and the whole world might as well believe that there was no Japanese who opposed the Constitution and all of them supported it. I do not say that it is theoretically inevitable. I believe that it has a very serious significance in connection with the future international activities of our country. From such a standpoint I believe that it is most useful for the promotion of Japan's international position in future that any person who has an opinion of disapproval clearly and specifically voice his opposition on this rostrum. (Cheers)

If the proposed revised Constitution is approved, our present Code entitled the Imperial Constitution will virtually cease to exist and the title of the "Imperial Constitution" will fall into oblivion, and a new constitution is going to be promulgated to take its place. Likewise, the official title of our country will no longer be the Great Empire of Japan (Dai-Nippon Teikoku) but be simply Japan (Nipponkoku or Nihonkoku).

The drafting of the revised constitution will mean the abrogation of the existing Constitution and the adoption of its substance. As every one knows, the existing Imperial Constitution was granted by the Emperor Meiji after He had ordered his subjects to make study of the history of our empire and to investigate the principles and facts of the system of foreign nations for many years and had adopted the fruits of their study and researches. The fundamental principles of the Constitution were to make the administration consistent with the people's will and to respect the freedoms of the people in administering the state affairs. The Emperor Meiji not only initiated the work of making the Constitution but also since the outset of Meiji Restoration was always striving for the realization of the state administration based on the people's will; and for the sake of his personal culture, he invited some Japanese scholars to give Him lectures on foreign books; and dispatched one of his courtiers to England to make study of her systems and institutions. When General Grant, the eighteenth President of the United States went on a world trip after he had retired, and visited our country, the Emperor Meiji greeted the general as a national guest and granted an interview with him. (the scene being called the Interview Scene of the August Majesty and a Hero). General Grant is said to have advised briefly the Emperor on the fundamental policy for the promulgation of a Japanese Constitution. And it is said also that when the Emperor ordered Prince Arisugawa to prepare a constitution. He graciously gave him a book entiled "Parliament Government" by Mr. Tod for reference which his courtier, I have told you about, brought from England. We can imagine how the Emperor laboriously worked on the constitution and concerned about the statement adiministration based on the people's will and the constitutional government and studied these affairs in preparation of the promulgation of the constitution as well as for the sake of his own culture. I have now made it clear that the Emperor made study of the thoughts not only of the nations on the European continent but also of the United States and England. Furthermore, the Emperor observed those qualities of ours which should be observed and abandoned what should be abandoned. We are told that when General Grant visited the Emperor Meiji, he told the Emperor that he thought a constitution would be promulgated in Japan and it would be desirable to make a constitution based upon the Japanese history and practices and that that pleased the Emperor a great deal.

I am afraid there will be no end of telling such episodes as these, but I could not be satisfied I am not allowed to tell you one thing more. The draft of the Constitution was completed and referred to the Privy Council and deliberated day after day with the Imperial presence. One day when the deliberation was going on, a man from the Ministry of the Imperial Household came to Prince Hirobumi Ito, who was then presiding the meeting and whispered something to him and the Prince Ito stepped forward to the Emperor and reported something to Him. But the Emperor continued with His work as if nothing had happened. Later it was revealed that one of His sons had passed away that day and it was notified to Prince Ito, whereupon Prince Ito reported that passing of His son to the Emperor and entreated Him to leave the meeting room. But the Emperor would not listen and it was only after they had finished with a certain Article on which they were deliberating that He left the room. How deeply move we are to hear the noble action of the Emperor!

Moreover, some of our forefathers offended the authorities in daring to solicit His Majesty for the promulgations of a constitution and were thrown in jail, and many others gave up their properties and laid down their lives. His August Majesty reigned over the people and the patriotic and forerunning subjects assisted Him and hard-working administrative authorities were running the government.—all coordinated their efforts to make the Constitution. How greatly the Constitution has contributed to the development of our nation and the progress of our society is quite needless to say. And this Constitution is going to meet its doom and cease to exist forever! My heart is full of deep emotion.

I sincerely pay homage to the efforts of the government authorities with which they prepared and presented the draft constitution and gave explanation for it and vindicated it for many month since they succeeded the task from the last Cabinet. I am opposed to this proposed constitution but I understand their most difficult position. The House of Representatives has passed the draft constitution and the House of Peers has been working upon it for months and is going to approve that there is no one who is against such an important code as the draft constitution. I understand that and believe that the Members of the Cabinet and the Members of this House will agree with me. But I can't help objecting to the passing of the constitution for the reasons stated above, and I am awfully sorry. I shall have to simply apologize to you, gentlemen, for my obstinacy if I hurt your feeling. Now I shall leave the platform with such strong as well as weak mind.

(Cheers)

President (Prince TOKUGAWA, Iyemasa):

Mr. MATSUMURA, Shinichiro:

(Mr. MATSUMURA, Shinichiro takes the rostrum)

Mr. MATSUMURA, Shinichiro:

I am in favor of the present Bill. The Constitution of the Japanese Empire has been completely revised and a new Constitution of Japanese State is about to be given birth to. Why is there the necessity to revise the Constitution of the Japanese Empire and the present Bill with our mind-eye, we must judge in accordance with the law philosophy which each of us entertains in mind. Whether the present Bill should be passed or not. What I entertain in my mind as my law philosophy, though simple and immature, on which my decision in support of the present Bill is based is as per the statement I am now going to make. National Character is concurrent with the existence of a State. If there exists a State there exists national Character, and where there is a State there is law. Law is the "State order maintaining norm". The Constitution is the "Fundamental norm. Legal norm, different from ethical norm or religious norm, is a norm which renders acts compulsory. Norm is incorporal and a written Constitution is nothing more than a part or incorporeal norm shown in letters.

(President leaves the seat. Vice-President takes the seat).

It is impossible to express fully incorporeal norm by means of letters. Consequently, in England unwritten law constitutes the real form of the Constitution, the criminal or civil laws. This is the common law. However, because law is a norm for acts which assumes a concrete form

It is convenient to show law in a concrete form. This is the reason the European Powers make written law the real form of law. Primarily Japan is a state of unwritten law. In the early part of the founding of the State she had even no letters, and yet, because where there is a State there is law, or norm has existed since the very beginning of the founding of the State. It was only at the time of the enactment of the present Constitution later than 1887 that Japan became a State of written law. In deliberating upon the draft Constitution we the people must first of all understand the real character of law. As stated just now, where there is a State there is national Character and national character is determined not by a written Constitution. National Character deter-termines written law. National Character differs according to States. It is, however, useful consideration for understanding the Constitution of Japan to mediate on by what standard the national Character of each State is to be distinguished and of what type the national Character of Japan has. Dr. Yatsuka Hozumi has argued that the national Character should be distinguished by the location of sovereignty. I am of the opinion that this way of thinking is appropriate. However, it is only after the significance of sovereignty is determined that the distinction of national Character can be made. What is sovereignty? I define it as the supreme power for maintaining state order. The supreme power equals fundamental right, so I define it as the "State order maintaining fundamental right." This state order maintaining sovereignty can be resolved I think into the "stabilizing sovereignty" that is, the supreme power to stabilize the State order and the "founding sovereignty". In enacting the new Constitution I think it best to consider the sovereignty based on this distinction. The Bill in its Preamble states: "We —do proclaim the sovereignty of the people's will" The statement in Article I that "deriving his position from the will of the people with whom resides Sovereignty power." is a declaration that sovereignty rests with the Japanese race including the Emperor which constitutes the State. In the Preamble of this Constitution the word "proclaim" is used. I think this is meant to proclaim the existing facts. The sovereignty therein mentioned is the State order founding sovereignty I have just classified and I consider that the word in Article I "deriving" signified this. And in the position of the Emperor on which the total will of the Japanese people is founded, namely, in the position which is referred to in Article I as 'The Emperor shall be the symbol of the state and of the unity of the people, deriving his position, lies I believe the state order stabilizing sovereignty. This founding sovereignty rests with the people and the stabilizing sovereignty lies in the position of the Emperor. This is my way of thinking. Nothing is mentioned in the written statute about the stabilizing sovereignty, but neither is it provided therein that there is no severeignty other than the founding sovereignty. The state order stabilizing sovereignty which the Emperor possesses has never left the Throne at any time since the founding of the State up to the present time, and I consider that this is the very essential character of our national Character. This is the unwritten Constitution ever existent since the founding of the State. In proclaiming a part of this unwritten Constitution in the form of written statute we must not be put in the shackles of the letter of the written statute, but we must read the written statute between the lines. It is the general theory to divide law, according to the classification by Kant, into two, namely the law of "mussen" or the law of "es muss so sein" and the law of "sollen" of the law of "du sollst so handeln".

State Minister Kanamori, in his explanation from this platform, compared the cases to the Ptolemaic and Copernican theories. The astronomic law of denying the Ptolemaic theory and approving the Copernican theory is a mussen law, under which category fall the rules in physics, chemistry, mineralogy, botany, and zoology, also, while the rules in religion, ethics, and law belong to the sollen category. I would call the mussen law a material law and the sollen law a spiritual law, for the sake of convenience for my explanation. Galileo set forth a material law, his theory of terrestrial revolution, based on Copernicus's theory of making the sun the centre of the planets, and was submitted to a trial in the Papal Court, a spiritual law court. Anyone of to-day will recognize the mistake of judging a material law by the standard of spiritual law. If so, the mistake of judging a spiritual law by the standard of material law will be just as clear as that of doing vice versa. A religious law is a law bearing upon the spirit itself; an ethical law is one governing the spirit to be expressed in the form of action; and a judicial law concerns the action in the form of which the spirit is expressed. Accordingly, any action that may be contemplated but has not taken its form as such is not regarded as an offence in the Criminal Code, nor is it deemed, in the Civil Law, as an act in the juristic sense of the term. Inasmuch as the Constitution is a spiritual law, it must not be interpreted in accordance with the mere forms of words employed or the literary sense of articled text only. It is for this reason that the British Constitution is essentially lex nonscripta, although it is supplemented by a number of fragmental statute laws, an example of which is the Parliament Act of 1911.

The provisions contained in the present Bill, Article 59, paragraph 2: "A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives, becomes a law by a majority of two-thirds or more of the members present;" the same Article, paragraph 3; "Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection; and Article 60, paragraph 2: "Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when a joint committee of both Houses, provided for by law, cannot come to an agreement, or in the case of failure by the House of Councillors to take final action within thirty (30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives will be considered the decision of the Diet" . . . those provisions are the same in purport as the corresponding provisions of the Parliament Act of 1911 of Britain. I would seek, as I have already stated, for the criterion of distinction between the national characters of various countries of the world in the place where the principal power of maintaining the national order of each country is installed. In the case of a country for the maintenance of whose national order the principal power is centralized or converged to the centre of the country, I call it a convergent sovereignty or convergence du souverainetes. When the principal power

of maintaining the national order of a country is vested widely in the whole people forming such country, I call it a ubiquitous sovereignty or ubiquite due souverainetes. The former depends on the strength of popular confidence and obedience, while the latter accompanies the force of the people's self-assertion and harmonious co-operation, I think. Japan is, in my opinion, a convergent sovereignty with the Emperor as its centre. In the case where the principal power of maintaining the national order of a country is vested in a political party, I would call it also a convergent sovereignty. A republic in the strict sense of the term is a ubiquitous sovereignty. I would classify and distinguish between various national character by what I imagine to be the essence of a country judging from the history, tradition, and actual condition of the country, irrespective of what it professes to be and without sticking to the Constitutions provisions of such country. The Soviet Union is called S.S.S.L., that is, Sojuz Sovetskif Sozialistitzeskif Lespublik, or the Union of Soviet Socialist Republics, and Russia, one of the countries organizing the Soviet Union, is called L.S.F.S.L., that is, Rossiskf Sozialistitzeokaya Federativnaya Sovetskaya Lespublik, or Russian Socialist Federation Soviet Republic. Though the Constitution of each member of the Union contains its own provisions fit for judging the national polity of such member, the Constitution of the Union is called Rabotze Krestiyanskaya Konstituzia or Labour and Farming Constitution. It is a labour and farming country symbolized by the farmer's scythe and mallet, or serp i molot. Considering the histor tradition, changing phases, and actual condition of the people of that country and in view of the convergence of the principal power of maintaining the national order of the country to the Russian Communist Party, or Rossiskaya Kommunictitzeskaya Parziya (Bolsheviki), which is the All Union Communist Party of the present day, I would call it a convergent sovereignty. Though the Kingdom of Great Britain is to be regarded as a ubiquitous sovereignty, the British Empire, including India, Canada, Australia, etc., should, in my opinion, be called a convergent sovereignty. The principal power of maintaining the national order of Japan arises and exists in the melting down of two principal powers, stabilizing and fundamental, into one sovereignty, where the Emperor and the people is in possession of the principal stabilizing power, and the Japanese people, including the Emperor, have the fundamental sovereignty. Japan thus constitutes a convergent sovereignty, as I have already stated. The United States of North America, considered from the points of the history of its foundation, the immigration from European countries the principal of its territorialism, the provisions of its Nationality Law, etc., is a ubiquitous sovereignty, whereas the Southern states in former days when they had slavery in operation, fell, in my opinion, under the category of aristocracy with a convergent sovereignty. The old Roman Empire, possessed of slaves, was an aristocracy with a convergent sovereignty, which was governed by the few, or oligarchy. The ancient Kingdom of Egypt, with slaves, was an autocracy with a convergent sovereignty. The old Roman Empire, with serfdom, was also an autocracy with a convergent sovereignty. Japan of today, where there is no slavery, is, I think, a democratic State. The present Bill provides under Article 18 that no person shall be placed under slavish restraint, with the purpose of emphasizing that there must not exist in Japan any feudalistic, slavish customs, conservative or antiquated. America and Britain are, of course, democratic countries. They may well be called, and they are, in fact, typical democratic States.

The Soviet Union is a democratic country. But, in this sense of the words, I do not call it a democratic country. Japan is a democratic country. But, in the new constitution as it is set forth in the present bill, she is a country founded on centralism. Therefore, I do not call Japan a democracy nation in this sense of the words. According to my interpretation of the words, a democracy country means a democratic country having its sovereign power distributed among all people. In other words, by a democratic country, I mean to denote the political structure of a country, while, by a democracy country, I mean to denote the national structure of any people. That the power to maintain the peace and order in our country is in the hands of the Emperor is a fact firmly established ever since the foundation of this country. And the fact is clearly testified in history. This was made clear to all of us when His Majesty the Emperor gave a final decision at the conference between the Cabinet Ministers and the members of the Imperial Headquarters, though opened to discuss the acceptability of the terms set forth in the Potsdam Declaration, could not reach any agreement between them after a hot debate lasting for two days beginning August 9, 1945. His Majesty, however, in accordance with his sound judgment that the Potsdam Declaration involved no provisions demanding any alteration of Japan's nationality, decided to accept it with the understanding that the said Declaration does not comprise any demand which prejudice the prerogatives of His Majesty as a sovereign ruler.

The fact that the public order in Japan has always been maintained by the Emperor was made clear to all also by the most important role played by His Majesty the Emperor at the council held in his presence on August 14, 1945, with the attendance of the Four Administrative Directors of the Cabinet, Chief of the General Staff, Chief of the Naval General Staff, and President of the Privy Council. At the council that morning, the attendants asked for the final decision by the Emperor which resulted in the acceptance by the Government of the Potsdam declaration with a resolution to carry out all the terms set forth therein. Under the same date, an Imperial Rescript was issued concerning the acceptance by Japan of the terms set forth in the Potsdam Declaration. What had passed on these two memorable days makes us ponder over our inability to do anything important but for the Imperial decision. At the same time, it comes to the bottom of our hearts that the chief power to preserve the peace and order in Japan are always in the hands of the Emperor. It was a matter of thousand pities that we were so foolish and coward that we failed to ask for the sound and wise judgment of His Majesty the Emperor before the commencement of hostilities. The Imperial judgment, or the sound and sacred judgment of his Majesty does not come out of the Emperor as man, but it comes out of him as he stands in the Throne as an expression of the people's will. It is a purified judgment which he cannot express unless he stands in the Throne. That any person when he stands in a responsible post can manifest a sound judgment purified by the responsible post he occupies. This is what all of us have personnally experienced. The present bill includes few cases where the Imperial judgment is required. This, however, by no means reduces the power of the Emperor to stabilize the order and maintain the peace in the country. In the Im-

perial Rescript issued on September 2 1945, His Majesty the Emperor was pleased to decree as follows: "We command all our people forthwith to cease hostilities, to lay down their arms and faithfully carry out all the provisions of the Instrument of Surrender and the General Order issued by the Japanese Imperial Government and the Japanese Imperial General Headquraters hereunder."

It was in obedience to His Majesty's commands as set forth in the Imperial Rescripts of August 14 and September 2 of 1945 that all officers and men of the Imperial Armies and Navies at home and abroad, without causing a disturbance, agreed to an unconditional surrender and suffered to be disarmed without shedding blood. Upon the termination of war, the Japanese nationals, whether in or out of the military service, acted in perfect obedience to the Imperial decree which eventually has saved all of them. And because they acted in perfect obedience to the Imperial decree, the peace and order in the country was maintained. The fact that the Japanese citizens unanimously acted in perfect obedience to the Imperial decree and did not make any disturbance shows that the Japanees nation, including the Emperor, or the Japanese race in other words, is possessed of the ability to maintain the peace and order in the country. This is reflected on the provisions of the present bill. This remarkable fact further shows that at the point where the Emperor and the people are perfectly united with each other with the Emperor for nucleus are also melted down in each other the stabilizing sovereign power and the basis sovereign power, thereby giving rise to the growth of the sovereign power which is required for the maintenance of the peace and order in the country. This conspicuous fact that the order in the country is maintained by the people with the Emperor for their nucleus is clearly recognized by the Allied forces as well as by all countries in the world. This conspicuous fact is openly recognized both at home and abroad, or all over the world. That the present bill includes several provisiosn concerning functions and authority of His Majesty the Emperor is an embodiment of our earnest wishes to have the political power entrusted to us so that His Majesty may not be held responsible for various matters. We maintain some of our powers because we are requested to use such powers, while others are in our hands because they are given us. Again, there are powers which essentially belong to us, while some other powers are temporarily placed in our possession. The Emperor's powers as specified, or provided for, in the present bill either essentially belong to the Emperor, or kept by the Emperor by the earnest wishes of the people. Such powers I call the essential functions or essential powers. Meanwhile, the functions or powers kept by the Diet, Cabinet, or the Law Courts are placed in their hands by virtue of the provisions of the laws or regulations. I call them entrusted functions and entrusted powers. Whether these functions and powers have been entrusted by His Majesty the Emperor, or by the people, including the Emperor, or whether, like the basic human rights as specified by Article 97 of the present bill, they are entrusted to use by the people of the past, present and future is a matter to be discriminated in accordance with the character of the affairs in view. Now, a few words about the character of the provisions of any law. Some of these provisions had existed as an unwriten or as a common law and later have been declared in a written law. Meanwhile, there are provisions that are newly enacted. I call the former declared laws and regulations, and the latter enacted laws and regulations. From this point of view, most of the provisions concerning the Emperor belong to declared laws and regulations. Therefore, any provision by which we ask part of the essential powers of His Majesty to be entrusted to the political machinery belong to established laws and regulations, because they are to be newly enacted in order to provide for a reduction in the essential powers of the Emperor. In the same light, the provisions with which the political machinery is entrusted by the people are also enacted laws and regulations. The functions of the political machinery that have been entrusted to them out of the essential powers of His Majesty will return to the Throne when the functions of the political machinery is diminished some day in the future, but in cases where such functions have belonged to the people as their essential authority, they will return to the hands of the people. What I have stated, I hope, has given you at least an idea about the existence of the sovereign power of His Majesty relative to the stabilization of the order in the country. If any legal foundation thereof be sought for, we must refer ourselves to the provisions of Article 1 determining the position of the Emperor as the symbol of the state and of the unity of the people. You are also advised to refer yourselves to the provisions of Article 6 wherein are embodied the earnest wishes of the people that His Majesty will reserve for himself the right to nominate the Prime Minister, and the President of the Supreme Court. You are advised also to think over the fact that, by a virtue of the provisions of Article 7 His Majesty is earnestly asked by the people to perform with the advice and apprvoal of the Cabinet, to perform the following functions on behalf of the people:

Promulgation of amendments of the constitution, laws, cabinet orders and treaties Awarding of honors, and many other such functions.

These facts show that His Majesty is possessed of the principal power to maintain the peace and order in the country. As I have already mentioned the sovereign power to maintain the peace and order in the country grows and develops where the sovereign power of His Majesty to maintain the peace and order in the country and the sovereign power of the nation, including His Majesty, to lay the foundation for the maintenance of the peace and order in the country are perfectly combined with each other with His Majesty for the nucleus of the nation. That His Majesty the Emperor and the people are perfectly united with each other is clearly shown by the following words as expressed in one of the Imperial Rescripts: "In relations we are your Emperor and you are Our subjects; in affection We are your father and you are Our children."

Again in the Imperial Rescript issued at the beginning of the year 1946, His Majesty the Emperor were pleased to say substantially as follows: "I am always with the people, and wish to share interests and ups and downs with the people. The tie connecting me with the people is always secured by the mutual reliance and veneration. It is by no means a product of mythology and legends. It is not founded on any empty idea that the Emperor is a Living God and that the Japanese people is a race superior to any other race and is, therefore, destined to rule over the world."

The relations between His Majesty and the people are clearly shown by the Imperial words quoted above. A country is a legal body—a legal body of a race. It is in other

words a body of a race aimed at the promotion of collaboration, maintenance of the public order by force, and at the attainment of its common objects. But, because a country is a body, we do not immediately arrive at the conclusion that it has a legal character. We may even say that a country has no legal character like any association as specified in the Civil Code. I think that any theory that Japan has a personal character, or that Japan is a legal person is no longer suitable to the present circumstances in the country in view of the development of various theories concerning the character of our country. Because, the theory that the Emperor is an organ of the country comes out of the view that a country is a legal person. And in my opinion it is inappropriate to regard the Emperor as an organ of the country. Any organ of a body is formed by the body in order to meet the necessity of the body. For instance, a joint stock company is organized by the shareholders, and then the general meeting of the shareholders is brought into being. And the directors who execute the business of the company and represent the company against the third parties are selected in accordance with the decisions made by the general meeting of the shareholders. The directors, therefore, are organs of the company. But even when all the chairs of the directors become vacant, the company itself will remain in existence. The case is entirely different with our country. The country had not been brought into being prior to the appearance of the Emperor. The Emperor was in existence at the same time as the the foundation of the country, and at the same time as the enactment of the law. Without the Emperor, our national constitution, which is the fundamental law for the maintenance of the peace and order in the country, cannot be enacted. In Article 1 of the present bill, the Diet is called an organ of the country. It is because the Diet is brought into being by virtue of the Constitution. Again, in Article 93 of the present Bill, the assembly of any local public body is called an organ of the public body. It is because, any such assembly is brought into being in accordance with the provisions of the law to be enacted by virtue of Article 93. The essential qualifications for the acquirement of a citizenship in Japan are to be determined by law by viture of the provisions of Article 10 of the present bill. The law in question, in accordance with the numerous instances in the past, is the national statute. Meanwhile, the status of the Emperor is to be determined in accordance with the provisions of the Imperial Household Law by virtue of Article 2 of the present bill. Japan is a body of the Japanese people, Japanese race representing the perfect union of the Emperor and the people. Japan is a democratic country in connection with political system. Therefore, the state affairs are prosecuted for the people, belong to the people, and are executed by the people As Abraham Lincoln said, the state affairs of Japan are "For the people, of the people, and by the people." The will of the country therefore, are to be decided on and manifested in various manners as provided for by the present bill. The Diet, as one of the highest organs of the country, will execute the power of legislation, and the power to discuss and decide on the budget of the country, and thereby decide on the will of the nation. The will of the nation thus decided upon will be promulgated by the Emperor in the form of a law, ordinance or a treaty with the advices and approval of the Cabinet. Meanwhile, the judicial power will be prosecuted by the courts of justice, and thereby decide on and manifest the will of the nation. These organs, however, alike decide upon and manifest the will of the country as the body formed by the Japanese people. The national constitution of Japan is a legal law, not a moral or an ethical law, nor is it a religious one.

Because the national constitution is the basic law for the maintenance of the peace and order in the country, it is derived from all kinds of personal as well as natural laws, such as the laws of ethics, religions, economics, sociology, history, legends, mythology, philosophy, literature, physics, engineering, agriculture, and so on.

In the Imperial Rescript given at the opening ceremony of the 88th session of the Imperial Diet on September 4 of 1945, His Majesty was pleased to say substantially as follows: "I heartily wish to overcome the numerous difficulties accompanying the termination of the war, to observe faith in the world by manifesting the essence of the Japanese nationality, and thereby establish a peaceful country and eventually contribute to the civilization of mankind. Nights and days, I am anxious to attain this object." The constitution of our country is founded on the essence of our nationality. There are no provisions either in the Constitution of Great Japan or in the Constitution of Japan that are not founded on the essence of our nationality. Because, if not founded on the essence of our nationality, our constitution, which is the basic law for the maintenance of the peace and order in our country cannot exist.

I have spoken so much about our nationality, commending every now and then on our form of government. But, I wish to speak something more about the system and form of our government. Of the political power, we may imagine different cases, Namely, the case where the Emperor attends to the politics of the country for himself, and the case where the political power is entrusted to the hands of other persons. There are also cases where the political power is presided over by one person. In this case, I call it an entire political power. There are also cases where the political power is placed under the control of several persons or organs. Then, I call such political power a divided political power. Furthermore, there are cases where the political power is executed by the central organ, or in the metropolis, as well as cases where it is executed in different local districts.

Lastly, the political power is divided into a despotic government and a constitutional government in accordance as it is placed under the monopolistic control or a single person or divided among the three powers.. The present bill is aimed at the establishment of a divided political power.

At the beginning of Japan's national foundation, the political system of the Emperor Jimmu was a despotic and entire government presided over by the Emperor and executed at the metropolis. When the Sogas and other powerful families usurped the political power of the country in the days of the Emperor Jomei and Kokyoku in the 6th and 7th centuries Japan had a special political system which I call a despotic, centralized entire goverernment.

By the Restoration of Taika (645-649), Japan regained a political system which may be called an Imperial, Centralized, Entire and Despotic Government. Later in the Heian era (794-1192) there appeared in Japan a form of government which may be called a despotic, centralised, entire government under regency. After the establishment of

the Shogunate Government at Kamakura, there appeared a political system which may be called a despotic government of the Shogunate and Local Entire Political Power. In the Restoration of Kenmu by Emperor Godaigo (1336-1339) a form of government, which may be called a despotic Imperial, centralized, entire political power, was established. This was immediately replaced by a different system of government which may be called a despotic government of Imperial Divided Political Power as a result of the division of the Imperial Household into the Southern and Northern Dynasties (1332-1383).

When the Muromachi Bakufu (Shogunate Government) was established in Kyoto, the government became a centralized autocracy. This led, however, to the practical independence of the Governor-General of the Eastern Provinces, so the country came to be governed autocratically on a divided basis. In the era of Genki and of Tensho, known as the Age of Warring Lords, Local chieftains established autocratic regimes in their own areas. With the opening of the Bakufu by the Tokugawa in Yedo (Tokyo), the country was placed under the rule of the Bakufu and local feudal regimes, all on an autocratic basis. This continued for two centuries and a half. With the Meiji Restoration, however, the country reverted to the old system of unified government under the Emperor. The autocracy of the Meiji regime continued until 1890, when the Imperial Constitution promulgated the year before was put into force. With this, the government was turned into a constitutional regime of the centralized pattern.

Under the Imperial Constitution, however, division of the government into civil and military branches came to be pronounced. With the ascendancy of the military, the government of the country fell, to all intents and purposes, into their hands. The result was the late war, which ended in a terrible defeat for this country. According to Article II of the Imperial Constitution, the Emperor has the supreme command of the Army and the Navy. This is what is known as the Imperial prerogatives of supreme command. As Generalissimo of the Empire, the Emperor exercised this prerogative through the General Staff and the Naval Board of Command established as organs of command. Now in his five-point Rescript to the Defence Forces, the Emperor Meiji told the members of the Services that they should serve him with loyalty, irrespective of politics and public opinion. This rescript was regarded as a golden rule from the promulgation of the Imperial Constitution right up the end of the war. According to Article 55 of the Imperial Constitution, the respective Ministers of State advise the Emperor, for which they are responsible. However, in respect of matters pertaining to military command as distinguished from matters of state, the Article just quoted is not applicable, and such organs of command as the General Staff and the Naval Board of Command are free from constitutional responsibility. Article 12 of the Imperial Constitution provides that the Emperor determines the organization and peace standing of the Army and the Navy. This is what is called the Imperial prerogative of military administration, as distinguished from the prerogative of military administration, the Ministers of War and the Navy, as Ministers of State, advise the Emperor. In this respect, therefore, they are subject to Article 55, which provides for the responsibility of Ministers.

In spite of this Article, however, it was held that the Imperial admonition to the members of the Services to keep aloof from politics did not apply to the Army and Navy officers concerned with military administration at the War and Navy Ministries, because the matters they had to deal with were matters of military administration. Article of Imperial Ordinance No. 130 1889, on the Organization of the Cabinet, provides for what is known as the War and Navy Ministers' direct appeal to the Emperor. "Such matters as concern military secrets and military orders which are reported to the Emperor", declares the Article just mentioned, "unless referred to the Cabinet by the Emperor, shall be reported to the Prime Minister by the Minister of War and the Minister of the Navy." This Article does not enjoin that matters concerning military secrets and military orders shall be approved by the Cabinet, though they must be reported to the Prime Minister. The War and Navy Ministers are Cabinet Ministers being heads of the Ministries of War and the Navy. The ordinances on the organization of the War and Navy Ministries, however, provided that the Ministers of War and the Navy be appointed exclusively from among the generals and admirals in the active service.

With the growth of party politics, a dispute arose round the question of suitability of the provision restricting the selection of War and Navy Ministers. This restriction was removed by Imperial Ordinance No. 165, June 13, 1913, for the War Ministry and by Imperial Ordinance No. 168, of the same date for the Navy Ministry. By these Ordinances, that is to say, the clauses of the Old Ordinances providing that the Ministers and Vice-Ministers of War and the Navy shall be generals and admirals in the active service were delated. The Cabinet responsible for this revision was headed by Yamamoto Gombei, his colleagues comprising Makino (Foreign Affairs), Hara (Home Affairs), Takahashi (Finance), Kigoshi (War), Saito (Navy), Matsuda (Justice), Okuda (Education), Yamamoto Tatsuo (Agriculture and Commerce), and Motoda (Communications). After this revision, War Minister Kigoshi resigned, and Kusunose was appointed in his place. The new War Minister was a general like his predecessors. Never before and after have civilians been appointed heads of the War and Navy Ministries, though the posts of Parliamentary Under-Secretaries and Counsellors at the War and Navy Ministries have frequently been occupied by members of the House of Representatives and the House if Peers. The organization of these Ministries, however, came again to be revised in May, 1936. The new Ordinances, (dated May 16 and gazetted May 18) on the organization of the War and Navy Ministries revised the Ordinances in force by providing that the Ministers and Vice-Ministers of War and the Navy shall be generals and admirals in the active service. Thus after an interval of twenty-three years, the organization of these two Ministries reverted to the system before the revision of June, 1913. In 1936, public opinion seemed to have taken little notice of the restoration of the old system, but the Parliamentarians, who fought for the revision of 1913, were startled by the change. The Cabinet responsible for the restoration of the old system consisted of Hirota (Prime Minister), Terauchi (War), Nagano (Navy), Ushio (Home Affairs), Arita (Foreign Affairs), Baba (Finance), Hirao (Education), Hayashi (Justice), Shimada (Agriculture and Forestry), Tanomogi (Communications), Ogawa (Commerce and Industry), Mayeda (Railways), and Nagata (Overseas Affairs).

After this revision, nobody except generals and admirals in the active service could be Ministers of War and the Navy, but Army and Navy men could of course become not only departmental heads but Prime Minister. Generals and admirals, therefore, came to be appointed heads of Ministries other than the War and Navy Ministries, the exclusive preserves for generals and admirals. Especially after the outbreak of the China Affair, this tendency became pronounced, and all Cabinet posts except that of finance came to be occupied at one time or another by generals and admirals. Some of them were appointed ambassadors. The civilan Ministers and even the Finance Minister, it seems, had to be men, in whom the Army and the Navy placed perfect confidence. After the Russo-Japanese War, that is in 1908, General Katsura Taro, Prime Minister, acted concurrently as Finance Minister, in order to undertake the flotation of 4 per cent bonds. He was a solitary instance of non-civilian Finance Minister. Under the headship of Katsura, Acting Director of the Finance Bureau is said to have managed the Finance Ministry. How many the Cabinet organized by generals and admirals, and how long the periods in the aggregate of their administration! When you remember this fact, you will at once see the extent of military domination. During the late war, this domination reached an extent never witnessed since the Meiji Restoration, and the country was virtually under the government of the military.

The war was brought to an end by Imperial decision, and in the Proclamation of September 2, the Emperor ordered the Government and the Imperial General Headquarters to sign on his behalf the Instrument of Surrender presented by the Supreme Commander for the Allied Powers. On the basis of this Proclamation, Shigemitsu Mamoru and Umezu Yoshijiro signed on September 2 the said Instrument of Surrender respectively "by command and in behalf of the Emperor of Japan and the Japanese Government and" by command and in behalf of the Japanese Imperial General Headquarters." Thus by command of the Emperor as holder of all rights of sovereignty, the Instrument of Surrender was signed on the one hand in the name of the Emperor and the Government and on the other hand in the name of the Imperial General Headquarters. The form and substance of dual government was thus preserved-to the end. With this surrender and the disarmament that followed, the government of Japan became a constitutional regime unified under the Emperor, with the dual control abolished. With the passage of the present Bill, a new constitutional regime, with the powers of government divided between organs and with a large measure of local autonomy guaranteed.

Article 4 of the Bill declares that the Emperor shall perform only such state acts as are provided for in the Constitution. This means a basic division of powers. Though the Emperor will perform various acts in matters of state under Articles 5, 6, and 7, as well as under Article 4, this is a matter of form for the expression of decisions made by the Diet or the Government. Therefore, the Emperor has no powers related to government, as Paragraph 1 of Article 4 states. "The advice and approval of the Cabinet". Article 3 declares, "shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor." So the Emperor cannot be held responsible for his acts. Article 41 provides that the Diet shall be the highest organ of state power, while Paragraph 2 of Article 66 states that the Cabinet, in the exercise of executive authority, shall be collectively responsible to the Diet. From these and other Articles of Chapter 4 (the Diet) and Chapter 5 (the Cabinet) as well as from Article of Chapter 6 (the Judiciary), there can be no doubt about the character of constitutional government to be established. Article 20 lays down the separation of the state and religion, while Article 9 renounces war for all time. The Japanese people are thus determined to build up a peaceful state and contribute to human culture, as the Emperor stated in his speech opening the present session of the Diet.

Since its foundation the Japanese Empire has observed the fundamental principle of the unity of religion and state. Now, Shintoism may be considered from a fourhold point of view: i.e. religious, moral, legal and superstitious. Since it is usual for a Japanese to offer prayers when he is worshipping at a Shintoist temple; that is to say, his worship is religious. On the other hand, our State used to enjoin that Japanese subjects should worship at Shintoist temples. But seeing that Article 28 of the prevailing Constitution says, "Japanese subjects shall enjoy the freedom of religious belief," our Government hitherto evaded to declare the nature of Shintoism as a religion. In other words, while our Government was well aware that Shintoism was essentially nothing more or less than a religion, it lacked the courage of its conviction, and lest it should violate the clear prescription of the Constitution, it has kept a vague attitude in administration of Shintoist matters. As aforesaid, the nation has been forced to worship at Shintoist temples. If I were to defend the case, though there may be room for suspicion that strictly speaking, what the Government has been doing is in contradiction with the freedom-of-religion clause of the Constitution. I should say that the Government has based its administration of Shintoist temples on Article 2 of the "Law for Application of Laws": Such social customs as are not contradictory with public order or good morals shall have the same validity as law, provided either they are positively recognized by any law or they are not taken cognizance of in any law, and that the Government has enforced Shintoism, which was virtually a quasi-state-religion, upon the nation on the ground that it was necessary to maintenance of public order. In fact, however, they did not dare to define its attitude in such way, but has been far from definite and thorough-going in its attitude towards Shinto-temple administration, and in consequence of this, or stimulated by it or even taking advantage of it, I think, some people treated Shintoism superstitiously, regarding its tenets and rites as something transcending human reason, with the result that they became megalomaniac in their conception of the Japanese nation, or that they impose their own unbalanced ideas upon the other people and finally they helped to lead the nation into ruin.

Like Shintoism, ancestor-worship in our society is treated as a type of religion with the custom of praying to our forefathers. In my opinion Shintoism and ancestorship alike should not be regarded as religion but as a moral matter. When one is worshipping at a Shinto temple or ancestral shrine, one should not pray to the spirits enshrined in them, but simply pay one's respects by salutation. It is because of the wrong treatment hitherto prevailing of Shinto shrines, as if they were religious institutions that it has become necessary to insert such articles in the New Constitution as: Article XX: Paragraph 1, "No religious organization shall receive any privi-

leges from the State, nor exercise any political authority"; or paragraph 2, "No person shall be compelled to take part in any religious act, celebration, rite or practice." paragraph 3, "The State and its organs shall refrain from religious education or any other religious activity," and Article 89 to the effect that no public fund shall be appropriated for the benefit or maintenance of any religious organization or institution, nor shall any public property be used for similar purposes. Of course these provisions do not solely apply to Shinto religion but to any cult. In future Government and people ought, in my opinion, to think of Shintoism as a moral matter. In response to Scap Memorandum dated Dec. 15, 1945 to the Japanese Government, containing an injunction that the Government should refrain from baking-up, support, preservation, control or propagation of "State" Shintoism or "Shrine" Shintoism, our Education Mnistry has adopted a measure, according to which only these sects or organizatons which report themselves as Shintoist shall be treated as religious, while others which do not go through the formalities, shall be let alone. I should say that this measure is highly unsatisfactory.

With regard to Shinto shrines, I think they ought to be classified into two: (1) "Shrine Shintoism" and (2) "Shrine Way". Now "Shrine Shintoism is definitely religious, so it must be subjected to the Daft Constitution, Article 19 concerning the freedom of religion. "Shrine Way" is a moral teaching and practice, which is an approach to divine beings through believers' conscience. Religion aims at enlightenment through faith or some particular exercises or rituals while morality is cultivation of one's character by means of knowledge and practice. The poem of the Empress Dowager Kensho on the theme of Diamond explains briefly and aptly the very essence of morality. Bushido, too, is a moral code.

The second chapter of the Draft Constitution is devoted to provisions concerning renunciation of war. From the human point of view it may seem eternally impossible to renounce war, and I believe that from the viewpoint of a divine republic of consciences, it is well practicable to banish war and bring in world-peace in its stead. It is said that man cannot see the Kingdom of God, if he is not born again. The whole Japanese people must repent their gross blunder in the past, and strive for establishment of a divine land. Japan has sometimes been styled a "Land of Gods", and according to my interpretation, it ought to mean a Morally Sacred land, or rather a republic of consciences. I wish to see realized in this country a Land of Gods in its true sense, that is to say, a nation who are subject to nothing else than their own consciences! Some people may think that if a country is to exist, if must be allowed to protect itself, hence the right of self-defence is one of a nation's natural rights. And they may conclude that war is justifiable as a form of exercising a nation's rights of self-protection. As the fundamental rights of man are native and natural, so the right to fight is one of a nation's inalienable rights, and therefore, they will think, though war may be renounced for a while, yet it is bound to return to take its place among mundane affairs. However, it must be remembered that the right to war is not a nation's natural right. Peace and War can not coexist any more than God and Devil.

What I want to stress is that our polity is not at all going to be altered by the New Constitution. The Emperor is possessed of the supreme right of stabilizing national order, while the whole nation inclusive of the Emperor has the sovereignty, which forms the basis of national order. Japan is a country, in which Emperor and people are harmonized into one indivisable whole; it is a sovereignty pervaded country, in which the Emperor's supreme right of stabilization and the people's right of supporting national order are fused together into the sovereign right of maintaining national order; it is a constitutional country, in which the principle of mutual independence of the legislative, the executive and the judicial is well established and democracy is placed on a solid foundation. All this phase of our national polity is clearly revealed in the Draft Constitution. Such is my crude and immature of theory of State concerning our country. When the Draft Constitution is passed by the Diet and promulgated as law. I hope I shall be able to re-examine this theory of mine in the light of opinions of our publicists, statesmen and other illustrious gentlemen, and to amend my theory, if any errors are to be found therein.

My present business is to judge this draft from the stand-point of my private theory, and I conclude that the bill is well worthy of being passed. In brief, the Draft Constitution contains three important principles.

(1) Japan is to be the first among all nations on earth to renounce war and is determined hereafter to make contribution towards perpetual peace of the world in the capacity of non-militaristic, cultural nation.

(2) The form of state which will obtain in this country is that of a nation pervaded with sovereignty centralized in the person of the Emperor. By the provisions of the New Constitution, Japan is to have the well-established principles of mutual independence of legislature, administration and judicature, of the supremacy of Parliament, of the all-comprehensive responsibility of the Cabinet, of democracy and constitutionalism.

(3) In this country, the people's fundamental rights are to be fully recognized and properly esteemed, and their freedom and welfare are to be eternally guaranteed.

Our countrymen will ever be sadly repentant of the grave blunders which they committed during the last War lest they should ever repeat similar errors. For this purpose they should take greater and keener interest in their politics, being deeply impressed with the gravity of political responsibility. It is up to them to put forth their utmost exertion for the sake of re-building of peaceful Japan by unanimity and cooperation, whereby to make contributions towards the increasing welfare of whole humanity.

From the above-mentioned point of view, I give my approval to the present bill. (Applause)

Vice-President (Viscount Tokugawa Munetake):

Mr. Ushimaro Sawada!

SAWADA, Ushimaro:

As it is getting late now I think I should like to be allowed to speak tomorrow, because we are having a meeting tomorrow at any rate.

COUNT TOKUGAWA, Muneaki (Vice-President):

You may yet speak until about five o'clock.

SAWADA, Ushimaro:

But, as the Minister of State is not here now, I should rather like to speak tomorrow,—

(USHIMARO SAWADA ascends the platform.)

SAWADA, Ushimaro:

I am sorry to say, but I have an objection to the present Bill of the revised constitution. Perhaps it would appear that I do not appreciate the position of the Government, but let me speak my reasons for objection according to the dictates of my conscience. There are three reasons for my objection; they are 1) the time for revision of the constitution, 2, substance of the draft of revised constitution and 3) the result which will be brought about by the enforcement of the revised constitution. I shall explain under these three heads.

As for the question of time, it was impossible to postpone the revision in view of the international situation; and as far as that point I grant that the case is reasonable on the face of it. But in the opinion of the Government Japan is not a perfectly independent State, and I myself cannot tell what to say to that point of view. In my opinion, however, a constitution is to be enacted by an independent State; and it is somewhat mistaken that a State which is not independent should enact a constitution. Therefore, I think that it is suitable that the constitution should be revised when Japan has recovered a perfect independence as a State. This point is a doubt which I have entertained from the beginning in connection with the time of revision. the Prime Minister, Mr. YOSHIDA explained already that it of the constitution; and I still hold the opinion that today is not yet the proper time for revision.

In the second place, concerning the substance of the constitution some of the honorable members said that it was all right to cast off the old clothing and put on a new one, so to speak. Of course, I am not always offering an objection to the putting on of new clothes itself. But suppose the new clothes were borrowed ones and full of patches, with tails and sleeves too short to fit; I do not think that such are worth praising. I should like to show you just how the present draft of the revised constitution is full of patchworks. I must ask your pardon for thus going into classified details, for I do not mean to be academic in this way. With regard to its substance I think that the present draft of the revised constitution is running counter to the progress of law. I shall explain this under the heads of A. B. and C.

A. Separation of law from the law of ethics or the law of morality is an outcome of the progress of law. From this point of view, I think that any confusion of the law of morality and law cannot be allowed in the advanced stage of law. The present constitution is very advanced on that point; for its provisions are only of law. But the present draft of the revised constitution contains very much of ethics. I am not going into details by showing examples, but I may just mention Article 10, Article 12, the second paragraph of Article 2 and the first paragraph of Article 24. As I think that you already know the contents of these Articles I will not read them to you now for the sake of saving time. All these points concern only ethics; they are directions, and they belong to the realm of ethics but not to that of law. It is a backward movement from the standpoint of law that the present draft of the revised constitution mentions these points in its articles; it is more primitive or more primeval than the present constitution, or it is in a lower stage of progress. To show it by a common instance it means to throw off the fine clothes, the finest silk clothes of the first order Nishijin-ori and put on a borrowed suit of poor fibre cloth.

B. Then I must talk of a confusion of public law and private law; and this also means a low stage of progress in law, because as law makes progress it is divided into public law and private law. But the provision of the Article 24 in the revised constitution is purely a civil law provision; it is not necessary to put it in the constitution. From this point of view the present draft of the revised constitution cannot be said to be an advanced and good constitution.

C. Further we meet with a confusion of the idea of separation of three powers which we so often talk of. I shall very briefly explain to you article by article. Article 41 provides that the Diet is the highest organ of State; but according to Article 81 a few judges in the court can decide that a law which was made by the Diet is unconstitutional, and it is provided that that judgment is valid and final. That means that five or ten judges in the court can decide a law which was made by the highest organ of State or by about a thousand people in the House of Representatives and the House of Councillors to be unconstitutional. I think that this is a glaring contradiction to the idea of the Diet as the highest organ of state. The Government mentioned an example in a foreign country in this connection; But different countries have different situations. The existence of an instance in a foreign country does not at once mean that it is suitable or correct or that it is all right. It is the nature of things that different conditions appear in different situations. I do not think that the Diet itself will make a law which it thinks is unconstitutional because there is an example in another country. A law is made on the premise that the law which is made by the Diet itself is in conformity with the constitution, and it is not unconsitutional in any way. If a few judges in the court decide a law made by the Diet and by many people in it to be unconstitutional, and a law becomes null and void if it is unconstitutional, then I think that the condition of legal system will be only confused, and there is no use in it. As a matter of practice too, it is doubtful whether a few judges in the court have the ability and wisdom of finally deciding a law to be unconstitutional or not. In this situation members of the Diet will be considerably petty persons; and I think that it is a matter hardly convincing to the people that persons of little worth form the highest organ of State. And then, on the contrary, there is a mixing up of judicial and legislative powers.

Article 64 provides for the setting up of an impeachment court in the Diet where judges are tried; and this will run against the provision in Judiciary that the supreme court is the court of last resort, its judgement the last judgement and no other court can conduct the last judgement. This is a case of contradiction where the Diet is tresspassing on the judicial power. These points will destroy the idea of separation of three powers. And further, Article 79 provides that judges shall be appointed by the Cabinet; if a person appointed another person the appointing person is superior to the appointed person in the ordinary idea. Thus for instance, a Minister of State appoints subordinate officials, or a prefectural Governor appoints them, and these subordinate officials are under the Minister of State or the prefectural Governor. Then the judicial power will be placed under the Cabinet. I think that this is also unreasonable. Then Article 68 provides that the prime Minister appoints the Ministers of State. Paragraph 2 in Article 73 provides that the Cabinet manages foreign affairs, and paragraph 3 in the same Article provides that the Cabinet concludes treaties. These businesses are provided to be under jurisdiction of the Cabinet; then it means that the Cabinet holds the supreme power. I am not familiar with legislative instances in all countries of the world, but according to the constitutions of various States since 1930, management of foreign affairs is vested in the hands of the President or King; for instance in

the constitution of Spain of 1931 or the constitution of Yugoslavia of the same year. In no country is the right of managing foreign affairs vested in the Prime Minister. The same is true of treaties. The Constitutions of Esthonia, Poland, Yugoslavia and Portugal all provide in the same way. Otherwise the Prime Minister will be the supreme ruler. In the present draft of the revised constitution the Diet appears to be the supreme ruler, but at the same time the Prime Minister also appears to be the supreme ruler; indeed you cannot tell where you stand. Therefore, as I spoke at the meeting of the committee the supreme power is missing, you can hardly find where the supreme power definitely is. Such confused provisions must be an outcome of a very infantile legal idea. I think that it can by no means be said to be an advanced legal idea. As I already pointed out at the plenary session there are contradiction and falsehoods in many provisions, and the legislative technique is very poor. Let me further show you a couple of instances. Article 15 reads, "The people have the inalienable right to choose their public officials and to dismiss them." I think that this provision will make the enforcement of the present constitution or the management of national politics impossible, because to appoint or to dismiss a Government official is a concrete action, and if this is the inalienable right of the people I think it cannot be delegated to other persons. Here I may take the freedom of residence or the freedom of moving for another instance; his is not clearly a concrete action but a vague idea, and its details may be provided by law; but to appoint or to dismiss a Government official is a concrete action and there is no room for it to be provided by law. A referendum by 80 million people must always be resorted to in order to appoint or dismiss an official of the Hanninkan rank,—I do not know if the term Hanninkan rank is still is use—and I think that there is no other way of carrying it out as a result of the provisions of the constitution. Indeed this is a very queer provision under which the affairs of State cannot be carried on even a single day. Those who support this provision raise Article 73 which provides that in accordance with standards established by law the Cabinet administers the civil service; and say that appointment and dismissal of Government officials can be done as a result of this provision and that it has nothing to do with Article 15. But Article 15 of the draft constitution expressly reads "the inalienable right of the people", and the article makes no provision in it as to delegation of the right; to whom this right may be delegated, and by what procedure, whether it is delegated to law or to anything else or to what it is to be delegated. Therefore Article 15 is an unmovable rigid provision. If all appointments and dismissals are to be the inalienable right of the people there is no mending the situation. Thus because of the provision of Article 15 the affairs of State cannot be conducted. I think this will raise a big question. Then I must talk of Article 8, of which I said that its provision has a smack of treating the Imperial House as a quasi-incompetent person. In the civil law it means quasi-incompetence to say that nothing can be given or nothing can be received by a person or that no property can be disposed of by him. This is a very unfair provision, and I think that it is an insult to the Imperial House hat the Constitution has such a provision in it. Then Article 99 provides that the Emperor or the Regent, the Ministers of State, judges and all other public officials have the obligation to respect and uphold this Constitution. In the constitutions of other countries such words are to be said by way of taking an oath when a president assumes office or a King succeeds to the throne. They are all right for such occasions, because an oath is an action and it is a matter of fact. But it is very strange that such words should be adopted as a provision of the constitution. As a matter of fact I do not know of any such instances, and I think this is very singular. Then on Article 97 I shall not go into arguments in detail, but let me just mention that it does nothing but make a kind of declaration, so to speak. I remember somebody in this House saying in a speech some time ago that in his opinion law is a "norm" or it is a regulation. I agree with him, but what does Article 97 regulate? It does not regulate anything at all, but it makes a declaration. In my opinion, such a thing is not worth adoption as a provision of law.

As it has been discussed from various points by members of the Constitution Committee, the style and phraseology are in a state of extreme confusion. They are so confused that to correct them is a hopeless task. There is no end to it if talking about such details, and I will confine myself to what I have pointed out. It is my opinion that a Constitution is not worthy of the name, after all, if it is not in accordance with the customs and sentiments of the nation for which it embodies guiding principles. The Constitution before us, I think, is sadly defective in such points. A few quotations from an American newspaper will make this clearer than any lengthy dwelling on it on my part... In the paper such expressions as "This is not a Japanese Constitution" or "This is an American Constitution for Japan" are used. I refrain from translation as I am not a good hand at it. It is quite plain from the comments that the draft Constitution is not a thing Japanese. (Cheers.) The American press comments are more effective than thousands of words I can say in my argument. I am really at a loss to understand the attitude or motive of the Government in presenting such a document. Why has it produced a Constitution more deserving of the name? Seeing that Japan has a considerable number of authorities on constitutions and the Cabinet itself has a considerable group of creditable experts in the line, why is that the Government has seen the necessity of speeding revision of the Constitution, I am prepared to give my approval if there is a real need. But a constitution in its nature, is different from a statement of terms of surrender or terms of peace: it should be of more enduring quality, and my desire that ours be one that has been framed accordingly. I shall not dwell any further on Point No. 2, the contents of the draft Constitution. A word as to Point No. 3, that is, about the after-effects of the coming into force of the new Constitution. The Constitution, as is well known, is characterized by its strong suggestion of the constitutions of the British and American colouring. Legaly Japan owed its legislation to the Continent of Europe, to which its laws have been laid under contribution, and to crown all here comes a new constitution. This means that the laws of Japan have to under-go remarkable changes to be in harmony with the new constitution. The necessary changes include, I think, the Civil Code, the Criminal Code, the Law of Procedure, the Advocates' Law, and so forth. A radical change has to be made in these and other pieces of Japanese legislation. To confess the truth, I am not well acquainted with law, and I cannot give a exhaustive list of Japanese laws that may be

affected by the new Constitution, but common sense indicates that quite many will have to be amended or abrogated. This will put the people to a good deal of trouble. The Diet which is concerned with legislation may be held in session all the year around if the members are energetic enough to endure it. A law Bill a day may be introduced in the Diet. This means a considerable annoyance to the people, who have to accept and observe the laws. Such trouble they have not to undergo if the Constitution is not put into operation, but in case it is, I believe they will have a large amount of inconvenience in the conduct of their every-day life. Is this what is called "democratic"? Surely democracy is something different. So considered, is not the carrying out of the new Constitution against the provisions of the Potsdam Declaration. It will end only in giving trouble to the people. Besides, the new Constitution is not yet carefully perused by the people the bulk of the people have not even read it through. To be frank, there are only a very few people who have read the text. People have been misled by a sort of propaganda. They think that some special favour will be brought by the new Constitution. There is a rumour still lingering among us which is to the effect that when there was much talk about the advent of the Constiution now in force, some people were overjoyed with expectation that the occasion would be celebrated by the gift from the Emperor of silk livery to all. Something similar to this wild expectation is now being held by a section of the nation. There is a popular thought that the revised Constitution will bring freedom and democracy all of a sudden and everything will go well. The thought is proving a great source of satisfaction. The new Constitution itself, however, is left unread. This may be interpreted by critics as an indication that the Japanese are still at a low level of intellectual culture. So it may, but the matter is worthy of serious consideration by the policy-makers. In the sense of what has been stated, I cannot give my approval to the new Constitution, though it is a course I deeply regret. I doubt the legal wisdom of the Government—allow me for my lack of politeness—for introducing such a constitution into the Diet. It is my desire that the Government—I see the Prime Minister is not in attendance—will show a greater enthusiasm in the new Constitution so that, by dint of collective wisdom, a constitution of excellent merit may be completed Such being my view of the new Constitution, I want to give it back to its introducer, the Government. I wish to make it clear that my stand is against the Bill.

President (rince TOKUGAWA, Iyemasa):

Viscount Kiko Okouchi, please.

(Viscount OKOUCHI, Kiko takes the platform.)

Viscount OKOUCHI, Kiko:

I am sorry I have kept you so long. I have just heard various arguments both in favour of and in opposition to the projected revision. All the arguments advanced have been very instructive and will have given very wholesome influence both on the Government and the people in general, for which I feel grateful. Especially I have been much impressed with the argument Dr. Sasaki advanced in opposition, opinion dealing with the question of national policy. I, too, could not peruse the revised constitution without tear. What a pity it is, indeed, that we now have to discuss the revision of the Constitution on account of the blunder committed by some sections of bureaucrats. I can find no word to express my resentment. What feeling can we have from the argument of Dr. Sasaki? If resented, let us resent to its full extent, if weeping, let us shed tears exhaustively. Blood is boiling in our body—let it boil to 100 degrees, nay to 200 degrees of temperature. Here is a verse: "May the tomb move, I moan and moan like the winds of autumn." When our moan will have come to this extent, our souls will be awakened. No less did I weep than Dr. Sasaki, and now I have come to see a beam of light. Last year's flowers had fallen; yes, they had fallen to our regret, but they fell with the determination to bring forth much nicer flower next year. Man, too, will die when time comes, but he will die with a will to be born a better man in the next world. The same may be said of this Constitution. The old Constitution, though put to abuses, was an unimpeachable one. Our national character was flawless, under which our people lived extending over thousands of years. It is a matter of great remorse that this nation has now been brought to the present plight. But out of this unbounded remorse will, I believe, be found a new course. Just as the Emperor Shomu who could not suppress his grief of the loss of his beloved young son, by changing his mind, accomplished the building of that magnificent temple called Rushanabutsu, so with the same spirit we should start building new Japan. (Cheers). Then the question is what should be our objectives for which the new Japan will have to be build. Undoubtedly they must be democracy and pacifism. On reading through the Constitution, I find, as you say, the sentences are far from perfection. On the point of grammar, too, they are not satisfactory, but this may be unavoidable, because there is no definite grammar on colloquiallism as yet. I may say, however, that in this Constitution the democracy and pacifism are unquestionably expressed. Professor Sawada says that he has not yet fully read through the constituion, but I have read it over, and find that though the sentences are not good, they are good enough substantially. I can well understand what it is meant to say. In Chapter I the acts of the Emperor are enunciated, and in Article 6 downwards, the authority of the Emperor is prescribed so as to place the Emperor in a safe position. In Chapter II, it announces to the world the pacifism by renouncing war even in defence. In Chapter III, it enacts the basic personal rights of the people, precludes unreasonable discrimination according to classes and social positions of people and removes the peerage system which is incompatible with the times. It recognizes the right of people to elect government servants so as to obviate bureaucratic-despotism. Though of minor importance, it provides for damages for wrongful acts of public servants, and enacts that nobody could either be subjected to slavery or compelled to engage in labor, so as to safeguard the personal rights. It removes the unreasonable right of the headship of a house and admits in law no family system. This is not to do away with the family system, but not to recognize in law the family system. It removes the incompetency of the wife and provides for the equal share by direct descendants of the inheritance, doing away with the unfair system of heirship. It admits the right of collective bargaining of workpeople so as to enable them to solidify the foundation of their social life. It does not recognize the effect of confession which is made under compulsion and forbids tortures and other brutal punishments. Thus it enacts means of protecting the right of justice or preventing trespass upon

personal rights. Chapter IV makes it clear that the members of both Houses shall be those elected in the election representing the whole nation and prohibits any distinction in the qualification of the electors and candidates by social status or otherwise. In the matter of passing bills, it provides for different authorities respectively of the House of Councillors and the House of Representatives in view of their respective characters, and as regards bills, by the suggestion of committee members, a provision has been inserted concerning the joint conference. As regards the provisions respecting the composition of the cabinet, in order to make it clear that the members of the cabinet ought to be persons of moderate idea, provisions have been embodied to the effect that the state ministers of the cabinet be appointed only from among the civilians. About this matter, the chairman of the committee has already given explanations, but I ask your permission to disclose my own views. In the course of discussion at the committee sittings, opinions had come to be disclosed that the state ministers of the cabinet ought to be those who have moderate ideas, and the consensus of the opinions was that it would be well to insert words to that effect in the text. They then were considering as to the pertinent word to represent such meaning, when a certain member suggested that if in English it would be "civilian." The other members agreed that this word would adequately signify persons with moderate idea. After deliberation as to the Japanese word corresponding to the "civilian," they had come to coin the word "Bunmin." We might use the word "Bunkajin" but this word would lead us to think somewhat of the members of the Heike clan. Another word "Bunjin" might be employed, but as this word is usually used as "Bunjinbokkaku" (persons interested in writings and drawings), it is thought not proper. Consequently, it has been decided to use "Bunmin." At first the Committee did not decide to adopt the word, and in order to receive your instruction, I like to make explanations about the signification of this word. The signification of the word Bunmin is fully embodied in the Preamble. The preamble advocates democracy and pacifism and describes efforts for permanent removal of despotism, thraldom, oppression, and prejudice. These would be, I think, the idea as represented by the English word civil or civilization. In other words, the word Bunmin would, in its positive sense, mean embodiment of pacifism and democracy, and elimination of despotism, thraldom, oppression, and prejudice, and in its negative sense, preclusion of prejudicial thoughts, militarism, or ultra-nationalism. Thus, I think the state ministers should be selected from those persons who are represented by the word bunmin. The other day the press reported that persons who have had certain official career would be excluded, but I can hardly think it should be so. I am of opinion that any person who has moderate thought, whatever his past career, can be rightfully made a state minister. I have made this explanation as I think it is necessary by way of my statement in support of the amendment. Next it is prescribed that the prime minister shall be elected from the members of the Diet as in the case of other state ministers, a majority of whom shall be elected from the members of the Diet. By these provisions it is intended to safeguard the position of the Emperor as well as to set up the foundation of parliamentary government. It further enacts the effect of the resolution of the House of Representatives for the want of confidence in the government, and the rules for the convocation of the Diet. The government is given authority to conclude treaties with the assent of the Diet. Thus the signification of parliamentary government as prescribed in the preamble as ". . . to act through the representatives in the Diet who have been legitimately elected" is unequivocally manifested in Chapter II. In Chapter VI a provision is made whereby the independence of judicature is reassured and the highest court of justice is granted even the authority to deliberate on matters affecting the Constitution, thereby increasing the importance of the courts of justice and the feeling of security of the people. Chapter X prescribes the highest statutory fundamentals and the ways the nation should observe with utmost importance. In Article 98 is made a provision respecting the validity of treaties, thereby clearing the hitherto existing ambiguities. To give more importance to the enactment is the provision of Article 97, by which the peerage is abolished. I am thankful to the House of Representatives which has embodied this provision, for the existence of peerage is incompatible with the present age. From what I have said I think you will see that the new Constitution is adequate to build new Japan. I should say that should this Constitution have been enacted twenty or thirty years earlier, today's catastrophe would have been averted. I cannot, however, support the bill unconditionally. I should like to draw the attention of the government to the administration of the law. However excellent the Constitution may be, it would be of little value should it not be administered wisely. I should say this Constitution is too good, and it would be rather dangerous to give such a good Constitution to such a nation as the Japanese who used to be dependent upon the greater power or to be opportunists. I therefore request the government to make full consideration about the education of the people. The tendency to adapt themselves to the greater power should by all means be wiped out. Democracy or pacifism would be but a trash unless each individual should be conscious of his own responsibility for his every deed and conduct. Democracy would be functioning well only when every person is dutiful to his obligation. Pacifism would be functioning rightly only through the building up of international morals. These could not be attained if one should be truckling to the stronger power. In this connexion, I think, the government ought to make full consideration for the education of culture science. When I was sitting at the committee meeting, I made an interpellation about the matter, but through want of exhaustiveness of what I intended to say, nobody made supplementary interpellation about the matter. To a large extent they were absorbed in the matter of grammar or modification of phraseology. Composed of a large number of educationalists and jurists, the Committee did little discussion over the measures for improvement of culture-science, a matter which I much regret for the Committee, and as a member of the Committee I have to apologize myself to you all. Putting it apart, I wish to ask the government and all of you to take some measures for the education. Next I would say that this Constitution would not work well unless the accessory statutes are laid down appropriately. In fact, as there are prescribed various matters in the Constitution, I interpellated as to what steps would be taken for accessory enactments for each of the matters prescribed. But

that they have not yet decided on is the reply of the Government.

There has been no concrete answer even about the organization of the House of Councillors. Such being the case, it is really an important matter how to deal with this subsidiary law.

I think it will be presented to the next session of the Diet, though not to the present session. It is, as I have said a very important matter, and without careful consideration on the part of the Government, the Constitution, however well it may have been framed, would avail nothing. Not only in making laws, but also in operating them, it would be difficult to achieve saitsfactory results, unless pacifism and democracy are thoroughly understood. To cite an instance, Articles 6 and 7 stipulate the Emperor's act in matters of state. If the advice and approval on the part of the Cabinet should be in the wrong, terrible results would be brought about, and I think this is an important—what shall I say?—a dangerous point in this constitution. Since the only and primary principle of this constitution is to maintain the prestige of the Imperial Household, I hope that, in its operation, the Government will establish all institutions along that line. To give an example, if property tax is to be levied on the property of the Imperial Household, the Emperor's expenses will be reduced to our regret, but who will grudge offering money to the Imperial Household? What I wish in connection with the enforcement of the Constitution is to present sufficient expenses to the Imperial Household. Those who are in the service of the Imperial Palace are to become public officials, and I am afraid that they will be nominated by the Cabinet, and it will bring about undesirable, or rather unreasonal results. Excepting those who have public relations, such officials as the chamberlain should be appointed and dismissed according to the Emperor's will. If a maid-servant or a house-boy of our house were to be employed by the will of other families, what would happen? If you think of it, you will easily understand what I mean. However, if the chamberlain or such persons interfere in political affairs, they must be strictly dealt with. There have been bad habits in the Ministry of the Imperial Household. Especially, after the war began, they became worse, and I think that remainders must be completely got rid of.

The next problem is about choosing public officials. I agree with Mr. Sawada's opinion. It is provided that it is the people's right to appoint and dismiss public officials. But if we depend entirely upon their decisions, there would be cases which are as bad as ever. Since it is the people's right, the subsidiary law must be made so that the people's will may be realized in appointments and discharges. Civil law can also be revised according to this idea. As I have told you, the family system will not be recognized by law, but it does not mean to destroy the family system. That is not what the law provides. Therefore, the family system still remaining in a part of farming villages or —I do not know whether it is good or not—the family system in great peers' household need not be destroyed. If it is good, it had better be kept intact. However, such a thing as the family system is isolated from the world now, and the idea of home or household is becoming faint. Hereafter, property tax will be imposed upon a household, and equal inheritance of property will begin. If inheritance tax becomes heavier, and is never lowered, it would be impossible to keep a household, and it is as bad to keep a household against one's will as to destroy it. What we must consider above all is the matter to which Mr. Tadokoro who is here has referred with great anxiety, and I feel exactly as he does.

I feel guilty about playing second harp to my esteemed predecessor, but inasmuch as his views impressed me profoundly, I take the liberty of doing it.

Prof. Tadokoro, speaking on the ruling contained in the Article 24 repeatedly stated that the moral which emphasizes filial and fraternal devotion, and marital harmony is the basic principle, must be upheld under all circumstances, that if we misunderstand its true significance and dissipate marital relation or disregard filial duty he will bring about deplorable results. I express my profound gratitude and respect for the sincerity, manifest in this statement of the esteemed predecessor, and beg that our government and my collegue give a hearty support to his view.

As to the Article 27—it makes mention of the obligation to work. "There, is a danger in this provision. If misused, it is liable to conduce "Arbeitsdienst". Under that rule, a person who is difficult to manage could be sent out to work on a mine in Hokkaido or carry dirt.

The government, however, has stated that such is not the purpose of this provision, that it was established because, in the matter of labor, one frequently has tendency to focus his mind only on the side of rights and disregards obligations, that the rule or its supplementary provisions, will never produce a condition like "Arbeitsdienst", and that we should trust the government in this matter. Because of this reason, and on that basis I withdrew my bill for amendment.

Such being the nature of this provision, there is no knowing how far it may carry us astray unless the government exercise extreme caution in the application of the provision.

Concerning the property right, it is clearly provided for in the provision of the draft constitution. This right has been trampled upon right and left. I will not waste my words on this well known fact, and I wish to ask that the government mend its ways in this matter.

In respect of the part that concerns the Diet. In it is inserted a paragraph to the effect that a bill may be assigned to a joint committee of both Houses.

This is a judicious provision. It would be awkward to take action of the kind without the joint committee of both Houses. I believe the ruling is a necessary one in order to ensure smooth function of the both Houses.

However, here is a provision to the effect that a bill becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

It is said that this provision applies in the case in which the bill is passed for the second time during the same session of the Diet as it was passed for the first time. I am afraid such ruling is somewhat unreasonable. In order to override the rejecton, the House of Representatives needs only to secure vote of two-thirds or more representatives present.

Under such circumstances, it will be easy for the House of Representatives to secure two-thirds vote and thus override the objection.

I wish we had decided on the ruling that require two-thirds vote, not during the same session of the Diet, but during one after it. Truthfully speaking, I proposed a ruling of such nature at the time, but, lacking in support, it did not carry. I hope however, that a careful consideration be given when matters like drawing up of the Parliamentary Law are undertaken. Next it is provided that the Prime Minister shall be design-

ated from among the members of the Diet by a resolution of the Diet, and that a majority of the Ministers of State must be chosen from among the members of the Diet.

I believe it is better to change the wording "members of the Diet" in these provisions, and clearly state "members of the House of Representatives." I asked a Minister of State regarding this matter, and he told me that I need not worry, and that the ruling will work out in the same way. I hope it will. The House of Councillors being a house of elders, it is mistake for its members to aspire after Cabinet ministership. In the past, we were everlastingly tormented by the fact that so many cabinet Minister aspirants appeared from among the members of the House of Peers. That was the thing which provoked the opinion that the House of Peers be reformed, and that the titled members in it be expelled. It was all because of this pathological obsession to become Ministers of State.

The obsession is irreconciliable with the character of the House of Peers. I wish that the appointees for the state ministerships were restricted to the members of the House of Representatives. I believe this ruling requires extreme care when in practice.

Now, as to supervision of the various administrative divisions by the Prime Minister. This supervision has been tremendously strengthened. It is extremely important to know to what extent it has been strengthened. I inquired of the government regarding the matter, but could not obtain a clear idea. If it should so happen that an ivory tower like the Planning Board is established, such body would serve only as an obstacle to Ministries. On the other hand, it is not well to leave he matter indefinite. In this respect, this ruling. I believe, is an exremely difficult one.

Next, I wish to refer to the matter of designation to ordinance. It will be a very difficult problem to set reasonable limits to the designation to ordinance, and it is certainly impossible to lay down written provisions for them. At present the designation to ordinance is made in a very wide range in Japan, which can be compared in no other countries. Almost all important points were to be designated to Imperial Ordinances. And the Government, when asked about those points, simply replies that they are still not clear as they are to be deliberated on by committees to be newly appointed after the passage of the bills, and the result is that we consent to the bills blindly. Such a thing, however, should happen in no case. The Government should especially be cautious to the above in future.

Article 6 is aimed at the extension of the power of the Court of Administrative Litigation, investing it with authority even for the matter of regulations for allowance. I quite agree with it, and earnestly hope that the authority of the Court of Administrative Litigation will be extended as far as possible so that a perfect relief measure be provided against the infringement by the Government on the people's rights.

Article 96, which concerns the amendment of the Constitution, is treating the House of Representatives and the House of Councillors on the footing of equality. In my opinion, however, there should be difference, as to the authority of those Houses. The two Houses standing on the same footing will never bring about a fine consequence. For instance, as you are aware, at the time of Prime Minister Asquith in England, its bills were so many time rejected in the Upper House where the Unionists formed a large proportion of the members. Eventually, the Parliament was dissolved, and even after it was ascertained that the Government gained the majority, the bill was rejected. As the last resort, Asquith decided to ask the King to create new peers in order to tide over the difficulties. In view of the above, it has been my fervent wish that difference be made between the Authorities of the two Houses, investing a secondary authority with the House of Councillors.

There are some members who have expressed an opinion to the effect that as every action taken by the House of Representatives should be considered, by the nature of that House, to be based on the public opinion, it may well be pressed on the House of Councillors for approval. But this, I hold, is a very mistaken view.

The House of Councillors is essentially a 'House of Elders' and is quite different in nature from the House of Representatives. If not, it can not be required to be instituted in addition to the House of Representatives, which alone will suffice to answer the purpose.

Then, for what purpose is the House of Councillors is provided to be established?

It is merely to assemble therein elders or veterans in various quarters, who are to be vested with no particular power but are authorities in various circles, and just consult, as occasion demands, such 'grand old men' of ripe experience. The above House has only to function as such. Therefore, it is a bit too harsh to say that any decision by the House of Representatives may well be thrust on the House for approval.

If there should have been ventured any such opinion, it would seem to me improper.

What I have referred to above is a deficiency to be found in the statutory provisions. So I request that, with the above deficiency in view, full attention be directed to its working in practice.

The above constitutes all my desires.

If and when, with close attention being paid to the above items desired, and subordinate rules and regulations elaborately made, the provisions of the Constitution are caused to work satisfactorily, it will not be very difficult for us to make a flower open in full bloom in this corner of the Orient.

Indeed, I am confident that a democratic and peace-loving state will, in due course of time, be established to prosper on this land of ours affording an example to other nations.

I, for one, support this Constitution Revision Bill (Applause). President (Prince TOKUGAWA Iyemasa): This is all for today and we shall adjourn the meeting. We shall meet again tomorrow at 10 a.m. to open the meeting in continuation concerning the Constitution Revision bill and other bills.

The order of the day will be notified in the official bulletin as soon as it is fixed. Then, we adjourn for today.

Adjourned at 5:16 p.m.

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THE HOUSE OF PEERS

The 90th Session of the Imperial Diet

THE OFFICIAL GAZETTE EXTRA

No. 40 Monday, October 7, 1946

Minutes of the Proceedings in the House of Peers

Opened at 10:18 a.m. on October 6. 1946 (Sunday)

The Order of the Day, No. 40. To be opend at 10:00 a. m., on October 6, 1946

No. 1 Revised Constitution Bill (sent from the House of Representatives.) Continuation of first reading.

No. 2 Bill for Partial Amendments to the Horse-Race Law (proposed by the Government; sent from the House of Representatives) First reading.

No 3 Bill for the Foreign Trade Funds Special Account Law (proposed by the Government; sent from the House of Representatives) First reading.

No. 2 Industrial Rehabilitation Corporation Bill (proposed by the Government; sent from the House of Representatives) First reading.

No. 5 Bill for Special Extraordinary Exceptions to the Pension Law (proposed by the Government; sent fsom the House of Representatives) ..... First reading.

No. 6 Bill for Special Measures for Establishment of Small Farm-Holders (proposed by the Government; sent from the ... First reading.

No. 7 Bill for Partial Amendments to the Agricultural Land Adjustment Law (proposed by the Government; sent from the House of Representatives) ..First reading.

TOKUGAWA, Iyemasa (Speaker): I shall have a report read.

(Secretary Nemoto reads.)

The following Bills proposed by the Government were received from the House of Representatives yesterday (5th):

Bill for Special Measures for Establishment of Small Farm-Holders.

Bill for Partial Amendments to the Agricultural Land Adjustment Law.

The following Bill was submitted by members yesterday:

Bill for Amendments to the Revised Constitution (proposed by Makino, Eiichi and another member.)

Tokugawa, Iyemasa (President):

We open the proceedings of today. Item 1 on the Order of the Day: Continuance of the First Reading of the Bill for the Revision of the Imperial Constitution sent from the House of Representatives We continue yesterday's discussions.

Okochi, Kiko:

I refer to what I said yesterday. If there are any parts which could not conveniently be given in the Stenographical Records, I hope they will be struck out. I would like to leave it to the discretion of the President to decide which parts to delete and how.

Tokugawa, Iyemasa (President):

Isn't there any objection to the President taking steps as just requested by Viscount Okochi

(Voices: "No objection!")

Tokugawa, Iyemasa (President):

I take it that there is no objection.

Mr. Chuzo Mizuchi!

(Chuzo Mizuchi ascends the rostrum)

Mizuchi, Chuzo:

I support the Chairman's Report concerning the Bill for the Revision of the Constitution. To give my reason for it, I shall speak, first from the standpoint of the general situation. Owing to the wanton war brought on by a minority of short-sighted, arrogant and impetuous men though I hardly need recapitulate, our Empire has needlessly lost an enormous number of human lives and wasted State treasure and national wealth; the economic structure has been badly wrecked the Capital and many other towns and cities throughout the country have been laid in ashes; and the Empire has been placed in a position of isolation from the rest of the world.. "With swords broken and arrows exhausted", as the phrase has it, we have had no alternative but to accept the sternest instrument—the Potsdam Declaration. This declaration contains many terms, but I think its principal object is to divest our country completely of its national-defense power, to resuscitate and strengthen democratic principles, and to put an end to the activity and influence of extreme militarists, ultra-nationalists and others of similar inclinations, so that it shall be impossible for Japan to wage another war in the future.

Now that we have accepted the Potsdam Declaration, it is necessary that we should effect a thorough revision of the Imperial Constitution, as a first step in the fulfilment of our obligations. At the same time, I may say that this unwarranted war, this devastating defeat has led to sudden and drastic changes in the country, politically, socially, ideologically and economically. In order to prepare the ground for reconstructing the nation out of that chaos and that ruin, it is also necessary to carry out a thorough reform of the political structure.

I think there were not a few persons well versed in the spirit and ideals of the Imperial Constitution who, considering the matter from the

viewpoints of fulfilling our obligations under the Potsdam Declaration and of reforming our political structure, thought it might be sufficient if at this time the Imperial Constitution was taken as a basis with all the necessary revisions made. Subsequently, as the trends in the Allied countries and the desires of persons in responsible official positions became gradually clearer, the Government came to think that a fundamental revision would better meet the domestic and foreign requirements, and took the drastic step of drafting a Revised Constitution which might be said to be almost a new Constitution. It is a fact that in the intervening period there was a complete change in the attitude of the Government, and in this connection a member of this House asked the Government for an explanation of the reason for that change. Prime Minister Yoshida replied that it was partly due to a change in the international situation, but I think it is truer to say that the change was in our cognizance of the international situation than that the international situation had changed.. In any case, the Draft Revised Constitution had been drawn up after careful consideration, in order to fit in with the domestic and international situation that had thus arisen. I think the Legislature should fully understand and appreciate this circumstance in deciding upon its attitude. From this point of view, we had made up our minds to be positive in giving approval, on the whole, to this Draft Constitution. The House of Representatives deliberated on the Bill earnestly for as long as two months, while over a month has been spent by this House in examining, most carefully the importance of the Constitution revision, the Governmen, taking the opporunity of filling the vacancies in the Imperial-nomination membership of the House of Peers, had endeavored to select and send to this House a number of authoritative persons in various fields of learning and activity. Thus we have been enabled to meet with these various authorities under this roof, and have had opportunities of listening to their valuable views. Indeed, we are grateful that we have been enlightened in not a few respects. It seems to me that, in this House and at the Committee meetings, they have done their best to ascertain the views of the Government. I need scarcely say it was of the utmost importance that we should ascertain the views of the Government which had introduced the Bill, so that they might serve as a basis of our judgment. But, whatever interpretation the Government may adopt, that will not determine, once for all, how his Constitution should be interpreted. If the Government changes, the next Cabinet and then the next Cabinet will be free to adopt different interpretations, each from its own point of view. In the case of an administrative law a Bill for it is introduced by the Government for the purpose of carrying out its policy. Once it is made a law, its implementation is left to the discretion of the Government. Therefore, the opinion of the Government has an immediate and important bearing upon the weal and woe of the people. Accordingly, it is impossible for the Legislature to support it unless and until the opinion of the Government thereon is fully elucidated. However, the Constitution is entirely different from that in nature. The Constitution is exceedingly complex and comprehensive in its contents, including politics, economy, society, thought, education, religion, and so forth. That is to say, the Constitution is a basic law covering the whole range of subjects.. Therefore, it is impracticable to fix its interpretation in regard to each and every Article. As you are aware, it is 57 years since the current Constitution was promulgated. In this interval, scholars have advanced various and diverse views on this Constitution. Various scholars have come to the fore in succession, and today it is still impossible to see them agree on even the Principal Articles of the Constitution.

Again, our constitutional government, as you are aware, was sometimes corrupted by some disgusting sycophantic scholars. (Applause). For this reason I think we need not set great store by the Government's views, although we are ready to listen to them with respectful attention. Only, we approve or disapprove entirely at our own discretion. During the deliberations on the present draft Revised Constitution many different views were voiced by experts and scholars, and we benefited a great deal by them. But, frankly speaking, we listened to them simply for our information. Our national character has been hotly discussed as the most important of all the problems dealt with at he plenary sessions and committee meetings. This is quite natural, for there lies before us a great question whether or not the constitutional revision will result in a change in our national character, and this is what the general public is very anxius to know. The term "national character" does not occur in the existing constitution, nor does it in the draft new constitution. It was first employed as a legal term in the Peace Preservation Law. According to a judicial precedent of the Supreme Court, national character is a concept with government by an unbroken line of Emperors for its connotation. Under the Revised Constitution, however, the Emperor has no rights of sovereignty and ceases to be the supervisor of the sovereignty. From the jurisprudential point of view this may be regarded as a change in the national character. But the definition of the national character by the Supreme Court was given so as to make it conform to the aim of the Peace Preservation Law in which the term occurs. Therefore, it is different in conception from the national character which we are discussing now. The draft new Constitution stipulates that the sovereignty resides with the people. The current Constitution was established on the principle of Imperial sovereignty. This principle has now been changed to the principles of popular sovereignty. From the view-point of political science, therefore, it may be argued that there has been a manifest change in the national character. In any country of the world the constitution stipulates only the form of government. In Japan alone exists the concept of national character, and this gives rise to considerable divergence of opinion. The national character exists outside of or behind the sovereignty. Therefore I subscribe to the Government's view that the constitutional revision may alter the form of government but not our national character. State Minister Kanamori gave an ambiguious explanation of the national character, employing such phrases as "the center of adoration" and "spiritual connection" which sounds rather mystic. A more concise and lucid explanation is that the national character is a basic characteristic of the country and that characteristic consists in the fact that the Emperor, who comes of the Imperial Line unbroken for ages eternal, forms the center of the unity of the people. This explanation is, I believe, not only most appropriate and exactly accordant with the truth, but also easily intelligible to the general public. I remember State Minister Kanamori himself frequently employed similar expressions in his explanations. We favor the revision, construing the national character in the above light. History shows that there were vicissitudes of the Imperial authority. During a certain period the sovereignty passed into the hands of the military caste, the Emperor being a mere figurehead. Nevertheless, there was no change in our national character, the Emperor being always the center of the unity of the people. Following the revolution of the Meiji era, the Imperial rule was restored and the sovereignty was extended in scope and strengthened, and this was stipulated in the Imperial Constitution. However, throughout the eras of Meiji, Taisho and Showa, the Emperor never once exercised himself his rights of sovereignty but delegated the exercise to the Ministers of state, strictly acting up to his principle. (Applause). True, under the draft new Constitution the rights of sovereignty have been greatly retrenched in accordance with the Imperial wishes, but Article 1 of the same draft provides that the Emperor is the symbol of the State and of the unity of the people. This stipulation makes us firmly believe that there is no alteration whatever in our time-honored national character. (Applause). Under this belief we favor the draft new Constitution. Gentleman! On this occasion I wish you will call to mind the profound emotion with which we listened to that pathetic Imperial message proclaiming the termination of hostilities which was broadcast on August 14 last year. Those millions of military and naval service men, who stubbornly attempted to go on fighting in spite of the series of crushing defeats, and the majority of the people who desired the continuation of the war, blindly believing the propaganda of the military authorities, tamely obeyed the Imperial decision as soon as it was made public. Why? They were by no means prompted by their consciousness that the orders had come from the generallissimo who was the supreme commander or from the Emperor who was the supervisor of the rights of sovereignty. Simply struck with the dignity of the Emperor, the object of their supreme reverence, they could not bring themselves to act against the Imperial wishes. And this spirit of absolute obedience to the Emperor comes from their idea of national character, which is the glorious product of the history of our Empire which our Imperial ancestors have founded on a basis broad and everlasting.

It is human nature to find difficulty in the shaking off of sentiments that have been fostered by long traditions. We cannot but feel more or less uncomfortable and uneasy, too, at a diminution of the Imperial Prerogative, but, on deeper reflection, we shall be reminded of the fact that those persons charged with the important responsibility of assisting the Emperor have often in the past wilfully perverted the meaning of the Constitution and applied it in the wrong way, doing so in the name of the Emperor, and devolving all political responsibilities on him. We have not infrequently been compelled to frown at the psychology of those persons, who acted in such a manner as to make the Emperor worry alone about the future of the State. Especially, in the recent years, both before and during the war, the ambitious Militarists made a cat's paw of Government bureaucratic officials for more than ten years in perverting, abusing and trampling the Constitution, and have brought the State to the present pass. We, who have been extremely indignant and felt a tremble at such facts, would rather like to support wholeheartedly the present Bill, because we believe that it has been drafted after a most careful deliberation and with a long-range view that the national character of our country could be protected permanently and more safely by curtailing the Imperial Prerogative and placing the Emperor above all political responsibilities for the future.

Besides the national character of the country, there are many other problems that require a considerable amount of deep consideration, such as the Imperial Household Law, the organization of the House of Councillors, the appointment of judges of the Supreme Court, the Imperial Household property, the Cabinet System, the Court Organization Law, etc. As for the Imperial Household Law, I do not think this is a fit occasion to discuss it. In regard to the structure of the House of Councillors, the question is, after all, that of the number of its members and the method of their election. It will be very difficult, however, to make those points clear simultaneously with the revision of the Constitution. The appointment of judges, the Imperial Household property, etc., have been enthusiastically discussed and, to a certain extent, revised at the House of Representatives. As to the Law attached to the Constitution, it seems to be under careful deliberation and investigation at the hand of the Government at present, together with the Imperial Household Law, and therefore we would think it a most timely thing to do to wait till those Bills are placed on the order of the House and then to make a decision by comparing one with the other.

When the new Constitution is finally established, we shall have to part forever with the Imperial Constitution which we have been accustomed to believe in as a grand imperishable code and have been endeavouring to protect to the best of our ability in the past—a Constitution for the drafting of which Emperor Meiji and our illustrious statesmen in the early years of Meiji took so much pains and for the protection of which such devoted efforts have always been made ever since its promulgation. When we think of the necessity of bidding farewell to such Constitution, our hearts become full of deep emotion. I can easily understand the psychology of Dr. Sasaki and others who stand in favour of the existing Constitution and oppose the new Constitution. Only there is a slight difference in the cognition of the current situation between Dr. Sasaki and ourselves. (Clapping) That slight difference causes a great gulf of discrepancy in the conclusion of arguments, which is very regrettable but cannot be helped. Dr. Sasaki's argument is very much worth listening to, and we did listen to him with highest esteem and deepest interest. I must state here that Dr. Sasaki's feeling is fully understandable. The Imperial Constitution was composed on the basis of historical facts for its warp and on that of ideal truths for its woof. In its grandeur and sublimity, the Imperial Constitution is as high as that of any other country. If it is only correctly operated, it can foster and accomplish democracy, promote the welfare of the country and the people, and contribute toward the attainment of universal peace—such has been our conviction in the past. In spite of that, such persons as failed to understand the ideal truths and historical facts embodied by the Constitution perverted its meaning, abused and trampled it, and have at last driven the State into the present predicament. When we think of this, we cannot help feeling our hearts torn with indignation and

grief. (Clapping) But it is all to late However much we may yearn, regret or grieve, it is as useless as counting the age that would have been attained by a decreased baby if it had lived. It would be better for us to find a new light of hope before us, let bygone be bygone, assist the healthy growth of the newborn Constitution ,and promote the security and happiness of the State and the people in accordance with the dictates of that Constitution. That is, I believe, the only way open to us. The new Constitution makes democracy its keynote and is through and through intended for the protection of the rights of individual persons, and thereby, for the accomplishment of individual character as well as the healthy development of the State and society. Nevertheless if majority of the people should fail to understand thoroughly the true aim of this new Constitution and should lack the resolve and wisdom to foster and maintain the Constitution, there might happen in this country a case even like that of Germany where the Weimar constitution, founded to be the most democratic of all Constitutions, was trampled by the Nazi Party, with the result of plunging the State into the bottom of destruction. Of course, we do not even dream of the possible happening of a situation in the future in any country whatever which might lead to the repetition of the mistake committed by Germany. But it cannot be sufficiently guaranteed that the advent of some big political party would never cause the evil of tyranny by majority. And in order to prevent the happening of such an accursed affair or to destroy it, if it should happen, a reliable force of public opinion of the people is indispensable. Such force of public opinion must be founded upon the true understanding and maintenance of democracy, I believe. On the other hand, however, if we look back upon the history of our constitutional administration in the past fifty-seven years since promulgation of the Imperial Constitution, and take in consideration the current trend of popular mentality, the social condition, etc., we cannot but fear that it will still be quite a long way to the correct understanding of this Constitution and democracy in the true sense of the word by the major part of the people and to the nation-wide pervasion of such understanding. To express my views frankly,

Generally speaking, we Japanese have little common-sense. We are deficient in the power of judgment, short-sighted, shallow-minded, easy of growing enthusiastic and easy of cooling off, ready to adopt the views of others, being frivorous and light-hearted. It frequently happens that we are driven by the temporary current of thought of the times and run from extreme to extreme in thought, in expression, and in action. A most significant manifestation of this trait of national character is to be seen in the antipodal contrast of popular thought in pre-war and after-war Japan. If our people had a little more share of common-sense, cool-headed power of judgment, and more discretion in the adoption of others' views, the disastrous results, the severity of which we are now experiencing, would not have been allowed to continue to the stage to which it was forced, however self-indulgent and self-asserting the militaristic policy-making minority might be. (Applause) Are not the same people, who, in war-time were cooperating in the propaganda of extreme militarists and super-nationalists, with the rapidity of a lightening transformer, now fanatically engaged in the advocation of democracy, which they have only half digested (Applause.) Is it not a phase of Japanese society today in which no small number of the people are represented as egoists who assert their own liberty and demand their own rights, with no respect for the liberty of others and no consideration for the duties of their own. To us who daily observe this sign of the times, it seems to be extremely difficult to have the new Constitution properly understood and smoothly operated for them by the people so that the construction of a peaceful Japan and a cultural Japan may be achieved in accordance with our ideal. Or, in case, in the process of the operation of the Constitution, there is committed an error in which democracy is misunderstood as to be synonymous with selfishness and self-indulgence, it is to be apprehended that it not only makes it impossible to realize the reconstruction of the State and the rehabilitation of national economy, but also forms a menace to the national existence by undermining the order of society. Now how to deal with it becomes a subject to be taken up next. People are apt to say in response that education is a panacea in this respect. It goes without saying that education in its broadest sense may prove a masterkey that opens all doors. But if education means chiefly school education, as its usual significance is, then it will be seen that education discharges only one of the functions the performance of which is necessary for production of satisfactory results. School education must have the co-operation of the united power of the intelligentsia in general. All the intellectuals, hand in hand with the single purpose of realizing good government, should guide the nation in its progress towards higher culture. Those high functionaries who shoulder the heavy responsibility of government and those who are directly concerned with the operation of the constitutional government—members of the Imperial Diet, policy-makers in provincial autonomous bodies, their members, Government and public officials—these coming at the head of the list followed by those who are concerned with organs of public opinion which are the eyes and ears of society, those managements of labour unions which had labourers in their movements — religionists, educationists, scholars—all who consider themselves promoters of social welfare, should be resolved on giving proper guidance to the people, being awakened to a sense of responsibility and inspired by enthusiasm and courage. I, an old bone, am resolved, with a single-hearted devotion, to render my last service to the nation by following the suit of you of the younger generation. With this avowal I express my approval of the Constitution Bill.

Speaker (Prince TOKUGAWA, Iyemasa):

Mr. Manabu Matsumoto.

(Mr. Manabu Matsumoto goes on to the platform.)

Matsumoto Manabu:

I wish to express my approval of the amendments of the revised Constitution as reported by the Chairman of the Committee on the same. The Meiji Constitution now in force has been a great document of merit unshaken for all ages. Circumstances have made it necessary to revise the Constitution almost in all points, which is indeed a matter for regret and the thought of which brings involuntary tears to our eyes. But the force of circumstances is one to which we have to yield as inevitable, with tears of regret. And here we are to deliberate with tears, on the Constitution in its revised form. I wish to tender my deep sense of respect and hearty thanks for the thoughtful attitude of the Allied General Headquarters towards the revision of the Constitution and for the immense pains and efforts of the Government in the revision at the time of labyrinthian complicacy of international relations. We do not consider, however, that the revised Constitution, which is the fruit of so much labour, is a perfect one, as is shown by questions and answers so far exchanged on the constitution. It leaves much to be desired in various points. In the interpretation of the text, some points leave us in doubt. And as for wording, there are to be found many stiffnesses and infelicities of expression. But the fact that the Constitution has been revised to this level, though not thoroughly satisfactory, and this under circumstances not at all favorable, is a creditable achievement, and it is a source of consolation that the posterity will look back to the revision of the Constitution that these progenitors of theirs in the Showa era who succeeded in making a constitution creditable enough in view of the handicaps they had to overcome. I express my approval of the revised Constitution in spite of many defects it contains, because there are to be found, features, not a few, which are suggestive of Japanism—Japanese intrinsic characteristics. The Constitution has been accused of being an imitation constitution. Yesterday I heard a fellow member reading on the platform quotations from an American newspaper saying in effect that the Constitution is American, not Japanese, in character. Such criticism is an isolated one. But I believe it is not an imitation constitution. It is a Japanese constitution submitted to the consideration of the Imperial Diet by the will of His Majesty in accordance with the provision of Art. 73 of the Imperial Constitution, and subjected to careful deliberation in response to the Imperial will. Surely it is not an imitation constitution. It is true it has alien ideas incorporated in the text. In it are adopted, I presume, good points in foreign institutions, but I am convinced that it is not a constitution that has been thrust upon us. I repeat that the Constitution is not an imitation; it is not one thrust upon us; it is representative of the Japanese characteristics and the Japanese thought in its purity. Supported by these convictions I express myself to be in favour of the Revised Constitution Bill.

There are four points.

In the first place, it is declared in the Preamble and Article 1 that the sovereignty of Japan belongs to the nation. As is well known, in the present constitution, there is no text to explain with whom the sovereignty resides. As in discussion about the national character, the question of who has sovereignty forms the pivotal point but there is no key to the solution in the present Constitution, so scholars have been obliged in the solution of the problem to resort to various hypothetical views starting from the more definitely solvable question of who is the superviser of the right to rule. I think that this confusion of opinion is entirely due to the fact that the prevailing law lacks a clear mention about sovereignty. Again, I think it was wrong that whenever revision of constitution was the theme of discussion among scholars, they used to discuss our national character merely from the limited view-point of the theory of constitution or the science of law. In this Draft Constitution, however, it is clearly mentioned that the sovereignty rests with the people. In my opinion, this circumstance reveals definitely the true political nature of Japan; in other words, these passages leave no room for obscurity about Japanese national character any longer. In interpretation of the present Constitution, the question of national character is solved by the answer to another problem of who is the final supervisor of the right to rule. Suppose one is to take as one's premise that the final supervisor of the right to rule rests with the Emperor in accordance with the present Constitution: Article 1 and 4, and then to conclude that the sovereignty rests with the Emperor, one will be committing an error, in my opinion. For the fact that the right to rule belongs to some one or another may only mean that the form of government is of one type or another. For in that case a change of the supervisor of the right to rule would mean a change of national character. For example, in the Tokugawa period the shogun was possessed of the right, but at the time of the Restoration the Shogunate fell, giving up the right to some one else; I wonder whether any one would dare to say that at that time Japanese national character underwent a change. I, for one ,will not admit it. Now when it declares that the sovereignty rests with the people, the Draft Constitution makes Japan's national character manifest in all clearness. In doing this, the Draft Constitution can not at all be said to alter our national character. On the contrary, it does service to clearing our national character of all ambiguity. Then, what is the meaning of the "national character"? What is meant by the "people" in the bill? The phrase "Japanese people" in the expression "the people with whom rests the Sovereign power" in Article 1. is different in meaning from the word "people" as is used in the Third Chapter. If the Government explains the "Japanese people" in Article 1, saying that the people is an historic entity existing through the past, the present and the future and that it is an all-comprehensive being inclusive of the Emperor, I will accept that interpretation most willingly. But the actual interpretation which the Government puts on the term "people" differs from what I expected the Government to say, for it says that the people includes the Emperor, indeed, but merely in the capacity of an individual ,if I remember correctly, and so it cannot satisfy me. My private explanation of the people is qua permanent historic entity ,in which ruler and ruled form an indivisible whole. According to my interpretation, the word "people" includes the Emperor as Emperor. In other words, the sovereignty in this country subsists in the people as an entity through ages past, present and future and as a unity of the rule and the ruled. Such an interpretation, I am sure, may justly be put upon the Preamble and Article 1. If this explanation is not wrong, it cannot possibly be argued that the Draft Constitution, in defining the sovereignty to reside with the people, means an alteration of the Japanese national character. Moreover, the theory that a given nation's character is definable by the consideration of whether its sovereignty resides with the ruler or the people is due to the conception that monarch and people are mutually opposed in interests. If one observes the development of the idea of the modern state in the West, one is sure to find therein the continued and universal existence of mutual contrast and conflict between king and subjects. Modern States, as a rule, have developed on the underlying principle of this mutual contradiction. For instance, English Constitution and Parliamentarism have grown in this way. But this view of state as based on the mutual opposition of king versus subjects is, in my opinion, utterly inapplicable to our own country. Thus, from the standpoint of jurisprudence, or political philosophy, the Draft Constitution, which contains the definition of sovereignty as residing with the whole people, does not at all affect our national character. Our national character remains unaltered and unalterable in spite of the revised Constitution. Theories about our national character may

vary from time to time and as the Government has said, ways of interpretation may be various according to different students. But our state with its essential composition and fixed form ever remains unchanged in itself. To quote an ancient poem:

"Letting alone the people who look upon herself in joy or grief,
The moon is shining e'er serene
Above the hills in cloudless sky!"

This poet might be held to express in exquisite symbolism what I have just stated concerning the permanence of our national character. (Applause) In this sense, namely that the Draft Constitution gives expression in Article 1 and the Preamble to the most essential and most characteristic phases of Japanese national character. I am ready to give my hearty support to the Bill. So far is my first point.

The second point is the provision of Article 9 enacting renunciation of war. This is a provision set forth in the Constitution, but I interpret it as Japan's solemn declaration of peace to all the states of the world. She declares at all risks renunciation of war in order to maintain peace perpetually. This is, indeed, a magnificent declaration, but it may be liable to be criticized that when Japan has been completely disarmed, such an action as renunciation of war or declaration of world peace would be a mere dream of utopia or a song sung by the criminal on his way to the gallows or an excuse of the defeated. On the other hand, it may be thought that since Japan has been suspected by all other nations as being an aggressive nation or as imperialistic and militant people, this provision renunciating war has been embodied in order to remove such suspicion. But I believe that the provision has not been set forth in that sense, but at the very root of the renunciation of war by which peaceful Japan is to be created and by which not only it manifests Japan as being a peaceful and civilized state, but also it addresses to the outside world for peace by waving this large banner of peace, lie the Japanese-like character and inherent Japanese individuality, of which I have before mentioned. For, as you know, we have thoughts peculiar to each state as are represented in classics. If I speak of myths from this platform, I am afraid, I shall be criticized as speaking mysterious and supernatural things, but myths are very important things for people. Peoples in want of myths are really to be pitied, I think. The classics mention that two Gods gave birth to a number of Gods and created states. This thought of creation of states has never been such aggressive and imperialistic thought as to invade or to take over other states or to oppress or to exploit the peoples of other states, only loking after their own interests. The thought of creation, that is, the thought to create things and to foster them, is the Japanese racial characteristic, which is the Japanese spirit inherited deep in mind from our remote ancestors, I think. It would be superfluous for me to say any more about the creation of state, for you will have a good knowledge of it. Is it not that this very thought is a fact which clearly shows the peaceful thought the Japanese race has, that is, the Japanese is a peace-loving nation? Creation would not mean the despoiling of other state, but it would mean production of things on the soil and the use thereof for the weal of the mankind of the world, in which sense we may think of the creation, I think. Our country is said to be a country in which the militaristic spirit is valued, on account of which it is often said as if we were a warlike nation. What would be the conception of militarism in our country? In China militarism is said to be for the prevention of war, but in our country it has a very much deeper meaning. In one of the old military books said to have been written by Masafusa Oye, there is a writing to this effect: Our militarism (military spirit) at the beginning of the heaven and earth so divided at a breath the heaven and the earth as would a chicken break open its shell so our virtue of militarism is the source of creation and the origin of everything. If we should ponder upon the meaning of the words: "as would a chicken break open its shell," we should be able to understand the true sense of militarism (military spirit) that it is not to use power indiscriminately, but it is the source of power. Think of the small chicken just about to come out from the shell. That power, that feeling, that power of will,—these are what we call the militarism (military spirit) in our country. This spirit which embraces such philosophical, profound meaning is what we really value. From this point of view, our Japanese nation may be said a nation which values the militarism (military spirit). If this could be well appreciated by foreign nations, by European peoples, the various suspicions they have had hitherto about our nation would be wiped away, I think. I have mentioned these in order to say that the provision of Article 9, which I have pointed out as a second item, fully represents Japan's inherent characteristics and Japanese-like character.

Thirdly, I like to say about the provisions of Chapter III of the Revised Constitution Bill. They refer to the rights and obligations of the people. I cannot but admire at the wisdom with which the provisions of Chapter III have been framed. I am fully in support of these provisions which. I see, really represent the democracy of Japan. There may, however, be some arguments against the provisions. Some say that these are nothing but the declaration of personal rights made at the time of French revolution in the 18th and 19th centuries. The others say that these are in recognition of rights of claim of the individuals upon the state. Indeed, the rights and liberty of individuals are recognized and the provisions are made for them. But Article 12 enacts that the liberty and rights of the people guaranteed by this Constitution should be maintained by unceasing efforts of them and that these liberty and rights should not only be abused by the people, but they should always be utilized for the weal of the community on the responsibility of the people. These are, I think, the principles of the provisions. The provisions are to the effect that individuals' freedom and rights shall be fully respected, but on the other hand, individuals' responsibility is called upon to respect the interests of the community, that is, the order of the communal life. Under the existing Constitution, individuals' freedom and rights are recognized as included in the rights and obligation of the subjects. But I think that the provisions of the existing Constitution are not much beyond the scope of the declaration of personal rights. Further, under the existing Constitution, the so-called principle of legalism has been adopted so that almost everything is guaranteed within the scope of statutes. But in the present revised Constitution bill, provisions for service for the community and for the personal freedom are embodied in the Constitution itself, which, I think, is a special feature of the Constitution.

The rights of individuals are respected and their freedoms are admitted by Chapter III, which seems to stipulate, at the same time, services or responsibilities of individuals to the whole. This is democracy in

the true sense of the word. Insistence on oneself or on his own rights and freedoms, accompanied with the lenient understanding and respect to others, is the essence of democracy, which I can apprehend fully, to my pleasure, from this Chapter III. Freedom has two meanings; one is the freedom from others and the other is the freedom to others. Unless cultivated so as to understand the freedom of others, human beings cannot be perfect. Insistence on the freedom in the "Declaration of Human Rights" belongs to the freedom from others, which stays at the stage of "vom etwas frei sein" in Germany. Advancing further from the stage of the "Declaration of Human Rights," freedom becomes the one for the public welfare even at the sacrifice of his own freedom, who is ready to bear his responsibility for the public interests. This freedom is at the stage of "zum etwas frei sein" in Germany. Without reaching this stage, human beings can never be perfect. In such a way as I have stated, I interpret this Chapter III.

Individuals who respect their rights one another and insist on their own freedoms render services to the whole bearing their responsibility and contributing to its development. Such a society of human beings can be said to be based on true democracy, which has been our country's. Chapter III does never stipulate the democracy which has been handed over to our country from the United States or Great Britain.

Emperor Meiji once granted the words that it was his responsibility if he failed to enable any of his subject to live in contentment. His worry over his subjects who are not contented in their living, and the contentment of all the people ... this is the true democracy of Japan. Of course, the democracy of Japan was crooked not a few times in its history; and it has not been often that this desirable democracy was realized in our living. The Japanese democracy, the honour of our country, which was often crooked and covered with clouds is, as I have just stated ,the contentment of all the people in their living. Contentment in living means that one is placed in such a position as he can contribute to the benefit of others or the world in full display of his ability. For example, a plan or pot can be contented when placed in a kitchen. Hanging pictures, flower-vases, ornaments, or incense-burners can be contented when placed on the place everyone can see such as an alcove. What if a pan or pot is placed on an alcove, and a hanging picture in a kitchen? They can never be contented, while encroaching others' positions instead of being placed in their own. From this view point, I support the Draft Institution in that the stipulations of Chapter III express adequately the democracy of our country.

As I stated before, the Draft Constitution cannot be said perfect, because of many defects. One of them which I regret as a flaw is that no article can be found in Chapter III that stipulates respect to the family life, which plays a most important role in the social life in our country, that is, the common life of human beings.

On perusal of Article 24, I cannot say but that the family relationship or the life of the house started from the marriage as stipulated in Article 24 is only the foreign-style family life. Though I have no time to spare to compare the family life of Japan with that of foreign countries, there is found a vertical hereditary connection in a family life of our country in which there remains an indescribable order even though the life is slovenly, easy-going and light-hearted. In a family life of Japan, father, mother, brother, sister, husband and wife do his duty. Where can we find such a form of life in which every one does his duty except in our country? This is a form of common life of human beings peculiar to our country, the stipulation of which is, however, omitted from Chapter III that looks, as I stated before, to provide for the Japanese democracy, flavouring something Japanese. It is really a matter for regret.

A revision on this point proposed by a certain member of the Committee was rejected by a slight difference of the vote, which I regret from the bottom of my heart. If this point had been stipulated, Chapter III would have been perfect with the brightness peculiar to our country.

Fourthly: What is characteristic of Japan or what shows the true aspect of Japan is considered to be Articles 88 and 8 that stipulates the property of the Imperial Household. Article 88 stipulates that no property belongs to the Imperial Household. Some few people has endeavoured not to allow the Imperial Household to possess any property lest the Imperial Household becomes one of the Zaibatsu, that is, a financial clique, and they interpret the Article to that effect. But one can interpret the stipulation as he likes. In spite of the interpretation just now, we, as Japanese, hold that the Imperial Household should not possess their own property. We, Japanese, say that our national structure has no equal all over the world. As one reason for our unequalled national structure, we can point out the line of Emperors unbroken for ages. There may be many other reasons; but what is the thing unparalleled in the world? What is unequal? In my opinion, it is the fact that the Imperial Household have no family names. They have no family names such as Gen, Pei, To, Kitsu. We, Japanese, are said to be divided into the four, Gen Pei, To, Kitsu, and we have family names, for example Matsumoto or Yamada. Yet, the Imperial Household possess no family names. Are there any families with no family names in a civilized country? In Europe, there are the Hohenzollerns, the Hapsburgs of Austria, the Hanovers or the Romanovs. They have their own family names; but the Imperial Household have no family name. To have no name proves, in my opinion, that their existence is absolute. If they are not absolute, they come to possess their names and to be compared with one another. The thing which has no name means that it is absolute. Nothing to be compared to. It exists as nil; it is colourless and transparent; it has no equal. The Imperial Household, whose absolute existence is colourless, peerless, and transparent, cannot have anything to be compared to. From the historical viewpoint, the Imperial Household has possessed neither private nor public property as the Imperial Household's.

In an old Imperial Rescript, which I haven't perused as yet by myself it is stated, according to an explanation of my friend, that the Emperor possesses no private property. Even in the days of the feudal government, no property was in possession of the Imperial Household.

While this Article stipulates the non-existence of the Imperial Household's own property, Article 8 stipulates the property to be given to or received by the Imperial Household. By the appliance of these two articles, the true aspect of Japan, in other words, the true character of Japan has been realized. It is my great joy.

According to Article 88, the expenses of the Imperial Household will be ,in my opinion, included in the budget to be approved by the

Diet. According to the explanation of the Government, in answer to an interpellation, the expenses of the Imperial Household stipulated in Article 88 means the expenses for public use of the Emperor ,while the property of the Imperial Household in the same Article meaning the property for public use does not include the private property of the Emperor.

My view is somewhat different. Having listened to the explanations made by the Government on the various parts of the Constitution, I wondered if the Government did not confound the Emperor under the Constitution with the Emperor as an individual. The Emperor under the Constitution is a conception. I believe that, in thinking of the Emperor, we should not confound this conceptional Emperor with the Emperor as an individual—the Emperor in the flesh. Therefore, the thesis that the Emperor as an individual is included in the people can't be set up as an interpretation of the Constitution. Outside the scope of the Constitution—I might say, in private life—it may be possible to conceive of a private Emperor or of a public Emperor, but under the Constitution the Emperor should be devoid of self, that is, colorless and incomparable,—the Emperor of a line unbroken throughout history and from eternity to eternity, the Emperor who ascends the Throne coeval with heaven and earth. The Emperor thus conceived of, I think, should be the Emperor under the Constitution. Isn't it wrong, therefore, to think of a private Emperor under the Constitution—to think of the property of a private Emperor included in the property of the Imperial Household as mentioned in Article 88? The private life of an Emperor can't be subject of the Constitution. I wonder if all such things won't be * * * * settled by virtue of the provisions of Article 8. What I speak of as the Emperor under the Constitution is the Emperor conceived in the sense of "righteousness as between Sovereign and subject," as the phrase has it. On the other hand, the Emperor as an individual, the Emperor leading a private life, the Emperor owing private property, the Emperor possessing personal items—isn't this the Emperor conceived of in the sense of "affection as between father and son"? I hope that the property of the Household under Article 88, and the expenses of the Imperial Household to be appropriated each year, will all be interpreted as the property and expenses of the public Emperor under the Constitution. I wish that the expenses and so forth, which will in the future come up in the Diet each year will also be treated in the same manner. This is because, as I have just said, the Emperor is colorless and incomparable, and is an absolute entity having no surname. He has not, and should not have, any property comparable with that of any other person. With the Emperor as the center—the Emperor who is, in fact, without any property, colorless and incomparable, and who is an absolute entity—we the Japanese people have held ourselves together for the last score of centuries, and it is this characteristic of the nation that I am referring to.

On these four points, the Draft Revised Constitution brings out a typical Japanese complexion in strong relief and shows off Japan's intrinsic character. So far as this fact is concerned, the Bill has my hearty approval.

Above all, I may further refer to the property of the Imperial Household, which I have mentioned last. I understand that His Majesty, toward the end of last year, intimates a very gracious intention with respect to the property of the Imperial Household. For this benevolence of the Emperor, we the people are profoundly moved by a deep sense of gratitude.

In the sense I have so far explained, I support this Bill for the Revision of the Constitution. The Revised Constitution taken in the sense I have so far mentioned, I interpret in this way: Inwardly toward the people, the Constitution indicates the guiding principles to be followed; outwardly toward foreign countries, it clarifies the true shape of our country and also proclaims our ardent desire for international peace based on justice and order. If the Draft Revised Constitution bears a great significance at home and abroad in the above-mentioned two senses—now that we, desiring to contribute to world peace and seeking for eternal peace, have taken the drastic step of renouncing war, as is provided for in Article 9—shouldn't Japan propose to the other countries some concrete program for bringing about world peace? On this subject, I asked a question of the Prime Minister at a Committee meeting. I said that perhaps the Government had some concrete plan in mind. This I said, because, if we merely announced the renunciation of war or proclaimed pacifism, our aspiration might be taken as a case of Utopia or a cloak for mental discomfiture. Since, with such determination, this provision had been explicitly incorporated in the Constitution, I said, the Government would have to show the world some concrete plan, and perhaps the Government had one in mind. The Prime Minister replied that at a suitable time the matter would be taken up for consideration.

I think this is as it should be. Then, what should the concrete plan be? At present the countries of the world are endeavoring to maintain world peace through the instrumentality of the United Nations Organization. This is surely one of the means calculated to realize the end in view. Perhaps there is necessity for such a structure as the United Nations Organization, which finds its foundations in matters in which the various countries are deeply interested politically and economically. But isn't culture and civilization more fundamental and more deeply penetrating than that? Shouldn't there be some international organization based on the culture and civilization of the various countries, whereby they can fully understand and appreciate each other's culture and civilization, whereby they can promote mutual understanding, and whereby they can enhance each other's respect. At present the United Nations Organization is doing much the same things, in politics, economy, foreign policy and so forth, as the various countries formerly did through the League of Nations. Shouldn't Japan initiate an approach to the world calling for the creation of a separate organization—say, of a United Nations Cultural Organization?

About ten years ago, in 1936, when the League of Nations was in that sorry plight, I personally, despite my humble insignificance, issued a call to the intellectuals, scholars, thinkers and so forth of the world for the advocacy of a Cultural League of Nations, and of an organization of a rather novel name—The Fifth International—which is based on the idea that the world is one instead of being divided into opposing camps. The reaction to it was very great. This movement started by an insignificant individual had produced a considerable reaction. Among others, Professor Bruce C. Hopper, Professor of Political Science at Harvard, wrote me a letter expressing, in cordial terms, approval of the work I had embarked upon. He said he was talking about my work to his students at the chapel service, and he sent me the contents

of the lecture he was making at that service. In the course of this lecture, it is stated that after the Manchurian Affair and Japan's withdrawal from the League of Nations, the Japanese proceeded from self-apology to self-reflection and was now getting on toward an essential reexamination of Western civilization as a prelude to the creation of political philosophy of their own. The Professor adds in conclusion that the role of Americans is not idly to look on at the movements of Japan, nor to build warships in rivalry with her, but to study the Japanese patiently and to delve into the new political philosophy that is being created in that country.

In view of the fact that what an insignificant individual did despite his limited means elicited a considerable reaction from various countries in the world, I ardently hope that, at a time when foreign countries are taking great pains to create a new world toward peace—our country, besides announcing the renunciation of war and proclaiming for the construction of a peaceful nation, will approach the world with a proposal for some such concrete program. It may possibly be difficult for the Government to initiate such action by itself, but I believe it is urgently necessary that some such movement should come to pass within this country.

Secondly, the function of this Constitution for our nation is to give them guiding principles. Looking at the existing conditions in our country, I feel that our people who were in an apathetic state right after the termination of the war, are now in a bewildered state. They are extremely perplexed at present. The Japanese nation now wants guidance in deciding the course to follow. I am of the opinion that by recognizing the real aspect of Japan at the present juncture when efforts are being made to create a new era for the people, they will be able to decide their course. In this connection, I feel, as I have just said, it is a most important thing to make every effort to make the people understand correctly the stipulations under Chapter 3 in order to exhibit fully the real value of these stipulations for the people's rights and obligations. For the purpose of building a new world and of creating a new era for our people, is it not necessary above all to investigate the causes which have driven Japan into the present state? What is the cause of Japan falling into the present state? Is it not necessary for us to reflect seriously upon ourselves without shifting the responsibilities on to one another, and laying the blame at another's door? Toward the end of the Meiji era and during Taisho and Showa, the Japanese nation has always taken an attitude of imitating others without self examination. When marxism has become flourishing, our people have applauded that theory and have been infatuated with it without reflection, and some people have gone so far as to call a certain foreign country as their home land. But when Nazism or Fascism has gained ground, they have been lost in admiration of Nazism, and some person has had the impudence to declare in his speech that the totalitarianism along the Nazi line has manifested the Japanese spirit. It appears to me that the creation of the present state of affairs in our country may be attributed to the fact that the Japanese people no matter whether they be rightists or leftists, have so far copied heedlessly foreign ideas or systems and have been lost in admiration of same without reflecting upon themselves or considering the real value of their own.

Now the revision of the constitution has been carried, and so I would say at this juncture that the Japanese nation should hereafter stop heedless imitation and display the true character of our nation. In other words we should restore our traditional character and become independent. I feel that there lies the way to relieve Japan in future. If we desire that the spirit of the new constitution which is a quite good one, will permeate among our people, we should give sincere consideration to our fundamental thought, demanding our people to reflect upon themselves. Otherwise, I feel that the Constitution cannot be expected to produce desired effects.

Recently at our gathering of a small number of persons, Dr. Warner of America who is said, as you might know, to have made efforts to save the artistic works and buildings at Kyoto and Nara from destruction during the war, has made a speech on the subject of "Artistic Life." At the outset he stated that the present-day Japanese should do their endeavour to make the best use of the Japanese tradition and give full play to their good abilities under the existing difficult and miserable conditions so that they would not disgrace themselves in the eyes of the future generatons. And then he said that in case any American approached the Japanese with the intention of selling in America such inferior goods as produced at present in Japan, the Japanese should question him if he knew the fundamental principles of democracy. These principles, in his opinion, call for everybody acting according to his conscience, and therefore he should in the first place reflect upon himself. This statement is worthy of paying sincere attention. Continuing, he said that "When I criticize Japan, at the same time I criticize America. We Americans have made great success in respect to the invention of machinery and great productive power, and so thoughtless Japanese have been envious of this success, thinking that the American form of mechanized living is a way to happiness. But Mr. Emerson who may be called a saint of America, declared 75 years ago that envy meant ignorance, and imitation meant suicide. Do rely upon yourself, Mr. Emerson said, and the human mind vibrates when it touches the iron-string called self-confidence." In conclusion, Dr. Warner emphasized that he wanted to declare solemnly what Mr. Emerson had stated was right. I feel that the statement of Mr. Warner means a finger on the sore spot for the present-day Japanese.

I construe that on the four points I have already mentioned, characteristics peculiar to Japan have been fully manifested, and under this interpretation I would like to support the draft constitution. Cheers).

(Mr. KINOSHITA, Kenjiro takes the platform.)

Mr. KINOSHITA, Kenjiro: I think I am fortunate enough to have been able to listen to the minute, detailed and well-studied views of such talented men in the present-day Japan as legal experts and scholars, for the past two months during the debate on the revised draft Constitution. Their views have helped a great deal in enlightening laymen like me, for which I wish to thank them very much.

As I have little scholastic knowledge with regard to the Constitution, I do not think there is anything left for me to mention after such deliberations have been conducted. However, in support of the present Bill, I, for one as a stranger in the true sense of the word, wish here to comment upon it, based on the impressions I have got. Being an aged man myself, you may find something of a borrowed knowledge from the Chinese literature or classics in my impressions about which I am going to mention and there

may be some points which you may say too old or which you may find it unpleasant to hear. I humbly beg your pardon for the sake of my age.

As I have listened to their views for and against the present Bill since yesterday, I see not a few of them have argued that the draft Constitution has something of a foreign smell and that it does not seem to be a Japanese production. Even those who have supported it have expressed such views, not to mention of those who have opposed it. What has given rise to such views? Well, as has been pointed out by Mr. Mitsuchi a little while ago and by Mr. Matsumoto right now, I must admit that I have also gained impressions something like a foreign smell, although I do not like to deeply sympathize with their views. This I do not feel pleasant, yet if the substance is good, then let us set aside the smell for a while and be contented with the good substance. So let me proceed with my speech. (Claps.)

Now that I say that the substance is good, you may ask where are the good points? Well, what I admire most about the revised Constitution is the fact that it embodies such high ideals as universal peace and love for humanity. Herein I have the greatest esteem for it.

I know I ought to feel myself embarrassed for talking pedantically like this, but in the light of the spirit of charity in Christianity or the conception of mercy in Buddhism or from the view-point of benevolence, righteousness, propriety, wisdom and sincerity in the teachings of Confucius and Mencius, there are, I believe, many merits in the revised Constitution, to which I wish to give my heartfelt approval.

Therefore it may be considered that the present Constitution constitutes not only the Magna Charta for the administration of this nation but the precious canon teaching the very essence of life of men as well. I even imagine that no written constitution in this world is so perfect and substantial as this Constitution of ours. Yesterday Mr. Sawada criticized this Constitution, saying that it went beyond the extent of the principles of a constitution and that it even covered unnecessary fields. However, I support the Constitution, because it is very substantial, and so let us agree to disagree on this point.

Since this Constitution with entirely a new conception is a considerably reformed one it is indeed unavoidable for the culture and institutions, laws and regulations, and indeed everything for that matter in this country to undergo a renovation or rapid change. On this, I concur to what Mr. Sawada said.

As a matter of fact, the House of Peers in which we are sitting here, is destined to be abolished. As a result of this, such famed personalities as Princes, Marquises, Counts, Viscounts and Barons who have for many years played so prominent a role as paragons of the times in this House, such Members nominated by the Emperor as men of merit who have rendered great services to the State, famed scholars or men of wide experiences, such honorable personalities who represent the educational world or such mutually elected Members from among the wealthy class in this country are all destined to share the same fate. Such being the case, I consider that not a few of them will disappear, once and for all, from the actual political circles. I dare say that among those who will quit politics, there are some who will become businessmen or plough the fields. Who could be emotionless to think of such fate in life! (Claps.)

But facing as we are today the present state of affairs in this country, we must set aside all our personal feelings and conceptions.

Here I am sorry to quote such an old poem put I hope I am permitted to do so from emotional words of Gicho of the Tang Dynasty in China as follows:

Who would be afraid of hardship
or dangers
That might stand in the way
Think of patriots who served to
the cause of the state,
Heart is won by heart!
Who would care for fame credit
or fate?

To us who have been deeply impressed with such supreme love for humanity embodied in the present Constitution, do such trifle things as more fame, wealth or personal gains and losses mean anything at all? As has been told by Mr. Sawada, certainly it may happen that we shall face unpleasant situations amidst such great changes of the World, or feel embarrassing. However, as has been quoted in the above poem, we are not afraid of hardships or dangers that may stand in our way. We think of such true patriots who have served to the cause of the state. I am of opinion that we, together with the rest of the nation in one body and soul ,should work towards the construction of a new Japan from the very beginning with bare hands.

As has been stated at length by Mr. Mitsuchi,—and I think I need not add much—the present situation is such. Indeed we have lost everything as a result of the lost War, in which we have paid, and are paying, incalculably huge losses and untold sacrifices. There are many of us who have no homes to live in, no clothing to wear or no food to eat, while the prestige of the Government is gone. Public morals have been deplorably corrupt and their minds simply do not know where to turn to. People are merely straying in the dark and in confusion. Such are the grim realities which we are facing today. Therefore it is rightly said that the birth of this new Constitution at this very moment sheds a fresh light on the people. (Claps.) But this light is not a reality in itself. No, it is not a reality. However, excellent the new Constitution may be, it does not show actual phases of the present-day Japan now on its path towards reconstruction.

This point has at some length been dwelt upon by Mr. Mitsuchi some time ago, who has warned that we, the people, should work very hard to construct a cultural Japan along the line of this excellent spirit embodied in the present Constitution. I heartily concur to his view. If we are to exert our all for the construction of a new and cultural Japan, we must, first of all, start from a long nightmare during an old Japan ,look squarely at the world and life with our eyes wide open. And we must, above all, do penance which is but the natural consequence of our horrible mistakes.

As has also been pointed out by Mr. Mitsuchi, what we call an insular spirit must by all means be got rid of, which term may not be appropriate though ,and which embraces such illusions as egoistic greediness, self-conceit, selffishness, rashness or thoughtlessness all of which have apparently been the causes of our calamities of today. If the term "illusions" are not appropriate, the term "delusions" might be all right. Anyway these we must shake off. Or, I do not know if this makes you feel unpleasant ,such a thing as "yamatodamashi" or the Japanese spirit, which we easily utter, must be reviewed, I think.

Although it must be admitted that to completely shake off these thoughts in terms of delusion is none too easy. As is clear from a proverb ,"Without culture, without life."

or "Well-fed, well bred," the promotion of culture in connection with the construction of a cultural Japan naturally requires higher standards of life to a certain extent and calls for food and clothing as its prerequisite. Let us see the condition of industries of this country which form the foundation of our food and clothing. Today when the reconstruction and fresh start of these industries are lost in such a confusion, we find ourselves in a lamentable condition of being surrounded with every opposite, or (if the word opposite is not good) reverse, or (if this word is also bad) unfavorable bad condition for the progress and advancement of culture in this country. But I believe that there can be no way left for us to live but to tide over the difficulties which lie in our way and succeed in the construction of new Japan. We think that we must overcome all difficulties to the best of our power to attain the aim of building a cultural Japan by wise good sense and strenuous efforts. I am afraid I have already taken a considerable time by speaking just so far; I will hurry to the conclusion now. Here is my conclusion. In order to make my conclusion clear to you I should like to have your pardon for quoting the words of Master Confucius. At that time he was a first-rate politician of the day, and Shiko one day asked a question of his master. The question was what should we first of all set ourselves to at a time when the country is defeated in a war, brought to a standstill and the country has to be reconstructed anyhow. It appears as if he at that moment imagined the present condition of Japan just 2,500 years afterwards, and asked his master for advice. Thereupon Confucius gave this wise saying which is found in the Analects of Confucius. "Away with forces; away with food; man is mortal by destiny since time immemorial; there is no existence but for faith." Away with forces means abolition of armament. To put it in the present day language it will mean renunciation of war, it is the first thing to do. Next comes the food problem, and this is an important question of course, but before that faith must be established first. To establish faith, to establish national faith, and to be trusted by the people and by other nations alike. This is the first condition of national reconstruction. As you already know faith is the fundamental meaning of politics in Confucianism. You analyse faith, and put it in writng by deductive method or by inductive method, and you will get what we now call constitution. When we think of these words of Confucius in the present day when we have declared renunciation of war and so enthusiastically and busily engaged in the deliberation of a new constitution under eventful situations, we are deeply impressed of the fact that the truth of human life is immutable through all ages. By your leave I will quote another saying of Confucius. In the Analects of Confucius there is a saying, "Lose in the East Corner (meaning east), and gain in the Mulberry and Elm Trees (meaning west)." As you know there are various ways of interpretation of this saying; let us take it in this way. If you have lost something by mistake in the east corner, and however great the sacrifice is and however enormous the damage which is caused thereby, the past is past, and forget it all; do not complain of it; do not regret; give in with a good grace; but build up something else instead which is fine in the mulberry and elm trees, and there regain what you lost in the east corner. I think that a considerably deep sense of philosophy is comprised in this saying. Literally it may be supposed that east corner means the east, and the mulberry and elm trees are a symbol of the west, but there is a morsel of philosophical idea between the lines of this saying. It means not only that you might as well regain on one side what you lost on the other; but the east corner also means material substance and the mulberry and elm trees mean something spiritual. We have lost territories, we have lost warships, we have lost the army and we have lost material substance more or less on the one hand, but if we can reconstruct on the other hand something spiritual we shall be all right. If we interpret the saying in this way, there may be a great suggestion to us in the present situation. The saying has also a moral "Give in and havest the gain", which touches the bottom of our heart. We are deeply moved as an Oriental people when we appreciate the teaching of this ancient wise man of 2,500 years ago to bind up and melt with the newest spirit of this new constitution on which we are now deliberating; and this deep emotion adds up to a strong enthusiasm in the construction of new Japan; get the trust of other nations on the one hand, and maintain the peace of the people on the other; and further contribute to world peace and the welfare of mankind. We are determined that it is the great duties assigned to the Japanese nation to use our every effort to attain this ideal to the utmost. I believe also that this is just what the new constitution aims to attain; and by way of expressing my support to the revised constitution, I should like to bless the future of new Japan (Cheers.)

Prince Tokugawa, Iyemasa (President):

Now that we have closed the debate we have a division. Will those of the members who support opening the second reading of the Bill please stand up? (Many members stand up.)

Prince Tokugawa Iyemasa (President):

I understand that seconders are more than two thirds. Therefore, we have decided to open the second reading.

Viscount NISHIDAIJI, Yoshimitsu:

I propose that the second reading of the present Bill will be opened directly.

Viscount Uyemura, Iyeji:

I vote for the motion for proceeding with the second reading of the Bill directly after rest.

Prince TOKUGAWA, Iyemasa (President):

Is there no objection to the motion of Viscount Nishidaiji?

(There is a call "No objection.")

Prince TOKUGAWA, Iyemasa (President):

I understand that there is no objection. Now we rise for rest. The meeting will be resumed at 1:30 in the afternoon.

Rest at 0:27 p.m.

Amendment Proposed to the Draft Constitution.

In Article 7, Item 5, the phrase "and of full powers and credentials of ambassadors and ministers" shall be deleted; Item 5, the word "attestation" shall be amended to "declaration;" Item 8, "Attestation of instruments of ratification and," shall be amended to "Ratification of the treaties concluded by the Cabinet with the approval of the Diet and attestation," and the word "other" shall be deleted; and Item 9, there shall be added before "receiving," the phrase reading "Appointing ambassadors, ministers, and plenipotentiaries as designated by the Cabinet and."

The above amendments are proposed under Article 29 of the Diet Law.

October 5, 1946.

Proposer:
Sanryo Yamada
Kenzo Takayanagi

October 6. Regular Session.
Opened at 1:57 p.m.

President (Prince TOKUGAWA Iyemasa):

The meeting is opened to continue

deliberations that have preceded before the recess. The meeting is now open for the second reading of the Draft Constitution.

The first topic for deliberation is an amendment proposed by Mr. Sanryo Yamada and another member of the House. The proposer of the amendment will be permitted to give explanations. I call upon Mr. Kenzo Takayanagi.

TAKAYANAGI, Kenzo: I desire to offer explanation proposed in the name of Member Sanryo Yamada and myself.

The proposed amendments are connected with the question of ratification of treaties, the question of appointment of ambassadors and ministers, and the question of amnesty.

As regards such functions as of despatching or receiving ambassadors or ratifying treaties, it has been the international usage that they are performed by the head of state under international law—namely, by the monarch in a monarchial state, or by the president in a republic. Sometimes, the head of state and the chief administrator are combined. For instance, in the United States of America the president is the chief of the administrative organ as well as the head of the state. In Switzerland, the Federal Council composed of seven members constitutes the head of state, who also function as head of the administration, the presidency of the Federal Council being held by one of its members in rotation each year. But these are rather exceptional cases. Even then, such international functions as mentioned above are performed in the name of the head of State. In a great majority of countries the head of state and the chief of the administration are separate posts. In France, for instance, there is the president above the Premier. In China also, above Mr. T. V. Sung, President of the Executive Yuan there is Marshall Chiang Kai-shek, President of the National Government. Again take the case of the Soviet Union; We find Shvuernik, chairman of the Executive Committee of the Soviet Supreme Council, over and above Premier Stalin. In all these cases where the head of state is separated from the chief of the administration, the sending and receiving of ambassadors and ministers or the ratification of treaties is the function not of the prime minister but of the head of state.

That under the draft revised Constitution, the Emperor is the head of state in internal law, and not the Prime Minister, is a fact which Minister Kanamori recognized in reply to my interpellation in the Committee Meeting. And to the foreigner as long as the word "Tenno" is translated "Emperor", and "Naikaku Sori Daijin," "Prime Minister," it is quite natural to consider the Emperor as the head of state, regardless of what various new internal provisions there may be governing the relationship of the two. Accordingly, it is according to the normal usage of nations that the Emperor should send and receive ambassadors and ministers or ratify treaties.

The draft Constitution provides that the Emperor shall receive foreign ambassadors and ministers, which conforms to the normal international usage. There is no country in the world where reception of foreign ambassadors and ministers is done not by the head of the state but by the prime minister.

On the other hand, the Constitution provides that our ambassadors and ministers to foreign countries shall be appointed not by the Emperor but by the Cabinet, the function of the Emperor being limited to attestation of the full powers and credentials of ambassadors and ministers. This is contrary to international usage. In the drafting of credentials, it is feared that we may not be able to conform to either international usage or our own constitution unless we resort to rather awkward devises. Moreover, to address to the head of state of another country a letter from our Prime Minister, when we have a head of state, seems like an act of contempt toward foreign nations, There is a great danger of our being blamed for impropriety from the standpoint of international etiquette.

I may add that such international usages are not mere customs or usages without significance. They possess a grave purport. The ambassadors and ministers are the ones who personally represent the state as well as the head of state. Treaties are binding not only on the government, but also on the nation. That is why it has come to be considered appropriate that the treaties are concluded not by Cabinets that change frequently, but by the head of state. Accordingly, so long as there is no serious difficulty internally, we believe it desirable to fix this provision of the Constitution in such a way as to have it conform to international usage. Reading the provisions of Article 7 of the draft Revised Constitution, I see traces of scrupulous care which the Government has taken in enacting them in such a way that the Emperor may not be called to account for the wilful administration of the affairs of State by the Emperor himself or by some other person who abuses the rights of sovereignty. As a contrivance to achieve the above purpose the draft has created an unprecedented system termed "attestation," and this system is adopted also in diplomatic matters. According to the stipulation, Ambassadors and Ministers are to be appointed by the Cabinet, and the Emperor is simply to perform the act of attesting the appointment and credentials. Again, treaties are to be concluded not by the Emperor but by the Cabinet, the Emperor merely attesting commissions of full powers and instruments of ratification. I beg to submit my highest esteem to the Government authorities who have taken extraordinary pains to shut the Emperor out of the world of government, thereby to prevent his being held responsible for the abuse of the sovereign power by some ambitious statesman. The same honorable motive has actuated Viscount Okochi, who is not satisfied with the draft, to advance a suggestion at the committee meeting for striking out Articles 3—7 and replacing them with the provision "The Emperor has no powers to participate in the administration of the affairs of State." The Viscount appears to be afraid that the appointment of the Prime Minister by the Emperor might expose him to the danger of being called to account, even though the appointment is made in accordance with the designation of the Diet. He is also afraid that even though all attestations are made with the advice and approval of the Cabinet, still there will be a similar danger, inasmuch as attestation is required before a certain act becomes legally effective. The Revised Constitution does not provide for the principle of the Emperor's non-responsibility, but Article 3 stipulates that "The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor." I admit the correctness of the Government's view that the Emperor is not held responsible as this provision is applicable to the appointment of the Prime Minister under Article 6 and to the performance of acts in matters of state

under Article 7. This interpretation, I believe, conforms to the generally accepted conception of monarchism and constitutional monarchism. Therefore, even if the Emperor performs acts in matters of state in accordance with the draft Constitution, there is absolutely no likelihood of his being held responsible. On this point, I am sorry to say, I disagree with Viscount Okochi and share the Government's view. I fully appreciate the great pains the Government has taken in enacting the provisions of Article 7. There are many among the authorities on the Constitution who deny the necessity of creating an attestation system for the express purpose of clarifying the Emperor's non-responsibility. Such system reminds the general public of attestation of a notary public; it even strikes many people as disagreeable because it injures the dignity of the Emperor. This point must be taken into full consideration. However, I shall refrain from delving into the details of the attestation system. I would rather proceed with my argument paying full respect to the draft Constitution submitted by the Government. Now, here arises a question if there is no method of appointing Ambassadors and Ministers and concluding treaties in such a way as to conform to international usage and etiquette without augmenting the rights of sovereignty. We have framed the following two revision drafts, hoping they will serve the purpose in question.

To begin with, it is proposed to revise Article 7, Item 8, as follows:—

"Ratification of treaties concluded by the Cabinet with the approval of the Diet and attestation of diplomatic documents as provided for by law."

The draft includes the ratification of treaties among the functions of the Cabinet, but even if ratification is done by the Cabinet, it cannot, without the Emperor's attestation, be expressed externally by the exchange or trust of ratifications, and it is, therefore, impossible to make such treaties effective, which is, accordingly, tantamount to non-ratification. The amended draft would cause treaties to be ratified and instruments of ratification to be signed, by the Emperor. Both the original and amended drafts make it impossible for treaties to take effect finally, without a certain action of the Emperor relating thereto. In either of the drafts, the Emperor is not allowed to take a certain action arbitrarily, and the Cabinet is held entirely responsible for its advice and approval. The two drafts are the same in their actual effect. The above amendment is, therefore, an amendment in form only, and does not increase the Emperor's authority in its substance. However, in this case, if the ratification of treaties were included unconditionally in the functions of the Emperor, a certain kind of misunderstanding might be caused, and therefore the purport that, although ratification is done by the Emperor, such ratification is nothing more than that of treaties concluded by the Cabinet with the approval of the Diet is specially stated expressly. The necessity of the Cabinet's advice and approval for the Emperor's ratification is made clear in Article 7, paragraph 1, but it is repeatedly expressed in the amended draft, though it may seem redundant, in order to avoid a misunderstanding which is likely because the term "ratification" is apt to remind laymen and even specialists as well immediately of the so-called "veto" exercised by the President of the United States of America. Nor is it avoided to repeat to a certain extent the provisions in Article 69, Item 3, concerning the conclusion of treaties by the Cabinet and the approval of the Diet. It has been tried thus to remove all possible chances of misunderstanding the new Constitution as if it were meant to expand substantially the range of the Emperor's Prerogative.

It is next proposed to amend Article 7, Item 9, as follows:—

"Appointing ambassadors, ministers and plenipotentiaries as designated by the Cabinet and receiving foreign ambassadors and ministers."

When the appointment of ambassadors, ministers and plenipotentiaries is made, as in the case of appointing the chief judge of the Supreme Court under the provisions of Article 6, to be done by the Emperor as designated by the Cabinet, it will be clear enough that the Emperor is not allowed to appoint such officers arbitrarily. Although ambassadors, ministers and plenipotentiaries are to be appointed by the Emperor, as in the case of appointing the Prime Minister of the Cabinet and the chief judge of the Supreme Court under the provisions of Article 6, it does not mean that ambassadors and ministers shall be ranked the same as the Prime Minister of the Cabinet and the Chief judge of the Supreme Court. Such procedure of appointing them is based simply upon the status peculiar, in accordance with international usage, to diplomatic envoys who externally represent the country of Japan and the Emperor. It is true that, when the appointing of such envoys is provided for, side by side with the appointing of the Prime Minister of the Cabinet and the chief judge of the Supreme Court under Article 6, it may appear as if all those officers were in the same rank, and there would be an apparent loss of balance against the Ministers of State. In order to avoid such misunderstanding, provision is made for the appointing of envoys side by side with the receiving of foreign ambassadors and ministers under Article 7, Item 9. It has been made thereby sufficiently clear, I think, that the procedure of appointing ambassadors, ministers and plenipotentiaries is entirely based upon the nature of status peculiar, in accordance with international usage, to those envoys. Attestation of full powers and credentials of Ambassadors and Ministers, being naturally included in the power of appointment, need not be specially mentioned. This is the reason why, from Item 5 of Article 7, the provision concerning the "Attestation of full powers and credentials of Ambassadors and Ministers" has been removed. By the two amendments just mentioned, the object of the amendment bills will be actually attained. For, these amendments by no means will affect the purport of the original bill of the Government which is aimed at the suppression of all unconstitutional activities of statesmen or politicians harboring malignant ambitions by actually amplifying the Imperial prerogatives in such a manner that His Majesty will not be held responsible for any affairs of state. These amendments at the same time will enable our country to smoothly prosecute its diplomatic affairs in accordance with the international custom. By these amendments, the dignity of His Majesty in his relations with foreign countries will be properly increased, which eventually will augment the dignity of the Ambassadors and Ministers to be sent to foreign countries to execute all diplomatic affairs in the name of His Majesty. These Ambassadors and Ministers, however, are to be appointed by the designation and at the responsibility of the Cabinet. The responsibility of His Majesty, therefore, will not be affected in anyway on account of these amendments. The fact that any treaty is

to be ratified not by the Cabinet which may be replaced from time to time, but by His Majesty who is the symbol of the state will increase the weight of any treaty which when ratified by His Majesty will have a binding power not only over the Government but also over the country istelf. The responsibility for the ratification of any treaty, however, is to be borne by the Cabinet, not by His Majesty. This must be clear to everybody from the established idea of constitutional monarchy. Furthermore, it is expressly so determined by the constitution. What I have mentioned so far has been an explanation of the amendments to be effected of a few articles of the present bill concerning diplomatic affairs. We are desirous to submit another amendment bill, by which we wish to replace the word "Attestation" in item 6 of Article 7 concerning amnesty by the word "Granting". The awarding of honors is to be prosecuted by His Majesty as provided for in item 7 of Article 7 of the present bill. This needs no amendment. This provision corresponds to the so-called "Prerogative of honor" in the British Constitution. Item 6 of Article 7 of the present bill provides for various affairs coming under the "Prerogative of mercy". As all of you are well aware, in England, the Royal prerogatives may be cancelled by virtue of a law to be enacted by the Parliament whenever they are found to be inconvenient to the public. But, the provisions concerning the awarding of honors and the prosecution of amnesty have remained intact, for these Royal prerogatives, as learned by the British people through many years' experience, may be retained in the Royal hands without causing any inconvenience to the public. The British people even think that the awarding of honors and giving of amnesty are tasks that may be more properly carried out by their King than by anybody else. For, honors and amnesty whose significance lies in their obliging nature may be more deeply appreciated by the recipients when given in the name of His Majesty who is the symbol of the state than in the name of a Parliamentary Cabinet whose position cannot be considered but bilaterally with other political parties. In the political world, a consideration like this, I think, is necessary. Honors are to be directly awarded by His Majesty on account of the essential character of honors. The giving of amnesty whose significance is similar to the awarding of honors may be, in accordance with the same principle, prosecuted in the name of His Majesty without affecting the policy of the Government as expressed in the original draft Constitution. Moreover, it is with the advice and approval of the Cabinet that His Majesty will give amnesty. Therefore, the change to be brought about by this amendment bill will be of a formal nature only. Unlike in the case of the amendment of the provisions relative to the attestation of full powers and credentials of Ambassadors and Ministers, the change in this connection does not increase the Imperial prerogatives at all. Formality, however, is of great importance in connection with the giving of amnesty just as it is in connection with the awarding of honors. I think that the three propositions as just mentioned are very rational in view of the amendments involved. These amendments coincide with the established international custom; they are in harmony with the fundamental principle of the constitutional monarchy, while in no respect are contrary to the spirit of a democratic constitution. I believe, therefore, that the rational character of these amendments will be recognized both at home and abroad. I shall conclude my explanation of these amendment bills by asking for the unanimous support of all gentlemen here. (Cheers)

President (Prince Iyemasa Tokugawa): I have been notified by a member here of his wishes to discuss these bills. Viscount Kiko Okawachi, you will please speak.

Viscount Kiko Okawachi:

Before entering into discussion, I wish to hear the views of the Government about these amendment bills.

President (Prince TOKUGAWA, Iemasa):

Mr. KANAMORI, Minister of State.

(KANAMORI, Tokujiro, Minister of State takes the platform.)

KANAMORI, Tokujiro (Minister of State):

I have heard the detailed proposal of amendment as advocated by Mr. Takayanagi. Although, on the face if it, every point advocated may appear justifiable, what is intended by the Government is at variance with his views. I believe the points, on which amendments have been proposed, concern the basic principles on which the whole structure of the proposed Constitution rests. For instance in regard to international treaties. Of course I do make much of the international relationship. But the existence of the nation as an entity is the prerequisite of the international relationship so that the maintenance of order within the nation should be first considered. As a matter of internal problem, I believe the Emperor should be given a safe position by all means, based upon our experience in the past and the traditionally developed loyality of the people, as I have stated many times before. (Applause) What will be the outcome of the proposed amendment? I have not the slightest doubt that we shall have to repeat our experiences of the past. (Applause) What international implications will this bring about? I have no doubt that, if we aspire to a new political order within the nation, a new international precedent will be inevitably developed as may be called for. Next in regard to amnesty and awarding of honors. My views are also different on these questions. As the awarding of honors is based upon the deep-rooted theory that the Emperor distributes his personal honors to his subjects, it is stipulated in the draft Constitution that the authority belongs to the Emperor. However, the amnesty, theoretically speaking, is an adjustor of incidental cases that may happen between legislature and judicature, or various relations that may arise from other circumstances, and therefore has mainly the political nature. As the names indicate, special and general amnesties have special meanings, historically. However, as a matter of theory, they have a political nature. To rectify the wrong judgment of the court; to adjust the application of general regulations to a special case, if such application is deemed unreasonable; to exercise control over certain effects of crimes, by means of declaring amnesty, if special conditions in the country make it advisable for appeasing public feeling—all these things belong to political activities. If these are to belong directly to the prerogatives of the Emperor it would logically follow that other powers should also be entrusted to him. If such is the case, why should we trouble ourselves to revise the Constitution? I ask the members to agree to original proposal of the Government on these points. (Applause.)

(Viscount OKOCHI, Kiko takes the platform.)

Viscount OKOCHI:

I am sorry taking up your time so often. I wish to thank Dr. Takayanagi for his very sympathetic words for me. I also appreciate the frank views expressed by the Government. After the Government's explanations just given, it may be superfluous for me to say anything more, but I want to have your permission to state my views for a short while. I will first take up Clause No. 6 relating to amnesties, commutation of punishment etc. According to Dr. Yamada, amnesties, general and special, and commutation of punishment are said to have no connection with political affairs, but I think that is preposterous, because, if the power to grant amnesties and commutation is exercised improperly, serious repercussions will ensue. Sometime back, I forget when, a large number of convicts who were not sufficiently penitent, were released on account of a shortage of budget appropriation, with a result that it reflected very badly on the community. If such a matter, which may affect the political affairs, is left to the Emperor's prerogative it may lead to a state of things prejudicial to the national character of our country. Moreover, what would be the feeling of those convicts who have not been pardoned when they see others pardoned and free from their captivity? Who would be the target of their grudge, but the party in whose hands the matter lies? There is no need to say who that party be. I can cite a more recent instance. A certain person was kept in prison for 17 years, under the Peace Preservation Law, and saw other inmates leave the prison yard in exclusion of himself. Out of sheer spite and desperation he made that broadcast speech, which I dare say you all heard. How harmful and damaging it was to our national character! I should like to ask Dr. Takayanagi to be a little more considerate of the possible effect on the community of any changes and to deliberate on this defective and bad Constitution with sympathy and compassion. It is not merely a question of formality, but has an important bearing on the question of national character. Fortunately Article 1 of the new Constitution solemnly recognizes the unaltered character of our national polity, but in a little different manner from the existing Constitution. Next, I will come to the question of ratification. Dr. Takayanagi has just told us that the proposed revision did not purport to increase the responsibilities of the Emperor or to enhance his power. But I had listened to various members' discussions in the subcommittee, among which there were several scholastic and expert views opposing Dr. Takayanagi. It was contended that the proposed change would enhance the Emperor's power and completely alter his position in diplomatic relations. On this point I notice that opinions differ among the scholars. If so, what would be its effect on the lay populace? Even among the scholastic circles there will be divergent opinions disagreeing with Dr. Takayanagi. Leaving aside the scholastic circles, popular discourse of the matter might lead to anywhere. It is quite usual that constitutional controversies, different from those on the civil and the criminal laws, are settled by popular opinions. The word "attestation" was no doubt selected by the Government after a very careful study and means a confirmation of facts, which in itself is all right. But if it is changed into "ratification" a commonsense conclusion is that the diplomatic power has reverted to the Emperor, and that conclusion cannot be altered by stipulations on other matters however elaborately worded. For, though the existing Constitution has express provisions like "The Emperor is sacred and inviolable" and "The respective Ministers of States shall give their advice to the Emperor and be responsible for it," what actually happened of late gives a vivid example of the seriousness of the matter, Especially, public opinions of late are not healthy. A certain person, by the name of Kumazawa, sometime ago made such a claim as you know, but was acquitted of any charge. Again a short while after the termination of war a preposterous speech was broadcasted which made us feel great resentment, but the charge against the speaker was dropped. Such is the state of things in our country to-day. And I really hope that in deliberating on this present bill you all give grave reflection on the question of our national character. As was stated yesterday by Dr. Sasaki and others, the proposed new Constitution is a document which cannot be read without tears of sorrow. Articles 1 to 4 inclusive, have been cast away mercilessly, and although Article 1 of the revised Constitution saves our national character, it cannot be denied that a very grave change of notion has been brought about on them. This is the point I think, Dr. Sasaki deplores. Yesterday, I said I could not help feeling bitter remorse in my heart. If we have this sentiment, we would not bother about the questions of formalities under international laws or of convenience or inconvenience. I say that we are not crying enough and we have to cry more. The people who say such a thing as I stated before, are apt to take the attitude of "The danger's past and God's forgotten" and do things which tend to increase the responsibilities of the Emperor (Whether they do so or not in strictly legal sense is beside the point). I hardly understand their psychology. They should pay more attention to international repercussions as well as to internal public opinions. Foreign nations may conclude that the diplomatic power has reverted once again to the Emperor. It can and indeed will be construed in that way, and if they find any fault they will put the blame on the Emperor. I do not believe that there is any such foreign country at present, but international relations may change any time, and when such event happen it would be of no avail to argue that the state ministers are made to be responsible and therefore the Emperor is not responsible. That is clearly illustrated in the recent war.

It is true that the responsibilities of Ministers of State are clearly defined but, in reality, the Emperor assumed some, nay great, responsibility and such awe-inspring results followed, as you are well aware. Things would come to the same pass as they did in the past. Why is it to be repeated again? Take, as an example, the coming peace treaty. The people would naturally think that it is the Emperor that concludes the treaty. They would never fail to make various requests to the Emperor. There is no telling what would happen in these days, when people parade with red flags past the Sakashita Gate (one of the gates of the Imperial Palace.) Furthermore, it is an international matter. There would never be concluded such a treaty as would satisfy everybody. It is only natural that everybody has some discontent with the contents of treaty, because the conclusion of a treaty is a deal, that is, a transaction with the other party. If the Government gains fifty per cent. or seventy to eighty per cent of what we want, it is a success. This is nothing strange from the nature of treaty. Who would be responsible in such a case? The responsibility would devolve upon nobody else than the Emperor. As a matter of fact, some people would place the whole responsibility on the Emperor and dare to call him to account, or possibly some radical

groups would take advantage of the opportunity to attain to power. It is really awful to think further. Let it be, however, in so far as things remain internal affairs. But what would it be, if we should conclude a treaty which would gain discredit from foreign countries? They would never fail to accuse us unsparingly and we should be totally defenceless. There is no telling what they would impose on us. Therefore, if "attestation" is to be granted, as the Government has proposed, there would be no question, because it only means that a fact is attested as it is. However, if "ratification" is to be granted, we should be defenceless A fruitless argument would follow and end in a lost cause on our side, bringing about very awe-inspiring results. As you are well aware, the Ministers of State are to be held responsible, was provided for in the Constitution, for the tripartite Alliance or all other subsequent diplomatic negotiations, but they never think that way in foreign countries. What baneful effects the said Alliance has produced on this country! Isn't that the main cause of the present plight in which we are discussing the Constitution like this. Things are clear enough, if you think a little.

The interpellator has also said that Japanese ambassadors and ministers would find it difficult or impossible to perform their duties unless they represent the Emperor. He is wrong in saying that the diplomatic envoys cannot do their business as representatives of the State. They can perform their missions boldly and fearlessly as representatives of the State. If the ambassadors or ministers should make a blunder, what a pass would things come to? Who would be responsible? How would it be, if the person who claimed to be a representative of the Emperor should commit a gross blunder? Take, as an actual example, the case of a certain Ambassador to Germany. I am not going to discuss the merits and demerits of what he did. At any rate, however, he is regarded as one of the first war criminals by the general public. What a disaster he has brought on His Majesty: The case would be the same with their appointment. There is a proposal for transfer of the right of appointment to the Emperor, but we must stop to think who would be responsible when such an ambassador as the one I have just referred to has been appointed. Foreign countries would certainly accuse the Emperor of such an inimical appointment and place him in a very awkward and difficult position. How could we bear that?

Things are clear enough. If you watch how the matter really stands, you will understand well. We cannot go by theories of law alone, disregarding the actual circumstances. If we assume, as Dr. Takayanagi stated, that the theories of law are to be well understood by all the people, it would be another problem. As a matter of fact, however, (things would not turn out that way. It would be impossible to persuade all the people throughout the country, or rather: in and out of the country, in such a favorable way. You could not expect them all to advance a uniform opinion as school students would write on their examination papers.

It is alleged that such is not in accordance with the usual procedure and means a breach of etiquette towards foreign nations. It is also argued that it is discourteous to make the Emperor the representative of the state instead of the representative. I cannot see the point of these arguments. As a matter of fact, the words "the head of the state" were used, but as I have often pointed out to the Government, it is not proper to use the words "the head of the state, as these words imply considerable political significance. In any case, as stated by Dr. Takayanagi, Swiss is an example of the state where a person who is not the head of the state is issuing credentials and making ratifications. I will now proceed with my argument with England as an instance, although the conditions of that country differ from ours. In England, the King in Parliament has the control of sovereignty. It is a limited monarchy. The state has the right of veto. It is free to make ratifications —only it has not exercised it in practice. The question now is who is the controller of sovereign authority. In this regard I asked an answer from the Government and I also referred to various publications. The sovereign, the ruler of, I may say, the possessor of supreme power is the organ which has the right of amendment of the Constitution. Any one who has the right of amendment of the Constitution can do anything, and it is only proper to regard such a person as the sovereign. This is shown in any books. If we refer to the new Constitution of Japan we see the following definitely provided under Article 96, namely, "Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast at a special referendum thereon, or at such election as the Diet shall specify.' Accordingly, there is no other alternative but to conclude that the Diet and the people have become the possessor of supreme power or to use the original term the controller of sovereignty. Consequently, in England, although the conditions there differ from ours, the King who, in the position of the head of the state, has the right of veto and has the control of sovereignty together with the Government and the Parliament, issues credentials or make retifications. Japan is a parliamentary state, not a limited monarchy. Being a parliamentary state, not a limited monarchy, it is not discourteous but only proper for the Prime Minister who has been designated by the Diet to issue credentials or make ratifications. Just now a comparison has been made between the Emperor and the Prime Minister ,in which it has been argued that as the Prime Minister is to be appointed by the Emperor, the latter will have to be held responsible all the same. This sounds quite reasonable on the surface. However, my argument is based on my assertion of many years' standing, namely on the parliamentary government system, which is provided for in a general way in the Preamble of the Constitution by the words "acting through our duly elected representatives in the National Diet." Under the parliamentary government system, it is quite clear that the head of a political party assumes premiership, and as this is the case, it is predictable who will be the Premier. Before Prime Minister took up the portfolio, every one knew that the person who would assume the presidency of the Liberal Party would be the Prime Minister. Even when such a person becomes the object of criticism, no one blames the Emperor for having appointed him to the post. President Hara or President Hamaguchi, who was respectively the president of a political party and became Prime Minister was subjected to more or less criticism, but no one blamed the Emperor for having appointed such a person to the post of Prime Minister. If that were a bureaucratic Cabinet there would have been some danger, as Dr. Tanayanagi has point-

ed out, but in connection with a party Cabinet there would absolutely be no such possibility. This is the merit of the constitutional government and a party Cabinet, and in future we must go on this basis. As I have repeatedly stated, by insisting on the defence of constitutional government we do not insist merely on the defence of constitutional government but insist on the defence of our national character. Especially, the position of Prime Minister involves internal relationship, while the position of Ambassador or Minister of a foreign country involves international relationship. This international relationship is a thing which we must be most prudent about. A slight trouble affecting internal relationship may be disposed of one way or the other but when complications occur in international relations there is no knowing what may take place. On these grounds, I consider that the Emperor should never be involved in the appointment of an Ambassador or Minister. With a view to protecting bur national character it is our earnest desire to place the Emperor in a secure and peaceful position, and I oppose to this amendment draft for the reason that our national character referred to in Article I should be protected for a long time, may for ever in the future. I hope all of you gentlemen will understnad my point. (Clappings).

President (Prince TOKUGAWA, Iemasa): The next interpellator as reported is Mr. AKITA, Sanichi but as Mr. Akita is not in his seat I conclude that he has given up his notification. Viscount UEMURA, Shoji!

(Viscount UEMURA, Shoji takes the rostrum).

Viscount UEMURA, Shoji: I want to express my opinion in the briefest manner in supporft of the amendment draft submitted by the members of the House. The present Constitutional revision bill is tantamount to the enactment of a new Constitution for the regenerated Japan, and under existing conditions it is up to us to expedite the passing of the draft, even without any amendment, so as to manifest the good faith on the part of Japan, but it is also the duty of us the people to give it serious reconsideration Even though Japan of today is not a perfect independent state, it is essential for us to give to the matter of enactment of the Constitution careful reconsideration. Regarding the position of the Emperor as the cause of past faults and attributing all responsibility to the Emperor under every Article of the Constitution, to attempt to amend is in such a way as to divest the Emperor of all authority, simply with a view to placing him in a secure and peaceful position is, I am afraid, going too much to the extreme. (Clappings). On looking over the present amendments to the draft, however, I feel reassured to find that the Emperor is vested with authority in connection with Japan's diplomacy in the future. Not that I mean an expansion of his authority. It is only proper that the Emperor be placed on an equal footing in receiving and sending rites in Japan's diplomacy, which I believe is also in line with the international custom. (Clappings). This statement may be a repetition of the explanation of the purport of the amendment made by the introducers, for which I must beg their pardon Now, I wish to be allowed to quote a handy instance. In our private intercourse, if in response to a representative sent by order of the master, a representative ordered by the steward is sent, it may not be quite in order. It is against social usage and constitutes a breach of etiquette. In the case of the Emperor, if he receives an Ambassador or Minister appointed by the head of a foreign state, it is only proper that the chief of, the symbol of Japan, should extend the same courtesy as the foreign state does, and this is only the proper attitude in performing the international etiquette or custom. Some may say that, under these provisions, if any errors should be committed by an Ambassador or Minister appointed by the Emperor and the responsibility should devolve upon the Emperor, it would be a serious matter. Such a way of thinking, however, is quite out of common sense in a constitutional state. If you think in this way, under Article 7 of the Constitution which provides that the Emperor, with the advice and approval of the Cabinet, shall perform various acts in matter of state, if any fault should happen ,the Emperor would have to bear the whole responsibility. In order to remove this concern, and if you are afraid of every responsibility going to the Emperor it would be necessary to delete Article 7 in its entirety. (Clappings) Therefore, as long as Article 7 remains in the Constitution, it is highly disirable, in order to add splendor to it, to make the amendment along the line of the present amendment draft so that the Emperor might be invested with diplomatic authority compatible with his opsition as the symbol of the state and in comformity with the international custom. For these reasons I express my hearty support of the present bill. (Clappings).

President (Prince TOKUGAWA, Iemasa):

I understand the discussions ended with this. Now we proceed with the voting on the revised draft. The voting will be made in regard to two separate questions on the draft.

The first question:

Delete the words, "and of full powers and credentials of Ambassadors and Ministers" from Item 15, Article VII. Amend the words in Item 8 of the same Article, reading, "instruments of ratification and," to read, "ratification of the treaties concluded by the Cabinet with the approval of the Diet and," and delete the words, "and other."

Add, "appointing ambassadors, ministers and, plenipotentiaries as designated by the Cabinet and," before "receiving foreign ambassadors," in Item 9 of the same Article.

Those members, who are in favor of the proposed revision in the draft, are requested to stand up.

(Only few members stand up.)

President (Prince TOKUGAWA, Iemasa):

I understand the number of those who stood up is less than two-thirds. (Applause.)

(Viscount UEMURA, Ieharu asks for permission to speak.)

President (Prince TOKUGAWA, Iemasa):

Viscount UEMURA.

Viscount UEMURA, Ieharu:

I have an objection.

(Voices, "President, there is an objection.")

President (Prince TOKUGAWA, Iemasa):

As there are objections, we will have it voted by open ballot. Members, who are in favor of the proposed amendment, will vote by white ballot and those against the proposal will vote by blue ballot. Each member will please commence balloting by going up the platform from Prince KUJO in turn.

(Members ballot.)

President (Prince TOKUGAWA, Iemasa):

Any member who has not voted? I understand everybody has voted. Now I will have the ballots counted.

(Secretary counts the ballots.)

President (Prince TOKUGAWA, Iemasa):

I will report the result of the vot-

ing. The total number of votes is 300. Therefore the number representing two-thirds of the total votes is 200. White ballots, or votes in favor of the proposed amendment, 72. Blue ballots, or votes against the proposal 228. The votes in favor of the proposal fall below two-thirds. Therefore the proposal is voted down. (Applause.)

Reference: For 72
Against 228

President (Prince TOKUGAWA, Iemasa):
The next Question:
Amend the words "attestation of the appointment" in item 6, Article IIV, to read "appointing."
Members who are in favor of the proposed amendment will please stand up.
(Only few members stand up.)
President (Prince TOKUGAWA, Iemasa):
I understand the number of those who have stood up is less than two-thirds.
(Vscount UEMURA, Ieharu asks for permssion to speak.)
President (Prince TOKUGAWA, Iemasa):
Viscount UEMURA.
Viscount UEMURA, Ieharu:
I have an objection.
(Voices, "There is an objection.")
President (Prince TOKUGAWA, Iemasa):
As there is objection, I will ask those members who are against the proposal to stand up.
(Many members stand up.)
President (Prince TOKUGAWA, Iemasa):
Tank you. I understand the number of members, who are against the proposal, is not less than one-third. The proposal is accordingly voted down.

(Reference.)

Names for the Proposal:
Prince:
Iwakura, Tomohide
Count:
Futara, Yoshinori
Hashimoto, Saneaya
Seikanji, Yoshisada
Kuroda, Kiyoshi
Yanagisawa, Yasutsugu
Ohki, Nobutomi
Baron:
Shirane, Matsusuke
Viscount:
Takahashi, Korekata
Irie, Tameji
Saito, Hitoshi
Inoue, Katsuhide
Uemura, Iyesada
Ijuin, Kanetaka
Inaba, Masayoshi
Honda, Tadateru
Fujii, Kaneyoshi
Inagaki, Nagakata

Nagaoka, Hantaro
Yamada, Saburo
Nakada, Kaoru
Arakawa, Bunroku
Murakami, Kyoichi
Keimatsu, Katsuzaemon
Utsumi, Katsuji
Shirasawa, Hohmi
Anezaki, Masaharu
Kawai, Yahachi
Matsumura, Shinichiro
Shimojo, Yasumaro
Matsuoka, Kimpei
Takayanagi, Kenzo
Koyama, Matsukichi
Hayashi, Haruo
Makino, Eiichi
Haneda, Touru
Shioda, Hiroshige
Hasegawa, Takeo
Baron:
Oka, Shuiji
Tanaka, Tatsuo
Shimazu, Tadahiko
Dan, Ino

Nakagawa, Nozomu
Tadokoro, Yoshiharu
Takeshita, Toyoji
Inahata, Katsutaro
Miura, Shinshichi
Sawada, Ushimaro
Morohashi, Yuzuru
Yuki, Yasuji
Matsushima, Shikao
Sakata, Kanta
Tashima, Masao
Matsuo, Kunimatsu
Takikawa, Gisaku
Mitsuhashi, Shiroji
Arima, Chuzaburo
Shioda, Dampei
Akita, Sanichi
Iwamoto, Tatsuichi
Tajima, Michiharu
Yamakuma, Yasushi
Nakajima, Tokutaro
Nakayama, Taichi
Ueno, Kizaemon
Hashimoto, Manuemon
Nakajima, Tokumatsu
Yamaji, Tosataro
Mizuno, Jinjiro
Kishimoto, Hikoe
Nagashima, Ginzo
Takagi, Hasshaku

Names against the Proposal:
Prince:
Kujo, Michihide
Sanjo, Saneharu
Shimazu, Tadatsugu
Katsura, Hirotaro
Marquis:
Hosokawa, Moritatsu
Tokugawa, Yorisada
Kuroda, Nagamichi
Shijo, Takanori
Asano, Nagatake
Satake, Yoshinaga
Hirohata, Tadatake
Nakayama, Sukechika
Ikeda, Nobumasa
Nabeshima, Naoyasu
Okubo, Toshiaki
Nakamikado, Tsuneyasu
Saga, Sanetau
Saigo, Kichinosuke
Oomikado, Tsuneteru
Maeda, Toshitatsu
Count:
Hayashi, Hakutaro
Goto, Ichizo
So, Takeshi
Higashikuse, Michitada
Okudaira, Masayasu
Tokugawa, Muneyoshi
Kaneko, Takemaro
Mibu, Motoyasu
Maeda, Toshio
Nanbu, Toshihide
Hisamatsu, Sadatake

Mitsuchi, Chuzo
Baron:
Shidehara, Kijuro
Viscount:
Nishiooji, Yoshimitsu
Akizuki, Tanehide
Imashiro, Sadamasa
Iokohji, Kiko
Iwashita, Kaichi

Ohtani, Masao
Viscount:
Kato, Yasumichi
Tomikoji, Takanao
Mori, Toshinari
Hosokawa, Okiharu
Nishio, Tadamichi
Akimoto, Harutomo
Kuroda, Nagaatsu
Tozawa, Masaoto
Kitakoji, Saburo
Umezono, Atsuhiko
Matsudaira, Noritsune
Akita, Shigesue
Ida, Nobutsune
Saneyoshi, Sumio
Ando, Nobuaki
Naito, Masamitsu
Katano, Masayuki
Nagai, Naokuni
Takiwaki, Hiromitsu
Sengoku, Hishide
Shichijo, Mitsuaki
Mizuno, Katsukuni
Torii, Tadahiro
Kuchiki, Tsunahiro
Miura, Yaichi
Uematsu, Masatoshi
Kyogoku, Takaosa
Takagi, Masanari
Mishima, Michiharu
Hojo, Shunpachi
Matsudaira, Sennosuke

Umetani, Michitora
Matsudaira, Chikayoshi
Hinonishi, Suketada
Ito, Sukeatsu
Kyogoku, Takatoshi
Makino, Tadanaga
Yanagisawa, Mitsuharu
Ohkubo, Noritake
Rokkaku, Hidemichi
Ayakoji, Mamoru
Tanaka, Kaoru
Nishikikoji, Yoritaka
Doi, Toshiaki
Aoki, Shigeo
Sakakibara, Masaharu
Miyake, Naotomo

Tanakadate, Aikitsu
Nagai, Matsuzo
Kuwaki, Kanesuke
Sasaki, Soichi
Hiratsuka, Hiroyoshi
Debuchi, Katsuji
Baron:
Kubota, Keiichi
Yoshida, Hisashi

Imazono, Kunisada
Baron:
Iida, Seitaro

Shimoyama, Seiichi
Kawamura, Takeji
Baron:
Takagi, Yoshihiro
Takasaki, Yumihiko

Soejima, Senpachi
Baron:
Iye, Tomosuke
Sufu, Kanemichi

Shirane, Takesuke
Cho, Tsugiyoshi
Terao, Hiroshi
Abe, Yoshishige
Baron:
Kitashima, Yoshinori

Murakami, Giichi
Baron:
Matsumoto, Motomatsu

Kanamori, Tokujiro
Baron:
Tokugawa, Makoto
Okuda, Takero
Oki, Sadao
Ito, Ichiro

Nambara, Shigeru
Baron:
Cho, Mototsure
Inada, Masatane
Matsuda, Masayuki
Hirayama, Yosaburo
Watanabe, Shuji
Kimotsuki, Kanefusa
Yamane, Takeo
Mohri, Motoyoshi
Miyagawa, Tadamaro
Furuichi, Rokuzo
Sakamoto, Taizo
Ohara, Kentaro
Miyahara, Asahi
Matsudaira, Toyomaro
Tsurudono, Iekatsu
Nakamikado, Tsunetami

Yashiro, Gorozo
Misu, Seiichi
Kato, Yoshiyuki
Bojo, Toshiyoshi
Uchida, Toshio
Hayashi, Chuichi
Yamana, Yoshitsuru
Kitaooji, Nobuaki
Shiba, Masao
Akashi, Motonaga
Sho, Rin
Satake, Yoshifumi
Nakamura, Tsurayuki
Sugitani, Yoshitoki
Iwamura, Hitoki
Matsudaira, Narimitsu
Taku, Ryuzaburo
Kuratomi, Hitoshi
Kaname, Toshitada
Nishi, Torioto
Maejima, Kanichiro
Nakamura, Tetsuo

Kuroda, Hideo
Akagi, Masao
Iinuma, Kazumi
Kinoshita, Kenjiro
Matsumoto, Gaku
Azuma, Sakae
Itaya, Miyakichi
Okumura, Yoshido
Isogai, Hiroshi
Natori, Wasaku
Nakamura, Tobei
Seko, Yasuji
Omura, Seiichi
Yamazaki, Nobuyoshi
Igawa, Tadao
Furushima, Kazuo
Yasuda, Izaemon
Aida, Kenkichi
Hashimoto, Tatsujiro
Kasai, Toyotaro
Taneda, Torao
Ohki, Misao
Irie, Toshiro
Nomura, Karoku
Kiuchi, Shiro
Kawai, Yoshinari
Ishikawa, Ichiro
Inoue, Tokutaro
Kumagaya, Santaro
Koyama, Kango
Kashima, Seiichi
Tanabe, Choemon

Itoh, Denshichi
Sakuma, Koitsu
Ono, Kooichi
Katakura, Kanetaro
Matsuoka, Junkichi
Obama, Toshie
Iizuka, Tomonobu
Kurisu, Takeo
Eguchi, Fumio
Ohta, Hanroku
Kayano, Nagatomo
Matsuo, Kauemon
Ito, Toyoji
Takahashi, Ryutaro
Tokuda, Kohei
Itakura, Takuzo
Nakayama, Juhiko
Kataoka, Naokata
Harada, Joji
Saito, Masuo
Nagoya, Sankichi
Sasaki, Choji
Asai, Kiyoshi
Watanabe, Jinkichi
Watanabe, Saburo
Kaburagi, Tadamasa
Segawa, Yauemon
Watanabe, Kakuzo
Baba, Tsunego
Takenaka, Toemon
Aisawa, Yahachi
Hatakeyama, Issei
Machimura, Keiki
Kawabata, Sakubeh
Tochigi, Yoshiro
Iwabuchi, Tatsuo
Noda, Rokuzaemon
Terada, Jinkichi
Watabe, Shin
Sato, Sonosuke
Sugiyama, Shigeru
Fukada, Takeo

Speaker (Prince Iyemasa Tokugawa)
In the next place we shall deliberate on the amendment bill presented by Mr. Eiichi Makino and one other. Let us ask Mr. Makino to explain the reason for which the bill is introduced. Mr. Makino, please.

October 5, 1946

To Prince Iyemasa Tokugawa
Bill amending the Draft of Revised Constitution of Japan

In accordance with the provision of Article 29 of the Diet Law, the above-mentioned Bill is hereby introduced.

Introducer Eiichi Makino
Yoshitsugu Tadokoro

Draft of Revised Constitution of Japan is hereby amended as follows:
Following words shall be inserted in Article 24 as paragraph 1.
"Family life shall be respected."
(Mr. Eiichi Makino takes the platform.) (Cheers)
Mr. Eiichi Makino: I should like to have the following words. "Family life shall be respected," inserted as paragraph 1 of Article 24, the reason for which is self-explanatory. The Chairman of the Committee reported you concerning the proceedings of the Committee meeting, the above amendment was voted down by few votes, but I believe that the intent of the amendment was favorably considered

by the Committee members. As you know careful consideration was given to this matter in the House of Representatives. Article 24 provides for marriage, and the provision is quite agreeable to me, but hope that the relation between parent and children will be clarified under the constitution. This revisel constitution contains theoretical, instructive or edifying provisions and these varied provisions make one of the marked features of the revised constitution. Thus this constitution has manifold provisions laid down carefully from various standpoints, but it has no general provision for family life. Of course it might be deemed satisfactory if such a provision is laid dow in the Civil Code or the Criminal Code. If such an idea is justifiable, same thing can be said concerning marriage. We sometimes hear that some misled and unscrupulous people openly express false idea in rough words as if such idea is based upon the spirit of the revised constitution. Even among lawyers there seems to be not a few persons who misunderstand the spirit of the constitution. These should be attributed to the lack of the general provisions for family life in the constitution while there are provisions for marriage. Needless to say, filial love for parents, affection for brothers and sisters and harmony with spouse are the substance and essence of family life. If one of them is lacking family life will not be complete. Therefore, if a general provision providing that family life shall be respected is inserted as paragraph 1 of Article 24 and a provision for marriage follows as paragraph 2, not only the intent of these provisions will be clarified but their spirit will be more manifestly set forth and they will have more ethical social and judicial significance. This is not only a legal question, but a educational and thought question. The Chairman of the Committee reported you concerning the Imperial Rescript on Education. If we will treat the Imperial Rescript on Education in such a way as the Chairman of the Committee explained to us in his report, the clarification of this matter by inserting such a provision will have an important political significance. Needless to say, the existing family system with the head of a family as its authority as provided for in the Civil Code has much feudalistic feature and is inconsistent with the actual conditions of society, so that it may have to be decidedly reformed. But family life itself should be maintained and respected in a peace-loving and democratic way. Such is not only our merit but also a universal principle in all the human society, and it has been much discussed in other advanced nations. The government authorities explained at a Committee meeting that they were not in no way against the respect for family life in principle, but that they thought it was the matter of course to be laid down in the constitution. But at present when the people are getting reckless and desperate and such abominable incidents often happen, and the spirit of the draft constitution is apt to be misunderstood by some people, we should guard against such trends of the time and their future development. I should think that the House of Peers should give to the issue their special consideration. (Cheers) I am fully aware that we should take into consideration various affairs which might be affected by such a provision, but I am sure that we don't have to worry about that. A new constitution is going to be born. I hope that all of you will unanimously approve this amendment so that the proposed constitution may be perfect. In this regard, we have heard the opinions of the government authorities very often but had not have a chance to hear the opinion of the Prime Minister. Fortunately we have the Prime Minister here. We should be very happy if he would be kind enough to express his opinion for us. (Cheers)

Speaker (Prince Iyemasa Tokugawa): Minister of State Mr. Kanamori, please.

(Minister Kanamori takes the platform.)

Minister of State Mr. Tokujiro Kanamori: I have leave to accept my regret for answering in behalf of the Prime Minister to your question which you have put to him. But as this problem has much connection with the interpellations and answers at the House of Representatives, and I am the one who have been involved in them, I should like to give the answer in this question.

Now what you have just stated I had already in my knowledge. First the question is if there is the provision of Article XXIV prescribing the relation of husband and wife, is it not advisable to define the family system by law? But there is a great difference between the two. The presciption concerning the relation between husband and wife provided for in the Article XXIV is one which cannot be thorough in purport unless it is inserted in the Constitution. To explain, the idea that man and woman have equal right in regard to marriage in that it is arranged only on the basis of mutual agreement or the idea that the two sexes are essentially equal in right is the idea that has hitherto obtained in foreign countries. Now equal right, which is somewhat differet from what has hitherto been accepted on Japan is to be prescribed in the Constitution It is in this point that there is great significance. And then, with regard to respect of the family system, I think there is no necessity of prescribing it deliberately in the Constitution, because, though the traditionally accepted idea may undergo changes as time goes on, such changes will naturally progress towards their due destination, the idea being all the while maintained in such a way as will suit the changing circumstances. Generally speaking, as you have just said, it is only a matter of course that the Government has no idea of taking exception for the present to respect the family system. The question, however, is whether or not it be included in the provisions of the Constitution. While appreciating the proposer's idea in this respect, it appears to me that no matter how it is clearly prescribed in hte Constitution it is not particularly different from the idea which is held at the present time by the people. Even if it is expressed in the Constitution, it contains no feature substantial enough to serve as standard for shaping the idea in this respect of the coming generation of the nation. To my way of thinking, in dealing with such questions it seems advisable to establish age after age law and other measures which are appropriate to the time. Further, views have been expressed in many quarters that similar matters may be included a little more fully in the Constitution. If this is done, the contents of the Constitution will have to be changed to a fairly considerable extent. In the course of the statement you have made a little while ago, you quoted from the Imperial Rescript on Education the passage. "Be filial to your parents, affectionate to your brothers and sisters." This does not concern the family life only, but it is a matter of course that such virtues must be observed going beyond the limits of the family life. I think whether such things be included or not in the Constitution is another question. Further, allow me to say a word on the relation of this matter with the House of Representatives. At the House of Representatives there were posed several interpellations in this line and a move was made to make the matter an item

for amendment From what Chairman A.shida of the draft Constitution committee stated in the course of his report in a plenary session of the House of Representatives, it seems that a proposal was made to insert a similarly worded clause in the Constitution. But though the term family life and the term family system have some similarities, they are different in meaning to a certain extent. With regard to this proposed provision for the family life, I suppose you already heard what the Government stated in the House of Representatives, it was decided that the question should be settled by means of law. Judging from this, in consideration of the coming passage of the draft Constitution through both Houses as well as of the procedures to be gone through, it seems to be exceedingly desirable that the question of the family system be similarly dealt with. It is my idea that if the draft Constitution is approved as it stands, it will be expedient for the Government,—excuse me for using such a word as expedient. Viscount Iyeharu Uyemura: Concerning the progress of debate . . . Is not the proposer asking the view of the Prime Minister; I think you have already heard much from other State Minister on his behalf. Is not the President arranging to have the Prime Minister speak of his idea?

(State Minister Mr. Shigeru Yoshida takes the rostrum.)

State Minister (Mr. Shigeru Yoshida) Allow me to reply. What State Minister Kanamori has just said in reply is that expressed as representative of the Government and needless to say, I am in agreement with the view he has set forth.

(Hand-clapping)

President (Prince Iyemasa Tokugawa). I have received a notification for debate. Viscount Kiko Okochi!

(Viscount Kiko Okochi takes the rostrum.)

Viscount Kiko Okochi: As various amendments are proposed quite often. I feel sorry to trouble you so often at this place, but be good enough to wait for a short while. "be filial to your parents, affectionate to brothers and sisters, as husbands and wives be harmonious." There can be not a single Japanese who would take exception to this precept. Further, I believe these virtues "infallible for all ages and true in all places" are virtues observed in all foreign countries through all ages.

. . . . The family system, however, is a slightly different matter. I do not mean to say that we must imitate the West, but a family system does not exist in the West. The home is conducted in a most pleasant and cheerful manner. But although the home and the family are being conducted pleasantly, there is no family system as such in the West. This varies according to the countries, the age and the customs of the countries from time to time. Such being the case, when we read and see what sort of bill this one is, we find that it is after all, one to maintain the family system. But what is the situation in Japan today? The idea of maintaining the home or what to do about the home has faded and declined. I believe that most of the people, in fact I would say the great majority of the people, no longer have any such ideas. Of course, in a part of the agricultural districts and perhaps in families of large nobility have been troubled because of this. Be that as it may, it is not for me to speak of such matters. At any rate, it is a fact that I do know about it, and therefore is it not fitting to retain that which is desired to be retained?

(Voices: "It is not a system.")

If it is considered that some portions be retained in the agricultural districts, it is well that such be retained.

Then again, if there are those in whose families it had been the custom of many years standing, it is not intended in the least that this be destroyed. Such being the case, it is not right that this be destroyed by means of laws. Although that may be so, is it not a bit unreasonable and unjustifiable to attempt by law to force this to be maintained and to hand this down even to perpetuity? Is it not too artificial? Is it not too unnatural? When we view the effects this will have in the future, when we are informed of the contents of the proposed bill to amend the civil code, we find that the rights of the head of a family are to be eliminated, that inheritance is to be equally divided and that the succession to become head of a family has been abolished. Viewed from the standpoint of economy, we find that it is useless to have an inheritance tax in order to maintain the family and that it is impossible to maintain a family unless at least five hundred thousand or a million yen is left as the family estate and property. But even if it is claimed that inheritance will be reduced, this cannot possibly be enforced. It will be only more and more aggravated and increased. It becomes not merely a question of maintaining a house if everyone's fortune is reduced to about one hundred thousand yen as a result of the coming property tax. Excluding the very wealthy persons, the normal family cannot possibly carry on. This sort of tendency is very prevalent. The vast majority are increasingly coming around to the view that it is becoming absolutely impossible to maintain such a thing as a house.

Even if you try to maintain the present you cannot maintain it. According to a person who greatly sympathisizes with the peers' system and contends for the maintenance of this system there were such moves to preserve it but in view of the general trend to the society it is impossible to allow such a thing. It is not a matter of good or bad, it simply cannot be maintained. We have also seconded to abolish this system for the above reasons. If we try to preserve this at all price, we are obliged to make a law, which will be entirely apart from the actual situation. So it is better to have such a problem be stipulated in the civil code and have it stipulated according to the trend of time but not in the Constitution. In his sense I am going to oppose this bill.

(A Voice, "your 'logic' isn't consistent")

President (Iesato Tokugawa). I hereby announce that the discussion has been concluded. We are going to take a vote for the revision proposal. Gentlemen who are in favor of the revision plan will you please stand up.

(Person standing . . . . .)

President (Iesato Tokugawa). As it is difficult to confirm the vote, I should like to have the vote taken by an open vote. (Applause)

Will you please then vote by taking white ballot for those who are in favor of the revision proposal and those who are opposing it are requested to take the blue ballot and beginning from Prince Kujo it is requested than you will accordingly go to the rostrum and vote.

(Voting takes place)

President (Iesato Tokugawa). Is there any who did not vote? . . . . . I hereby confirm that there are no one who did not vote. The vote shall be ordered to be cousted.

(The secretary counts the votes)

President (Iesato Tokugawa) I should like to report of the result of the vote. The total number of the vote was 300 votes, accordingly two third of the total vote is 200 votes. The white ballots which are for the proposal are 165 and the blue ballots which are against it are 135. Accordingly, there are not ballots enough to make the two thirds,

so the revision proposal is hereby rejected. (Applause)

(Reference) For 165
Against 135

Names for the revision proposal:

Prince:

Kujo, Michihide; Shimazu, Tadatsugu; Iwakura, Tomohide; Katsura, Hirotaro; Sanjo, Saneharu;

Marquis:

Hirohata, Tadataka; Namakikado, Tsuneyasu; Tokugawa, Yorisada; Nakayama, Sukechika; Saga, Sanetsu; Kuroda, Nagamichi; Ikeda, Nobumasa; Shijo, Takanori; Nabeshima, Naoyasu; Asano, Nagatake; Okubo, Toshiaki; Maeda, Toshitatsu; Satake, Yoshinaga; Saigo, Kichinosuke;

Count:

Seikanji, Yoshisada; Yanagisawa, Yasutsugu; Hashimoto, Saneaya; Kuroda, Kiyoshi; Goto, Ichizo; Ohki, Nobutomi; Nanbu, Toshihide; So, Takeshi; Hisamatsu, Sadatake; Higashikuse, Michitada; Mibu, Motoyasu; Ohtani, Masao;

Baron:

Shirane, Matsusuke;

Viscount:

Akimoto, Harutomo; Matsudaira, Noritsuna; Tominokoji, Takanao; Hosokawa, Okiharu; Kitakoji, Saburo; Takahashi, Korekata; Nishio, Tadamichi; Uemura, Iyesada; Umezono, Atsuhiko; Ando, Nobuaki; Naito, Masamitsu; Rokkaku, Hidemichi; Ayakoji, Mamoru; Fuji, Kaneyoshi; Tanaka, Kaoru; Saito, Hitoshi; Shichijo, Mitsuaki; Umetani, Michitaro; Nishikikoji Yoritaka; Inagaki, Nagakata; Hinonishi, Suketada; Miura, Yaichi; Miyake, Naotomo; Uematsu Masatoshi; Makino, Tadanaga; Inoue, Katsuhide; Honda, Tadateru; Tanakadate, Aikitsu; Nagaoka, Hantaro; Shirasawa, Hohmi; Koyama, Saburo; Yamada, Saburo; Anezaki, Masaharu; Hayashi, Haruo; Nakada, Kaoru; Kawai, Yahachi; Makino, Eiichi; Matsumura, Shinichiro; Haneda Touru;

Baron Imazono, Kunisada;
Murakami, Kyoichi;

Baron Iida, Seitaro;
Shimojo, Yasumaro; Shioda, Hiroshige; Matsuoka, Kimpei;

Baron:

Iye, Tomosuke; Sufu, Kanemichi; Kitashima, Yoshinori; Matsumoto, Motomatsu; Hasegawa, Takeo;

Baron Utsumi, Katsuji;
Takayanagi, Kenzo;

Baron Okuda, Takero;
Nambara, Shigeru;

Baron:

Inada, Masatane; Sho, Rin; Hirayama, Yosaburo; Yashiro, Gorozo; Misu, Seiichi; Kimotsuki, Kanefusa; Kato, Yoshiyuki; Iwamura, Hitoki; Yamane, Takeo; Matsudaira, Narimitsu, Mohri, Motoyoshi; Oka Shunji; Shimazu, Tadahiko; Miyagawa, Tadamaro; Kuratomi, Hitoshi; Furuichi, Rokuzo; Yamana, Yoshitsuru; Kaname, Toshitada; Murata, Yasusada; Maejima, Kanichiro; Miyahara, Asahi; Akashi, Motonaga; Tanaka Tatsuo; Nakagawa, Nozomu; Miura, Shinshichi; Kuroda, Hideo; Nakamura, Tohbeh; Akagi Masao; Ohki, Misao; Tadokoro, Yoshiharu; Sawada, Ushimaro; Sakata, Kanta; Matsumoto Gaku; Takeshita, Toyoji; Igawa, Tadao; Morohashi, Yuzuru; Sakaya, Junsuke; Tashima, Masao; Inahata, Katsutaro; Yuki, Yasuji; Matsuo, Kunimatsu; Takikawa, Gisaku; Itaya, Miyakichi; Isogai, Hiroshi; Hashimoto, Tatsujiro Yamakuma Yasushi; Kasai, Toyotaro; Tanabe, Choemon; Takenaka, Tooemon; Itoh, Denshichi; Yamaji, Tosataro; Arima, Chuzaburo; Aisawa Yahachi; Nakajima, Tokutaro; Mizuno, Jinjiro; Shioda, Dampei; Nakayama, Taichi; Hatakeyama, Issei; Ono, Kooichi; Machimura, Keiki; Kishimoto, Hikoe; Matsuoka, Junkichi; Saito, Masuo; Watanabe, Kakuzo; Sasaki, Choji; Noda, Rokuzaemon; Akita, Sanichi; Kurisu Takeo; Eguchi, Fumio; Ueno, Kizaemon; Nagashima, Ginzo; Iwamoto, Tatsuichi; Watabe, Shin; Ohta, Hanroku; Watanabe, Saburo; Sato, Sonosuke; Hashimoto, Manuemon; Takagi, Hasshaku; Sugiyama, Shigeru;

Names against the revision proposal:

Marquis:

Hosokawa, Moritatsu; Ooimikado, Tsuneteru;

Count:

Hayashi, Hakutaro; Okudaira, Masayasu; Futara, Yoshinori; Maeda, Toshio; Tokugawa, Muneyoshi; Kaneko, Takemaro; Mitsuchi, Chuzo;

Baron:

Shidehara, Kijuro;

Viscount:

Nishiooji, Yoshimitsu; Imashiro, Sadamasa; Iwashita, Kaichi; Akizuki, Tanehide; Ohkohji, Kikih; Kato Yasumichi; Kuroda, Nagaatsu; Akita, Shigesue; Mori, Toshinari; Tozawa, Masaoto; Oda, Nobutsune; Saneyoshi, Sumio; Kyogoku, Takaosa; Yanagisawa, Mitsuharu; Katano, Masayuki; Takagi, Masanari; Ohkubo, Noritaka; Nagai, Naokuni; Mishima, Michiharu; Takiwaki, Hiromitsu; Hojo, Shunpachi; Irie, Tametsune; Sengoku, Hisahide; Ijuin, Kanetaka; Matsudaira, Sennosuke; Mizuno, Katsukuni; Matsudaira, Chikayoshi; Inaba, Masayoshi; Doi, Toshiaki; Torii, Tadahiro; Aoki, Shigeo; Kuchiki, Tsunahiro; Ito, Sukeatsu; Sakakibara, Masaharu; Kyogoku, Takatoshi; Inuzuka, Katsutaro; Kuwaki, Kanesuke; Hiratsuka, Hiroyoshi; Nagai, Matsuzo; Sasaki, Soichi; Debuchi, Katsuji; Yoshida, Shigeru; Arakawa, Bunroku;

Baron Kubota, Keiichi;
Yoshida, Hisashi; Shimoyama, Seiichi; Kawamura, Takeji;

Baron Takagi, Yoshihiro;
Keimatsu, Katsuzaemon;

Baron Takasaki, Yumihiko;
Soejima, Senpachi; Shirase, Takesuke; Terao, Hiroshi; Abe, Yoshishige; Cho, Tsugiyoshi; Murakami, Giichi; Kanamori, Tokujiro;

Baron:

Tokugawa, Makoto; Oki, Sadao; Ito, Iichiro; Cho, Mototsure; Matsudaira, Toyomaro; Tsurudono, Iekatsu; Matsuda, Masayuki; Nakamikado, Tsunetami; Nakamura, Tsurayuki; Watanabe, Shuji; Sugitani, Yoshitoki; Bohjo, Toshiyoshi; Uchida, Toshio; Taku, Ryuzaburo; Hayashi, Chuichi; Sakamoto, Taizo; Kitaooji, Nobutaki; Nishi, Torioto; Ohara, Kentaro; Shiba, Masao; Nakamura, Tetsuo; Taneda, Terao; Seko, Yasuji; Matsushima, Shikao; Iinuma, Kazumi; Oomura, Seiichi; Irie, Toshiro; Kinoshita, Kenjiro; Yamazaki, Nobuyoshi; Nomura, Karoku; Kiuchi, Shiro; Azuma, Sakae; Furushima, Kazuo; Tajima, Michiharu; Yasuda, Izaemon; Ishikawa, Ichiro; Nakajima, Tokumatsu; Mitsuhashi, Shiroji; Okumura, Yoshizo; Aida, Kenkichi; Inoue, Tokutaro; Kumagaya, Santaro; Natori, Wasaku; Koyama, Kango; Kashima, Seiichi; Takahashi, Ryutaro; Tokuda, Kohei; Itakura, Takuzo; Sakuma, Koitsu; Nakayama, Juhiko; Kataoka, Naokata; Harada, Kenji; Kawabata, Sakubeh; Yamamoto, Yuzo; Tochigi, Yoshiro; Obama, Toshie; Nagoya, Sankichi; Iwabuchi, Tatsuo; Iizuka, Tomonobu; Asai, Kiyoshi; Terada, Jinkichi; Watanabe, Jinkichi; Kayano, Nagatomo; Kaburagi, Tadamasa; Matsuo, Kauemon; Fukada, Takeo; Ito, Toyoji; Segawa, Yauemon;

TOKUGAWA, Iyemasa (Speaker):

Let us Vote on those parts amended by the Committee in chage, first concerning the preamble. Gentlemen in favor of the Committee amendments are requested to stand up.

(A majority of members stand up.)

TOKUGAWA, Iyemasa (Speaker):

I recognize more than two-thirds are in the affirmative. Accordingly, it is decided as was amended by the Committee.

TOKUGAWA, Iyemasa (Speaker):

Next, concerning Article 15. Gentlemen who are in favor of the Committee amendments are requested to stand up.

(A majority of members stand up.)

TOKUGAWA, Iyemasa (Speaker):

(A majority of members stand up.)

I recognize more than two-thirds are in the affirmative. Accordingly, it is decided as was amended by the Committee..

TOKUGAWA, Iyemasa (Speaker):

Next, concerning Article 59. Gentlemen in favor of the Committee amendments are requested to stand up.

(A majority of members stand up.)

TOKUGAWA, Iyemasa (Speaker):

I recognize more than two-thirds are in the affirmative. Accordingly, it is decided as was amended by the Committee.

TOKUGAWA, Iyemasa (Speaker):

Next, concerning Article 66. Gentlemen in favor of the Committee amendments are requested to stand up.

(A majority of members stand up.)

TOKUGAWA, Iyemasa (Speaker):

I recognize more than two-thirds are in the affirmative. Accordingly, it is decided as was amended by the Committee. With this, the voting on all the amendments made by the Committee is finished.

TOKUGAWA, Iyemasa (Speaker):

Next, concerning all the remaining parts, excluding the amended part just approved. Gentlemen in favor of the remaining parts, that is, the draft Bill sent from the House of Representatives are requested to stand up.

(A majority of members stand up.)

TOKUGAWA, Iyemasa (Speaker):

I recognize more than two-thirds are in affirmative. Accordingly, the Bill is approved in its original draft form. (Hand-clapping.)

TOKUGAWA, Iyemasa (Speaker):

With this, the second reading is finished.

Viscount NISHIDAIJI, Yoshimitsu:

I wish the third reading of the Bill be opened immediately.

Viscount UEMURA, Iyeharu:

I second the motion.

TOKUGAWA, Iyemasa (Speaker):

Is there any objection to Viscount Nishidaiji's motion?

(Voices heard, "No objection.")

TOKUGAWA, Iyemasa (Speaker):

I see there is no objection.

TOKUGAWA, Iyemasa (Speaker):

Let us open the third reading of the Bill. Gentlemen in favor of the decisios as was decided by the second reading are requested to stand up.

(A majority of members stand up.)

TOKUGAWA Iyemasa (Speaker):

I recognize more than two-thirds are in the affirmative. Accordingly, it is decided as was decided at the second reading.

(Hand-Clapping.)

TOKUGAWA, Iyemasa (Speaker):

The Prime Minister wishes to speak. Prime Minister Yoshida!

(State Minister Yoshida, Shigeru takes the rostrum.)

YOSHIDA, Shigeru (State Minister):

The revised Constitution was just approved by this House. Allow me to take this opportunity to make an address on behalf of the Government. The Government desires to pay its heart-felt respect to the serious and earnest efforts made by all the gentlemen in the plenary session as well as at the committee meetings, since the revised Constitution sent from the House of Representatives was brought up for discussion on August 26. Needless to say, this Bill aims at establishing the corner stone of a new Japan and bringing peace to the world. I have no doubt that various opinions expressed by members of the House evoked rssounding echoes at home and abroad as representing the general will of the intelligent classes of our country and played an important role in making the significance and characteristies of the Bill well understood to our people and to the peoples of the outside world. This is, indeed, a matter for great joy. This Bill will be referred to the House of Representatives for deliberation. Allow me to express a strong freeling of thanks at this opportunity, on behalf of the Government, for the efforts put forth by all the members. (Hand Clapping.)

TOKUGAWA, Iyemasa (Speaker):

With this, the deliberation on the revised Constitution is finished.

TOKUGAWA, Iyemasa (Speaker):

Let us open the first reading on Order of the Day No. 2, that is to say, the Bill for Partial Amendments to the Horse-Race Law proposed by the Government and sent from the House of Representatives. Minister of Agriculture and Forestry Wada!

To Prince Tokugawa, Iyemasa,
Speaker of the House of Peers

October 3, 1946

The following Bill proposed by the Government was approved by this House and therefore, it is hereby forwarded in accordance with Article 54 of the Diet Law.

Yamazaki, Takeshi
Speaker of the House of Representatives.

(cf. explanation of the reason by Mr. OISHI, Rinji Government delegate, for submitting the Bill as stated in the Minutes of the House of Representatives, Oct. 3, 1946.)

Prince TOKUGAWA, Iyemasa (President):

As to this Bill the House has been requested by the Government to effect urgent decision under the proviso of Art. 27 and the proviso of Art. 28 of the Diet Law. I should like to submit to your consideration the question of omitting the order of the three readings. Now I demand those in favor of omitting the order of the three readings stand up.

(The majority stood up)

Prince TOKUGAWA, Iemasa (President):

I consider that the majority of two-thirds was obtained. The inquiry of the Committee members will not be effected at the request of the Government.

Prince TOKUGAWA, Iyemasa (President):

If there is no request for speech, the voting will be held now. The bill as a whole shall be put to vote. Is there no objection to adopt the whole Bill as was originally submitted?

("No objection" is voiced.)

Prince TOKUGAWA, Iyemasa (President):

I consider that there is no objection.

Prince TOKUGAWA, Iyemasa (President):

Agenda No. 3 the Bill for special Account for Foreign Trade Funds. Submitted by the Government. Forwarded by the House of Representatives. The First Reading.—I call upon Finance Minister ISHIBASHI.

Oct. 4, 1946.

Prince TOKUGAWA, Iemasa (Pre-

sident, House of Peers

Bill for Special Account for Foreign Trade Funds

The above Bill submitted by the Government was approved by this House. Accordingly I have the honor to forward the same under Art. 54 of the Diet Law.

(Signed) YAMAZAKI, Takeshi,
Speaker,
House of Representatives

Bill for Special Account for Foreign Trade Funds

(The text of the Bill is omitted.)

(The explanation for the reason of submitting the Bill made by Finance Minister ISHIBASHI is omitted. cg. the Minutes of the House of Representative, Sept. 30, 1946.)

Viscount TOZAWA, Masami:

I should like to present a notion that as to the Bill for special Account of Foreign Trade Funds put on the agenda, the number of the Special committee members be twenty-five and that the nomination of those members be left to the decision of the President.

Viscount AKITA, Shigesue:

I second the motion.

Prince TOKUGAWA, Iemasa (President):

Is there any objection to Viscount TOZAKA's motion?

("No objection" is voiced.)

Prince TOKUGAWA, Iyemasa (President):

I consider that there is no objection. I have the names of the special Committee members read.

(Secretary NEMOTO reads.)

Special Committee members.

Prince KATSURA, Hirotaro, Prince SANJO, Saneharu, Marquis MAEDA, Toshitatsu, Count OKI, Nobutomi, Viscount UEMURA, Ieharu, Viscount IRIE, Tametsune, Viscount IJUIN, Kanetaka, Viscount DOI, Toshiaki, Viscocunt MIURA, Yaichi, Dr. ANESAKI, Masaharu, Baron KIMOTSUKI, Kanefusa, Baron YAMANA, Yoshitsuru, Baron SAKAMOTO, Daizo, Baron OHARA, Kentaro, Baron TANAKA, Tatsuo, Mr. NAKAMURA, Tobei, Mr. IKAWA, Tada, Mr. KAWAKAMI, Kaichi, Mr. AIDA, Kenkichi, Mr. NAKAYAMA, Taichi, Mr. HATAKEYAMA, Issei, Mr. OTA, Hanroku, Mr. WATANABE, Saburo, Mr. KABURAKI, Tadomasa, Mr. MATSUO, Kaemon.

Prince TOKUGAWA, Iyemasa (President):

Agenda No. 4. The Bill for Industrial Reconstruction Corporation. Submitted by the Government. Forwarded by the House of Representatives. The first read reading.—I call upon Commerce and Industry Minister HOSHIJIMA.

Oct. 4, 1946.

TO: Prince TOKUGAWA, Iemasa,
President, House of Peers.

Bill for Industrial Reconstruction Corporation.

The above Bill submitted by the Government was adopted by this House. Accordingly I have the honor to forward the same under Art. 54 of the Diet Law.

(Signed) YAMAZAKI, Takeshi.
Speaker,
House of Representatives.

Bill for Industrial Reconstruction Corporation

The text of the Bill is omitted.)

(The explanation of the reason for submitting the Bill, made by the Commerce and Industry Minister HOSHIJIMA omitted. See the Minutes of the House of Representatives, September 30.)

Viscount TOZAWA, Masaoto:

I make a motion that the Bill for the Industrial Rehabilitation Corporation now on the agenda be referred to the Special Committee for the Bill for Special Accounts for Foreign Trade Funds.

Vicount AKITA, Shigesue:

I second.

Prince TOKUGAWA, Iemasa (President):

Is there no objection to Viscount TOZAWA's motion?

("No objection" voiced.)

Prince TOKUGAWA, Iyemasa (President):

I see there is no objection.

Prince TOKUGAWA, Iemasa (President):

Agenda, No. 5 Bill for Provisional Exceptions to the Pension Law. Submitted by the Government. Sent from the House of Representatives. The first reading. The Director of the Bureau of Legislation IRIE.

4, Oct 1946.

TO: Prince TOKUGAWA, Iemasa,
President, House of Peers.

The Bill for Provisional Exceptions to the Pension Law, presented by the Government, has been approved in this House. I am sending it herewith under Article 54 of the Diet Law.

YAMAZAKI, Takeshi
Speaker, House of Representatives.

(The text of the Bill omitted.)

(The explanation of the reason for submitting the Bill, made by IRIE, Toshio, Government delegate, omitted.. See the Minutes of the House of Representatives, September 30.)

Viscount TOZAWA, Masaoto:

Make a motion that, as regards the Bill for Provisional Exceptions to the Pension Law, the Special Committee will be composed of 15 members, and the nomination of the members be left to the President.

Viscount AKITA, Shigesue:

I second.

Prince TOKUGAWA, Iyemasa President):

Is there no objection to Viscount TOZAWA's motion?

("No objection" voiced.)

Prince TOKUGAWA, Iyemasa (President):

I see there is no objection. I shall have the names of the Sepical Committee read. (Secretary NEMOTO reads.)

Special Committee of the Bill for Provisional Exceptions to the Pension Law:

Marquis TOGO, Hyo
Marquis KOMURA Shoji
Count So. Takeshi
Viscount UMEZONO Atsuhiko
Viscount SENGOKU, Hisahile
Viscount KUCHIKI, Tsunahiro
Mr. KOYAMA, Matsukichi
Mr. NAGAI, Matsuzo
Mr. HANEDA, Tooru
Mr. YOSHIDA, Hisashi
Barn KONDO, Shigeya
Baron OKA, Shunji
Baron KI Shunji
Mr. AIZAWA, Yahachi
Mr. IWAMOTO, Tatsuichi

Prince TOKUGAWA, Iyemasa (President):

Agenda, No. 6. Bill for the Special Measure for the Establishment of Owner Farmers; No. 7. Bill for Amendming Agricultural Land Adjustment Law; presented by the Government; sent from the House of Representatives; the first reading: is there no objection to bringing up these twi Bill en bloc for discussion?

("No objection" voice.)

Prince TOKUGAWA. Iyemasa (President):

I see there is no objection. Minister for Agriculture and Forestry WADA.

TO: Prince TOKUGAWA, Iyemasa,
5 October 1946
President, House of Peers.

The Bill for the Special Measure for the Establishment of Owner Farmers, presented by the Government has been approved in this House. Herewith I beg to forward it to you under Article 54 of the Diet Law.

YAMAZAKI, Takeshi,
Speaker, House of Rpresentatives.

(Text o fthe Bill omitted.)

TO. Prince TOKUGAWA. Iyemasa,
5 October 1946
President, House of Peers.

The Bill for Amending Agricultural Land Adjustment Law, presented by the Government, has been approved in this House. Herewith I beg to transmit it to yo uunder Article 54 of the Diet Law..

YAMAZAKI, Takeshi,
Speaker, House of Representatives.

The explanation of the reason for submitting the Bill, made by State Minister WADA omitted. See the minutes of the House of Representatives September 7.)

Viscount TO/AWA. Masaoto:

I make a motion that the Special Committee on the Bill for the Special Measure for the Establishment of Owner-Farmers and one other now on the agenda be composed of 25 members, and the nomination of the members be left to the President.

Viscount AKITA, Shigesue:

I second. .

Prince TOKUGAWA, Iyemasa (President):

Is there no objection to Viscount TOZAWA,s motion?

("No objection" voiced.)

Prince TOKUGAWA, Iyemasa (President):

I see there is no objection. I shall have the names of the Special Committee read. (Secretary NEMOTO reads.)

Special Committee on the Bill for the Special Measure for the Establishment of Owner-Farmers and one other:

Prince SHIMAZU Tadatsugu
Marquis HOSOKAWA, Tadatsugu
Marquis NAKAYAMA, Sukechika
Count HISAMATSU, Sadatake
Viscount ANDO, Nobuaki
Viscount MISHIMA, Michiharu
Viscount HOJO, Shumpachi
Viscount TSUCHIYA, Tadanao
Viscount INOUE, Katsuhide
Mr. MAKINO, Eiichi
Mr. MATSUMURA, Shinichiro
Mr. TERAO. Hiroshi
Baron UCHIMI, Katsuji.
Baron INADA, Masatane
Baron IWAMURA, Hitoki
Baron TAKU, Ryusaburo
Baron MORI, Motoyoshi
Mr. AKAKI, Masao
Mr. TAKESHITA, Toyoji.
Mr. WAGATSUMA, Sakae
Mr. MATSUO. Kunimatsu
Mr. SUGAZAWA, Shigeo
Mr. MATSUMOTO, Katsutaro
Mr. IIZUKA, Tomonobu

Viscount OKOCHI, Kiko:

Will you kindly let me speak for a few minutes about the preceedings

Prince TOKUGAWA, Iemasa (President):

I am agreeable.

Viscount OKOCHI, Kiko:

The Prime Minister being present here, on this opportunity I should like to ask the view of the Prime Minister to the procedure. This session will come to the end as expected, but I suppose an extraordinary session will soon be convened to deliberate on various Bills relevant to the Constitution. However, on further consideration, I think it would hardly be possible to end the deliberation on these Bills before the opening of next ordinary session, and I would suggest that the ordinary session rather is convened earlier, or it be convened directly in continuation to this session. For this, it might be necessary to revise, in the present session, the Accounts Law and the stipulation calling for the requisite period of 40 days, but I think the revision could be easily effected. I think, in this way, better result will be brought about in the smooth proceedings of the Diet operation. What are the views of the Government?

Prince TOKUGAWA, Iemasa (President):

Prime Minister YOSHIDA!

(Minister of State YOSHIDA, Shigeru, takes rostrum.)

YOSHIDA, Shigeru, (Minister of State):

I offer my answer. At present we intend to convoke the extraordinary session of the Diet so as to submit to it various necessary Bills. As to the suggestion made by Viscount OKOCHI, I shall consult with my colleagues taking the matter up in the Cabinet Council and make my reply.

Viscount OKOCHI:

I am agreeable.

Prince TOKUGAWA, Iyemasa (President):

I shall cause a report to be made.

(Secretary MIYASAKA reads the report:)

The following Government Bills have been received from the House of Representatives today:

Wartime Indemnity Special Measures Bill.

Bill for the Reconstruction and Rearrangement of the Financial Corporations.

Bill for the Special Composition in reference to Liabilities of Individual and Juridical Persons.

Bill for the Special Measures on the Loss of Finance Ministry Deposit Bureau, etc.

Bill for Exceptions to the Welfare Annuity Insurance Law and Seamen's Insurance Law.

Bill for the Reconstruction and Rearrangement of Enterprises.

Property Tax Bill.

Bill for Special Account concerning Revenue deriving from Property Tax, etc.

Bill for the Abrogation of the Measures of the Enterprises Rearrangement Funds.

Prince TOKUGAWA, Iemasa (President):

At this juncture, I should like to add to the agenda the bills just reported, that is the Wartime Indemnity Special Measures Bill, Bill for the Reconstruction and Rearrangement of the Financial Corporations, Bill for the Special Composition in reference to Liabilities of Individual and Juridical Persons, Bill for the Special Measures on the Loss of Finance Ministry Deposit Bureau, etc., Bill for Exceptions to the Welfare Annuity Insurance Law and Seamen's Insurance Law, Bill for the Reconstruction and Rearrangement of Enterprises, Property Tax Bill, Bill for Special Account concerning Revenue deriving from Property Tax, etc., Bill for the Abrogation of the Measures of the Enterprises Rearrangement Funds, and open the first reading of them, bringing them up an bloc for discussion. Is there any objection?

(Some say "no objection...)

Prince TOKUGAWA, Iyemasa (President):

I presume there is no objection. Prime Minister YOSHIDA.

Oct. 6, 1946

TO: Prince TOKUGAWA, Iemasa,
President, House of Peers.

Wartime Indemnity Special Measures Bill

The above Government bill has been approved in this House. Accordingly the same is forwarded herewith in accordance with Article 54 of the Diet Law.

YAMAZAKI, Takeshi,
Speaker, House of Representatives.

The following seven bills have been forwarded under the same style of notices as above:

Bill for the Reconstruction and Rearrangement of the Finance Corporations,

Bill for the Special Composition in reference to Liabilities of Individual and Juridical Persons,

Bill for the Special Measures on the Loss of Finance Ministry Deposit Bureau, etc.

Bill for Exception to the Welfare Annuity Insurance Law and Seamen's Insurance Law.

Bill for the Reconstruction and Rearrangement of Enterprises,

Property Tax Bill,

Bill for Special Account concerning Revenue deriving from Propery Tax, etc.

(The text of these eight bills omitted.)

Oct. 6. 1946

TO: Prince TOKUGAWA, Iyemasa, President, House of Peers.

Bill for the Abrogation of the Measures of the Enterprises Rearrangement Funds.

The foregoing Government bill has been adopted with amendments in this House. Accordingly the same is forwarded here with in accordance with Article 54 of the Diet Law.

YAMAZAKI, Takeshi,
Speaker, House of Representatives.

The explanations of State Minister YOSHIDA as well as the State Minister ZEN for the Bills submitted by the Government as foregoing are omitted. Refer to the minutes of the House of Representatives, September 28th.

The explanations of State Minister ISHIBASHI is omitted. except the following passage which he added just before he concluded his explanation, referring to the amendments made in the House of Representatives. For the rest, refer to the minutes of the House of Representatives, September 30.

The said passage is as follows:

In the House of Representatives, a partial amendment has been made to this bill. By this amendment, in case it is necessary to raise funds for the restoration of war-damages and other public enterprises in the future, the Hokkaido, and prefectures are also enabled to issue "Takara" lottery, while under the present law only the state is authorized to issue the lottery. This, I consider, an effective means for the collection of funds. Consequently, the Government also approves this amendment.

Viscount TOZAWA, Masami:

I move to organize a committee of 36 members for the bills just brought up for discussion, namely, the Wartime Indemnity Special Measures Bill and 8 others and leave the nomination of the committee members to the President of the House.

Viscount AKITA, Sueshige:

I second.

Prince TOKUGAWA, Iyemasa (President):

Is there any objection to the motion of Viscount TOZAWA?

(Some say: "No objection.")

Prince TOKUGAWA, Iyemasa (President):

I presume there is no objection. I will make the secretary read the names of Special committee members.

(Secretary NEMOTO reads the list of names.)

Special Committe Members for the Wartime Indemnity Special Measures Bill and 8 others.

Marquis IKEDA, Nobumasa
Marquis NABESHIMA, Naoyasu
Count KURODA, Kiyoshi
Viscount OKOCHI, Kiko
Viscount TAKEWAKI, Hiromitsu
Viscount UMETANI, Michitora
Baron TAKASAKI, Yumihiko
HASEGAWA, Takeo
Baron NAKAMURA, Tsurayuki
Baron KURATOMI, Hitoshi
KURODA, Hideo
HASHIMOTO, Tatsujiro
KASAI, Toyotaro
TAKAHASHI, Ryutaro
NAKAJIMA, Tokutaro
KATAKURA, Kentaro
KISHIMOTO, Hikoe
OBAMA, Toshie
Marquis SAIGO, Kichinosuke
Count FUTARA, Yoshimori
MITSUCHI, Chuzo
Viscount KYOGOKU, Takaosa
Viscount AYAKOJI, Mamoru
YOSHIMATSU, Katsuzaemon
Baron SUFU, Kanemichi
Baron FUSHIRO, Gorozo
Baron HAYASHI, Chuichi
Baron MIYAHARA, Asahi
ITAYA, Junsuke
NATORI, Wasaku
KOYAMA, Kango
ARIMA, Chuzaburo
KATAOKA, Naokata
KAWABATA, Sakuhei
MATSUOKA, Junkichi
UENO, Kizaemon

Prince TOKUGAWA, Iyemasa (President):

At this juncture, is there any objection to adding to the agenda the following three Bills and opening the first reading of them en bloc? Bill concerning Temporary Loans for Disbursement of Additional Expenses for 1946-7 in the Special Accounting for Communications Operations or Imperial Railways Accounting.

Bill for Issuing National Bonds for Making Investments on the Rehabilitation Finance Bank and the Industrial Recovery Corporation.

Bill for the special measure for the Establishment of Owner Farmers.

(sent from the House of Representatives)

(Some say "no objection."'

Prince TOKUGAWA, Iyemasa (President):

I presume there is no objection

Finance Minister ISHIBASHI.

Oct. 4, 1946.

To Prince TOKUGAWA, Iyemasa, President, House of Peers.

Bill concerning Temporary Loans for Disbursement of Additional Expenses for 1946-47 in the Special Accounting for Communications Operations or Imperial Railways Accounting.

The above Government Bill has been approved in this House. Accordingly, the same is forwarded herewith in accordance with Article 54 of the Diet Law.

YAMAZAKI, Takeshi,
Speaker, House of Representatives.

(The text of the Bill omitted.)

Oct. 4, 1946.

To Prince TOKUGAWA, Iyemasa, President, House of Peers.

Bill for Issuing National Bonds for making Investments on the Rehabilitation Finance Bank and the Industrial Recovery Corporation.

The above Government bill has been approved in this House. Accordingly, the same is forwarded herewith in accordance with Article 54 of the Diet Law.

YAMAZAKI, Takeshi,
Speaker, House of Representatives.

(The text of the Bill omitted.)

Oct. 4, 1946.

To Prince TOKUGAWA, Iyemasa, President, House of Peeds,

Bill for the Special Measure for the Establishmen of Owner Farmers.

The above Government bill has been approved in this House. Accordingly, the same is forwarded herewith in accordance with Article 54 of the Diet Law.

YAMAZAKI, Takeshi,
Speaker, House of Representatives.

(The text of the Bill omitted.)

(The explanation of the reason for submitting the bills, made by State Minister ISHIBASHI omitted. Refer to the minutes of the House of Representatives, October 3.)

Viscount TOZAWA, Masami:

I move that the bills just brought up for discussion, namely; the Bill Concerning Temporary Loans for Disbursement of Additional Expenses for 1946-7 in the Special Accounting for Communications operations or Imperial Railways Accounting and two others be referred to the special committee in charge of the Wartime Indemnity Special Measure Bill and 8 others.

Viscount AKITA, Sueshige:

I second.

Prince TOKUGAWA, Iyemasa (President):

Is there any objection to the motion of Viscount TOZAWA?

(Some say "no objection")

Prince TOKUGAWA, Iyemast (President):

I presume there is no objection. The meeting will be opened at 1:30 P.M. tomorrow The agenda will be announced as soon as it is decided in the official bulletin. Today's meeting will be closed.

The House adjourns at 5:45 P.M.

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THE HOUSE OF PEERS

The 90th Session of the Imperial Diet

THE OFFICIAL GAZETTE EXTRA

No. 41 Tuesday, October 8, 1946

Minutes of the Proceedings in the House of Peers

Opened at 3:41 p.m., October 7, 1946 (Monday)

The Order of the Day, No. 41 To be opened at 1:30 p.m., on October 7, 1946

Item 1: Petition concerning increased rations of staple foodstuffs.—Discussion.
Item 2: Petition for opening state-managed motor traffics between Mitani-mura and Asakawa-mura of Kawakita-gun, Ishikawa Prefecture.—Discussion.
Item 3: Petition for acceleration completion of railway lines between Chigusa and Agebo.—Discussion.
Item 4: Petition for acceleration of completion of railway lines between Kitsugi and Mitsugi.

President (Prince TOKUGAWA, Iyemasa):

I will let the secretary make reports.

(Secretary Miyasaka reads reports.)

The following Bill introduced by the government and which at this House was amended yesterday, the 6th, was sent back to the House of Representatives on the same day.

Revised Constitution Bill.

The following Bill introduced by the Government and which was passed by the House on the same day as above was on that day submitted for Imperial sanction and the House of Representatives was informed thereof:

Bill for Amendment to the Horse Race Law.

The names of the chairmen and deputy chairmen elected by the Committees today are as follows:

Special Committee on the Special Exceptions to the Pension Law.

Chairman:—Viscount UMEZONO, Atsuhiko.

Deputy Chairman:—Baron KONDO, Shigeya.

Special Committee on the Foreign Trade Fund Special Accounting Bill:

Chairman:—Viscount IYEMURA, Iyeharu.

Deputy Chairman:—Baron KIMOTSUKI, Kanehide.

Special Committee on the Owner-Farmer Creation Special Measure Bill:

Chairman:—Baron INADA, Masauye.

Deputy Chairman:—Viscount HOHO, Shunpachi.

Special Committee on the Wartime Indemnities Special Measure Bill:

Chairman:—Mr. MITSUCHI, Chuzo.

Deputy Chairman:—Baron TAKASAKI, Yumihiko.

President:

I have today received from the Prime Minister an Imperial Rescript ordering an extension of the Imperial Diet session by four days to October 11.

I have today received information from the House of Representatives that that House, to which the Constitution Revision Bill was transmitted from this House, has approved the amendments made by this House and has submitted the bill to the Emperor. (Cheers)

President:

Now I declare the today's sitting is open. Yesterday, Mr. Tomonobu Iidzuka, who is a member of the Committee on the Owner-farm Creation Special Measure Bill and one other bill, tendered resignation as the member for his own convenience. Have you no objection to our accepting the resignation?

(Voices: No objection.)

President:

I see that you have no objection. Then, I nominate Mr. NAGASHIMA, Ginzo, to fill the vacancy.

President:

The Prime Minister requests permission to speak. I shall give him permission. Prime Minister Yoshida, please.

(Minister of State Yoshida, Shigeru, takes the platform.)

Minister of State (Mr. YOSHIDA, Shigeru):

I like to answer to the question put by Viscount Okouchi yesterday. He asked whether or not the government has the intention some time after the close of the special session of the Diet to lay before the Throne a request to convoke either an extraordinary session or the ordinary session of the Diet at an earlier date than the statutory. This morning at the Cabinet council the government discussed the matter. There are a number of law bills such as the Imperial House Law and the House of Councillors Law which are particularly necessary to be enacted early along with the enforcement of the Imperial Constitution, so the government is contemplating to advise the Emperor to call an extraordinary session of the Diet about the latter part of November unless there occur some special circumstances preventing it. We shall, however, have some time more to fix the matter definitely. I have on this occasion to add a word that the present session of the Diet has been extended to the 11th of this month, as you have just been informed, but in view of the fact that the Diet has already been on the session extending over three months, its period having been extended several times, we consider it would not be well to request another Re-

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THE HOUSE OF PEERS

The 90th Session of the Imperial Diet

THE OFFICIAL GAZETTE EXTRA

No. 42 Thursday, October 10, 1946

Minutes of the Proceedings in the House of Peers

Opened at 10:08 a.m., on October 9, 1946 (Wednesday)

The Order of the Day, No. 42 To Be Opened at 10:00 a.m., on October 9, 1946

No. 1 Supplementary Budget of the Revised General Accounts Budget for the fiscal year of of 1946-1947. (The Revised No. 1)

Session

(Chairman's report)

No. 2 Supplementary Budget of the Revised Special Accounts Budget for the fiscal year of 1946-1947. (The Revised Special No. 1)

Session

(Chairman's report

No. 3 Supplementary Budget of the Revised General Accounts Budget for the fiscal year of 1946-1947. (The Revised No. 2)

Session

(Chairman's report

No. 4 Supplementary Budget of the Revised Special Accounts Budget for the fiscal year of 1946-1947. (The Revised Special No. 2)

Session

(Chairman's report

No. 5 Contracts outside of the Budget General Accounts.

Session

(Chairman's report

No. 6 Bill for the provisional Exception to the Pension Law. (Submitted by the Government; sent from the House of Representatives.)

In Continuation of the First Reading.

(Chairman's report

No. 7 Motion for the Establishment of the Diet Library and for the Improvement of the Government Library. (Proposed by the ANEZAKI, Masaharu.)

Session

Prince TOKUGAWA, Iemasa (President):

Reading of various reports will be omitted, if you have no objection.

(Reference)

Motion for Increase of Staple Food Ration and two others which were decided to be adopted in this House on the 7th were sent to the Government with observations on the day.

The following reports were submitted on the 8th by the Chairman of the Committee.

Report concerning the approval of the Supplementary Budget of the Revised General Accounts Budget for the fiscal year of 1946-1947. (The Revised No. 1)

Report concerning the approval of the Supplementary Budget of the Revised Special Accounts Budget for the fiscal year of 1946-1947. (The Revised Special No. 1)

Report concerning the approval of the Supplementary Budget of the Revised General Accounts Budget for the fiscal year of 1946-1947. (The Revised No. 2)

Report concerning the approval of the Supplementary Budget of the Revised Special Accounts Budget for the fiscal year of 1946-1947. (The Revised Special No. 2)

Report concerning the approval of the Contracts Outside of the Budget General Accounts.

Report concerning the approval of the Bill for the Provisional Exception to the Pension Law.

The following was proposed by the member of the House on the same date:

Motion for the Establishment of the Diet Library and for the Expansion of the Government Library. (Proposed by ANEZAKI, Masaharu.)

Prince TOKUGAWA, Iemasa (President):

The House is called to order. Competent Ministers in charge of matters relative to the budget being absent, I propose that Item No. 6 on the agenda be taken up first for deliberation, changing the order of the day. Is there any objection? (Some say "No objection.")

Prince TOKUGAWA, Iemasa (President):

Item No. 6. Bill for the Temporary Exceptions to Pensions Law, sent from the House of Representatives. The Continuation of the First Reading. Report by the Chairman of the Committee. Chairman Viscount UMEZONO

Prince TOKUGAWA, Iemasa (President):

President, House of Peers.

October 8, 1946

Bill for the Temporary Exceptions to Pensions Law.

It is hereby reported that the Committee has decided that the above Bill be approved.

Viscount UMEZONO, Atsuhiko, Chairman.

Viscount UMEZONO, Atsuhiko:

I shall report on the proceedings and the result of the Special Committee on the Bill for the Temporary Exceptions to Pensions Law, now under view. The Special Committee conducted a most scrutinizing deliberations over the Bill consecutively on the 7th and 8th, when serious discussions were carried on, not infrequently off the record, with the result that it was decided that the Bill be approved. I shall now re-

script for further extension. So we would like to ask that you will please do your best to deliberate on and pass all the bills introduced by the government within the period now extended.

Viscount OKOCHI, Kiko:

I certainly feel grateful for the answer just given, but am afraid that it will doubtless involve great hardships and difficulties to finish up all affairs at the forthcoming extraordinary session of the Diet in such a short time as one month or so. It is also very doubtful if you can make all arrangements and prepare all bills before that time. I think, too, that the deliberations at the extraordinary session can not be carried on satisfactorily. It would be a matter of great regret if it should become necessary to cut down the time for interpellations in the interest of quick disposal of everything. Especially the accessory laws to the Constitution. . . .

President (Prince TOKUGAWA, Iemasa):

I want to ask Viscount OKOCHI. Are you making an interpellation? If it is your opinion . . . if an interpellation, you may go on.

Viscount OKOCHI, Kiko:

As an answer was given, I am expressing my hope regarding it. This is a continuation of the proceedings of yesterday. Is it not all right?

President (Prince TOKUGAWA Iemasa):

Please keep yourself within the limits of interpellation.

Viscount OKOCHI, Kiko:

I should like you to permit me to speak once again as part of the proceedings.

President (Prince TOKUGAWA, Iemasa):

That is all right.

Viscount OKOCHI, Kiko:

At the forthcoming extraordinary session of the Diet, when we proceed with our deliberations, I hope that proceedings may be carried on smoothly and we may not be pressed for time. Now I end my interpellation. (Laughter)

President (Prince TOKUGAWA, Iemasa):

Now we will enter upon the day's program. Petitions under Items 1 to 3 of the order of the day. Conference.

Date . . . . . .

Increased Ration of Staple Food.

Presented by Ikuichi Akabane, public official, No. 51, Doijiri-machi, Matsumoto City, Nagano Prefecture, and 7,232 Other Persons.

The above petition says to the effect that although the petitioners are informed that the Government is making preparations for increased ration of staple food commencing with the new rice-year, as it will only lead to social and economic confusions if, the Goernment, by reason of the figures reservedly reported, should resort to mere shifts to patch up affairs at this time, it should, instead, decisively carry out the rationing of three "go" so as not only to open up the springhead for the construction of a new Japan but to contribute to the elimination of social evils. The House of Peers has decided to adopt the petition in the main, and, therefore, under the provisions of Article 65 of the Parliamentary Law, it is referring the petition to you under separate cover.

Prince Iemasa Tokugawa
President of the House of Peers.

Mr. Shigeru Yoshida, Prime Minister.

Opening of Government Motor-car Transportation between Mitani-mura and Asakawa-mura, Kahoku-gun, Ishikawa Prefecture.

Presented by Seii Nishimura, Acting Headman an interim of Asakawa-mura, Kahoku-gun, Ishikawa Prefecture and one other person.

The above petition says to the effect that as the opening of transportation by bus and truck under Government management not only will be beneficial to the development of the rich agricultural, forestry and mineral resources along the line but will greatly improve the facilities of communication for the rapidly increasing population who attend office or school, the transportation in this section should at once be commenced, thereby assisting both in the improvement of the food situation and in the promotion of local culture. The House of Peers has decided to adopt the petition in the main and, therefore, under the provisions of Article 65 of the Parliamentary Law, it is referring the petition to you under separate cover.

Prince Iemasa Tokugawa
President of the House of Peers.

Mr. Shigeru Yoshida, Prime Minister.

Date . . . . . .

Rapid Construction of the Projected Chigusa-Agemo Railway Line.

Presented by Hachikichi, Headman of Agemo-cho, Nishi-Kamo-gun, Aichi-Prefecture and one other person.

The above petition says to the effect that the population of Agemo-machi, Aichi Prefecture is already in excess of 30,000 and is still fast on the increase and, consequently, not only is the traffic with Nagoya City very much conjested but considerable inconveniences are being felt in the development of the hinterland amongst the mountains, and, therefore, out of the projected railway line between Chigusa and Inatake, the railway line between Chigusa and Agemo should at once be constructed. The House of Peers has decided to adopt the petition in the main and, therefore, under the provisions of Article 65 of the Parliamentary Law, it is referring the petition to you under separate cover.

Prince Iemasa Tokugawa
President of the House of Peers.

To Shigeru Yoshida, Prime Minister.

President (Prince TOKUGAWA, Iemasa):

Regarding these three petitions, have you no objection to adopting them in accordance with the reports by the Chairman of the Petition Committee?

(Some members say, "No objection!")

President (Prince TOKUGAWA, Iemasa):

I see you have no objection. Have you no objection to adjourning our session for today?

(Some members say, "No objection")

President (Prince TOKUGAWA, Iemasa):

I see you have no objection. The order of the day for next session will be reported in the Bulletin as soon as decided on.

(Session adjourned at 3.48 p.m.)

port about the main points of the discussions that took place in the Committee. At the outset, I would explain briefly the outline of the Bill. The matters about which the Bill seeks to set exceptions in the Pensions Law sum up to the three points. The first point is that the Bill aims to keep the amount of the pensions in general and that of the contribution to the treasury at the level kept in the past, as a principle. Any immediate measures to increase them with the increise of salaries are not considered appropriate from the financial point of view, and the maintenance of the level in the past was aimed at for this instance. For this purpose a special measure was taken in regard to the amount of the salary at the time of the recipient's retirement from office upon which the calculation of the pension is based, by establishing a provisional salary, and about the contribution to the treasury, by keeping the past standard as a principle. Only exception was made about the contribution to the treasury to be paid by the police and the prison officials and teachers of national schools and others, which was placed on the same level with other civil Government officials, thereby eliminating the discriminatory practice followed in the past.

The second point is about the pensions payable in relation to the injuries or diseases connected with public services. A special measure for the temporary increase in the amount of this kind of pension is, therefore, purported by the Bill, as under the prevailing circumstances, the recipients of this type of pension are considered, more than any other pensioners, to be under painful strain of living, so much so that it would be only unfair to let them await the revision of the pensions in general to be made at some distant date.

The third point concerns the special instances of suspension of pensions to so-called large-income-earners. The Pension Law now in force provides for the suspension of a certain part of the pensions, varying in amount with the total of the incomes, in cases where the recipients of an annual pension of ¥1,000 of more had additional incomes of more than ¥4,000. The amount of such additional incomes was fixed at ¥4,000 to make it correspond to the exemption point of the compound income tax which was ¥3,000. The exemption point of the compound income tax, however, was recently raised to ¥10,000 from ¥3,000, and the measures of the suspension of the pension was rendered practically unworkable. Therefore, reflecting the substantial reasons which necessitated the raise in the exemption point of the Compound income tax, the Bill aims at making the suspension of the pensions to these so-called large-income-earners to include only such recipients of pension of ¥1,000 or over as have additional incomes totaling ¥10,000 or over. These special measures are to apply to those paid in and after July this year.

Then, from now, I shall speak about main questions and answers exchanged in the Committee. One member contended that in view of the price situation, the amount of pensions should be increase following the raise in salaries. Against the contention, it was replied that the Government, from the view point of the State's finance, consider any increase of pensions following the raise of salaries would be inappropriate. However, the official spokesman said that it is not satisfied with the present amount and that it is now looking into the matter with due considerations to circumstonces at large. Another member asked the view of the Government as to the general demand that the pension system for civil officials of the Government should be abolished and pension system based on social insurance for general employees should be applied to them also. To this question, the Government, responded by saying that inquiry is already being made as to the desirability of shifting civil officials pension system to social insurance system in line with welfare Pension Insurance, but no definite plan has yet been obtained and that since pension system and that of social insurance originally differ in their purport and also a big gap exists, in grants, service and others, between Government officials and other general employes for whom social insurance has been contemplated. The Government spokesman added that to unify the both into one and the same grants system, would necessitate so much cautious consideration that it will continue the inquiry into this point, taking into account of the progress of the situation hereafter.

Next, a member asked if it was not needed to remedy wide difference in the sum of invalid pension grants between civil officials and soldiers. To this the Government answered that in view of the limitation effected by the directive of the Supreme Commander if the Allied Powers regarding invalid pension grants for soldiers though it may work hardships on them it might be difficult to raise the grant to the level applied to civil officials. Furthermore to the question that relating to pension other than for the invalid the grant of the whole sum should better be suspended until the beneficiary attains old age, and that in the interim, those still physically capable should be asked to continue to work. In reply the Government, explained that the retiring officials, though without their knowledge, are deprived of their ability on account of long life in Government service, expressed its view that the suspension of the whole grant before the old age is attained is open to question and that the present system to suspend a part of the grant while the official is still young may be worth while of being respected. A further question was asked of the Government's view on the assumption that as a result of considerable changes being expected by the enforcement of the new Constitution in the scope of officials and the like, some reform may be done in the Pension Law too accordingly. To this the Government replied that in view of the contemplated reform in the system of Government officials required by the execution of the new constitution, it is intending full examination and inquiry into the pension system along with the reform of the system of Government officials. With this the scheduled interpellations ended and the debate followed. As there was no discussion, the question was put to a vote and it was resolved by unanimity that the bill be adopted as was originally submitted by the Government. This closes my report.

Prince TOKUGAWA, Iemasa (President):

If there is no demand for speech the bill will be put to a vote. Are there any objections that the second reading of the Bill be held?

("No objection" is voiced.)

Prince TOKUGAWA, Iemasa (President):

I consider that there is no objection.

Viscount NISHIOJI, Yoshimitsu.

I propose that the second reading be held at once.

Viscount AKITA, Shigesue:

I second the motion.

Prince TOKUGAWA, Iemasa (President):

Is there no objection to Viscount NISHIOJI's motion?

("No objection" is voiced.)

Prince TOKUGAWA, Iemasa (President):

I consider that there is no objection.

Prince TOKUGAWA Iyemasa (President):

The second reading of the bill will be opened. If there is no objection, I shall put the whole question to discussion. Is there any objection that the whole bill be adopted as was reported by the Chairman

("No objection" is voiced.)

Prince TOKUGAWA, Iemasa (President):

I consider that there is no objection.

Viscount NISHIOJI, Yoshimitsu:

I propose that the third reading of the bill be opened at once.

Viscount AKITA, Shigesue:

I second the motion.

Prince TOKUGAWA, Iemasa (President):

Is there any objection to Viscount NISHIOJI's motion?

("No objection" is voiced.)

Prince TOKUGAWA, Iemasa (President):

I consider that there is no objection

Prince TOKUGAWA, Iemasa (President):

The third reading of the bill is now opened. Is there no objection that the whole bill be adopted as was resolved at the second reading?

("No objection" is voiced.)

Prince TOKUGAWA, Iemasa (President):

I consider that there is no objection.

Prince TOKUGAWA, Iyemasa (President):

Agenda No. 7. The Draft Recommendation for establishing a Diet Library and for improving the National Library. Proposed by Dr. ANESAKI, Masaharu. The plenary meeting. This change of the agenda is agreed by the Government, I shall grant permission to the proposer the explanation of the Recommendation.—I call upon Dr. ANESAKI, Masaharu.

Oct. 8, 1943

Prince TOKUGAWA, Iemasa
President, House of Peers.

The Draft Recommendation for establishing a Diet Library and improving the National Library.

I have the honor to submit the above recommendation under Art. 69 of the Rules of the House of Peers.

(Signed) ANESAKI, Masaharu
Proposer.

Seconders: Marquis HOSOKAWA, Moritatsu, Marquis KOMURA, Shoji, Marquis NABESHIMA, Naoyasu, Marquis ASANO, Nagatake Marquis MAEDA, Toshitatsu, Count FUTARA, Yoshinori, MITSUCHI, Chuzo, Viscount IJUIN, Kanetaka, KOYAMA, Matsukichi, KUWAKI, Genyoku, MAKINO, Eiichi, SASAKI, Soichi, ARAKAWA, Bunroku, HANEDA, Tooru, Baron IMAZONO, Kunisada, MURAKAMI, Kyoichi, Baron IIDA, Seitaro, HASEGAWA, Takeo, NANBARA, Shigeru, Baron MATSUDA, Masayuki, Baron KONDO, Shigeya, Baron SUGITANI, Yoshitoki, Baron KATO, Yoshiyuki, Baron NAKAMURA, Nobuyoshi, SAWADA, Ushimaro, AGATSUMA, Sakae, MIYAZAWA, Toshiyoshi, YAMAMOTO, Yuzo, WATABE, Makoto.

Recommendation for establishing a Diet library and for improving the National Library.

It goes without saying that in connection with deliberating on the state affairs as well as drafting and examining the bills, the Diet should keep domestic and foreign books well arranged in one place and install them so as to enable its members to obtain essential knowledge and collect materials through them. For that purpose a well-equipped library should be attached to the Diet and made available to the members and other suitable persons for their free use. The Diet library of this kind during the course of its development tends to become spontaneously a national central library. In order to secure its perfection, it is necessary to make it a nucleus of nation-wide library enterprises by installing together the collections of the Imperial Library and other important libraries. In this way, library enterprise of our country, along with the perfection of the centre at home, will be able to carry out the exchange of catalogues or publications with similar libraries of foreign countries and other useful enterprises. And also the conditions or contents of world's publications in various fields will be introduced, thus providing important equipment for the scientific society of this country. This will contribute either to parliamentary government or to science and culture, by a smooth blood circulation flowing out of a sound heart of knowledge and information. Accordingly this House hereby recommends the Government to lay down a plan first establishing a Diet library so as to improve it in the future into the National Central Library.

ANEZAKI, Masaharu takes the platform.)

ANEZAKI, Masaharu:

The motion concerning the establishment of Diet library and expansion of State library is now in circulation in printed form, but please give me a permission to give general explanation of its meaning. I am afraid that with regard to this question there may be some repetition, for I made some explanations in way of expressing my views in support of it, as there was a petition a few days ago. I wish that I shall be excused for this. With the passing of New Constitution it has become clear that the future government of Japan would move with the Diet as its centre. Therefore, it is quite a matter of course that the responsibilities of the Diet and the members of both Houses will increase. If we look at the past Diet Politics of Japan most of the discussion have been with regard to the Bills presented by the Government there being not many Bills being presented by the members themselves. With the development of Diet politics in future the Bills will be presented not only by the Government but the position of the members will be more and more important in drawing up the Bills and participating in the matters of legislation. I think this is the essence of Diet Politics. Naturally either in drawing up the Bills or in the investigation of the materials and knowledge I am sure that such an institution as library has become more than ever important. Then even if each of the members has books and materials needed for this it is evident that these may not be sufficient. Naturally the Diet must have such facilities as to collect sufficient books and materials so that it might supply necessary materials any time according to the demands of the members or it must have also such faculties, as to make investigations in compliance with the demand by employing librarians who have special knowledge along these lines of work.

Hitherto the main purpose of the library in Japan has been to keep books, and show them to those people who want them. The function of the library must not end with this. It is necessary that each of the librarians must have different knowledge in accordance with specialized classes of books. If so provided, it is easy to make investigations in accordance with the demand of the members. For these reasons the necessity of a Diet library will be more and more important with the development of

Diet politics. A man has library of his own collecting the books he needs or the books of his own liking. Of course this may become important more and more in future. Only collection of materials in accordance with the necessity or investigation of individuals will be the collection of only from the point of view of individuals. And if one lives among these books, there may be danger of his becoming one side. But if there is a Diet library where materials from all quarters are be collected, these can be utilized. And if one has a feeling of being encircled by various kinds of books, his viewpoint or range of vision may become unconsciously wider without reading all of them. Or in other words one's mind will not be inclined to be one sided. I think, though not necessarily direct but, indirect influence may be very great.

In this sense the Diet library must be fully furnished with all kinds of materials so that these can be utilized at any time, and it is necessary that not only the Diet members but also the persons employed by the members or in some cases other persons if considered appropriate should be given chances of utilizing them. Naturally, the books collected here must be the books of politics, economics or of laws. But a country's politics are not done by the laws and economics alone. We cannot foretell as to what may become the objects of legislation. The books must include all spheres of life. That is why, to meet the needs of the Diet only, simply because it is the Diet library, is not enough. The library is primarily for the use of the Diet members by collecting all kinds of materials but it must be so furnished that it can be utilized freely. If so, the character of the Diet library which is to be established in order to meet the need of the Diet may naturally come to assume the character of the library for all the people. This is clear from the examples in other countries. And if the collection of books is most complete or if the library is best equipped, it is quite a matter of course that such a library will naturally become the central library of the country. If the Diet library is established in this way, it will gradually be developed into the country's central library. And in this way it will naturally come to hold pivotal position in the academic world, not only in supplying information and materials to the Diet members, but it will function as the heart, as it were, of the intellectual power and knowledge of the country and energize the circulation of intellectual blood of the nation. And it is quite necessary that although it is called the Diet library it must bear the responsibility of the central library of the nation in order to fully accomplish its mission.

If it develops as such, various things shall be included in its organizations. First of all we effect a close relationship with similar libraries of other countries. For instance, the library in America which is called the Congress Library serves not exclusively for the Congress itself. When it was constructed fifty years ago, future plan had been taken into consideration, but the library was gradually filled thereafter and it became, even such a big building, too small to house the books. At present, the library authorities are making their utmost efforts in construction of stack-room in its courtyard to meet with its demand. Anyhow, we have to get in touch with such type of library to maintain the contacts as I have mentioned sometime ago, or to exchange the combined catalogue or to publish such catalogue. We have never published the combined catalogue in our country before, but, it is an important part of the library works. A list of books coming in or going out of the library are printed in the cards, and then, distributed to these libraries, which have not such books, and if such cards are furnished in every library, it will be just as if any library is furnished with not only all the books of our country but also of the whole world, and thus we could place ourselves, without travelling, in the midst of the knowledge of the world. In case it is necessary, we can borrow them from where they are in the stock, or we can make out the blue-prints or make the copies or take them in film. Facilities for such practice are provided actually in the libraries of the advanced countries of the world. With the development of transportation facilities, anybody can by such practice obtain the books. Since it is not a complete library without such facilities aforementioned, the role of the Central library, consequently, becomes more significant. Should it be realized, the Parliamentary Library will become the treasure chest of learning and culture of the country as well as the center or the place for contact or unification thereof.

In this sense, the establishment of the Parliamentary Library is of primary importance for parliamentalism, and at the same time, is most necessary, to my belief, for the learning and culture of the country. For that reason, I agreed to the petition of the other day, but, I wish to present it here, today, as a proposition.

In other words, I want the Government to work out a plan for construction of the Parliamentary Library with an idea to develop it to a national library in the future. It is necessary, at the same time, to bear in mind such plans for the future as to extend it or to leave some space for construction of additional stack-rooms. And publication and exchange of combined catalogues and other work should be undertaken by the library. From the very outset it should be designed that the library undertake various activities to utilize their books to the full, not being content with keeping them.

I wish to add that there is an unfavourable reason for gathering of books if we miss this opportunity, although I do not insist we must do it today. It is the fact that large number of books have been scattered into the country districts due to the air-raids, which are still at large on account of lack of accommodation. There are also quite many other books, which are idly stocked because the original libraries are occupied by others, and among these books, we have valuable collections. After all, it is necessary to purchase the books to be stocked in the library, but besides, there are considerable number of contributed books to be obtained by donation:

If we leave those books in exile untouched now they may disappear by selling or anything may happen to them. But if a plan is made for establishment of such dependable Parliamentary library or the National Library, which accept the donation of books or purchase them, and preserve them in good condition, I think there are some persons, among those who possess the books at present, who will willingly contribute them.

Although it seems superfluity, I will give you an example of my experience on the occasion of reconstructing the library of the Tokyo Imperial University when the former building was razed down by fire almost to naught. A few days after the fire there were offers of donations amounting to from scores of thousand to a hundred and several scores of thousand yen. Thereafter in succession a similar offer of several thousand volumes of books came in followed by others. Some of the donators can be found among our colleagues here. Thus, there may be quite a number of people who have attachments to their books and are willing to donote them if they are to be properly preserved. Therefore, at the present time when large numbers of books have been removed away for safe-keeping, I think there will be many who are quite disposed to offer what they have or willing to accept offers if asked to sell them, if a solid foundation of the Diet Library is laid for future development, even if there is no main building or other place to house them constructed.

I think now is the best opportune moment to collect books. On the other hand, for the future benefit of the parliamentary government, along with the enactment of the new Constitution, this problem becomes important. I think it is necessary to launch such a plan right now. The question how to materialize it or how much it would cost, can be solved by investigation and study. In a word, I think the undertaking will be realized steadily if the establishment is decided on with a resolution. Once the present opportunity is missed, as I have just mentioned, offers of donations of books and other things may be lost forever. For this reason, I am making this proposal, in the sense as I just mentioned. There are other considerations in the matter, but I will not dwell on them, being in the nature of a lecture on libraries. I truly believe that we have to-day a great opportunity to found the Diet Library and a step further, to establish the Central National Library. Therefore, proposing this plan, I ask your support and if this proposal is to pass the Houses, I hope the Government authorities render particular consideration to the importance of the matter, and will not let it follow the fate of other plans of similar import which have been thrown into obscurity and to make an important start for the development of the parliamentary government and national culture. This is the point of my proposal. I wish you will kindly approve it (cheers)

Prince TOKUGAWA, Iemasa (President):

As there is nobody wishing to speak I will take a vote on this bill. Those who approve this bill will please stand up.

(The whole members stand up.)

Prince TOKUGAWA, Iemasa (President):

I see all standing up. Accordingly, the present bill has been unanimously approved.

Prince TOKUGAWA, Iemasa (President):

I propose to take up the following 5 items on the agenda in one lot as the subject of deliberations.

Item No. 1. Supplementary Budget of the Revised General Accounts Budget for the fiscal year of 1946-47. (Rev. No. 1.)

Item No. 2. Supplementary Budget of the Revised Special Accounts Budget for the fiscal year of 1946-1947. (Rev. Special No. 1.)

Item No. 3. Supplementary Budget of the Revised General Accounts Budget for the fiscal year of 1946-1947. (Rev. No. 2.)

Item No. 4. Supplementary Budget of the Revised Special Accounts Budget for the fiscal year of 1946-1947. (Rev. Special No. 2.)

Item No. 5. Contracts outside the Budget General Accounts.

Are there any objections to this proposal?

("No objection" is voiced.)

Prince TOKUGAWA, Iemasa (President):

I take it that there is no objection. I call upon the chairman of the Committee, Count HAYASHI, to report.

REPORT

Oct. 8, 1946

TO: Prince TOKUGAWA, Iyemasa
President, House of Peers.

I have the honor to report that my committee has carefully studied the undermentioned 5 bills, which had been forwarded from the House of Representatives, and resolved to recommend them to be adopted as passed by House.

HAYASHI, Hirotaro
Chairman of Committee

(Count HAYASHI takes the platform.)

Count HAYASHI:

I wish to report on the course of deliberations in the Budget Committee of Supplementary Budget of the Revised General Accounts Budget for the fiscal year of 1946-1947 (Rev. No. 1) and 4 other bills. The Committee gave careful consideration to the bills on October 7 and 8. First I will state the gist of the Finance Minister's explanation. Both the revenue and the expenditure estimated amount to ¥4,732,-000,000 under the Supplementary Budget (Rev. No. 1) and ¥4,992,-000,000 under the Supplementary Budget (Rev. No. 2) making a total of ¥9,724,000,000. When this figure is added to the revised principal budgetary estimates, we get a total of ¥65,813,000,000. I take each item in turn, the first item, ¥4,732,000,000 under the Supplementary Budget (Rev. No. 1) comprises ¥2,720,000,000 for increment of pay and allowance to government officials and employees, ¥847,-000,000 for increased coal subsidy (increased from ¥100 to ¥260 per ton), ¥432,000,000 for increased expenditure on public works, ¥222,-000,000 for increased expenditure on repatriation of the overseas Japanese and ¥100,000,000 for expenditure on reconstruction materials for OKINAWA districts. The expenditure under the Supplementary Budget (Rev. No. 2) includes ¥3,-800,000,000 being the capital investment in the Reconstruction Finance Bank (the original amount on this head under the Revised Main Budget was ¥200,000,000), ¥200,000,000 for the investment in the Industrial Rehabilitation Corporation, ¥311,-000,000 expenditure for improvement of agricultural lands (the expenses necessary for the enforcement of the Establishment of Small Holders Special Measures Law which is pending in the Diet), ¥150,000,000 for the increase of expenses for the National Health Insurance Union (this was necessitated to relieve the difficulty in meeting the increased cost of operation, obtaining after the termination of war), and ¥327,000,000 for servicing the Government bonds. The itemised revenues under the two Supplementary Budget. (Rev. No. 1 and Rev. No. 2) are, ¥6,000,000 from increased stamp duties arising on collection of narcotic drugs licence fees, ¥7,000,000 increased receipts from local horse racing and ¥4,200,-000,000 being the proceeds of rehabilitation bonds. This latter is to cover. The investments in the Reconstruction Finance Bank and the Industrial Rehabilitation Corporation, but if the amount is not sufficient a further amount is to be supplied from the Property Tax Special Account making the total not exceeding ¥5,510,000,000.

I will now take up the Special Accounts. The Supplementary Budget, Rev. Special No. 1 purports to create 12 special accounts for various government enterprises like Government Railways, Communications, etc. I will make brief remarks about the two last named which are the most important among them. In the capital account of the Government Railways we find an item of ¥305,000,000 to cover the increased cost of construction of new railway tracks and establishment of motorbus routes. The source of revenue to cover these expenditures is bond issue. In the field of revenue we have to raise ¥1,083,000,000 by increased fares to cover the cost of improvement in pay. To this item, ¥12,-000,000 earmarked under the Revised Principal Budget was transferred, in addition to the surplus of the previous year but still there is a deficit of ¥57,000,000 which has to be made good by a new borrowing. Next, as to the Special Account for communication services

of the Communications Ministry to the railways, the sum of ¥292,000,-000 is appropriated in the capital account to cover the additional expenses in communication services, mostly the expenses for installation of—telegraphic and telephone services required by the Occupation Forces, for which a bond issue is scheduled to the amount of ¥214,-800,000.

In the operation account, there is an item of ¥802,000,000 to cover the cost of pay increment, which will absorb the estimated surplus in the Revised Principal Budget ¥43,000,-000 and still show a deficit necessitating a borrowing of ¥440,000,000. For those reasons the two Special Accounts have been created. Of the remaining ten Special Accounts, one is for the cost of coining temporary subsidiary coins, and the others are for the cost of improving pays and allowances to government officials and employees. So much for the Supplementary Budget (Rev. Special No. 1)

Under the Supplementary Budget (Rev. Special No. 2) there are created 6 Special Accounts, viz. Finance Ministry Deposit Branch, Bond Consolidation Fund, Public Debentures, Revenue from Property Tax, Establishment of Small Holders Special Measures and Foreign Trade Fund. Of those six, the Special Accounts for the Revenue from Property Tax etc., for Establishment of Small Holders Special Measures and for Foreign Trade Fund have been proposed respectively in the form of a separate bill, which you are all aware. In the Special Account for the Revenue from Property Tax etc. in income of ¥21,719,000,000 expected from the Property Tax and the Wartime Compensation Special Tax, and of ¥3,097,000,000 expected from the tax payment in kind, the properties transferred to the Government and the refund of old account deposits, making a total of ¥24,816,000,000, are shown. Further, besides transferring ¥12,374,000,000 estimated from bond issues and the Government's special borrowing to the Special Account for the Bond Consolidation Fund, ¥12,410,000,000 expected cash income, and ¥18,687,000,-000 estimated income from public debentures, contingent on tax payment in kind and delayed transfer of properties, making a total of ¥31,097,000,000 are transferred to the Ordinary Account to make good the possible deficit in that account. The three Special Accounts for the Finance Ministry Deposit Branch, for Bond Consolidation Fund and for Public Debentures relate to the present Supplementary Budget.

Such is a broad outline of the explanation. When we look over it and compute the net amount for the current year of the revised regular budget of the general account and special account, and also the supplementary budget No. 1 and No. 2, the net amount of revenue reaches ¥132,993,000,000, and that of expenditure ¥130,463,000,000. The sum, minus the duplicate amounts of revenue and expenditure of ¥10,497,000,000 due to the conversion of the food bills, stands at the revenue of ¥122,496,000,000 and at the expenditure of ¥119,966,000,000. When we look into the estimated amount of bonds and loans issued and made for the current year the bonds come to ¥26,990,000,000 in all, and the loans represent ¥528,-000,000 in all. They make a total of ¥27,518,000,000. As regards the 5th point on the contract to be defrayed out of the national treasury other than the budget, the general account numbers 8, and the special account 7, together they make 15. Both of them are connected with the revised regular budget. This is the explanation. And now I should like to touch briefly upon the points rather important today out of the interpellations. We must practise foreign trade by degrees henceforward. It is highly necessary for a trade to have as a means such a special bank as the Special Bank. How should we deal with it? I quite agree that we should ask the views among the people and the opinions of specialists by establishing a board of inquiry, and that it is necessary to have something like a new Specie Bank. Next, the revenue of the Property Tax totals ¥43,500,000,000. What is it made up of? The sum of ¥11,300,-000,000 in cash; ¥7,500,000,000 from the second block; a public loan of ¥2,700,000,000; a local loan of ¥55,-000,000; ¥7,200,000,000 in stocks; ¥745,000,000 in debentures; and ¥14,000,000,000 in realty. The revenue for the current year will amount to ¥37,260,000,000; and next year 1947 will bring in ¥6,240,000,-000. Perhaps the delay of one year to pay the tax will be permitted. It will bear interest at 10%. With regard to the pay in kind, the Government will find it a hard work to receive either land or houses. We were told that the Government is now studying how to do with the matter, and it is not in a position to express its definite idea as yet and if the revenue should show a marked decrease, the exception point may be lowered to ¥50,000.

The next interpellation was to the effect that in view of the past instances in which the government offices, when there had occurred some amount of money remaining unused towards the close of the fiscal year out of the appropriation given them, used the moneys in the direction of pays to their employees. etc., what steps the government was going to take to discontinue such objectionable practices when in the current year's supplementary budget it is possible to have some large amount of money unused within the year on account of the short length of days remaining within the year to carry out the various business set forth in the budget. To this interpellation, the government answered that in the future strict measures would be taken to do away with such practices, which measures were now under study and investigation. When making any disbursement, the Minister's sanction would be required in each case. In the case of public undertaking, the condition of progress of work at the places of work would be strictly scrutinized before making the disbursement, which would be made only after getting the sanction of the Minister of each item. The General Headquarters would also have hands in the examination of the disbursements. Thus, the government members think, the administration of finance would be very much rectified in the future. These would not only refer to the public undertakings to be done by the Economic Stabilization Board, but to all other disbursements. Especially to prevent abuses of payment, special care would be paid. In the matter of payments for public undertakings, an estimate system has recently been decided on, under which some payments have been recognized for the first time and are being carried out, said the government. It was questioned that in the compilation of budget the current price ought to be taken into account unlike the present budget in which the prices given were found to be too low compared with the current ones, thereby making the budget unworkable. The government stated that the rise in prices had been taken into account, but in the future more strict examination would be exercised so as to make them compatible with actual prices. To the interpellation whether or not, while the government is said to give a subsidy of up to

ten billion yen to the banks which are in very difficult position owing to the rescission of indemnity for the advances made to the munition companies, the Bank of Japan is included in those banks, the government said that the Bank of Japan was not included. Another question was what the government would think of transferring the state-owned railways to private-ownership, for while in state-ownership they would tend to be managed on bureaucratic lines, which would not only be incompatible with the democracy age, but would entail much inconvenience and disadvantage in economy. The government stated that it was under consideration. As I have before stated, questions and answers have been exchanged to the effect that to make the both ends meet in the special account, loans and bonds are to be raised, but measures should be taken not to repeat the raising of such loans so as not to cause increased burdens on the ordinary account. Further, questions were made on the matter of education, stating that while it is necessary to make a 180 degree change in education along with the enforcement of the new Constitution, the culture-science has hitherto been neglected, the main efforts having been focussed upon the prosecution of the War. The culture-science should henceforth be fostered, but the social or civic education undertaken by the Education Ministry would be inefficient. The government has replied that this matter will be fully studied by a commission. In the direction of medicine, it would of course be necessary to have a special commission composed of expert persons engaged in the profession, but for such work as the nation-wide propagation of the spirit of the Constitution, the commission will be composed not only of learned men, but of members of the Diet and journalists and writers so that its work will be carried out democratically and extensively. On the question of general strikes, the Minister of Welfare, the Minister of Transportation, and the Minister of Communications have fully explained their progresses. In short they have stated as follows: There are two cases of general strikes, one in which the government is involved, the other in which the industrial concerns only are involved. When the government is involved, the strike may either be left as it goes or may not let go, according to the circumstances. In the case of a strike of the railway employes, steps shall be taken to avert it, for such strike could not be admitted even for one day, but in the case of such strike as by the crew of merchant marine, it would be necessary to let them solve the dispute between the parties concerned, for such strike is not in direct contact with the general people. It may be questioned then if the government has no fixed policy. It is not the case with the government; it has a certain fixed policy. It is necessary for the government to take appropriate action taking into account the effect the strike would cause to the people and the force of the strikers. The government will observe the policy of non-intervention in a general strike of private people, but once such a strike should go to such an extent as to injure public order and peace or to give rise to offences, the government would approach it with a determined attitude. Likewise, if a strike takes place in offense against the objective of the Allied Forces occupation, utmost efforts would be taken to guide the strikers not to go in that direction, said the government. Another interpellation was if the government had no intention to establish a number of broadcasting institutions, for when there is only one broadcasting institution as at present, the people would be placed in a great inconvenience if it should go out on a strike as at present. The government answered that the matter was now under study and that they thought about two establishments would be well, not a number of them. There were other important interpellations, but I dispense with mentioning about them here. After these interpellations and answers, the Committee entered into a debate in the afternoon of the 8th, and then as the result of a vote taken on all of the five bills: Supplement to the Revised 1946 Revenue and Ependiture General Budget (revised bill No. 1), Supplement to the Revised 1946 Special Account Revenue and Expenditure Budget (revised bill Special No. 1), Supplement to the Revised 1946 Revenue and Expenditure General Budget (revised bill No. 2), Supplement to the Revised 1946 Special Account Revenue and Expenditure Budget (revised bill special No. 2), and Contracts Incumbent upon Treasury outside Budget, all these bills were passed. This concludes my report.

Prince TOKUGAWA, Iyemasa (President):

There is notice for interpellation. Mr. Hayashi, you may commence your interpellation now. The Welfare Minister is expected to present himself in a little while.

(Mr. HAYASHI, Haruo takes the platform.)

Mr. HAYASHI, Haruo:

Prior to the passage of the supplementary budget I should like to pose brief interpellations to the authorities concerned. The first is about the cases of poisoning by pulverized foods which occurred at Nakano, Tokyo, involving, according to the newspapers, some 3,000 victims who fortunately escaped death. When the Emergency Food Measures Bill was presented some time ago Viscount AKITA made repeated interpellations on this incident, to which the Agriculture Minister replied that investigation was in progress in that connection. I do not know which is responsible for the incident, the Welfare Ministry or the Agriculture Ministry, but I ask the Welfare Minister or the Agriculture Minister to explain the cause of poisoning, if it has been ascertained, for the matter has connection with the examination or control of pulverized foods to which reference will be made later on. It is very difficult to detect poisoning, although laymen may not think so. At present, the Japanese people live mainly on pulverized foods distributed by the Government except some 30,000 000 farmers who subsist on graniform foods. Now, I doubt if these pulverized foods are really pure from alien substances. In graniform foods we can easily detect the existence of such substances with naked eyes, but not in the case of pulverized foods. In view of the food shortage following the end of the war, not only the Government but a certain circle of people have been advancing suggestions for using as food unutilized grasses and plants and other stuffs, pulverizing them in order to disguise their identity. I hear it is a common practice to mix wheat flour with corn and other stuffs. Some grasses contain poisonous elements and unless they are completely removed they will cause poisoning. Such mixture is being practized throughout the country, even school children being employed in collecting grasses for the same purpose. The mixture may increase bulk and weight but decrease nutritive elements. It prevents nutritive elements from being absorbed by the system. For the above reasons I wish the Government will adopt

some method of examining such pulverized foods. In foreign countries there is established the Pure Food Law, under which all foods and drinks are submitted to inspection to prove whether they are pure or not. In Japan control is being exercised over milk which is most likely to be diluted with water. I suggest the same control be exercised over pulverized foods which tend to be used more and more extensively. I should like to hear the Government's view on this point. Next, I shall make a brief reference to the food problem. Food is of course indispensable to the maintenance of life, but it is not the quantity but the quality that matters. What we require is that sort of food which keeps us good in health, increases our vitality and enables us to work with the fullest degree of efficiency. The Government is obligated to supply the people with such foodstuffs in accordance with their demand. In fall last year a group of scholars, myself among the number, were despatched by the Scientific Research Council to Hiroshima and Nagasaki to conduct surveys on the damage caused by the atomic bombs in conjunction with some officers of the Occupation Forces. In Hiroshima young Japanese scholars engaged in the work together with American officers, living in the same building once used by the Japanese force. The latter worked on and on energetically from morning till night, while the former complained of fatigue partly because of a short supply of food. The American officers were good enough to offer us their rationed foods which furnish a high percentage of calories; and after that our scholars were able to continue their work all day long without feeling the least fatigue. This they ascribed to the nutritiousness of the food.

From the viewpoint of the national power on the whole, there is a great difference between the promotion of efficiency by the well-fed nation or their low spirits owing to the insufficiency of foodstuffs. The quantity of rations of food is the biggest problem to the nation, which needs the deep consideration of the Government. The narrowness of the land, however, prevents the rice planting on such a large scale; besides, the rice crop depends largely on the weather. And it becomes necessary to increase the production of other agricultural products, such as various kinds of potatoes, for which, however, a systematic or scientific program is required. With only rice to eat, how can we maintain our health and work hard? We must eat other things together with rice. What other things can we obtain in Japan? How and where? This needs also fundamental investigations. For example, plantation of sweet potato in Hokkaido is impossible. Consideration must be given to the climate and nature of earth for cultivation of plants or vegetables.

Former Minister of Agriculture and Forestry, Mr. Tadaatsu Ishiguro, who established a Far East Agriculture Research Institute, was carrying on investigations into the nature of land, from the abovementioned view-point. Owing to the changed circumstances after the war, however, the Institute, which is now called, I hear, the Japan Agricultural Research Institute, seems to be suffering from many inconveniences owing to the presumably decreased subsides from the Government or, if not decreased, the fall of the currency value. I desire, therefore, from this platform that the Government, before establishing Research Institutes of this kind, would help materially such an institute accomplish its already begun investigations.

Besides rice and other cereals, we have to take into consideration vegetables, beans, domestic animals, and aquatic products not from the sea. Investigation of these kinds of aquatic products or their waterground and the methods to get them would help us increase our provisions.

Finally, about fishing and whaling; which become, I have heard, international affairs. Despatching of Japanese whaling boats to the Antarctic Ocean this year is said to have become an international dispute.

As Foreign Minister who is in charge of this matter is now absent. I desire that proper measures will be taken by the Minister of Agriculture and Forestry or other Ministers in charge, so that Japanese may be allowed to engage in fishing and whaling in such an area.

In connection with this, importation of foodstuffs has to be taken up. This economic problem bears foreign relations and is beyond my understanding, but the foodstuff policy has to be established. Of course self-supporting policy of foodstuff is desirable, but, if not possible, we have to depend on importation, for which it is desired that systematic investigations will be made into the kinds of foodstuff to be imported, the countres from where they are to be imported and their quantity, etc.

We know the number of the Japanese people, but the amount of the rice crop is not known to the Japanese to my regret. Without knowing the amount of the needed staple foodstuff, how can the foodstuff policy be established Investigations must be made into the imported provisions.

From this viewpoint, it is my desire that a research institute is made for making enquiry into the foodstuff conditions. I ask the opinions on the point of the Ministers of Welfare, and Agriculture and Forestry, and, the Prime Minister.

Though I failed to state before about the pulverized foodstuff, if it is possible for the Government to prove scientifically the effectiveness of the pulveized foodstuff, the pulverization will, I am sure, prevail among the nation ,who are at present afraid of the powdered foodstuff. I request the Minister of Welfare to give his clear answer on this point.

About the storage of foodstuff, it is of course desirable to eat anything fresh; but sometimes we have a surplus harvest or ingathering. For instance, we have sometimes a large catch of fish. Again, for example, sweet potatoes which are now in season are rotting on account of the difficulties of transportation. About vegetables, the same thing can be said too. Even rice can not be kept so long, which after the summer, changes in quality, with worms bred, and decreases both in quantity and nufritive value. Some measures to deal with them are already known; and other new methods will be further invented from now. But in practical appliance of them, there are many bottle-necks even in the use of the already known methods; for instance, canning is not always possible, because of lack of the facilities. It is, therefore, my desire that proper methods be investigated by some committees, the establishment of which is under the jurisdiction of the Minister of Agriculture and Forestry, or others. I ask the opinions on this point of the Ministers concerned.

Now, referring briefly to the population problem, I would like an expression of opinion by the Government on the matter. The population problem I have mentioned does not simply mean the present number of the inhabitants or the change which may be caused by births and deaths in the size of the population. It is, of course, necessary to look at the question from these points of view, but we cannot do much at the moment in respect to those who die. We should take measures in regard to those who will come into the world. It is necessary to bring youngsters up in such a way as to make them promising persons who may be able to perform activities in future for our country in various fields. To speak more precisely, our efforts should be aimed at bringing them up to become such persons as to be liked by other nations when they live in foreign countries in future, and making them useful persons with actual abilities. In other words to make better Japanese and to produce such Japanese in a large number. What I have stated may be called a "question of people" instead of the population problem—this is a question as to how to make a large number of better Japanese in our country. I feel this question requires synthetic study.

Coming first to the study of the population problem, the Government has the Population Problem Research Institute, at which the problem is being studied sociologically and mathematically.

The institute appears to be experiencing difficulties now in carrying on its activities due to the curtailment of its expenditure or the drop in the value of the currency. As to the biological study of the population problem, all the Government and private medical colleges and the Public Health Board under the Welfare Ministry are engaged in the research. On the other hand there are qualified persons on the faculties of various Government and private universities, who are studying the problem from the economical point of view, and furthermore, experts on agricultural science are studying the increased production of foodstuffs in that connection. At the same time we cannot pass over lightly the land-planning. A question will arise in this regard that size of area should be allocated for rice-fields or other fields and how much area will be required for fruit gardens, and the area for forestry should similarly be considered. There are, of course, experts who are engaged in this planning. Accordingly, I feel it is most necessary to set up an organization for the synthetic study of the population problem, by inviting all kinds of experts whose works are closely connected with the problem, to serve in that organization. I presume that the Government has no objection to this proposal, and if so, I desire that the Government will establish such an organization. I would like an expression of opinion on this matter by the authorities concerned. It may be within the purview of the Welfare Ministry, and so I would like to ask for an expression of opinion by the Prime-Minister. Lastly, I would say that in case an organization is to be established for the synthetic study of the food question or the population problem, the establishment of a Government office for that purpose does not appeal to me. I feel that the committee system will best serve the purpose as members may be changed at any time and fresh members may be appointed according to circumstances. But, should the new committee be the same as those in the past, on which I have served on several occasions, there will be no need of having it. In the past committees concerned or vice-ministers, directors of Government bureaus, and members of the both Houses, and some experts have mingled with them, but this form of committees are useless, and therefore, I do not support the formation of such a committee.

What I desire is to select the members from among those who are actually engaged in the study of the question to be considered by the committee—to speak more precisely, those who are devoting themselves to the study out of their interest in the matter and who wish to render services to the country by making such study. If the committee can be formed with such persons, a large number of members will not be required, and in my opinion a very limited number of the members will suffice. We do not want the services of those who do not feel like to serve on the committee without any allowance. Instead of the allowance for the members we want sufficient expenditure for the study. The amount of the expenditure required is on a quite different level when compared with the budget of the State. Probably, ten million Yen, one million Yen or tens of thousands Yen may be sufficient for the purpose. In case such expenditure is provided for the committee, it may defray the expenses of those who study the questions referred to the committee and there may be no harm of spending the money provided in paying the personnel expenses or the cost of supplies. Anyway I hope that a committee along the said lines will be formed.

As there is not much time today, I have explained only the main points of my proposal, and I would like an expression of opinion by the authorities concerned on what I have suggested. (Cheers).

(Mr. WADA, Hiroo, State Minister, takes the rostrum)

State Minister (Mr. WADA, Hiroo): I am going to give answers. To begin with, I shall answer in connection with the wheat flour poisoning case. It is a matter for great regret that the flour poisoning case occurred in Nakano at this very moment when the food problem is of such greatest importance. As the matter is of so serious a nature we have mobilized all investigation institutes in various quarters with a view to finding out the cause of the incident. Authorities concerned of the Tokyo Metropolitan Office, the Metropolitan Police Board and the Public Procurator's Office, together wih those of the Home Ministry and the Welfare Ministry have been hard at work with the cooperation of various hygienic laboratories, bacteria examination offices as well as medical departments of Universities in order to discover the cause as quickly as possible. To give a brief outline of the progress of these investigations is as follows: In regard to the flour itself to which the cause of the outbreak is attributed investigations have been made into conditions under which the wheat was transported before it was made into flour, namely conditions before transit, during transit and after transit, but no abnormality could be found out. Regarding the transportation after milling and the distribution after transportation the same has been the case. Accordingly examinations to detect toxic substances which constitute the cause of poisoning were conducted with the cooperation from various quarters. The examinations to find out toxicants were made in two ways, namely one to detect organic matter and the other to detect inorganic matter. With regard to inorganic matter, anything such as arsenic, copper, zinc cannot be detected at all, and as regards organic matter, examinations were made to find out alkaloid contained in weeds in order to ascertain the existence of the

East India thorn-apple or Lycoris radiata, but no reaction was witnessed in examination on 400 grams, while a slight blue reaction was shown in examination on 2 kilograms. Experiments were made on rats and mice, but no abnormality was found. Of course no effect was shown on the human body either. The only point now left is in connection with Aecidium mori, and in this regard culture examinations are now underway. The above are the findings we have obtained so far and at present we are now conducting experiments in connection with Aecidium mori.

The second point was in connection with the food problem in Japan, about which it was suggested that it would be necessary to conduct studies and researches into the productive power of land of Japan or fertility of soil in order to make the cultivation of right crops on the right soil possible. This is quite a reasonable proposition. Since Mr. Rikinosuke Ishikawa, a veteran farmer in Akita made an investigation about the cultivation of right crops on the right soil, the Government has also been making investigations in this regard from season to season. In the interest of development in the future of natural resources which Japan has in her narrow territory, the cultivation of right crops in the right soil is quite essential from the viewpoint of agriculture and the Government proposes to carry on investigations into the productive power of land or investigations of farm-land keeping in close touch with various experiment and research laboratories.

Regarding the next problem of the Foodstuffs Investigation Laboratory, as the food problem is not limited only to the production phase, but it is necessary, as pointed out by the interpellator, to take calories sufficient to maintain good health and to continue hard work, the Agriculture and Forestry Ministry has for a long time been making studies in this direction by establishing the Foodstuffs Investigation Laboratory. In particular, in closest touch with the Aliment Investigation Laboratory, which is under the jurisdiction of the Welfare Ministry, we have been doing our very utmost in that respect. During last year, foodstuffs in general were very scarce, and circumstances were such that no increased production could be materialized either in live-stock products or marine products, and therefore, although the Government did its utmost to ration foodstuffs with high nutritive value, it was impossible to carry out its aim. In future, the Government is determined to improve the method of rationing so that the Japanese people can take all kinds of foodstuffs sufficiently nutritive to enable them to maintain their good health and to continue to work very hard. In connection with the preservation of foodstuffs, I agree with the interpellator that the study and technique concerning the method of preservation in Japan is not very much advanced. I am thinking that there is much room for development in this regard ad I have considerable hopes regarding the food problem in Japan in the future. As regards the preservation of foodstuffs, studies and researches have been made at the Foodstuffs Investigation Laboratory in the past. At the Japan Agricultural Investigation Laboratory run by Mr. Ishiguro, which was referred to by the interpellator, studies are also being made in this connection and especially in connection with the preservation of potatoes, etc. In future we will keep the suggestions just made by the interpellator in mind and will see to further developments in the matter by establishing a new kind of science, so to speak. Another problem was about whalefishing. With reference to the projected whale-fishing in the Antarctic Ocean, preparations are now underway so that the whalers can depart about 7 November. About the expansion of fishing grounds in the future for whalefishing we are exerting our best efforts by getting in touch with various quarters concerned. We are thus determined to do our very utmost with a view to enabling Japan to expand her sphere of activity into the ocean.

(State Minister Mr. Yoshinari Kawai took the rostrum.)

State Minister (Mr. Yoshinari Kawai):

With regard to wheat flour poisoning there have been various questions about the food situation and nourishment. Concerning these problems we are taking into consideration the food situation, increase in population and diminution of territory and are trying to solve the problems by laying stress upon the principle of decreasing in quantity but increasing the nourishing value of food. At present the Welfare Ministry has the Dietetic Laboratory which is engaged in the study of food, but it is on a very small scale, and we are planning to reorganize it into a comprehensive dietetic laboratory where all problems of food will be studied and solved. As there is little land to be relaimed for paddy fields, Japan's agricultural policy is now to reclaim hills, and this will naturally increase material of flour food, such as sweet potatoes, wheat etc. Taking advantage of this trend and the spread of pulverized food, we are planning to improve the present food situation from the view-point of nutrition. Especially, scientific studies of food,—for instance, protein and Vitamin and their combination—will be conducted, and measures will be taken to go along the lines of the purport of the interpellation. The Education Ministry is now studying the problem of providing national-school pupils with meals and the Welfare Ministry desires to realize this plan in cooperation with the Education Ministry. Concerning the problem of poisoning and that of control of public health, we are going to divide the Public Health Bureau in the near future into the Medical Bureau, Public Health Bureau and Prevention Bureau. We have received a directive from the General Headquarters in this regard, and the Public Health Bureau will be developed as far as possible so as to prevent the occurrence of such cases of poisoning and to study measures against them.

Next, let me take up the question about population. As has been pointed out, this problem must be studied from two sides, namely, quality and quantity. Regarding the problem of quality, studies are being made chiefly at the Public Health Bureau and the Health Bureau. Simultaneously with the establishment of the Public Health Bureau to which I have referred, we are going to adopt a highly advanced policy concerning the bringing-up of babies, children and mothers and children. From the view-point of labour protection, this problem of children and that of mother and children must be studied as labour problem, but from the view-point of inproving the quality of people, such problems must be carefully studied, and preparations are being made for the purpose. As to the problem of quantity, scientific investigations have been conducted by the Research Institute of Population from the economic and social points of view. The land-

planning is, as you know, being contemplated at the Home Ministry, and synthetic conclusions of these problems are arranged by consultations among the ministries concerned, but as a technical problem, the newly- established Economic Stabilization Board will deal with it. Whether a committee on the study of the problem will be formed as has been suggested or it will be attached to the Cabinet must be thoroughly studied.

Mr. HARUO Hayashi:

Thank you very much for the answer. There has been no answer about the examination of pulverized cereals. I do not know whether the examination is the duty of the Welfare Ministry or of the Agriculture and Forestry Ministry, but it can be done very easily. There is no need of establishing any examination agency, but control is necessary, I think. I wish to hear an answer on this point.

(State Minister, Mr. Yoshinari Kawai took the rostrum.)

State Minister (Mr. Yoshinari Kawai):

As control over foods and drinks it is the duty of the Welfare Ministry, but as a matter of fact, it is being dealt with at the Metropolitan Police Board and others. If such a case should occur again, appropriate and positive measures will be taken.

Mr. Haruo Hayashi:

Thank you very much for the answer.

(Taichi Nakayama took the rostrum.)

Mr. Taichi Nakayama:

Concerning the new Constitution, policies and laws which the Government is going to put into effect, I wish to ask the Prime Minister, but as he is not here now, I hope that Finance Minister, Home Minister, Commerce and Industry Minister, Welfare Minister, Communications Minister, and State Minister Zen will answer my question.

The Japanese Constitution has been framed, and it has become a very good constitution after amendments being made. Although exhaustive discussions were made on many occasions, there are in its contents some points which are not understood by the public in general. The eternal phase of the state or the basis of argument attended by philosophic recognition is lacking in it. This is a point which is being discussed by some. State Minister Kanamori seems to have conviction in the basis of argument, but it is not thoroughly understood. If there is time, and if he will kindly explain this point, I should be much obliged.

Is it war that destroys civilization or is it civilization that destroys War? Certainly civilization has suffered terribly from the recent war. I believe, however, that the sublime spirit that is founded on justice and humanity will counteract the tendencies that are likely to lead up to a repetition of war and will achieve the building of a world culture in its real sense. The new Constitution of Japan is no doubt one that will subserve the attainment of this objective. In its preamble, it makes a declaration of the sublime ideals of the Japanese people with regard to peace, justice, and humanity, and in the second chapter it is provided that Japan shall not maintain an army, a navy, an air force, and any other fighting services, so that she may not wage another war. In this the new Constitution is an epoch-making document. Already Japan has renounced the right to make war, is rejecting to the utmost the providing of armament, and in the industrial sphere, an industry has been or is being placed on a peaceful basis in order to prevent recurrence of war or participation in one. It is quite plain that Japan, therefore, is now a country where the State will never undertake a war in the future, and where the people entertain no will to fight another war. What is the relation between the renunciation of war as provided in Chapter II of the Constitution and the reparation factories? It seems to me that there is no necessity of suppressing, for purposes of war prevention, factories at which there is no apprehension of their taking up the manufacture of munitions of war. I want the Government will make this point clear. In spite of the fact that the matter is clearly provided in the Constitution and in spite of the fact that the wholesale reconversion of industry to a peaceful footing so as to be appropriate to that of a peaceful State, is being realized, the Allied Powers still hold the belief of the need of measures for prevention of future war. They have a considerable number of factories under their control and as part of the reparations the equipment of these plants are in time to be transported abroad. This shows that the Allied Powers see the possibility of Japan's engaging in war in some future time. I am of opinion that there is need for the Government to launch a publicity propaganda simultaneously with the enactment of the new Constitution so that the firm resolution, the ideals, and convictions attending the renunciation of war may be well understood by people at home and abroad. It is necessary and I think it is a most important duty for Japan to make efforts for a speedy comprehension on the part of the Allied Powers of what a peaceful Japan really is. I should like to hear this point explained by the Government. Let me dwell further on this point. In case Japan is deprived of the industrial equipment in its varied forms for military purposes, which are now under fair way of being converted to that for peaceful industry, the result would amount almost to dispair for the re-establishment of peaceful industry and economic rehabilitation in this country. It is to be feared that the deprivation will mean the destruction of the bulk of the civilian production, which is now being re-established and for the promotion of which capital and labour are in hearty co-operation, and of the majority of the pivotal industries which are producers of goods that serve as collaterals for commodities imported. The result, I very much fear, is that the volume of unemployment will be further swollen and social order will be disturbed by breaking out of what might be called unemployment riots in their various types. To my sorrow, I observe warning fingers in the situation. Such may further deeply affect the thought of the people, and ultimately may develop tendencies that go against the spirit of the Allied Powers so far manifested in the courtesies shown to us in our ordeal of acute food shortage and in their valuable guidance in various ways given us. As an indication I may point to the "genests" —general strikes—that have occurred or are threatening to occur among workers in the railway, shipping, press, broadcasting, and other public services. A variety of businesses have almost been suppressed or are in liquidation as the result of reparations closure, second blocking of bank deposits, cancellation of war indemnities and the imposition of the property tax. This state of affairs is adding to the number of the unemployed, and it is sincerely to be regretted that the unemployment situation will be worsened when the mechanical installations of factories are removed for reparation purposes in the future. This outlook is one to be jealously guarded against. Is it not feasible for

the Government to appeal for special consideration to the Allied Powers for the retention of industrial installations for the purpose of industrial rehabilitation and unemployment prevention stating the real state of affairs concerning industrial plants that have been or are having converted to peaceful industry? I wish to know what the Government has to say about this matter.

I now go on to my next point. In Chapter III of the Constitution are provided in detail the rights and obligations of the people. Art. 18 of the chapter says: "No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited." Japan has submitted herself to an unconditional surrender, and, though under armed occupation, she may be said substantially to be in an era of peace. In spite of this, it appears to be a fact that in North Korea, Manchuria, and elsewhere, former Japanese servicemen and civilian residents in general have not only their freedom of action restricted, but are subjected to hard labour against their will for no offense they are guilty of. The Potsdam Declaration provides in effect that after their complete disarmament, Japanese troops shall be sent back to their respective homes and have the opportunity of obtaining a living by engaging in peaceful industry. In the face of this fact that Japanese troops after they have been disarmed are not allowed to go back to their homes and in some areas they are subjected to hard labour against their will, is it not the duty of the Government to effect a speedy solution of the problem by making a request to the General Headquarters for a fair and just dealing with the matter in the name of humanity and justice and in view of the provision of the Potsdam Declaration already cited. (Applause.) If the matter is let alone unsettled for any indefinite time, those fellow countrymen will find themselves, I think, not at all benefitted by the new Constitution and by the clear provision of the Potsdam Declaration. The new Constitution is not yet in force, and the benefit from this source is not available at present, but the spirit of the new Constitution may be utilized. Such being the case, I want to know what the Government is going to do in connection with the protection and relief of our unfortunate compatriots overseas.

And Article 16 provides that "every person has the right of peaceful petition for the redress of damage; nor shall any person be in any way discriminated against for sponsoring such a petition." Many Japanese who have been in foreign countries and overseas territories as bona-fide citizens and engaging in peaceful business and abiding by international faith, have suffered a great deal of damage due to mistakes committed by the state, and during and after the war their properties and business enterprises were confiscated and many of them are the victims of raping, looting and other atrocities; and leaving their properties behind and narrowly escaping from death, they came home with only the clothes they wore. These poor evacuees are facing hunger and exposure. In case petitions are filled for the compensation for or indemnity of the loss sustained by these people, the government will have to accept such petitions and act on it. I should like to know how the government will act on such petitions or claims. I believe that it is an international usage that the external properties possessed by peace-loving private individuals will not be confiscated. Such being the case, I think the government should initiate negotiations with the Allied authorities concerned actively and candidly. Will it be possible? I should like to hear the government's answer.

Next, freedom of assembly, organization, speech and press are guaranteed under Article 21. I should like to know whether this freedom are absolute and unlimited. The abuse of such freedom may endanger peace and order and the welfare of the people. As a matter of fact there are some unscrupulous Japanese as well as uncivilized third party nationals who are abusing such freedom and acting against public welfare. It is apprehended that if such abuse by these misguided elements is tolerated to go on to such an extent, the public order will be disturbed and endangered. I should like to hear the opinion of the government on this question. It is regrettable indeed that at present the employees of the Tokyo Broadcasting Station, and other stations are neglecting their duties ignoring the public interests, a public welfare, and the people's will. Radio service should not be controlled by special political party, but it should fulfill its mission as a public instrumentality. Especially radio service of Japan is not a free enterprise but an authorized enterprise, so that it should discharge its duty for the people. I think that proper action should be taken to eradicate the causes of such disturbances. At this time when our country is under the occupation of the Allied forces and the people should be properly guided in every sphere of activity and there are so many things such as enactment of the constitution and others of which the entire nation should be well informed, it is a matter for regret that they are neglecting their duty or have stopped such important service quite contrary to the demand of the state and the expectation of the people. Such an act will be contrary to the provisions of Article 12 of the revised Constitution. I should like to ask the government what measure it will take on this issue.

In the next place paragraph 2 of Article 25 reads. "In all spheres of life, the State shall use its endeavours for the promotion and extention of social welfare and security, and of public health." Since the termination of war, owing to the extreme shortage of foodstuffs and other daily necessaries, poverty, destitution and ill-health are geting more and more actue in every sphere of society. Especially, many war-victims, repatriates demobilized soldiers and the unemployed are in dire want, and their miserable condition is such that it is ghasty to look on. With the approaching winter, some of them have no warm clothes and blankets to wear, and there are many war-sufferers who spent last winter in shacks or dug-outs. They have to spend another winter in the same way. Many repatriates are roaming from place to place looking after food or clothes or shelters Further, many salaried or wage earners have no proper houses to live in with their families but are living apart from their beloved ones. It is natural that under these circumstances, moral standards are degenerated, the prevailing state of affairs is far from satisfactory viewed from the spirit of the provision of this Article. What measure will the government take for their relief? Although the revised constitution provides that all the people shall have the right to maintain the minimum standards of wholesome and cultured living, it would be extremely difficult to give positive assistance to those unemployed or destitute under the Living Protection Law which is passive in nature. It is most urgent to give them the employment. The more are the number of members of the family, the more difficult their subsistence. I am of opinion that small and medium/commerce and industry should be encouraged and developed on a family basis so that all the family members may work. What will be the opinion of the government on this matter?

The Article 27 provides that "All people have the right and the obligation to work."

It is proper that people have the right to work and that this right is accompanied by the obligation to work.

Since the right to work must be respected there must be an arrangement for relieving unemployment whenever it occurs. To have the right and the desire to work, but to have no place to work is very unfortunate. Such situation, not only prevents a worker from discharging his obligation, but also creates insecurity. The government or a business man will realize this fact if he puts himself in the place of the worker.

I believe it is necessary that, our government has the foresight and kindness to have in readiness a measure whereby a mass unemployment occurring in a large governmental or private project can be relieved even if temporarily, and the workers discharged from it can be given employment on preferential basis. By all means our government should decide upon the basic method that will aid the unemployed actively, continuously and permanently, and have in operation various works connected with it. Otherwise, the true spirit of our Constitution, which respects the right to live and work will come to naught.

Another thing I want to ask about concerns the compensation system, which is related to the right to work.

There is no doubt as to the truth of the fact that where there is no work, there is no obligation for compensation. Nevertheless, there occur in our existing salary system and allowance system many cases in which remuneration is not accompanied by work. Such system, not only hampers progress of industry and increase of production, but also produces such abnormality as an unskilled worker receiving higher wages than a skilled one, or the salary remaining same even though production is doubled. This abnormality, in which remuneration is not accompanied by work makes it all the more difficult for men with large families to obtain employment.

Men with large families must be given priority in employment. To neglect this is to ignore the principle of humanity and violate the spirit of the Constitution that respects the right to work. Therefore, I believe it absolutely important that the abnormality of this type be abolished, and the efficiency wage system, making remuneration consistent with technical skill, overtime, production rate, and such, be practiced

What is the opinion of our government regarding this?

The Article 28 guarantees "The right of workers to organize and to bargain and act collectively."

It is only right that in a democratic country of ours this right be guaranteed. However, we can not dispute the fact that, in the past and, even at present, there have been cases of overdone disputes, and the labor movements conducted for combative purposes. I believe that this right should be recognized only in so far as it is properly exercised and as it does not undermine public welfare. As I so believe it, I like to know how our government intends to deal with the cases in which the boundary of appropriateness has been overstepped and various unjustifiable acts have been, or are being perpetrated?

The Article 29 provides "of the right to own property is inviolable, but property rights shall be defined by law, in conformity with the public welfare. Private property may be taken for public use for just compensation therefor."

This, I believe, is also right and proper. I think that, when our government is to promulgate laws based on this particular ruling, it should give thorough consideration to our tradition, history, institution, and habit, and draft the kind of measures that will carry out the spirit of this ruling.

The bills for the War Indemnities Special Measures Law and the Property Tax Law, which have been presented by the government, give me the impression that, in substance, they ignore the true spirit of the Article 29. I do not believe there is incompatibility between the true spirit of the Article 29 and the contents of these two bills, but I do believe that these proposed War Indemnities Special Measures Law and the Property Tax Law are string laws and that they disregard and underestimate constitutional property right.

State should respect the rights that are given by the Constitution. Does our government believe that, by the act of making laws, it can render impotent, or all but ignore, the basic concept which is, or is to be, guaranteed by the Constitution?

I wish to have the views of our government regarding these matters clarified by competent ministers. I do not know how our government considers legal effectiveness of the new Constitution, in view of the fact that it has not as yet taken effect, but I believe that this respect for the spirit of the Constitution is the demand of the new age—the age that impelled us to promulgate the new Constitution —and of the country and the society confronting it. Although all and every measures to make strict adherence to the spirit of the Constitution have not been effected as yet, we must make special efforts to respect the spirit of the Constitution.

The next question is of a seriously important nature but since it does not need a speedy solution without a moment's delay, and beside my time is pressing, I would like to omit it today. I have come to the conclusion that it is best for me to place my whole-hearted confidence in the deliberations conducted by our seniors of authority, and not to mention anything with regard to this specific matter, which is briefly stated hereinunder, at this juncture when the present Constitution is about to be enacted. Namely the point is as follows:

Once the Constitution has been decided today, we, as a nation, are in duty bound to understand and respect the same. However, with all the explanations by Minister of State Kanamori and the interpellations and replies at the Diet, the grounds held by the Government are not sufficient enough for the general public as well as myself to fully understand the perpetuity of the State and its philosophical recognition as is embodied in Article 1 of the present Constitution. Moreover, it is deeply feared that if the problem should come to be argued by a certain group of men with radical thoughts, it may dangerously mislead the people at large. But today I will not ask any more and would like to have the same explained on some other day which will be more fitting. Therefore I wish to reserve the question.

Now I shall be very much obliged if I can get replies, not formal but sincere to my interpellation mentioned above from the Government Authorities. (Claps.)

(Minister of State, Baron SHIDEHARA, Kijuro, takes the rostrum.)

Minister of State (Baron SHIDEHARA, Kijuro):

The first point of Mr. Nakayama's interpellation which has just been made is about the problem of the equipments of those factories which have been converted into peace in-

dustries. This question has apparently been intended to be put to the Prime Minister but since he is not here now, I wish to make a reply, if there is no objection on your part.

As I see it, Mr. Nakayama's opinion can be condensed into the following effect: Our country has renounced war, which is explicitly mentioned in the Constitution, and has openly expressed its intention to thoroughly devote itself to the cause of peace; Nevertheless, on the part of the Allied Powers, suspicion still exists with regard to this peaceful intention of Japan and even the removal of equipments of such factories as have already been converted into peace industries is being intended; Why is this and why does not the Government exert every effort so as to make Japan's peaceful intention thoroughly understood by the Allied Powers?

Now let me reply to these points. Certainly we have on every available opportunity fully expressed our peaceful intention, and this fact is explicitly mentioned, above everything, in the provisions of the revised Constitution. I am confident that no other constitutions in the world are ever so thorough-going and peaceful in their declarations as the present Constitution of ours. However, just because of the fact that such provisions are explicitly provided for in the Constitution, or just because of the mere assurances that the Government is going to pronounce this Declaration on its own responsibility, if you think that the Allied Powers will promptly trust our words and thereby decide their policy towards us, it is far from, not near, truth, I think.

We have always followed and will follow on every available opportunity this established policy. But it seems to me that the question of removal by the Allied Powers of such factories as have already been converted into peace industries includes naturally another question.

As you are aware, after the end of the World War I the then Allied Powers, one of which was Japan, imposed upon Germany reparations which were indemnities, if properly called. In this connection I may add that reparations will not be paid actually in cash, which is impossible in fact, as is clear from the outcome of the reparations on Germany. In the case of Germany, we have tried to do in many ways but found that it is impossible to collect reparations in cash without materially affecting the economic structure of the world. Therefore in the present case of Japan, they will not resort to this method but apparently take a policy to cover reparations by plant-facilities and the like.

Accordingly it is my opinion that to take over the plant-facilities converted into peace industries by the Allied Powers does not always mean their failure to understand Japan's peaceful intention but their program to include the same in reparations to be imposed upon Japan. Consequently I do not think that the mere statement or declaration of Japan's peaceful intention will not settle this question.

Next I shall take up the demobilization problem. Since this matter is under my jurisdiction, I will make a reply.

The General Headquarters some time ago announced that all Japanese nationals remaining in territories under their jurisdiction, such as Okinawa, Philippine Islands and Central Pacific areas, would be repatriated by the end of this year. And I can assure you that such matters as a speedy repatriation of those Japanese remaining in Southern areas other than those specified above and the improvement of their treatment are being seriously attended to by the General Headquarters. I have a confidence that a sympathetic solution of these matters will in due time be achieved. That is an actual state of affairs.

On the other hand, as for the Japanese officials and civilians remaining in Soviet territories or areas under her jurisdiction, an announcement was issued by the General Headquarters on the 26th last month to the effect that their repatriation would be undertaken as from October this year. I hear that the first group of these men has already arrived in Japan. Anyway as for the minute points, negotiations are now being conducted between the General Headquarters and the Soviet Authorities and I am looking forward to some kind of definite solution in the not too distant future. Since there are a great many repatriates, we have to take into consideration the problem of ships and their facilities for their repatriation. Naturally it will take much longer time to complete their repatriation than those Japanese nationals remaining in Southern areas.

I think it cannot be helped that the repatriation of Japanese in Northern areas will be delayed to some extent, but I do not think that the Soviet Authorities have any intention to indefinitely delay their repatriation. As has been announced, negotiations are now being conducted for the repatriation of 10,000-15,000 Japanese per month from one Siberian port and of 7,000-10,000 from another port in Saghalien for the time being. So that makes about 25,000 people, who will be enabled to be sent home per month for the present. However, that will not be the case indefinitely.

I am confidently looking forward to the day when the repatriation will be much more accelerated and although this is my personal hope, I do not think that it will take as five or six years. In short, it is through the goodwill on the part of the Allied Powers concerned that the whole matter has been brought to the present stage where a light has at last come into sight. Therefore I think that is no other may but to rely upon their goodwill and wait to see how the matter turns out.

(Minister of State OMURA, Seiichi takes the platform.)

Minister of State (OMURA, Seiichi)

I will reply to the questions as they pertain to the maintenance of public order. For the maintenance of public peace every appropriate measure is being resorted to by the Government. It is the professed intention of the Government that any criminal acts will be decisively suppressed to ensure public peace and secure the reliance of the people.

In the draft Constitution, the freedom of assembly, association, speech and press and all other forms of expression are clearly guaranteed. But it is also clearly defined that these freedoms should be compatible with the public welfare. The Government is studying at present on how these freedoms will be practically adjusted to the public welfare. Preparations are under way to draw up the relative bills to be submitted at the next session of Diet for your approval.

(Minister of State ICHIMATSU, Sadakichi takes the platform.)

Minister of State (ICHIMATSU, Sadakichi)

I would like to reply Mr. Yamanaka's questions, in so far as they concern such matters as belong to my jurisdiction.

The suspension of broadcasting by the Nippon Broadcasting Corporation after 7.10 p.m. 5th of this month until the following morning, was a continued disquieting act to the public in general. I, as the competent Minister having jurisdiction over the issue, ordered the continuation of broadcast, in accordance with Article II of the Wireless Telegraph Law and other Ordinances issues pursuant thereto. The order did not include all the daily programs, but was limited to such items as news, time and weather forecast, the absence of

which is likely to cause uneasiness to the people. Even such limited order was not obeyed, so that the Government had no alternative but to order the state control, and set to the work of taking over the equipments. Though the order of state control was issued, I wanted to persuade the strikers to rectify their attitude, but my efforts ended in a failure, thus I was forced to take recourse to practical measures. In taking over the equipments, there was no serious resistance on the part of the employees or the Corporation, but it took about one hour from 7.00 to 8.000 p.m. of the 7th. With a view to enabling the broadcast to be resumed as soon as possible, I asked the cooperation of the technical staff of the Corporation. However, this also failed at 5.00 p.m. of the 8th, in spite of their cooperative attitude at first, which was altered presumably for various reasons later. We were compelled, under the circumstances, to have the equipments prepared solely by the technical officials of the Ministry of Communication and were able to resume broadcast beginning with the news at 7.00 a.m. of yesterday, as it is known to everyone of you. The Government is averse to the use of state power in this manner, but I would like to impress the members that the Government was forced to take recourse to these measures in the last resort.

I refrain from explaining the circumstances that have given rise to the labor dispute in the Broadcasting Corporation. You may be already well informed about them through the press and other sources. I heartily agree with the interpellator, who questioned the propriety of such public facilities as the broadcasting equipment being abused by a faction of people, which, in the interpellator's opinion, was the case in this instance. Although I refrain from pointing out what party has been responsible for the issue, it is absolutely impermissible to allow the abuse of the public facilities by a faction of people, so that the measure of state control has had to be resorted to.

I also agree with the interpellator's opinion as to the necessity of getting rid of the basic causes of troubles of this kind. The acts of this kind are against the state and public interests, the causes of which should be done away with. As to the practical measure the Government is now making careful study on the one hand, while taking actual steps on the other, and the members are asked to appreciate the Government's position.

It was also interpellated, as a matter of general principles, as to the propriety of allowing this kind of labor disputes to stray beyond the border-line of legality, and also what measures are contemplated by the Government against these excesses. In my opinion, if the strikers have the correct knowledge of the labor dispute and hold to the limits, within which to confine their activities, there should be no excesses. From my personal contact with the strikers, I gather that their contentions are apparently like this: the right of labor is legally recognized under the Labor Union Law as well as the Labor Adjustment Law; striking is legal as an act of execution of such a legally acknowledged right; therefore any provisions of current laws and regulations that are in conflict with this right, strikers are not bound to obey. I will make further explanation by quoting an example. The state control of broadcasting business exercised at present is based upon the provision of the Wireless Telegraph Law of 1915. The strikers contend that such an old law has been long cancelled; the right of labor is recognized in the Labor Union Law, Labor Adjustment Law and other relative regulations, which have been introduced by the Yoshida Cabinet and are just coming into effect, so that such an out-dated law as the Wireless Telegraph Law of 1915 has no validity at present; therefore the present state control is not proper and is even illegal. Seemingly, they are under the wrong impression that the labor disputes may be carried on, even in contravention of the existing provisions of the Laws. In our opinion, however, the acts of striking, which are authorized in the Labor Union Law and the Labor Adjustment Law, are those within the limits defined by the existing Laws. Any acts beyond such limits are to be deemed illegal. It is beyond argument that, if such illegal acts are found to be against the public order or good usages, they are to be brought under control. Against such acts of excesses, it is the opinion of the Government that decisive measures should be taken. With this I conclude my reply.

(State Minister Kawai, Yoshinari takes the rostrum.)

KAWAI, Yoshinari (State Minister):

A question was asked me about various problems concerning people's livelihood, pays and wages, collective bargaining right, or property right, which will arise from revision of the Constitution; I shall reply chiefly on these four points.

First, the question about people's livelihood extends over a very wide range and I have made a comparatively detailed explantion on this matter during the past a hundred and several ten days of tre Diet session. Sorry that I have no time now to reply in details. As I consider it is not proper to make a minute reply now, I shall confine myself to reporting on the general outline only. This problem has important connections with various problems concerning the whole national affairs. The most important problem is that of finance and then of the actual industrial condition, next that of materials, and of the present condition of labor. We have no other way than to realize stabilization of people's livelihood as far as possible with special respect to these general points of view mentioned above. Now as regards all the matters just pointed out, it is natural that those concerned should by all means do their best; and we are doing our bits in line with this principle, I may say. In particular, the problems of repatriates and war victims are of grave nature and especially as regard the problem of repatriates, we are doing the best we can do under the present condition of our cuntry, so tnat there may be nothing left desired in the preparations for accepting them from abroad. As regards the unemployment problem and the livelihood protection problem, too, we are doing our best in conformity with the provisions of the new Constitution, guaranteeing the lowest minimum standard of living, healthy and cultural of course, to our people in general.

As regards the second problem concerning wages and pays, as you know, our national state of affairs, so to speak, has come to a dislocation since the time of the termination of the War. Therefore, above anything else, we must make it our duty to protect people's livelihood. And for laborers, too, in a sense that they must have security of their livelihood, their wage has hitherto been a wage for livelihood in nature. However, according as various state of affairs is being stabilized and the social conditions are proceeding, as it were, in the same manner as muddy water is gradually precipitated, and as the foodstuffs problem is on the way to a favorable solution, while some of industries are being reconstructed, wage must return to a normal state, that is to say, wage for efficiency must be taken into consideration side by side with wage for livelihood, so

the Government considers. Furthermore, what lacks most in the present condition of our country is lack of the will to work as Mr. Nakayama knows well. I think there are various means to solve this lack of working will, but I have no doubt that the best effective way of solution is to increase a laborers' income by means of the efficiency wage system or the "bonus" system or by other special methods as well as to give them clothes, foodstuffs and cultural goods. In this sense, I consider efficiency will become a more deciding factor in wage. Thirdly, as regards the collective bargaining right, or more directly, the problem of the general strikes which have recently occurred, a reply was already made by the Minister of Communications, and to my way of thinking, the recent general strike have much political object. And it is a matter for regret that it is even rumored that the Communists are pulling their strings behind the scene. It seems to me that what are declared as objects of the labor disputes are often economic camouflage or economic representation of the political object. In these points, too, the Government is intending to take proper viewpoints. It is the principle of the Government in following various policies to prevent occurrence of general strike as much as possible, desiring, of course, that it never occurs. Accordingly, the Government is intending to apply the Labor Adjustment Law which was recently approved by both Houses of the Diet. It may be considered there are two categories in the labor dispute. For example, a strike against the Government such as a railway strike or a shipping strike—in such a case, as the Government is a party concerned, needless to say, the Government must take the full responsibility as the party concerned and do its best for the settlement. But as regard a general industrial strike, this is a dispute between the management and the labor, the Government not being the party thereof and therefore, the fundamental way of solution in this case must be an autonomous one between the parties concerned, from the legal point of view or in line with the national policy for democratization as well. And it is the Government's principle to see that such a dispute be referred to the Labor Committee for its decision and mediation as far as possible and to respect such a decision of the Labor Committee.

But, as the arbitration of the labor committee is without any compulsory power, we cannot force them to abide by its decision. In a case like this, the public opinion will play an important role in settling the dispute. We are glad that the public opinion of our country is recently showing brisk activities along the right path. The most important point of the present disputes, however, lies in the fact that it may be prejudicial, if left alone, to the objective of the Allied Forces in occupying Japan. In this connection, therefore, the Government is resolved to do its best to settle the dispute in view of its duties towards the Allied Forces. The Government is resolved to take decisive measures also should the peace of the public be disturbed or any law be infringed on account of the present dispute. Recently, waged and salaried people are going on strikes in different quarters in our country. We believe, however, that the Japanese people at large cannot be so weak as to be crushed by such a "general strike" as has been just started. We rely on the healthy judgment of the people at large, and are rest assured that the present dispute will not develop into such a serious situation as was observed in Germany following the First World War. Lastly, a question has been asked about the right to property. The fear now entertained, as the interpellator thinks it is, by some people concerning the security of the right of property is originated in the possibility of industrial management by workers. Many questions are being asked about the essential nature of the industrial management by workers. And some of them are difficult to answer. Our view in this respect is that industrial management clearly means an infringement on the right of property. Therefore, any labor dispute involving any industrial management cannot be justified from our view point. We are naturally resolved to take a decisive measures against any labor dispute culminating in an industrial management by workers.

President (Prince Iyemasa TOKUGAWA):

Finance Minister Ishibashi, you will please speak.

(State Affairs Minister Tanzan Ishibashi takes the platform)

State Affairs Minister (Mr. ISHIBASHI, Tanzan):

Most of the questions by Mr. Nakayama have been already answered to by various Ministers of the Cabinet. I shall, therefore, only speak a few words in explanation of such affairs as are under my jurisdiction. In other words, I shall answer to his question concerning our industries after the removal of our industrial equipments as the object of reparations. As you are well aware, it is the policy of the Allied nations to allow our country to maintain its peace industries. Unlike Mr. Nakayama, we are not very pessimistic about our industries after the removal of some of our industrial equipment as objects of reparations. There are, however, many points that are undecided as yet about the industrial equipments to be removed from our country. Meanwhile some of the industrial equipments which are included in the objects to be removed from this country for reparation are indispensable for the maintenance of our peace industry. In this connection, we are now obtaining understanding from the Allied authorities, so that we may not be confronted with great difficulties in the future. Next comes the questions concerning the property or industries that were either owned or run by the Japanese people abroad. About the disposal of such property and industries, the Allied nations are not decided on their policy as yet. Especially, there are many ambiguous points concerning the disposal of the private property of those Japanese people as individuals. Such being the case, the Government are not in a position as yet to decide on its policy in this respect. However, should it ever happen that the Government be requested to pay any compensation to the owners of such property, we shall do our very best to dispose of the question in a most fair and impartial manner along the policies for war indemnities and war insurance. In this respect, we are now making a careful study of all questions concerned. Especially, we are anxious to give some immediate aids to those who have lost their individual deposits and other peculiary property. This is a heavy task because it requires an enormous amount of funds. We are, therefore, studying the problem from various points of view. Generally speaking, the repatriates are in a very pitiable plight. We are resolved to help them in all possible ways. We sincerely wish, however, that they will rally themselves and start in a new field of activities. I know they have suffered great losses. The people at home have also suffered heavy losses. The losses suffered by the repatriates, however, are much heavier, generally speaking. The Government, as a matter of course, will do its best to compensate for these losses. But, I wish that they will reconcile themselves to these losses as their destiny, and will resume activity by taking a new turn. This is what I always tell to all people concerned. In order to help them in this respect, the Government are taking various measures. The repatriates are in a position to obtain some pecuniary aids from the people's bank, and when they want to start a new business, they are able to make use of the rehabilitation bank and other financing organs. I wish that they will exercise their best efforts for their own revival by making the most of such banking and financing organs as I have just mentioned. Lastly, let me speak a few words about inviolability of property right. As a matter of course, we never make light of any right of property. The measures to be taken by the Government relative to the war indemnities or the property tax, is in no respect against the spirit of the new Constitution. On the contrary, these measures may be rightly interpreted as preliminary steps for the enactment of the new Constitution. As for the property tax, I even believe that it is in perfect harmony with the spirit of the new constitution as it is aimed at the fair distribution of burden on the shoulders of all people.

President (Prince Iyemasa Tokugawa):

State Affairs Minister Zen, you will please speak.

(State Affairs Minister Keinosuke Zen takes the platform.)

State Affairs Minister (Mr. Keinosuke Zen):

I think that the cancellation of war indemnity payments is the only matter coming under my jurisdiction. In this respect, however, all ambiguous points have just been explained by the Finance Minister. Therefore, I think, I have nothing to say any more.

President (Prince Iyemasa Tokugawa):

Interpellations are all answered. If other gentlemen have nothing to say, let us decide five bills by vote. If you have no objection, let us take a vote on the five bills at once. I wish the supporters of those five bills will stand up.

(Many rise.)

President (Prince Iyemasa Tokugawa):

I see that there is a majority in favor of these bills. You will be informed of the order of the day for the next session in the bulletin as soon as it is decided on.

Let us rise for today.

(The House rose at 5:55 p.m..)

THE HOUSE OF PEERS

The 90th Session of the Imperial Diet

THE OFFICIAL GAZETTE EXTRA

No. 43 Saturday, October 12, 1946

Minutes of the Proceedings in the House of Peers

Opened at 10.18 a.m., October 11, 1946, (Friday).

Order of the day, No. 43:
To be opened at 10.00 a.m., October 11, 1946.

Item 1: Trade Fund Special Account Bill (introduced by the Government and transmitted from the House of Representatives)
Item 2: Industrial Rehabilitation Corporation Bill (introduced by the Government and transmitted from the House of Representatives)
Item 3: Owner Farmer Establishment Special Measure Bill (introduced by the Government and transmitted from the House of Representatives)
Item 4: Agricultural Land Adjustment Law Amendment Bill (introduced by the Government and transmitted from the House of Representatives)
Item 5: Wartime Indemnities Special Measure Bill (introduced by the Government and transmitted from the House of Representatives)
Item 6: Financial Institution Readjustment Bill (introduced by the Government and transmitted from the House of Representatives)
Item 7: Special Composition Bill (introduced by the Government and transmitted from the House of Representatives)
Item 8: Bill for Special Disposal of Losses of the Deposit Division of the Finance Ministry and Others (introduced by the Government and transmitted from the House of Representatives)
Item 9: Welfare Annuities Insurance Law and Seamen's Insurance Law Exceptions Bill (introduced by the Government and transmitted from the House of Representatives)
Item 10: Enterprise Readjustment Bill (introduced by the Government and transmitted from the House of Representatives)
Item 11: Property Tax Bill (introduced by the Government and transmitted from the House of Representatives)
Item 12: Property Tax and Other Revenues Special Account Bill (introduced by the Government and transmitted from the House of Representatives)
Item 13: Bill for Abrogation of the Enterprise Readjustment Fund Measure Law (introduced by the Government and transmitted from the House of Representatives)
Item 14: Bill for Raising Loans and Others for Payment of Expenses for 1946 in the Imperial Railways Account or in the Communication Undertakings Special Account (introduced by the Government and transmitted from the House of Representatives)
Item 15: Bill for Flotation of Bonds for Payment of Subscriptions to the Rehabilitation Financing Bank and the Industrial Rehabilitation Corporation (introduced by the Government and transmitted from the House of Representatives)
Item 16: Special Account for Owner Farmer Establishment Special Measure Bill (introduced by the Government and transmitted from the House of Representatives)
Item 17: Petition for Acceleration of Construction of Railway between Kitsugi and Mitsugi.

President (Prince TOKUGAWA, Iemasa):

Mr. NIWA, Hyokichi, was on the 9th of this month appointed member of the House of Peers under the House of Peers Ordinance, Article 1, Item 4, and we have assigned him to Division 5.

President:

We received notice on the 10th of this month from the Shochitsuryo (an Office of the Imperial Household Ministry) that His Highness Prince Harunori attained full age on the 3rd July of this year. On the same day we received notice from the Minister of Imperial Household that His Highness Prince Harunori had expressed his intention to resign as member of the House of Peers and that the application for Imperial sanction for His Highness' resignation was accepted by His Imperial Majesty on the 8th of this month.

President:

If you have no objection, I shall dispense with the reading of reports on other matters.

(For reference) (Reports)

The following bills introduced by the Government which passed this House on the 9th of this month were on the same day presented for

Imperial sanction, and the House of Representatives was informed of these bills having been passed by this House:—

Bill for Supplement to Revised Revenue and Expenditure Total Budget for 1946 (Revision No. 1)

Bill for Supplement to Special Account Revised Revenue and Expenditure Total Budget for 1946 (Revision Special No. 1)

Bill for Supplement to Revised Revenue and Expenditure Total Budget for 1946 (Revision No. 2)

Bill for Supplement to Special Account Revised Revenue and Expenditure Budget (Revision Special No. 2)

Bill for Contracts Incumbent upon the Treasury outside of the Budget.

Bill for Special Exceptions to Pension Law.

The following representation passed by this House on the same day as above was presented in writing to the Government the same day:—

Representation for establishment of a Diet Library and for an extension of the National Library.

One the same day as above, the following reports were presented by the Chairman of Committees:—

Report on the passing of the Trade Fund Special Account Bill.

Report on the passing of the Industrial Rehabilitation Corporation Bill.

On the 10th of this month the following reports were presented by the Chairman of Committees:—

Report on the passing of the Owner Farmer Establishment Special Measure Bill.

Report of the passing of the Agricultural Land Adjustment Law Amendment Bill.

Report on the passing of the Wartime Indemnities Special Measure Bill.

Report on the passing of the Financial Institutions Readjustment Bill.

Report on the passing of the Special Composition Bill.

Report on the passing of the Special Disposition of Losses of the Deposit Division of the Finance Ministry and Others Bills.

Report on the passing of the Welfare Annuities Insurance Law and Seamen's Insurance Law Exceptions Bill.

Report on the passing of the Enterprise Readjustment Bill.

Report on the passing of the Property Tax Bill.

Report on the passing of the Property Tax and Other Revenues Special Account Bill.

Report on the passing of the Abrogation of the Enterprise Adjustment Fund Measure Law Bill.

Report on the passing of the Bill for Raising Loans and Others for Payment of Expenses for 1946 in the Imperial Railways Account or in the Communication Undertakings Special Account.

Report on the passing of the Bill for Flotation of Bonds for Payment of Subscriptions to the Rehabilitation Financing Bank and Industrial Rehabilitation Corporation.

Report on the passing of the Special Accounts for Small-Holdings Establishment Special Measure Bill.

President: Now I declare the sitting is open for discussion. Item I of the order of the day: Trade Fund Special Account Bill; item 2 of the order of the day: Industrial Rehabilitation Corporation Bill, introduced by the Government and transmitted from the House of Representatives, and repored by the Chairman of the Committee on the proceedings in continuation of the first reading. Have you no objection to putting these two bills together on the agenda?

(Voices: No objection.)

President: I see that you have no objection. Chairman of the Committee Viscount Uyemura, please.

(Viscount UYEMURA, Iyeharu, takes the platform)

Viscount UYEMURA, Iyeharu: I shall report on the proceedings of deliberation and the result thereof of the special committee on the Trade Fund Special Account Bill and the Industrial Rehabilitation Corporation Bill now put on the agenda. The Special Committee has had three sittings, and on the first day of sitting the chairman and deputy chairman were elected, as usual, and then it started deliberations. The Government, as reason for the introduction of the bills, stated that in December last year the trade fund establishment law was enacted, under which a fund for settlement of imports and exports was created to conduct the accounting of trade, and the revenues and expenditures accruing therefrom were, as an expedient measure, included in the exchange and trade adjustment special account but in order to make the accounting of trade more distinctive as well as to render easier its operation than hitherto, the government considered it proper to enact the new law superseding the existing law. I will mention the substance of the interpellations and answers made at the sittings. Regarding the foreign trade, queries were put whether exports or imports were in excess of the other, though, of course, the trade is under control of the General Headquarters, to which the government answered that the exports and imports amounted to 3,476,000,000 yen, the imports being ¥288,000,000 in excess over the exports, which however did not include the import of raw cotton for it would be covered by the export of goods made thereof. About the question of foreign exchange, the government stated that under the ruling economic conditions in this country, neither regular export and import organs nor the policy for the conduct of the trade had yet been set up, with the consequence that the exchange rate had only been provisionally quoted at the request of the tradespeople. This state would continue until normal trade is recommenced. The Board of Trade had taken steps in the hope of informing itself of the exchange rate ruling in the other country without success. So far the dollar exchange rate had been quoted arbitrarily at the other side, and they were supplying foodstuff, fertilizers, and other commodities in need in Japan, said the government. To the question what was the amount of trade fund, the government replied that it was fifty million yen, but it was subject to much flexibility according to operations. Under the present bill, the Board of Trade is empowered to make loans from the Deposit Division or the Bank of Japan to the total of five billion yen. On the question of establishing credits, the government said that under the ruling circumstances of Japan in which the political position is still in want of stability, the course of administration of law is pending being subject to the various statutes to be enacted along with the new Constitution, the economic conditions under the finance emergency measures are still unstable, reparation plants to be removed and evaluation thereof are as yet unascertainable, it is far from possible to fix terms and conditions for the creation of credits. What with the peace treaty not yet being concluded, what with the insolvent position of finance, and what with the incompetency of Japan to deal with other nations on equal footing, the present position of Japan is

indeed very precarious, stated the government. A question was put as to what idea the government has with regard to the supervision of the inspection of the goods for export, which ought to be done scrupulously by the tradespeople, but which at present cannot be hoped to be done properly through loss of mind for activity of them. The government answered that there are evils prevalent through want of commercial morality, which would greatly affect the foreign trade as a whole, and the competition in price would bring about heavy losses to the nation. At present the trade is in the hands of the state, but in the fuure a strict inspection system both by tradespeople themselves and by the state will be enforced and such measures are under consideration as to oust from the market those who produce faulty articles. In short, measures will be taken to rectify the practice of producing cheap goods of inferior quality, that is, to consider first the quality rather than the price, and, to direct the tradesmen to make export with the idea of interest for the nation as a whole, so as to preclude the occurrence of our goods being shut out from the world market. Even in the case of goods manufactured by third state nationals, they shall be passed by duly organized export organs, so as to place export trade under due supervision, said the government. Lastly, a certain member of the committee in his interpellation stated that under the Potsdam Declaration which provides that Japan shall be allowed to maintain such industries as will sustain her economy and permit the exaction of just reparations in kind; To this end, access to raw materials shall be permitted. Along this policy, Japan has been permitted to get fibre material to keep on fibre industries, and he questioned what is the position about the import of materials for other miscellaneous industries, whether or not the present surveillance will come to an end when the peace conference has been concluded, and when it will be for Japan to do foreign trade at its own will. In reply to this, the government stated that of the imports, foodstuffs represent 90 per cent, petroleum 8 per cent, and phosphate rocks 1.2 per cent, raw cotton amounts to a large sum. The import of fats and oils, industrial salts, and pig iron is under contemplation, but not yet materialized. It is desired to get gradual increase in the import of basis materials and materials for export goods, for which negotiations are now under way. The summary of the answers of the government is this: when new Japan will have completely become a peaceful, democratic nation, when the economic conditions will have been stabilized under the finance emergency measures, when the problem of the removal of reparations plants will have been settled and when the varieties of industries to be carried on for trade with the residual plants will have been determined and their productive power will have been set up, the purchasing power of the Japanese Yen will come to be recognized by the foreign nations when Japan will become able to do foreign trade freely to some extent. As to the question whether Japan will be permitted to haye hands in world trade after the conclusion of a peace treaty, the government said that this matter depends first upon whether or not Japan will have put internal matters in such order as will enjoy credit of foreign powers.

Thus, roughly speaking, the questions were brought to a close, and there followed the debate; but no opinions to mention were offered. As the result of decision the Bill was passed as it was. Then for the proposal of the Industrial Reconstruction Corporation Bill the Government explained the reasons as follows. There was the Industrial Equipment Corporation as established by the existing law which functioned much as the present Bill aims to with regard to industrial equipments. In order, however, to quickly bring about a reconstruction of the post-war economy in this country, it was necessary to fulfil the requirements of civilian production needed under the present condition of Japanese economy, and to recover, reconstruct, convert, or construct the war damaged equipments and worn-out equipments. The unrestricted increase of the prices in the present day economy prevents a healthy forecast on the future of enterprises and causes a financial difficulty; and this is seen on the demand and supply side of manufactured products too. And as it is hard to form a definite idea on the future, there is a natural halt to investment of fixed capital in reconstruction enterprises, and consequently the standstill of production is just remarkable now. So with a view to coping with this situation the Reconstruction Financial Bank is to be set up for we cannot leave the situation to take care of itself when the recovery of industries is hindered from making a start because of a fear that payment of loans might be made impossible by a sudden change of economy after they have been made. Therefore it was deemed urgently necessary that an agent of the State confronting the situation should take the construction and operation of equipments in its hand, and concentrate all efforts on production without regard to incidental situations in point of finance so that production might be fully attained. It would be inevitable for the State or its agent to have to pay expenses for the whole construction of equipments with no small sacrifice to the State ultimately. When the Industrial Reconstruction Corporation takes charge of the construction of equipments it will be limited to those items which are most needed for the reconstruction of national economy; and from the point of view of enterprise an excessive profit will be restricted. In the operation of the enterprise as a whole a policy will be followed to exercise necessary controls. Businesses pertaining to it will be handled naturally by the State, but the fear that naturally arises that quick activities might be interfered with in the present system of administration of this country will be overcome by means of using experiences of authorities in the economic fields, so that quick and smooth fulfilment of these functions in a social system under State control will be secured. In short it was seen fit from this point of view to set up the Industrial Reconstruction Corporation under the present Bill, and it is intended to set up a new and strong organization for the purpose of carrying out the national policy. Then the existing Industrial Equipment Corporation will be liquidated to be taken place by the new Corporation under the present Bill. This was the explanation of the Government on the proposal of the Bill. As to the questions I will explain them in outline. First there was a question what the present Industrial Equipment Corporation has done in its way, and the answer to the question was that the Corporation did much in the construction of industrial equipments which were keenly needed in the war-time, by making use of unused equipments and constructing standard type boats, amounting to about 3,000 million yen. Another question was that whether or not the new Corporation would go on successfully depended much on the abilities of the directors of the Corporation, and

therefore it was wished that the Government would make a strict care in selecting persons for the posts; they should be persons of ability and big calibre. To this question the Minister of Commerce and Industry replied that they would certainly conform to the proposal in the selection of directors and that he further thought that as the forthcoming Corporation would be paying special attention to a promotion of medium-sized and small industries, some of those persons who have a good appreciation of such industries would join among the directors. And there was further a question to the effect that the fund which is needed for the forthcoming Corporation was, as a rule, to be supplied by the Reconstruction Financial Bank, which in its turn depended on the fund of the State, and consequently inflation was accelerated so much; and so if it was not proper from the point of view of fighting the inflation, to float public loans in order to absorb the money from among the people. The Minister of Commerce and Industry answered that he was ready to speak to the circles concerned so that fund for this purpose might be freely supplied by all financial institutions. To the question how the Government worked out the figure of 200 milion yen as the fund for the forthcoming Corporation, the Minister answered that except for the fixed equipments of the Corporation for which the Reconstruction Financial Bank is supplying the fund, it was nothing more than an estimate without any definite grounds to resort to. The existing Corporation started with a fund of 200 million yen, and this figure was applied to the forthcoming Corporation. With regard to the relations between the equipments of the existing and the forthcoming Corporations, answer was given to the effect that the existing Corporation suspended the work of bringing unused equipments to use when the war came to an end, but continued with the work of finishing those boats which were under construction. They are expected to be completed during the first half of next year; and the Government is thinking of two systems for the work; one is to set up a new organization to carry it out, and the other is that the forthcoming Corporation will continue with it.

Questions were asked about the possible blows to the field of productive industry on account of the cancellation of war indemnities, which, together with the levying of property-tax, might prove completely destructive to such industries, and whether or not the Government was going to alleviate the blows to some extent either by means of the Corporation provided for in the present Bill or by some other law. In reply, it was stated that, though they were questions pretty hard to answer, the Government was not without plans to tackle the situation. The cancellation of war indemnities was nothing more than an operation on a swelling, so to speak, and there was a rebuke that the operation was not thorough enough, which the Government was regretting. Some would go even a step further and argue that public bonds should also be cancelled to make the operation more thorough, but, as this would affect various quarters, the matter was still under careful deliberation. Though the steps taken might have been too lenient in some respects, it might well be said, on the other hand, that the cancellation of war indemnities, if a proper course was taken subsequently, in regard to each individual enterprise, would help to bring about an atmosphere of renewed vigour, and that the future of Japan was not necessarily dark and disappointing. Though it would be a blow in one direction, yet it could be hoped that the basic task of feeding the Japanese people, producing adequate amounts of necessary collaterals for imports, and enabling Japan to maintain a certain level of cultural life would never be destroyed. The question would rather be about the surrender of reparation materials. Though the acceptance of the terms of the Potsdam Declaration made it necessary, of course, to observe such terms faithfully, the Government would ardently desire that, by the extraordinary sympathetic principle of the General Headquarters, the fundamental industries of Japan, the very basis on which to build up a peaceful Japan, might not be undermined. In regard to those factories which would fall under the category of institutions to be removed as having had relationship to armaments production, the retention of some of them would be absolutely indispensable for the industrial resuscitation of Japan. For the exemption of such indispensable factories from the reparations list, all efforts were being made. It was to the obtaining of a favourable understanding about the reparation problems rather than to the adjustment of things after the cancellation of war indemnities that the Government was directing their main deliberation. In response to such efforts on the part of the Government, the progress of the matter was more or less favourable.

The above was the substance of the answer given. The Minister of Commerce and Industry believes that, greatly as the cancellation of war indemnities would affect industry, still more seriously would it be affected by the surrender of reparations.

The next question raised was about the valuation of company property. For the establishment of an industrial reconstruction plan, valuation or the assessment of property value would present many difficulties. For the removal of reparation machinery within one year, for instance, vast amounts of expenditure would be required in the packing and removal of such machinery, which would probably amount to something like ¥40,000,000,000. In such case, what percentage of such amount would be the book value of the machinery itself? The valuation of the machinery would seriously affect the future management of the companies concerned. In these days, when there were so many expenses latent and so few values manifest, a uniform, summarizing assessment of property value would be entirely meaningless, and accordingly there would be many a case of not knowing what course to choose. What was the view of the Government on such point? To this question, it was replied that it was indeed a difficult problem, and that the delay in presenting the Bill was due to such difficulty. No small pains had been taken to spare companies as far as possible from the necessity of reorganization, by taking into account the amounts to be called for on unpaid shares and the marginal profits of valuation, etc. If the present day level of commodity prices and the valuation of property almost like black market prices were to be continued, there would be no necessity of reorganizing companies, but then the so-called "operation on a swelling" would be impossible. The problem had been discussed and discussed and discussed, and at last it was so concluded that since the assessment of book value which is unnatural or unreasonable would become a butt for rebuke, the only way to fix such value appropriately would be to entrust the matter to the Enterprise Adjustment Committee, instead of making an arbitrary

valuation. Such was the reply of the Minister of Commerce and Industry.

It was then asked what was the relationship between the Ministry of Commerce and Industry and the Economic Stabilization Board, and whether the Government was going to transfer the Board into the Ministry of Commerce and Industry and that Ministry was to let the Corporation attend to the actual operation of all enonomic policies, in which case the Board would be the principal factor and the Ministry's guidance and superintendence subordinate. The reply to this question was that, as a principle, the Economic Stabilization Board was to establish fundamental policies of industry, and the Ministry of Commerce and Industry to enforce such policies and let the industrial concerns, namely, the Corporation attend to their actual operation. The Corporation would also determine its own task along the line and within the limits of policies established by the Economic Stabilization Board. On the part of the Ministry of Commerce and Industry, it would take into consideration the policies of the two, and the competent Minister would guide and superintend them. Between the Board and the Corporation, there would be no direct guidance or superintendence of one by the other. This was the reply made to that question. With this, the interrogation was generally finished, and the debate was entered into.

A member of the Committee at once proposed to support the Bill, subject to the passage of his desired Resolution. There was no other opinion presented, and the debate was concluded. As the result of voting, the Bill, as it was, was carried, together with the Resolution. The Resolution is as follows:-

"The Desired Resolution.

"In order to promote a rapid reconstruction of post-war industry, timely measures must be promptly prosecuted. On the enforcement of the present Bill, therefore, the Government is desired to make every effort to effect an adequate and positive guidance instead of conducting a ramification superintendence, so that there may be no room left to be regretted in regard to the autonomous operation of the Corporation."

This is the text of the Resolution. The Minister of Commerce and Industry stood up then, and returned thanks for the passage of the Corporation Bill, declaring at the same time his intention of doing the utmost to fulfil faithfully the purport of the Resolved desire. This is all I have to report about the Bill submitted for deliberation to the Committee. However, let me take this occasion to report a general atmosphere of the Committee. It is a great pity that, in the field of international trade, we cannot find equal freedom with other nations, as yet. For industrial reconstruction, it is to be desired that a refreshed activity should be realized in parallel with the establishment of all necessary internal laws and political administration, and that the Government would make all-out efforts to carry out the adjustment of the controling problems, promote the enhancement of the morality of productive industry, lead the nation to their conscientious activities, and contribute toward the cultivation of the political system so that the international prestige of Japan may be more elevated. That is the only course left for us to follow, without which all efforts in the direction of the encouragement of foreign trade or the reconstruction of industry would lose their significance. Such a problem as the general strike which has recently come to take place in this country would clearly affect the external credit of Japan and might lead ultimately to the loss of its prestige, the further aggravation of the disastrous consequences of the defeat in the war, and the entire ruin of the State and the nation. It is a matter for great regret. On the establishment of the New Constitution, the Government is sincerely desired to exert its very best efforts, first and foremost, with a resolution of adamant, to save the State and the nation of a re-born Japan and build up a democratic constitutional country in the true sense of the term.

Thank you for your attention.

Prince TOKUGAWA, Iemasa (President): If no one is going to speak, we shall put the two bills to the vote. Have you any objection to opening the Second Reading on the two bills?

(Voices of "No objection")

Prince TOKUGAWA, Iemasa (President): I see there is no objection.

Virscount NISIOJI, Yoshimitsu: I move that the Second Reading on the two bills be opened at once.

Viscount UMEZONO, Atsuhiko: I second Viscount NISHIOJI's motion.

Prince TOKUGOWA, Iemasa (President): Have you any objection to Viscount NISHIOJI'S motion?

(Voices of "No objection")

Prince TOKUGAWA, Iemasa (President: I see there is no objection.

Prince TOKUGAWA, Iemasa (President: Now, we open the Second Reading on the two bills. If there is no objection, we shall bring up the bills for discussion in a lump. Have you no objection to the report of the chairman of the committee?

(Voices of "No objection")

TOKUGAWA, Iemasa (President): I see there is no objection.

Viscount NISHIOJI, Yoshimitsu: I move that the Third Reading on the two bills be opened at once.

Viscount UMEZONO, Atsuhiko: I second Viscount UMEZONO's motion.

Prince TOKUGAWA, Iemasa (President): Have you any objection to Viscount NISHIOJI's motion?

(Voices of "No objection")

Prince TOKUGAWA, Iemasa (President): I see there is no objection.

Prince TOKUGAWA, Iemasa (President): Now, we open the Third Reading on the two bills. Have you any objection to the decision of the Second Reading?

(Voices of "No objection")

Prince TOKUGAWA, Iemasa (President): I see there is no objection.

Prince TOKUGAWA, Iemasa (President): The third item on the agenda: the Owner-farmers Creation Special Measures Bill. The fourth item on the agenda: The Bill for Partial Revision of the Farm Land Adjustment Law. Submitted by the Government and sent over from the House of Representatives. Continuation of the First Reading. Report of the Chairman of the committee. Have you any objection to bringing up these two bills on the agenda in a lump?

(Voices of "No objection")

Prince TOKUGAWA, Iemasa (President): I see there is no objection. Baron INATA, chairman of the committee!

(Baron INATA, Masaue takes the platform)

Baron INATA, Masaue: I shall report on the progress of proceedings at the committee meeting regarding creation of owner-farmers. The present Bills were passed as drafted by the Government at the final meeting of the special committee opened yesterday, some of the members expressing their desire that scrupulous care to taken in enforcing the law. The Bill concerning the creation of owner-farmers submitted by the Government may otherwise be called the Bill for the Second Farm Land Reform. The Bill for the First Farm Land Reform was passed at the pre-

vious Diet session. The first farm Land reform has been effected on the basis of payment of tenancy rates in money, creation of owner-farmers and organization of farm-land committees, with a view to increasing production and democratizing agrarian communities. The present two Bills are designed for augmenting owner-farmers already created as the result of the first farm land reform. The Owners-Farmers Creation Special Measures Bill is intended for extensive creation of landed farmers, while the Bills for Partial Revision of the Farm Land Adjustment Law comprises provisions governing land monopolization, tenancy rates and the reorganization of farm-land committees. There is another bill called "The Special Account Bill concerning the Owner-Farmers Creation Special Measures" This bill has been referred to another committee, and it is not in my province to speak anything about it. Only this much I must add that some of the members expressed their design that all important bills which are relevant to one another be referred to one and the same committee. The essential points of the two bills may be summarized as follows: The first main feature is an increase in the area of released land. All the non-resident land owners are to be swept out of existence, and the land-holding of each resident landowner is to be limited to an average of one chobu (approximately 2.45 acres). This means creation of 2,000,000 chobu of new farm lands. The second main feature is the tightening of State control in this connection. Farm lands are to be purchased by the State itself, and dispossession of tenant-farmers of their lands is subject to the permission of local governors, and compulsory exchange, division and annexation of lands are to be enforced for the re-distribution thereof. At the commencement of deliberations on the two Bills the Agriculture Minister explained the reasons for submitting them, and after that we learned the details of the negotiations conducted with the related circles. The committee members evidently saw the imperative necessity of the earliest possible passage of these Bills, and naturally they concentrated their interpellations on the various measures to be taken following the enforcement of the Bills, instead of tampering with the wording or provisions. My impression is that free and outspoken controversies were conducted at the committee meeting. The views voiced then were all equally worth listening to, and I am really at a loss which to choose for this report of mine. And I do not think it will make comprehension easier to repeat a particular question and answer which have no direct bearing upon the matters at issue. Therefore, I shall try, though, I fear, inadequately, to classify the questions asked by the various Members of the Committee into several categories, and to bring to your knowledge the gist of those questions. I hope you will appreciate the purpose for which these preliminary remarks have been made.

Questions which I group in the first category concern the fundamentals of future agricultural policy to be adopted after the passage of the present Bill. The focal point of these questions is: What view does the Government take of future rural communities? What, does the Government think, rural communities should be in the future? From this viewpoint, the questions started.

According to the views of the Government authorities, the future agriculture in Japan will become very intensive,—it is thought that it will become increasingly intensive both on the side of labor and capital. This process, it is desired, should go on under a cooperative system. Secondly, in order to compete in the worldwide arena, it is necessary that the future agriculture of Japan should be managed on a far more multifarious basis than is at present the case. These views were expressed by the Government authorities, and on them questions were asked one after the other.

On the first point it was said: When the proposed law becomes effective, landowners will become considerably overshadowed, as I said a while ago. The landowners of the past are not necessarily an exploiting class: they do not necessarily loll on the hotbed of a feudalistic Government. The tenancy system has a very good raison d'etre, socially and economically. And yet this system is wholly to be swept out of existence through the proposed democratization of rural communities. Shouldn't those landowners of the past who are worthy be allowed to remain in a new shape To that effect a question was asked I think that in this respect the Government will appropriately meet the situation.

Then, arguments were put forward in succession to the following effect: The proposed land reform may succeed in bringing about an epochal reform. But, by a land reform alone—by a reform of farm-land alone—never can the democratization of rural communities and agriculture be accomplished: The Government ought not to be progressive in the land reform alone.

There were also asked very earnest questions in the following strain: It is said that, under the proposed reform, not all tenant-farmers want at once to own land. What does this signify? Don't they fear that the owning of land may put them under a burden in the future? It is well and good that new owner-farmers should be created, but the Government should see to it that the new owner-farmers shall not regret having become such. For this purpose, it is necessary, as I said before, that management should be rationalized and all other remedial measures should be taken. If conditions were such that the new owner-farmers began, on the very day they acquired that status, to turn the first page in the process of falling back again to the level of tenant-farmers, it would be impossible to attain the object of the proposed law.

There followed the problem of the principles to be followed in future guidance. Issues were made of Guidance Farms, Farmers' Training Places, propagation of technique, proper guidance of the farming middle classes, and so forth. Replies were made by the Government authorities to the effect that, although thoughts in rural communities were as bad as could be yet there must still remain good thoughts; and that, if further efforts were made to give proper guidance to their thoughts, the future rural communities of Japan, benefitting by the passage of the present Bill, would make a pretty good showing —would shed a fair degree of luster. The point of these replies, I think, was appreciated also by the Members of the Committee.

Now, about what I might term questions of the second category. These question concern the relations between the proposed law and other laws. The relations are first with the Constitution, second with the Civil Code, and third with peers' hereditary property and other things. In respect of peers' hereditary property, the relations are not with the Agricultural Land Adjustment Law alone, but are also with the Property Law. In these respects, I think appropriate steps will be taken before long by the authorities of the Imperial Household Ministry. The

relations with the third Paragraph of Article 29 of the Constitution resolve themselves into the questions whether the Agricultural Land Adjustment Law is not in contravention of the Constitution. The Government authorities, of course, take the view that the Law is not a contravention. The relations with the Civil Code are with the Civil Code to be shortly enacted—with the Draft New Civil Code. The question is one of—what I might call in agricultural parlance—the so-called micro-fissioned farmers due to equi-divided inheritance. That is to say, when equi-divided inheritance is adopted, land will be divided into small portions. Can't some exceptional provisions be made in this respect? A question was asked to that effect. The Government authorities replied that probably the Draft Civil Code would not require division in kind. What was problematical was the problem of debts aside from land holdings. Another question was the necessity of selecting such land as was suitable for agricultural undertakings. These matters, the Government authorities added, would be fully studied in the future.

Lastly, the questions which I include in the third category concern the possibility of carrying out the plans under the proposed law. It is proposed to dispose of over 2,000,000 cho-bu in two years. This would be extremely difficult to do, if it is not like waiting for pigs to fly. A question was asked: Is the Government really confident to deal with so extensive a tract of land in so short a time? The Government replied that the task was, of course, be accomplished in two years by maintaining close contact among a Tokyo bureau concerned with the task, a bureau on the spot, or what is tentatively called Agricultural Land Division of each Prefectural Office. Surmising what was aimed at by the questioner, and judging by past experience and by the results attained under the first Agricultural Land Reform Law, I might say that extreme difficulties will have to be encountered in disposing of 2,000,000 cho-bu of agricultural land in two years, especially when the necessity of carrying out exchange, division and amalgamation is taken into account. Apart from those difficulties, there have hitherto been various problems among the Ministries concerned,—such as irrigation and anti-sandstorm precautions, and, speaking of a particular locality, there is the problem of colonization in Hokkaido. Conditions are such that it cannot be said there is not much friction between the Agriculture and Forestry Ministry and the Home Ministry. Such conditions should be swept away as soon as possible. Then there is the food problem, a problem on which all the Ministries concerned ought to cooperate for solution. Yet there is apt to be friction in respect of the collection of food, and this friction sometimes gives rise to a decrease in the yield of agricultural produce. In view of these facts, it is incumbent upon the Government to make still further efforts in connection with the proposed reform of agricultural land. This it seems to me, was what was in the mind of the questioner.

Now, I think I have covered generally all the questions that were asked. But I might add that, before the conclusion of the debate or in the course of the discussions, opinions were expressed in the form of desiderate. These were in the following strain: Examining all the provisions of the proposed law, one cannot but feel that they are characterized by narrow-mindedness. One of the instances is the elimination of all the absentee landowners. Then, it is proposed to pay compensations to landowners. They might be in the nature of solatia, but does't the proposal imply a latent feeling of sympathy with the landowners? From this viewpoint, it comes down to this that the fact of land being bought cheaply from landowners means that more is given to tenant-farmers than is due to them. When this attitude is extended, the future relations between landowner and tenant-farmer will become beclouded by dark shadows. The appeal of landownership which has hitherto been said to extend to heaven and down into the earth, seems to have become considerably attenuated. On the other hand, tillage right is felt to have become somewhat stronger in appeal. Farmers should be led so as to have a greater sense of self-respect. Tillers of the soil should be guided so that they may till land in the sense that they hold it in trust. These were the views expressed by way of desiderata.

I think that is all I have to say by way of my report. Since, as I said before. I have reported on the questions and answers by dividing them into categories, without faithfully repeating them word by word. I fear I have not been able to bring out the inherent significance intended to be conveyed by the respective questioners. Again bringing this point to the attention of you, including the questioners, I conclude by report. (Cheers)

Tokugawa, Iyemasa (President): Here is a notification of debate. Mr. Yahachi Kawai, Please.

(Mr. Yahachi Kawai takes the platform.)

Yahachi Kawai:

I support the two Bills.

I want to state the reasons as from the side of farmers with whom I work together. I have listened to the clear, orderly report of the chairman of the Special Committee with a great admiration. He commented well on the points of which I wanted to speak; brief as his speech was, it was so clear. Creation of farm-owners which was started so early as the Taisho period, namely, about 1913, has not always been carried on satisfactorily. Though land-owners are believed generally to be greedy-fellows, but it was they that offered in vain their land to be used and owned by farmers from kind consideration of the benefits of the tenants. There can be cited many examples of this kind. On the other hand, however, there are not a few cases that avaricious land-owners neglecting their duty, did neither give any assistance nor lend cooperation to their tenants in their agricultural management. In a word, we may say that the attempt at creating farm-owners has failed after all. In spite of the efforts made by the Government so far, the desirable results were not obtained. The causes for failure must be attributed, in my opinion, to some economic or social reasons. For instance, some believe that a tenant can obtain more profit than a land-owner, while others say that from a strict consciousness, though the expression may not be proper, they prefer to opposition to land-owners. And we cannot overlook the fact that various disturbances were caused by social or agricultural agitators, who availed themselves of the strife consciousness on the part of farmers.

But the condition is quite different today. As we have accepted the Potsdam Declaration, it is very natural that the problem of democratizing farm villages has come to the fore. The drastic measure for this is the Bill for Farm-Owner Creation Special measures and the Bill on Partial Amendments to the Farm Land Adjustment Law. But these measures are eyed with suspicion. It was only last year or in the previous session of the Diet that the Farm Land Adjustment Law was enacted. Why this drastic mea-

sure in such a rapid succession? From this view point, some who have not yet been enlightened owing to their circumstances entertain many misgivings as to these measures.

In the middle of August, when the draft of Farm Land Reform was announced,' it was stated that the Government deemed it necessary to execute more forcibly the impartial distribution of farm-land for emancipation for farmers from their subdinate positions and for clearing farm-villages of their feudalism through economic democratization, together with the establishment of the foundation for agricultural productive power. What relation exists between the contents of this draft of farm land reform and the statement in the newspaper just read? Has the Government intention of carrying out what I have read

From a different angle of vision, however, this measure seems to me to awake the farmers suddenly to disputes or combats between the classes. We cannot but doubt the possibility of smooth working of this project that aims at the offering of the land of 2,000.000 chobu in two years for the use and ownership of farmers. Further it is said that placards are put up at the front doors of the Ministry of Agriculture and Forestry to the effect that farmers appeal to the officials who are ready to make every effort for their emancipation. The placards may be understood to convey the meaning that the officials are now chastising greedy landowners, in which farmers, therefore, should join. I have heard that the Committee discussed on this problem. Such an attitude on the part of the Government must throw a serious hindrance in the way to the democratization of farm villages, the accomplishment of which is so urgently needed, I believe, of course, that there cannot be such a state of thing, but I desire that such suspicions be cleared away.

There prevail very dangerous thoughts in every field at present. Insistence on the right of living is a matter of course as a fundamental right of human beings. but the infringement on others' right can never be permitted. The welfare of the public society must be maintained by any means.

It is true that we, being free must strive to act in accordance with the dictates of our own judgement. But excess must be avoided. There are many instances, in which the boundary of freedom is broken through and the matters like class war are indulged in. Organized action should be carried on with great deal of care and moderation. But, in many cases this fact is overlooked and action is often taken under direction of a body like Fighting Committee, and with the idea that it is a combat.

The general strike which is now being talked about, is an example of this kind. According to what I hear, the sponsors of this movement are proudly proclaiming that they will stage a general strike by the March of next year.

Such being the case, it is natural that one has a serious doubt as to the safe, creditable and smooth enforcement of laws, For instance, the Article 1 of the owner Farmer Establishment Special Measure Law is an excellent law. But in it, I see a mark of this very skepticism.

I hope that this doubt be cast out, and that not only the authority in charge, but also the committees in farming areas and other related people, banish all the fear and doubt and strive to enforce this important law.

I have no knowledge of the inside facts concerning promulgation in rapid succession of these measures. Some persons say that the reason for it is to prevent recurrence of militarism in Japan. I wonder if I am too frank in saying that the opinion of these persons shows a foreign influence. I do not doubt the fact that there are some who fear that Japan is still in feudal state that return of militarism is inevitable and that our system may end in the same way as the Junker in East Prussia eventuated return of Nazism. I firmly believe that such fear is absolutely groundless. My opinion is that, at this time we should banish such fear from our minds, and that government and people unbiased and unperturbed should work together for the purpose.

In the report just given by the Committee Chairman and in the discussions conducted during the committee meetings of yesterday and the day before yesterday, I notice the fact that, on one hand, the committee members were unusually brilliant in their questions. and, on the other, the government was extremely calmly strong, and clear in its answers. In these I see revealed the intention to work for the good of our country.

The report of the Committee Chairman is brief, but I hope that the contents of the discussions carried on during the committee meetings be published, and swiftly disseminated through-out the world.

I believe that we must forsake the ideas we had in the past, and strive to become free people in the true sense of the word, and practice democratic policy. That is the spirit of the New Constitution, which we endorsed the other day.

I can not accept the idea that our country in the past has been completely feudalistic, that the people have been slaves and that there has been no original free thought or democracy. I believe that we had free thought and democracy even during the feudal age.

I am one of those who are followers of his teachings. The life of three score years and ten of Ninomiya Sontoku was itself the incarnation of his teachings. How he strove at the feudal time of trial and hardship to cultivate the wealth of the people and the administration of measures thoroughly democratic in principle testifies to this statement of mine. Another scholar of the Tokugawa period similar in principles to Ninomiya was Yugaku Ohara. Innovations in the sphere of farming, such as the readjustment of agricultural lots, redistribution and exchange of farming allotments, were what Ohara carried into practice in his time. Such therefore is no new departure. The guiding principle in his work was the negation of self-profit in individuals, that is the mutual respect of the existence of others. The idea applied not only to the relations of man to man, but also to relations between men and things. The idea is rooted in setting-value on things or in paying respect to others, and the makng of a harmonious community, increase of production, and equity of distribution through setting great value on things or through paying respect to others. In other words, the goal aimed at is the unification of economy and morality—promotion of economy by morality and vice versa. Such is the way of his thinking. The idea about land is this. It is valuable property inherited from gods by the ancestors of us, the Yamato race—the term may sound objectionable at the present time—and it is property to be handed down to posterity. We to whom it has been bequeathed are its custodians entrusted with the task of developing its productivity and making it contributary to the lasting prosperity of the trustees.

The teachings in action take the form of: first, diligence; second, due share. And by means of surplus

in production, yielding is practised. The ultimate aim of the teachings is competency in living attained through a full development of productive activity. Let us look in the light of the teachings into the question of the relations of the landlord and the tenant in connection with land for cultivation. Land is considered to be no more than a means of production entrusted to its owner by Heaven. This does not mean communism. The idea is that both the landlord and the tenant should by their mutal industry promote the fruitfulness of the earth. Once a village where this way of thinking prevailed was visited by an official who attempted to induce the villagers to become independent farmers, as, he said, there was a way to it. The inducement was flately rejected. The reason was this. They were not tenants, not for reasons of profit, but for the belief that their position as tenant and not as landlord was most suitable to them for their single-hearted devotion to cultivation of soil and for increase in crop production. They were told by officials that the fee was too high. To this they would say that though they were hardworking they could not make their rice-fields yield four bags of rice per "tan" formerly, but this year they could realize eight bags. And they had the same fee to pay. This led them to think that the fee was too small. They were willing to pay more, preferring to remain tenant-farmers. Thus they were not influenced by any pecuniary consideration in their farming. Such is the prevailing idea in villages where the teachings of Sontoku or Yugaku have their sway.

The question of paying farm-rent in money or in kind is settled by provisions of law. It is to be in money, but payment in kind still in practice. Tenants stick to the practice because they are pleased with the idea of sharing the fruits of the mutual labour of landlord and tenant. Here is a clear demonstration that in their minds things are more valuable than money. I see nothing stranger in this. It is certainly a beautiful custom in Japanese rural communities. Let me adduce another illustration from life. In the village of Anbara in Shizuoka prefecture, there is an unusual crop of oranges every year, and it forms a good source of income for local people.

In the 17-18 years of Showa Japan was becoming short of foodstuffs especially those of national staple food, which shortage was also beginning to make itself felt in the lack of nerve in the pursuit of warfare. In view of this, the Government issued an order to the people to pluck up fruit trees in orchards in order to make room for raising staple foodstuffs. Now, this Iowara parish is hilly, and the people were chiefly engaged in growing tangerines, and they had very few paddy-fields. So they could not possibly increase production of rice, even if in obedience to the Government's command, they should uproot tangerine trees. Then, what did the villagers do? The tangerine-growers set aside a part of their income realized from sale of the fruits, and gave it at the rate of 10 yen per bale of rice to the rice-growing part of the village population as token of gratitude for its redoubled efforts to produce food for their sake. I wonder whether such an idea would ordinarily conceived by the minds of any community apart from rural villages. In the ordinary way of thinking, one regards one's income as the price of one's sweat of the brow and therefore too precious to be given away except for a counter-value. But the inhabitants of the village thought otherwise. Such being the psychology of agricultural people, their village-life, can be conducted satisfactorily and smoothly. The practice in question, if I remember correctly, was begun in the 18th year of Showa, and certainly in the year, the tangerine growers paid 10 yen per bale of rice. This practice tells most eloquently how they are inclined to cooperate with one another, to mutually esteem and help themselves.

Now, in administration of these two Bills, I cannot but hope that those who are responsible for their execution will take all care to preserve and promote such admirable morals and customs in rural districts. Suppose the contrary should be the case, then there would be a great possibility of such a dreadful situation ensuing as is described in the newspaper article that I have just read aloud. I shall quote another example. If I remember correctly, the rice sold to the Government by the land owner is bought at the rate of 22 yen per bale, while rice sold by the tenants qua producer is purchased at the rate of 1.25 yen a bale. Now, in a certain village, the tenant farmers called on their land-lord and proposed to offer him 50 yen per bale by way of compensation, as it were. Their reason was this: the land-owner had made as much effort in increased production for rice as the peasants themselves, but he received only 22 yen for the same quantity of rice, for which they were paid 1.25 yen; they were loath to pocket the balance of about 100 yen for themselves, and they would, in their actual words, 'return' a half of it to the land-owner. This is a real story, and it is indicative of unsophiscated morals and customs of agricultural communities. At the risk of repeating myself, I must say that those officials who will be responsible for administration of these laws should appreciate the psychology of our fellow farmers and not only keep it alive but further develop it in sound lines.

What has contributed towards the growth of these morals is, among other, the institution of jokai or regular community meeting. At the jokai every one present is required to say his say, and among the various proposals and opinions the best one is adopted for execution. This institution is the most effectual organ for developing such excellent morality. In recent years, during the last war, the Home Affairs Office saw to it that every community throughout the land should have a from satisfactory. The same name jokai organized in itself. But there Government inspired jokai are far from satisfactory. The same name being used, our agriculturist jokai suffer from evil association. Ours are something entirely different in character. Our meetings are usually attended by 1,100 to 1,300 people. And that without any order from above or notice from anywhere. Without any notice or reminder received, these people gather together of their own accord on the customary day or evening. Some villages boast of members who have never absented themselves from any jokai during the past thirty years. And those villages are found to be admirable in every aspect of community life. The reason is that all affairs of common interests are conducted according to concensus of all members; in another word, it is perfect democracy. It is a form of demoracy naturally born and grown up in Japan. The first article of the Bill says in effect that democratization of farming villages should be promoted, but as a matter of fact, it is an already accomplished fact.

The actual condition of Japan shows the decline of industry, the decay of morality and the ruin of every thing excepting natural scenery. The question of questions is how to reconstruct our country.

In my opinion, there is no alternative to further development and extension of this form of democracy. At the time of general-famine in the Tempo era, there were no cases of starvation to death in those localities where mutual help was practised according to this principle. The same institution served to restore to prosperity the Soma clan whose production in rice had fallen from the normal amount of 150,000 koku to 3—40,000.

In view of the present situation of Japan with its shortage of foodstuffs and the decline and decadence of its economics and politics, I think this principle and practice are alone capable of saving this nation.

From the stand-point of an agriculturist I have something to ask of the Government in connection with the self-sufficiency policy of foodstuffs. Our food situation has been the very worst lately. Thanks to the effort of the Supreme Commander for the Allied Powers, Japanese nation has been able to keep alive. And by time we have come to feel assured with regard to our food. It is even said that in near future the rice ration will be raised from 2 go to 2 and a half. I do not know the details of calculation, on which this expectation is nased. But no doubt that all this betterment is chiefly due to the good crops of this year. In this connection I strongly insist that the state policy of self-sufficiency in foodstuffs should be adhered to by all means. Some utilitarians may say that this form of self-sufficiency is unprofitable, and that food had better be bought cheap at foreign markets for importation. If such an expedient should be resorted to, it would mean nothing short of desertion and destruction of farming villages. Moreover, one can never say that the world on the whole will keep rich in harvest year after year.

Eventually, there arises a question whether or not the self-supporting policy in respect to food will be practicable. But, my answer will be in the affirmative. Because, we have such productive capacity as to enable the materialization of the policy. What we should do is to give full play to our productive capacities. Now, I would explain how to make the best use of our capacity. Roughly speaking, eighty million koku or a little more quantity of the staple food will be sufficient to support our whole nation, rationing them three go each. I feel sure that this amount will be yielded at home by enforcing the increased production of rice, wheat and potatoes. Should this unfortunately become a failure, there will be no other way left for us but to rely upon the importation from abroad. I am of the opinion that the establishment of the self-supporting system is not a difficult matter. Unfortunately I have so far failed to have a chance of listening to an expression of opinion by the Agriculture and Forestry Minister in regard to the plan of increased production of foodstuffs, and therefore I do not know how the authorities concerned would value my views in this respect.

As to rice, in a year of normal crop, the production from each 'tambu' has been two 'koku' in ordinary paddy fields and about seven 'to' in highland fields. Accordingly, I feel that it is not difficult to increase it to three 'koku.' This increased production may require hard labor, but I think it can be done. Wheat has been produced about 1 'koku' 5 'to' from the same area of farmland. It may be increased to 4 'koku' or 10 sacks. The production of sweet potatoes has been 350 'kan' and potatoes 250 'kan,' and therefore I feel it will be possible to increase these amounts to 1,000 'kan' and 500 respectively. What I have, just mentioned has been desired figures, and so they may not be quite reasonable from the practical point of view. But I am of the opinion that the present productive capacity may be considerably increased. Accordingly, I believe that the 3 'go' ration will certainly be materialized. After the war our territory has decreased whereas the population has increased, and this state of affairs calls for our efforts for the increased production of foodstuffs. We should, thereore, put in practice by all means the collective farming. The measures which have been suggested just now by the Chairman of the Committee, should be adopted instantly. As has been shown by the measures suggested by him, we have our own technique for the increased production. I may in this connection refer to the production of vegetables. Some persons who have obtained surprising results, have cultivated vegetables eight times on one field in a year. By so doing, they have produced vegetables in a large quantity similar to that which can be produced by extending the area of cultivation. They are farmers who are devoting themselves to farming and studying sincerely how to improve their business. Suppose one 'tambu' of field is cultivated by above means, I think, one can produce from this land foodstuffs which can support eight persons, by cultivating sweet potatoes and wheat in turns. If this form of production is popularized, the increased production of food will become an easy matter.

Though I know the names of the farmers who have obtained the satisfactory results by the said form of cultivation, I will at the moment refrain from mentioning their names. But, I may say that they are tenant farmers who cultivate averagely 1 'cho' 5 'tambu' each and that one half of the area is their own and other half is tenant-land. These farmers go to other places as instructors in farming and are absent from their own places for a total of 90 to 120 days. But their production has never dropped. In view of the fact, I feel that the standard of production I have sugested, may possibly be reached. People may say that as the production is being undertaken by tenants, it does not increase, and that as tenants are exploited, they are poor. This is however, not true. Not because they are tenants, but because they are lazy, the production does not increase. If they devise measures for improvements and work diligently without sparing themselves, it will become possible to use one field eight times a year as in the case I have referred to, and, in my opinion the self-supporting policy can be established. In such case there will be no rise in the farm-rent, and the tenants themselves will be able to find various means of decreasing the rents.

I feel that the tenancy system is rather an ideal way of farming though it may conflict with the spirit of the present law. We should, however, remember that all the capital should not necessarily be his own money when anyone conduct business. He can borrow money from the bank and the business can be developed with it. Under this theory, I do not think it harmful to engage in tenancy-farming by leasing lands, and moreover I should say that this system may be encouraged and respected. Under the present land system which has become very rigid, I feel it is worthy of considering the system in the said light. If this system is operated satisfactorily, the production will considerably increase and be self-supporting in respect to food will be materialized. In places where the self-supporting policy has been enforced among farmers, there are many cases in which the actual yield of farmers has been doubled, and in our village it has become more than double—in some cases it has been doubled in two years. Should this practice be applied to prefectures, those prefectures which are now suffering from shortage of

food and which have to import some from other places, will become able to stop the importation provided that satisfactory guidance be given to farmers. I feel that the self-supporting of large cities such as Tokyo and Osaka may be materialized without difficulty if food-supplying spheres are created for each of such cities and increased production of foodstuffs is effected under a reasonable plan.

It is a fact that sweet potatoes for consumption for Tokyoites were brought from as far as Kagoshima Prefecture. Though I fear you are not aware, such a thing actually happened, I tell you. Instead of committing such nonsense, we had better obtain them from the neighboring districts. As regards its methods, as most of the jobs which have hitherto been done by the Central Government will be transferred to local administration and time will come when a prefecture or a bloc of prefectures is to act as a unit of local self-government in considering the methods. I think such a policy is surely practicable. Self-supply and self-sufficiency of foodstuffs will be realized in this way and if so, I have little misgiving if the populaiton goes up eighty millions or more than eighty millions; such is my way of thinking and I requested the Government give due consideration to the matter. I cannot approve the attitude allegedly taken by the Government of giving up this self-supply policy. If foreign dumping of foodstuffs will be permitted, as is very likely, against our market at the time when our agricultural industry is to be carried out in so small a partitioned scale that it will fall easy prey to such a kind of dumping, this will become a cause for our social debacle which cannot be checked in addition to shrinking of all other industries.

I wish to call the best possible attention of the Government in this respect.

A few words more in regard to the development and reclamation problem of agricultural land, before leaving the rostrum. This the Government is carrying out with much eagerness, aiming at proverbial killing of two birds with one stone, that is to say, as an anti-unemployment measure on one hand and as a measure for increased production of foodstuffs on the other, as is revealed in the Budget which we have just passed. The idea is very good, I say. But in this connection I wish to call the attention of the Government to the other side of the picture, that is, the fact that the area of cultivated land has been diminished to a considerable degree. When the paddy-fields were at the maximum—sorry that I am not well versed in statistics—they were 2,250,000 chobu, if I remember correctly. These figures were reduced to 1,920,000 chobu the year before last, showing a decrease of about 300,000 chobu. As regards the fields under wheat, they reached once the maximum of 1,910,000 chobu, but were reduced to 1,720,000 chobu, showing a decrease of about 200,000 chobu. Reclamation of new land does not mean immediate increase of productive capacity. In particular it goes without saying that those areas which have been left uncultivated are poor in productivity. Fertilizers are necessary to increase their productive power. This is the case even with sweet potatoes which can be produced in a very simple manner; therefore, not much results can be expected from mere reclamation, of waste-lands. Much more so with rice, wheat, etc., which need fertilizers absolutely. At the time when we are suffering from lack of fertilizers, I think there are no fertilizers to be thrown away on such lands. I am not saying to stop reclamation. This is necessary for the future of our country. And also as an anti-unemployment measure, this is most important, but I consider it is not so urgent as the Government considers. More urgent is rehabilitation of the decreased paddy-fields of 300,000 chobu and the decreased wheat-fields of 200,000 chobu, it seems to me. Among these, some were changed into special vegetable gardens or cultivated fields of various companies under various names. But we cannot expect good results from non-farmers. I hope they will be handed over to real farmers, so that productivity may be increased to the fullest extent. There were many such instances during the war. In particular, in the districts near the battlefields, for example, in the southern districts of Kyushu or in Miyagi Prefecture, about 10,000 chobu went out of use, if I remember correctly. Such land I wish to be rehabilitated. The following is a piece of information I have got from a newspaper, so I cannot say whether it is true or not, but the plan now under contemplation for an increased production of wheat by four million koku in the next year is impossible to be realized, if efforts are devoted mainly to the enforcement of this reclamation project. In the final analysis, we find no other means than to turn such cultivated lands as mentioned above into wheat-fields. If the former course is taken, I fear the ultimate results will be far from being satisfactory in the total amount of production. One more attention in connection with the enlargement of cultivated land; that is, the completion of sand embankments to prevent land deterioration and ruin. Terrible is indeed the devastation of national land annually. We can prevent the devastation, if the sand embankment works along the upper reaches of rivers are brought to completion. And the large area downstream irrigated by the rivers can be successfully utilized as cultivated land. If proof is needed, the Arakawa River is one, of which I have a report that 3,000 chobu will surely be turned into cultivated land. Very fertile, I tell you. If such a land is used for livestock farming industry only, I think the results will be wonderful. In the light of these facts, I think there remains much space of land well suited for such purposes, for instance, along the Tone Rier, the Yodo River, the Kitagami River, or the Kuma River, too. I consider it is advisable to start with such work at first.

Finally, concerning pulverization of foodstuffs. When I stand on the rostrum, everyone thinks a potato-mania is making his random talk. Yes, I am a potato-mania. And what is the best way of eating potatoes? The reply is **pulverization**; this is the best way of eating potatoes. After all I consider this year's product of sweet potatoes is 2,500 million kan. Then how to dispose of them? I doubt whether the Government can successfully deal with its present methods of management and control. I consider there is no other way than to pulverize them, to bring the power of pulverizing factories into full play, as I am always advocating.

I think that if city people eat bread at one meal a day, it would be one of the most efficient means of securing foodstuffs. I hope it will be greatly encouraged. Please don't say to me, "you have grown a great of sweet-potatoes, but they are spoiled this Year." I never grow spoiled sweet-potatoes, but there are places where they go bad. I hope this will be stopped. (Clapping of hands) What they say against me is a protest which I should like to make against them, but I do not mind it. Even if sweet potatoes go bad, I wish to grow and grow them to see how much food-stuffs we can

yield. If this goes on well, all industries will be promoted and national morality will be improved. I think this is the way we must take, and with the adoption of this bill, sincere efforts must be made along these lines. In this connection some may suggest that model farms be established. It is a good idea, but the agricultural experimental stations and farms which have been managed by the Government up to now are no good. I hope that farmers and bona-fide farmers, with the assistance of agricultural experts, will accomplish the work. I have obtained seeds of Dr. Kin Kihara's improved variety, and by means of these seeds I am now making an experiment on how production of foodstuffs can be increased. I have employed those who have some experience in it. Magnification of production will be realized by means of improvement of a variety, but unless it is a result of application of a proper cultivating method, there is not much in it. In order to be effective, the two must go side by side. I do not know the results of this year as yet, but I expect that some surprising results will be brought forth. Of the farming village which are under our management some have succeeded in increasing the production by twice as much in two years, and others in three years. If things go on in this way, there will be no disputes in the farming village. Even a very bad village, if it is guided with the principle of increasing production of foodstuffs alone, the villagers will be united and a friendly atmosphere will prevail over the village. Such a village can be found everywhere. For instance, Sugayama-mura in Shizuoka Prefecture, Shiwahime-mura in Miyagi Prefecture, Wadaoka-mura and Hijikata-mura in Shizuoka Prefecture, and Yasuda-mura in Shimane Prefecture. These are under our guidance, and they are very good villages. These are model farming villages which will lead all others throughout the country. They are model farms and model villages. I hope agricultural experts will help their work with zeal and ardour. In this sense I approve this bill. Democracy into which we are entering is responsible government. The authorities concerned and those who are connected with it will, I hope, discharge their responsibilities.

It is wrong to forget one's responsibility, but there are quite a number of such people. Secondly, democracy is cooperaitve government. To help one another, to help each other with gratitude is cooperative government. Not to take things for one's own sake and dominate over others, but to do for others to the best of one's ability is cooperative government. If this conception is not thoroughly understood by the people, Japan will be ruined. (Clapping of hands) "General Strike" is in vogue now, and if the Government has no power to control it, and things go on as they will, what would happen? There is nothing for it but to think for oneself and change the course. In other words, democracy is moral government, and in that form alone democracy can be called perfect. It is by no means government of fighting. In a fight or struggle one party wins and the other is beaten. How could this kind of government save our country from its present sufferings? So far I have spoken from the standpoint of a farmer, and approve these two bills.

President (Prince Iemasa Tokugawa):

If there is no one else who wishes to take the floor, I will put the two bill to vote. Is there any objection to opening the second reading of the two bills?

("No objection," said some)

President (Prince Iemasa Tokugawa):

I see there is no objection.

Viscount Yoshimitsu Seidaiji:

I hope that the second reading of the two bills will be opened at once.

Viscount Atsuhiko Umezono:

I support the motion.

President (Prince Iemasa Tokugawa):

Is there any objection to Viscount Seidaiji's motion?

("No objection", said some.)

President (Prince Iemasa Tokugawa):

I see there is no objection.

President (Prince Iemasa Tokugawa):

The second reading of the two bills is opened. If there is no objection, I will put the bills to discussion. Is there no objection to passing them all as reported by the chairman of the committee?

("No objection," said some.)

President (Prince Iemasa Tokugawa):

I see there is no objection.

Viscount Yoshimitsu Seidaiji:

I hope that the third reading of the two bills will be opened at once.

Viscount Atsuhiko Umezono:

I support the motion.

President (Prince Iemasa Tokugawa):

Is there any objection to Viscount Seidaiji's motion?

("No objection," said some.)

President (Prince Iemasa Tokugawa):

I see there is no objection.

President (Prince Iemasa Tokugawa):

The third reading of the two bills is opened. Is there no objection to passing the bills as decided at the second reading?

("No objection," said some.)

I see there is no objection. We shall have recess. The session will be opened at one o'clock in the afternoon. (The House rose for recess at 0.11 p.m.)

Plenary Session October 11, 1946
Opened at 1:08 p.m.

President (Prince TOKUAWA, Iyemasa):

The Plenary Session for this afternoon will now be opened, continued from this morning.

Is there any objection to placing on the Order of the Day the following twelve Bills en bloc, all of which have been submitted by the Government and sent over from the House of Representatives, the continuation of the first reading of which is being held and a report on which by the Chairman of the Committee is going to be made:

Item No. 5 on the Order of the Day: The War Indemnities Special Measures Bill; Item No. 6 on the Order of the Day: The Banking Institutions Reconstruction and Adjustment Bill; Item No. 7 on the Order of the Day: The Special Composition Bill; Item No. 8 on the Order of the Day: The Bill for Special Disposal of Losses sustained by the Deposit Department of the Ministry of Finance and Others; Item No. 9 on the Order of the Day: The Special Cases Bill for the Welfare Annuities Insurance Law and the Seamen's Insurance Law; Item No. 10 on the Order of the Day: The Enterprises Reconstruction and Adjustment Bill; Item No. 11 on the Order of the Day: The Property Tax Bill; Item No. 12 on the Order of the Day: The Property Tax and Others Income Special Accounts Bill; Item No. 13 on the Order of the Day: The Bill for Abrogating the Enterprises Adjustment Funds Disposal Law; Item No. 14 on the Order of the Day: The Bill concerning Loans to Defray 1946-47 Expenditure in the Imperial Railways Accounts or Special Communications Accounts; Item No. 15 on the Order of the Day: The Bill pertaining to Bond Issue for covering Investments in the Rehabilitation Finance Corporation and the Industrial Rehabilitation Corporation; Item No. 16 on the Order of the Day: The Special Small-holders Establishment Measures Special Accounts Bill.

(Voices, "No objection")

President (Prince TOKUGAWA, Iyemasa):

I see no objection.—Chairman Chuzo Mitsuchi!

TO: Prince Iyemasa Tokugawa, Predent of the House of Peers.

FROM: Chuzo Mitsuchi, Chairman of the Committee.

October 10, 1946.

It is hereby reported that the following twelve Bills have been decided as approved:

(1) War Indemnities Special Measures Bill;
(2) Banking Institutions Reconstruction and Adjustment Bill;
(3) Special Composition Bill;
(4) Bill for Special Disposal of Losses sustained by the Deposit Department of the Ministry of Finance and Others;
(5) Special Cases Bill for the Welfare Annuities Insurance Law and the Seamen's Insurance Law;
(6) Enterprises Reconstruction and Adjustment Bill;
(7) Property Tax Bill;
(8) Property Tax and Others Income Special Accounts Bill;
(9) Bill for Abrogating the Enterprises Adjustment Funds Disposal Law;
(10) Bill concerning Loans to Defray 1946-47 Expenditure in the Imperial Railways Accounts or Special Communications Accounts;
(11) Bill pertaining to Bond Issue for covering Investments in the Rehabilitation Finance Corporation and the Industrial Rehabilitation Corporation;
(12) Special Small-holders Establishment Measures Special Accounts Bill.

(Mr. MITSUCHI, Chuzo, takes the rostrum.)

Mr. MITSUCHI, Chuzo:

The Bills which have just been laid before us count as many as 12. Especially among them, the War Indemnities Special Measures Bill, the Banking Institutions Reconstruction and Adjustment Bill, the Enterprises Reconstruction and Adjustment Bill and the Property Tax Bill are probably by far the most important Bills in the history of Japan. These four Bills are the ones which will bring about a serious change, both economical and social, in our country. In other words, they are such as would cause a social and economical revolution.

Now, the aforementioned 12 Bills, including these four as principal ones, were referred to the same Committee. Despite the fact that well over one month or one and a half months would be fully required for deliberations on each of the said four principal Bills, altogether 12 Bills, including these four, were referred to the same Committee for deliberations at the very moment when the time was so pressing, so much as that only three days have been available for this purpose. So you can easily imagine how difficult our task has been!

Accordingly, by mutual consent on the part of all Committee-members, we have decided that we would omit arguments but come straight to the point in our interpellations and that the Government be asked to make simple and plain replies instead of resorting to ambiguous answers. Now with these points as a prerequisite, the Committee meetings have been held.

Therefore you will see that every one of the interpellations and replies taken place during these three days is much condensed in its expression and form but that every one of them is of a very important nature. The usual practices observed up to the present would demand me to report on the main interpellations and replies taken place at the Committee meetings, but now I can not follow the same method, because it is impossible for me to pick out whichever Bill of them, all of which are important. Therefore, by way of making a report, I wish to simply state about a general outline of what has been made clear following deliberations conducted at the Committee meetings, instead of mentioning each and every interpellation and reply.

Under the necessity of carrying out the cancellation of indemnities, the Government presented the two very important emergency measures bills which were passed on the spot the other day at the two Houses. These two bills, namely, the emergency measures bill concerning banking institutions and the account measures bill concerning corporations, constitute preparations and the basis for the projected cancellation of indemnities as provided for under the Wartime Indemnities Special Measures Bill. Adjustment of post-cancellation affairs will, in turn, be taken care of by the Banking Institutions Reconstruction and Adjustment Bill and the Enterprises Reconstruction and Adjustment Bill. The Property Tax Bill, on the other hand, is quite a separate and distinct affair. As I will explain later, if matters were left to take their own course after the cancellation of indemnities was effected, it would lead to serious consequences, and in order, therefore, to take adequate relief measures against it, the Banking Institutions Reconstruction and Adjustment Bill and the Enterprises Reconstruction and Adjustment Bill were formulated. A similar bill, although smaller in scale, is the Bill for Special Disposal of Losses incurred by the Finance Ministry's Deposit Office, etc. Although these offices are included in the banking institutions they are treated separately. If in carrying out the reconstruction of banking institutions and enterprises, the existing provisions of the Commercial and Civil Codes were followed, there would occur cases of bankruptcy one after another in rapid succession. With a view to averting as much as possible the possibility of bankruptcy, the Special Composition Bill has become necessary. In other words, the five bills, namely, the Wartime Indemnity Special Measures Bill, Banking Institutions Reconstruction and Adjustment Bill, Enterprises Reconstruction and Adjustment Bill, Bill for Special Disposal of Losses incurred by the Finance Ministry's Deposit Office, etc., and the Special Composition Bill have become necessary as relief measures in connection with the cancellation of indemnities. The Property Tax Bill is entirely separate and distinct from these Bills. It provides for an extraordinary tax law applicable only one time. The deficit in the national treasury receipt amounts to such huge figures as it is impossible to make it up by means of public loan, and it is considered necessary to take up a large proportion of the property of the people at one time and to appropriate the proceeds thereof towards making good part of the red letters. The property of the people amounting to ¥43,500,000,000 will be taken up under this bill, but this will not cover the entire deficit but only a portion of it. The property tax cannot, of course, be collected in cash, but payment in kind will have to be accepted. If payment in kind is accepted, it will certainly involve great difficulty to dispose of such immovable property, valuable securities, etc. as will thus be collected. According to Government plans, five or six years will elapse before the property thus taken up can be disposed of. However as this annual receipt is already taken into account as a source of revenue under the general account, it becomes necessary to in-

stitute a special account on the strength of the proceeds of the property tax, the purpose being to get loans from the Bank of Japan or have public bonds issued on security of the property under the special account and thus to effect settlement by and by under the responsibility of this special account. During the wartime the Government issued orders, accompanied by its guarantee, to the banking institutions, manufacturers, producers, insurance companies, etc. to accommodate funds and had workshops and equipments of various industrial corporations expanded, for which the Government also gave its guarantee. With conditions as they are today, however, the Government is quite unable to fulfill its obligation in this regard and there is no alternative but to cancel all indemnity payments. On the strength of the huge amounts of compensations guaranteed by the Government, the banking institutions accommodated funds, the producers expanded their business and delivered their products, and besides the manufacturers, the farmers also made deliveries of foodstuffs, horse allowance, etc. Before payments for these deliveries had been made in whole, the bill for the cancellation of indemnities was introduced. The Government seems to have cudgled its brains hard, but at last the date of August 15 was made a definite line of demarcation. A clear line of demarcation was drawn as of August 15 and it has been ruled that payments made before that date will not be affected in any way, but even those who have the right of claim for compensations of a similar nature but who have not received payments before August 15 will have their right cancelled completely. Furthermore, those who have received payment after August 15 will have to fork it out. Among those who will have their right of claim cancelled there are some who had already manufactured and delivered goods in accordance with the Government's order but have not yet received payment for them. Some of them did receive payment, but if the payment was received after August 15, it will be taken up, under this measures law, in the form of tax—tax at the rate of 100 per cent. The same is the case with wartime insurance. In extreme cases, the guarantee for indemnity for compulsory spacing out of houses, with only a few exceptions, will be cancelled in whole. To sum up, there is nothing so unreasonable and so reckless as the measures in question. The amounts for the compensation of which the Government is responsible come to about ¥81,000,000,000, out of which the larger proportion amounting to ¥67,000,000,000 will be cancelled, the balance constituting exceptions related to local bodies and some other special quarters.

Viewed from the standopint of common sense, therefore, there is nothing more outrageous than this. Indeed, you may call it unreasonable, absurd or outrageous, and yet you find such adjectives not strong enough to describe it. But when we think fully well, the fact is that the State which guaranteed it, or the guarantee by the State, the State itself has gone bankrupt due to the ignoble defeat it suffered in the useless and reckless war it had provoked. In other words, the guarantor lost the ability of discharging the obligation of security. There is no help for it. As the State has fallen into such a helpless plight, it has no time to consider the question of indemnities, much less ability to pay them. It follows that there is no other help for the people than to grin and bear it. But were the Government not to leave the matter in this way, but to discharge the obligation of indemnification, what would the result be? If so, the Government would have no other course to take than issuing public bonds to the amount of about 67 billion yen and deliver them to the hands of those entitled to be indemnified. Even as things stand now, there is great fear of inflation coming on us and so if such a huge amount of bonds is floated it will result in spurring on and aggravating inflation. Now, most of the plants of these companies were wrecked and those that remain intact will be requisitioned for reparations. Accordingly, if they are indemnified and receipts and expenditures are counted, they will find their assets on the plus side, but in reality they are non-existent, that is to say, to all intents and purposes they are bankrupt. With this so-called fictitious capital, it is impossible to adjust our financial field. Thus looked from the angle of financial adjustment, there is no other way left than resorting to a decisive and drastic measure. As a result of such a measure being adopted, industrial companies and monetary organs will have to experience such a staggering blow as will drive them all to bankruptcy. It is for the purpose of enabling them to continue their existence that the bill for a monetary organs reconstruction and adjustment law have been conceived and formulated. As for the steps to be taken for adjustment, they will not follow provisions of such laws as the Commercial Code, but as I said a short while ago, will follow the law which was instituted as a preparatory step. To be particular, both enterprises companies and monetary organs will have two ways of accounting, namely old accounting and new accounting. By separating one from another adjustment will be carried out. Such companies will be specially treated as special accounting companies, most of them being those for which indemnities have been cancelled, though there are some others. As for the steps to be taken for adjusting and giving life to such companies, which have suffered tremendous losses, functionaries called special managers will be created, whose duty it is to settle the two accounts, old and new, one by one and balance credits and debts. For reconstruction of enterprises first balance brought down and next reserves will be appropriated for making good the losses. If these are found insufficient, the assets of the companies will be re-appraised. As the assets were appraised years ago and stand on the book at the value then set, they are very much higher in value now, the balance to be obtained by allowing the said re-appraisal to a certain extent, will be appropriated for covering the losses. If in these ways their losses are made good, then the companies will stand up as fine establishments. But in case all these steps taken are found to be still insufficient, the stock holders will be called upon to pay up the balance of their investment.

In case the account cannot be balanced, even if the unpaid portion of capital is collected, the amount up to nine-tenths of the capital including unpaid portion will be writen off. One-tenth or two-tenths may be sufficient in some cases, but nine-tenths may be written off. At the same time seven-tenths of the old claims will be cancelled. If it is still necessary, one-tenth of the remaining capital will be written off, and further, if necessary, the remaining three-tenths of the old claims may be cancelled. In this way it will be finally decided whether or not the relative accoun can be brought to a settlement. If it is still impossible to make both ends meet, the relative corporation will go into bankruptcy, or be amalgamated on a reduced scale with other corporation, or be made a second corporation on a small scale. These matters will be estimated and

decided by the special administrator, The procedure is much the same with the financial institutions, except a little difference in the rate of cancellations. For the details, I would like to refer you to the stenographic record. But I would point out the fact that it is designed to minimize the loss of smaller deposits. Deposit belonging to a corporation in excess of 5 million yen will be cancelled to the extent of 70 per cent; under 5 million yen 50 per cent and under 1 million yen 30 per cent. If the balance cannot be attained even after such cutdowns are made, all the deposits of corporations will be cancelled, and, further, 70 per cent of other deposits and other debts may be cancelled in the last resort. Financial institutions, which, after these procedures, cannot arrive at a balance, will be liquidated; those, which can, though it may be with difficulty, will be maintained.

To deal with various questions that are likely to arise during these procedures, the draft for the Special Composition Law has been submitted. It is intended to minimize the cases of bankruptcy. In certain cases, it would be necessary to lay down a formula of settlement arbitrarily and to force the claimants to abide by it.

The result of these procedures would be a hard blow for us all. Though, on the face of it, financial institutions and corporations are considered to take the burdens, the losses will have to be borne by all of us. If the deposits of the banks are decreased, we have to share the losses as depositors. If the capital shares of a corporation are reduced to one-tenth, the holding of 10,000 shares will be correspondingly decreased to 1,000 shares. In some cases the result might prove to be a heavier blow than that of the collection of property tax. To those engaged in business enterprises, the blow would be even heavier than the collection of property tax. This is not a matter that affects other people only, but a matter of serious concern to you and me.

However, from the various interpellations made at the Committee meeting, it may be gathered that more people show interests in the anticipated collection of property tax. Among the questions, some of which went into considerable detail, I would like to report the following ones.

Firstly, the question of valuation of property. In regard to immovables, the entire territory will be divided into a convenient number of districts. In each district a certain multiple index will be obtained on the basis of the established rent, and the value to be multiplied by such multiple will vary according to the change of conditions in the district. Thus the valuation of immovable property will be fixed at, say, 50 times or 100 times the amount of rent in each district. In regard to the valuation of shares an Investigation Committee will be set up, who will take into account the substantial value of the shares at present, the prospects of the relative enterprises, and other conditions, and fix their valuation. Next about the valuation of clothings, furnitures and objects of art and curios, which do not belong to the daily necessaries and of which you appear to be anxious about. It is a difficult task for the Ministry of Finance to make a proper valuation of these objects. It was reported that, to simplify the procedures, steps like this would be taken. The result of random survey carried out some time ago throughout the country as a preparatory step, revealed that a person whose assets were appraised at ¥500,000, had, on the average, the clothings, furnitures, objects of art and curios as I mentioned before, to the amount in value of 5 per cent of his total assets. Therefore the persons whose assets are less than ¥500,000, will be required only to make returns representing 5 per cent of their respective assets without reference to the particulars. This will work out at ¥25,000 for a person in possession of ¥500,000. Such old families, as are supposed to possess larger proportion of objects of art and curios as compared with the size of their properties, or such persons of taste as are supposed to possess numerous objects of this kind, might be investigated individually. But with the exception of these persons, the returns will be honored in regard to majority of the tax-payers. Those with assets exceeding ¥500,000, will be required to return the particulars, according to which individual investigation will be carried out.

As to the order of the payment of the tax, the first are cash and the first blocked depostis, the second are state loan bonds, only such bonds possessed on March 3 and with that marking and not other bonds, except the bonds given by the Government, the third are debentures, the fourth are negotiable papers and real property and the fifth is personal property. The second blocked deposits are appropriated to the last portion of the whole property assessed. If we have property assessed at 1,000,000 yen, the second blocked deposits might be first appropriated to the portion on which the highest rate is imposed; in case 900,000 yen payable with the second blocked deposits was property other than bank deposits and the remaining 100,000 yen was the second blocked deposits, the deposits might be used for the payment for that portion the rate on which is the highest.

As to the method of paying the tax, reports by the payers are required to simplify procedures. The Government will shortly fix the standard of assessment of either real property or shares. Thus the assessed value in each locality will be determined. Since the assessed value of the bonds and shares one possesses will thus be determined, he can assess his own property and, according to the rate of the tax, he reports the amount of the tax he shall have to pay. And the tax will be levied more or less on the basis of that report. Payment should be made immediately upon filing the report. There may be an increase or a reduction afterward. At any rate, the tax is so collected. In the case of the income tax or inheritance tax, investigation is conducted and the Taxation Office is consulted each time. The property tax is, on the contrary, levied on the basis of the payer's own report. However, it may not be done so simply if property is large. That is perhaps the most important point. So, consultation was made by the members of the Committee, and the Chairman put a question to the Government in behalf of the Committee on the points which were regarded important by all.

I have omitted to state that an investigation committee will be organized to determine the amount of tax, should there be any doubt.

As Chairman of the Committee I asked the Government on four points.

First. Real property and negotiable papers are in the same order of payment as I have reported. In addition, the Taxation Bureau seems to intend to collect first such real property as can be quickly converted into cash. In the case of negotiable papers, guilt-edged bonds on the market will first be collected. In a word, property that can easily be converted into cash is to be collected first. That is reasonable. However, the selection will, as I understand, be determined through consultation between the payer and the Taxation Office. That is the real

intention of the Government, and it is reasonable. However, the case will be different if viewed from the standpoint of the payer. So I asked as follows. Negotiable papers and real property are in the same order of payment; the selection between them is to be determined through consultation between the Taxation Office and the payer; may it not better be freely determined by the payer? In the case of negotiable papers and real property, the payer may have reasons for preference; therefore, may not the selection out of negotiable papers or out of real property better be freely determined by the payer, without the interference of taxation officials? The Minister of Finance replied in the affirmative. There seemed to be some difficulty with him in the beginning, but he consented.

Then, I asked about the following. It seems that the Ministry of Finance intends to take over the residence of the payer at the end of the order. However, it is hardly possible for us to dispose of our own dwelling place unless there are extreme circumstances. And under existing circumstnaces, it is impossible to find a place to remove to if we dispose of our dwelling house. So the residence should be allowed to remain in the hands of the present owner as far as possible. Accordingly in the case of the residence, a bank, possibly the Hypothec Bank, will furnish a loan to the owner of the residence, who will repay it by yearly installment. Then the Government can collect cash speedily. To that question of mine, the Government voiced its agreement.

The third point is that in view of the fact that there have been in the past criticisms against taxation office officials that they are, due to the congestion of work, liable to treat the taxpayers discourteously, it is desirable that the personnel of the tax office be increased and the existing tax consultation offices be extended so as to give counsels courteously to the taxpayers, because they are more liable to render discourteous services towards the taxpayers on account of the increased volume of their business occasioned by the enforcement of the property and other taxes. To this the Minister of Finance replied that he was of the same opinion and therefore he would take every possible means to meet with the wishes. The fourth point is that there is a tendency for the revenue officials to become only too eager to get greater amounts of taxes and they too must stick to the rules and regulations. It is therefore desirable for the Finance Ministry to get its subordinate sections fully to realize and understand the policies which the government in the course of deliberations in the Diet agreed to observe. The Minister of Finance stated that he would make the policies to be fully understood by his subordinate officials, for it is of utmost importance. Such were the answers to the four questions put forth, with which the interpellations were closed. Yesterday afternoon, the committee sat for discussions. Mr. Chusaburo Arima, Mr. Junsuke Itaya, Mr. Kango Koyama, and Mr. Toyotaro Kawanishi have each stated that they support the bill because the measures are recognized to be unavoidable under the existing circumstances of this country, but they have expressed desires that every possible means be resorted to in the actual operation of the measures to enlighten the people not to fall into an attitude of self-despairing, but to be subservient to the measures intended by the laws, with full knowledge that the measures are inevitable to be taken under the existing circumstances. They have further earnestly requested full consideration for remedial measures against unemployment which may occur in consequence of the measures taken. After the closure of discussions, a vote was taken, which resulted in an unanimously decision to pass the twelve bills without amendment. This closes my report on the proceedings and the result thereof of the committee. (Cheers)

President: I have received notice of a debate, Mr. Junsuke Itaya, please.

(Mr. ITAYA, Junsuke, takes the platform.)

Mr. ITAYA, Junsuke: I have supported these bills on which the Chairman of the Committee has just made a report, because in view of the now ruling social conditions and international relations and for the rehabilitation of our industries, I recognize they are inevitable measures to be taken, but on this occasion, I would like to express my opinion of desire so as to draw the attention of the government. Under the present bills, war indemnities will be rescinded and property taxes will be levied, with the result that almost all of the middle classes of our people will be forced to the verge of annihilation or will be denuded of property in some degree. In other words, redistribution of wealth is about to take place. In these bills, however, there are used the words: equalization of wealth. It would be well if these words were employed temporarily with respect to the levying of property tax, but if these words were to become prevalent permanently in the nation and among the people, it would, I believe, render impossible the growth and prosperity of our nation. Hence I draw the attention of the government to the signification of the words. Further, under the bills some persons will come to lose the estate which they have inherited from ancestors generation after generation or which they have accumulated through hard thrift and labor; so it is highly essential, I think, that action be taken to let them fully realize the inevitable necessity of the measures for the reconstruction of the nation.

As you know, the people, since their defeat in the war, have been in the so-called state of prostration. From this condition they should emerge and courageously throw themselves, heart and soul, into the task before them. Of their own volition, they should exert themselves to the utmost in undertaking the task of reconstructing the nation. I think it is incumbent upon the Government to do its best in bringing about that frame of mind.

Because of the imminent termination of the present Session of the Diet and the little time allowed, we have not been able to exercise full deliberation on these important Bills. As they have been formulated on the basis of indications from the proper quarters, we have no alternative but to accept them. However, I believe, and have no doubt, that when the proposed laws become effective, the Allied Powers on their part will give us the fullest measur of assistance in the reconstruction of this country. I hope that the Government authorities, is implementing the proposed laws, will put the so-called wide interpretation upon their provisions, asd, so far as is consistent with the intentions of the Allied Powers, will endeavor to seek their understanding, so that the laws may not become the objects of grievance on the part of the people.

As has just been reported by the Chairman of the Committee, the standards upon which is to be based the appraisal of property was not made known at the recent Committee meeting in connection with the cancellation of wartime compensations or the reconstruction of enterprises. According to the explanations made by the Government authorities, these standards will be investigated and studied at the latest moment and will be published as soon as possible. After all, it need scarcely be said that these standards will play a great role in the adjustment of the so-called fictional capital and in the establishment of wholesome industries under the plan for industrial reconstruction. Therefore, I hope that the Government will exercise full deliberation in adequately implementing the proposed laws, so that nothing will be left to be desired in founding the so-called wholesome industries on a firm basis.

I am much dissatisfied over the question of financial adjustment and reconstructions. The so-called method of handling is very unfair. I have no intention of going into details, but I may say that a burden, for which the State ought to be responsible, is shifted on to the shoulders of the people. Therefore, it is to be hoped that, in respect of these problems, the Government will make full provision for the necessary remedial measures, and take adequate steps to guard against any discrimination as among the people. In this sense, my utterance should be taken as a word of warning to the Government.

In the course of his report, the Chairman referred to the question of Property Tax. To make it short, what are the standards for the appraisal of property, and whether the appraisal will be carried out fairly and impartially, is the question of importance. According to figures given out by the Government authorities at the Committee meeting, it is intended to collect a sum of Yen 43.500,000.000. In reply to an answer the Government authorites stated that they believed this estimate would prove generally correct. Probably the total amount will be apportioned to each Taxation District. Under this apportionment won't there result any action which might constitute an extortionate taxation? In this sense the Chairman has just given expression to the warning sounded at the Committee meeting, and has obtained an indication of the Government's views on this point. In short, what is important is that, since the proposition is to dispossess the people of their property, the process of dispossession should be carried out with the utmost impartiality, and full circumspection should be exercised, so as not to entail grievance on the part of the people.

The Chairman has spoken of the order to precedence in the method of tax payment in kind. The Government stated that things, such as stock shares or immovable properties were at the option of the taxpayers. In short, this is the harvest reaped by the Committee of the House of Peers—the harvest of the House of Peers. On this point therefore, I do hope that the Government will not fail to see to it that the matter is brought home to the Taxation Bureau Directors or Tax Office Chiefs.

I believe that at this time the adjustment of labor and capital, above all also, is a condition precedent to the reconstruction of Japan. If there should be so many labor disputes as at present, and if such conditions continued for long, the present so-called enterprisers, out of aversion to labor disputes, would have no sufficient will to production —would have no stomach for voluntarily undertaking production.

The laborers, on the other hand, simply insist upon their rights without fulfilling their obligations and naturally they are little inclined to work. If such state of things is allowed to continue, it will lead to the ruin of both capital and labor and eventually of the country itself. (Applause and voices of "I agree with you!") In Japan capital and labor are not so distinctively divided from each other as in England or America. As you are aware, there exist in Japan no capitalists worthy of the name. The only way of restoring our national power is to attach importance to the medium and minor industries and make the best use of them. In my opinion, the reconstruction of Japan will be out of the question unless we develop our industries on the principle of new capitalism instead of the old, which has been accompanied by a variety of evils. Of course, social policies must to a certain extent be carried out for the promotion of the public welfare, but these can be thoroughly carried out only when the country is sufficiently well off. How is the existing status of our national finances? The Housing Corporation, for instance, has been established for realizing one of such policies. But what has it achieved with regard to the rehabilitation of the war-ravaged areas? On the contrary, a considerable number of houses have been built as the result of every conceivable contrivance and untiring efforts on the part of civil entrepreneurs. The distinction between industrialists and laborers is simply conceptional; it does not exist in reality. We now find many industrialists and capitalists among those who once belonged to the working class. Even laborers may at any time become industrialists or capitalists by dint of their diligence and endeavors. If the Government believes that the adoption of capitalism is imperatively necessary for the industrial reconstruction of Japan, it ought to make public its convictions boldly. If it admits itself to be wrong, it ought to confess it honestly and frankly. I know nothing about Communism in other countries, but so far as communism in this country is concerned, it is open to the charge of being radical. The Government should take drastic measures against the radicality of our Communists' actions.

(The Vice-President is relieved by the President)

Such Communists will lead Japan and Japanese astray. Do they give any thought at all to the reconstruction of Japan? Or are they contemplating her destruction? At any rate, the Government should take some appropriate step in this connection, while the people themselves should try to drive away such Communism by the power of public opinion. (Applause.) I favor the bills on condition that my desire above mentioned be taken into consideration.

Prince TOKUGAWA, Iemasa (President):

If no one is going to take the floor we shall put the twelve bills to the vote. Have you any objection?

(Voices of "No objection")

Prince TOKUGAWA, Iemasa (President):

I see there is no objection.

Viscount NISHIOJI, Yoshimitsu:

I move that the Second Reading on the bills be opened at once.

Viscount UMEZONO, Atsuhiko:

I second Viscount's NISHIOJI's motion.

Prince TOKUGAWA, Iemasa (President):

Have you any objection to Viscount NISHIOJI's motion?

(Voices of "No objection")

Prince TOKUGAWA, Iemasa (President):

I see there is no objection.

Prince TOKUGAWA, Iemasa (President):

Now, we open the Second Reading on the twelve bills. If you have no objection, we shall bring them up all for discussion. Have you any objection to the reports of the chairmen of the committees on these

bills?

(Voices of "No objection")

Prince TOKUGAWA, Iemasa (President):

I see there is no objection.

Viscount NISHIOJI, Yoshimitsu:

I move that the Third Reading on the bills be opened at once.

Viscount UMEZONO, Atsuhiko:

I second Viscount NISHIOJI's motion.

Prince TOKUGAWA, Iemasa (President):

Have you any objection to Viscount NISHIOJI's motion?

(Voices on "No objection")

Prince TOKUGAWA, Iemasa (President):

I see there is no objection.

Prince TOKUGAWA, Iemasa (President):

Now, we open the Third Reading on the twelve bills. Have you any objection to the decision of the Second Reading on the twelve bills?

(Voices of "No objection")

Prince TOKUGAWA, Iemasa (President):

I see there is no objection.

Prince TOKUGAWA, Iemasa (President):

The seventeenth item on the order of the day. Petition for Railway Construction between Kitsugi and Mitsugi. Deliberation.

Prince TOKUGAWA, Iemasa (President):

Have you any objection to approving the petition in accordance with the report of the chairman of the Petition Committee?

(Voices of "No objection")

Prince TOKUGAWA, Iemasa (President):

I see there is no objection. Now, I call the House adjourned.

The House adjourned at 2:01 p.m.

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