GHQ/SCAP Records(RG 331)
Description of contents

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(2) Folder title/number: (32)
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(3) Date: Apr. 1949, May 1949

(4) Subject:

Classification	Type of record
310	e, m, v

(5) Item description and comment:
Includes Contents List

(6) Reproduction: Yes No

(7) Film no. Sheet no.

BILLS & RESOLUTIONS
RECEIVED FROM CLCO

TITLE	CLCO NO	REMARKS
14. Amendment of Economic Investigation Board Law HC Amend - 5/21	167	ExO LS ESS (Goodman) - obj. 4/26 GS/CSD (Hoover) - No obj. 5/2
15. Amendment to Road Traffic Control Law	201	LS (Meyers) - No obj. 5/10 G-2/PSD (Hee) - No obj. 5/10 ExO
16. Law for Establishment of Special Procurement Board HC Amend - 5/18	202	Engr Sec (Fregosi) No objection. See CS 5/14 G-4 (Scott) No comment 5/13
17. Adjustment of Laws Concerned in Consequence of Establishment etc of Prime Minister's Office Estab. Law HC Amend - 5/21	203	LS (Novotny) - No obj - 5/11 ESS (Mossler) - No obj - 5/12 GS/CSD (Hoover) - obj - 5/13

BILLS & RESOLUTIONS
RECEIVED FROM CLCO

TITLE	CLCO NO	REMARKS
14. Amendment of Economic Investigation Board Law HC Amend - 5/21	167	ExO LS ESS (Goodman) - obj. 4/26 GS/CSD (Hoover) - No obj. 5/2
15. Amendment to Road Traffic Control Law	201	LS (Meyers) - No obj. 5/10 G-2/PSD (Hee) - No obj. 5/10 ExO
16. Law for Establishment of Special Procurement Board NR Amend - 5/18	202	Engr Sec (Fregosi) No objection. See CS 5/4 G-4 (Scott) No comment 5/13
17. Adjustment of Laws Concerned in Consequence of Establishment etc of Prime Minister's Office Estab. Law HO Amend - 5/21	203	LS (Novotny) - No obj. 5/11 ESS (Mossler) - No obj. 5/12 GS/CSD (Hoover) - obj. 5/13

BILLS & RESOLUTIONS
RECEIVED FROM CLCO

TITLE	CLCO NO	REMARKS
1. Second Hand Business Control Law HR Amend - 5/14 - OK	19	cs to: GS/Ex O Info Only G-2 PSD (RTB) - No objection - 4/15 GS/CSD - (Hoover) No Obj 4/12 LS (Novotny) No objection 4/12 ESS (Moss) - obj - 4/26
2. Partial Amendments to Enforcement Law of Imperial House Economy Law.	31	cs to: ESS (Mossler) No objection 3/28 LS (Appleton) No objection 3/28
3. Bill for Amend to a Part of the Statistics Law. HR amend - 5/12 - OK HC " - 5/21	51	GS/Ex O LS (Novotny) objections ESS (Baron) No objection 4/11/49 GS/CSD (Hoover) - obj - 4/5
4. Bill concerning Special Exception to the Local Distribution Tax Law	62	GS/ Ex O ESS (Baron) No Objection (Phone) GS/PA (Hauge) No Objection (Verbal
5. Bill relative to Establishment of the Nat Public Opinion Research Institute.	72	GS EX O LS (Oppler) objection See Redraft 4/4 CIE (Pelzel) No Obj ESS (Levine) - objection - See CS - 4/15 GS/CSD (Hoover) - No obj - 4/21
6. Local Autonomy Agency Estab. Law HR Amend - GS/PAD - OK - 5/13 HR Amend - GS/PAD - OK - 5/14 HC Amend - 5/21	96	ESS LS (Oppler) - obj - 4/25 GS/ExO GS/PAD (Hauge) GS/CSD (Hoover) - obj - 4/22
7. Disposition of Police Property and Others Owned by To, Do or Prefecture, with Enforcement of Police Law	88	GS/ExO G-2/PSD (Pulliam) Approved 4/14 ESS (Baron) No obj. 4/19 LS (Appleton) obj. See CS 4/20 GS/PAD
8. Prohibition of Private Monopolization & Methods of Preserving Fair Trade - HR Amend - 5/11	131	LS (Appleton) No obj. 4/26 ESS (Salwin) - No obj - 4/21 GS/CSD - (Hoover) - No obj - 4/22
9. Amendment to Local Finance Law and Other Laws HR Amend - 5/19	138 Redraft 4/29	ESS (Baron) - No obj - 4/29 LS (Oppler) - No obj - 5/2 PH&W (Mollohan) - obj - 4/29 CTS (Silver) - No comment - 5/4 GS/PAD - (Hauge) - No obj. 4/29
10. Amendment to Local Tax Law HC Amend - 5/22 HR " - 5/21 HR " - 5/22	125 Redraft 5/2	ExO LS (Oppler) - obj - 5/11 ESS (Bradshaw) - No obj - 5/5 GS/PAD (Hauge) - obj - 5/5 NR (Takahashi) - No obj - 5/12
11. Amendment to Cabinet Law	150	ExO LS (Novotny) - No obj - 4/20 GS/CSD (McCoy) - obj - 4/27
12. Prime Minister's Establishment Bill HR Amend - GS/CSD - OK - 5/13	151	ExO LS (Novotny) - obj - 4/22 GS/CSD (Hoover) - obj - 4/25
13. Amendment of Law for Temporary Establishment of Reparations Board HR Amend - 5/17 -	168	ExO LS (Novotny) - No obj - 5/2 CPC (Coller) - Concur - 5/10 ESS GS/CSD (Hoover) - No obj - 4/29

PMO

CIVIL SERVICE DIVISION
Government Section

May 13, 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Law for Adjustment etc. of Laws Concerned in Consequence of Establishment etc of Prime Minister's Office Establishment Law (Draft)

1. Objection is made to Article 6 and to Supplementary Provisions, Article 5 of subject bill. It is recommended that the investigating staff of the Administrative Management Agency be appointed and serve in their positions subject fully to the provisions of the National Public Service Law. Recruitment of thoroughly qualified Administrative Inspectors by the National Personnel Authority pursuant to the proposed Article 6 would be exceedingly difficult because of the limited tenure specified and the corresponding lack of opportunity to fill many important positions from among specially trained and experienced junior members of staff.

2. No objection is made to the employment of temporary or part-time consultants if deemed advisable, in addition to the professionally qualified permanent staff. Their employment, however, should be fully subject to the National Public Service Law.

Blaine Hoover

BLAINE HOOVER
Chief, Civil Service Division

BH:GP:vr

17

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.	From: Govt Sec To: LS Date: 10 May 1949
1.	The attached bill, drafted by the Prime Minister's Office, has been cleared for immediate introduction into the Diet. 1 Incl: Adjustment etc. of Laws Concerned in Consequence of Establishment etc. of Prime Minister's Office Establishment Law

C. W.

P & P DIV.

17

B D

5/10

Subject: Adjustment etc. of Laws Concerned in Consequence of Establishment etc. of Prime Minister's Office Establishment Law.

P M O

F.C.Novotny: 2635-269
From: LB To: Govt Sec Date: 11 May 1949

2. This Section has no serious legal objections to subject bill.

1 Incl:
m/c

C.R.L.

Recd GS 9/5/49

17

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No. | From: Govt Sec To: ESS Date: 10 May 1949

1. The attached bill, drafted by the Prime Minister's Office, has been cleared for immediate introduction into the Diet.

1 Incl:
Adjustment etc. of Laws Concerned in Consequence of Establishment etc. of Prime Minister's Office Establishment Law

C. W.

010(10 May 49)ESS/FIN

WFM/WKL/EAR/JRM/eb
Mr. Messler, 57-8813

From: ESS To: GS Date: 12 May 1949

2. There is no objection to introduction in the Diet of the proposed draft bill Adjustment etc. of Laws Concerned in Consequence of Establishment etc. of Prime Minister's Office Establishment Law.

1 Incl
n/c

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

Rel GS 7/4

17

No. 81 Date: May 6, 1949

Title of bill
~~cabinet order~~

~~Bill for Adjustment etc. of Laws Concerned in Consequence of~~
Establishment etc. of Prime Minister's Office Establishment Law

This draft bill
~~cabinet order~~ has been approved by
the Administrative Management Agency.

Onogi Katsuhiko

Deputy Director ONOGI, Katsuhiko.

Administrative Management Agency.

DRAFT OF LAW

to be submitted for GS' approval
Coordination Section, CLCO (TEL.57-6010, 7847)

May 7, 1949

1. CLCO Number: 203

2. Name of Law: Bill for Adjustment etc. of Laws concerned in consequence of Establishment etc. of Prime Minister's Office Establishment Law.

3. Competent Ministry: Prime Minister's Office

4. Date of Cabinet Approval: 2/May

5. SCAP Section concerned:

6. Remarks: (Reference:)

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7. G.S Reviewers:

8. Date of G.S. Approval: Rec'd GS 5/9/49

9. G.S. Member Responsible: CS&: LS
ESS
GS/CS

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CN/JN/JW/CPG/vs

Subject: Draft Legislation

Capt. Guida
26-6076

Note No.	From: Govt Sec To: Engineer Section Date: 10 May 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office. 2. Your prompt comment is requested. 1 Incl: Law for Establishment of Special Procurement Board

C. W.

P & P DIV.

16

P. M. 44

Lt Col Fregosi 26-5058

Draft Legislation (Law for Establishment of Special Procurement Board)

Engr Govt Section

(2) 1. The Engineer Section concurs in the proposed law for the establishment of the Special Procurement Board but desires to suggest certain refinements in the wording of the law and certain additional provisions as stated below.

2. In order to make the wording of the law more specific and thereby more clearly define responsibilities and functions of the Special Procurement Board, the following changes in wording are suggested:

a. Reference Article 3, paragraph 1, subparagraph 1: It would be desirable to substitute for the word "goods" the words "supplies, materials, equipment, and real estate." The word "services" should be expanded to include "directly requisitioned labor."

b. Reference Article 3, paragraph 1, subparagraph 3: Since for some time certain functions in connection with reparations have been designated as a responsibility of SPB, it would appear desirable that these functions be specifically stated herein.

c. Reference Article 10, subparagraph 1: This wording is vague and ambiguous. Presumably what is intended is the function of SPB in connection with designated materials and allocation certificates.

d. Reference Article 11, subparagraph 1: It would be desirable to state herein that the functions of job-site quality inspection and certification, and job-site accounting and auditing are included.

e. Reference Article 11, subparagraph 3: Presumably what is meant is the rating of contractors' performance, which should be so stated.

3. It is suggested that consideration be given the following provisions of the law:

a. Reference Article 6, subparagraphs 3 and 4: There appears to be no necessity for two advisors to the Procurement Board. In view of the governmental economy program, it is recommended that these positions be eliminated. If it is felt that there is insufficient top-level supervision in SPB, it is recommended that a Deputy Chief be authorized for the Secretariat and that an additional Deputy Chief be authorized for the Purchasing and Contracting Bureau.

Rec'd GS 7/1/47

(2) contd

b. Reference Article 9: It is recommended that an additional subparagraph be added to this article authorizing SPB to consummate contracts for rental to contractors, prefectural governors, and other governmental organizations of SPB-owned and operated construction equipment.

c. Reference Article 11, subparagraph 6: This function appears to be an unnecessary duplication of effort since the Purchasing and Contracting Bureau's contractual records should suffice to furnish any desired information regarding real property.

d. Reference Article 12: It is recommended that an additional subparagraph be added to this article to provide for the operation of the SPB construction equipment and of the SPB trucks.

e. Reference Article 16: The administrative work in a field bureau office is negligible compared to the fiscal functions each of those offices is required to perform. It is recommended, therefore, that a Fiscal Department, instead of an Administrative Department be established in each of the Special Procurement Bureau offices.

4. The changes and improvements recommended above have been discussed with representatives of SPB and Eighth Army Procurement Section, who also concur in the desirability of these changes.

1 Incl
w/d

- H.J.C. - - - - - - - - - - - - - - - -

Initial 414

DRAFT OF LAW

to be submitted for GS' approval
Coordination Section, CLCO (TEL. 57-6010, 7847)

May 6, '49

1. CLCO Number: No. 202

2. Name of Law: LAW FOR ESTABLISHMENT OF SPECIAL PROCUREMENT BOARD (DRAFT)

3. Competent Ministry: Prime Minister's Office.

4. Date of Cabinet Approval: May 2, 1949

5. SCAP Section concerned: Col. Lamont
Proc. Sec, Hq. 8th Army

6. Remarks: (Reference:)
Special Procurement Board Law (Law No. 78 Official Gazette April 28, 1947)

7. G.S Reviewers: Rec'd GS 5/9/49

8. Date of G.S. Approval: Copy to GA Eng.

9. G.S. Member Responsible:

No. 80 Date: May 4, 1949

Title of bill ~~cabinet order~~

Law for Establishment of Special Procurement Board.

This draft bill ~~cabinet order~~ has been approved by the Administrative Management Agency.

Onogi Katsuhiko

Deputy Director ONOGI, Katsuhiko.

Administrative Management Agency.

House of Representatives

May 19th, 1949.

FINAL AMENDMENT TO BILL FOR ESTABLISHMENT OF SPECIAL PROCUREMENT BOARD

(Proposed by Cabinet Committee)

A part of the Bill for the Establishment of the Special Procurement Board shall be amended as follows:

In Item 2, Para. 1, Art. 3, the following proviso shall be added next to the words "Occupation Forces.":

"excepting those under the jurisdiction of other Government Agencies."

Paragraph 2, Article 3, shall be deleted. In Paragraph 3, "Paragraph 1" shall be changed to read "the preceding paragraph", and the same paragraph shall be Paragraph 2.

In Article 5, "Paragraph 2, Article 7" shall read "Paragraph 3, Article 7".

In Para. 1, Art. 16, "Administrative Department" shall read "Fiscal Department".

YS

Rec'd GS 5/20
previously cleared GS(JW) 5/18

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CW/JN/JN/RAH/vla

(Do not remove from attached sheet)

Subject: Draft Legislation

Major Harris
26-6076

Note No.	From: Govt Sec To: LS Date: 6 May 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office. 2. Your prompt comment is requested. 1 Incl: Amendment of Road Traffic Control Law

C. W.

P&P

15

Prime Minister

Amendment of Road Traffic Control Law

From: LS To: GS H. Meyers-2635-420
Date: 10 May 1949

2. This Section has no legal objections to introduction of subject bill in the Diet.

Incl: N/c

- C.R.L. - - - - - - - - - - -

15

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CW/JH/JW/RAH/vlo

(Do not remove from attached sheet)

Subject: Draft Legislation

Major Harris
26-6076

Note No.	From: Govt Sec To: G-2/PSD Date: 6 May 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office. 2. Your prompt comment is requested. 1 Incl: Amendment of Road Traffic Control law

C. W.

P&P

PMO

Amend. Road Traffic Control Law

From: G-2 To: GS CIS/PSD/HEP/sm
10 May 1949

2 Public Safety Division/G-2 concurs in the proposed draft of Amendment of Road Traffic Control.

Incl 1 w/d

C.A.W.

-5-

GOVERNMENT SECTION
Buck Slip

5-6- 1949

From: P. O. Div

To:	INITIAL	DATE
CHIEF		
EX OFF		6
Deputy Chief		
Maj Rizzo		
Chief Adm Div		
Statistics & Review Br		
Civil Service Div		
Parl & Pol Div		
Public Adm Div		
Public Aff Div		
File		
Chief Clerk		
Personnel Clerk		

FOR:

- ___ INFORMATION
- ___ NECESSARY ACTION
- ___ ACTION (Prepare Reply)
- ___ APPROVAL
- ___ SIGNATURE
- ___ INITIAL
- ___ CONSENT OR CONCUR.
- ___ RETAIN
- ___ RETURN
- ___ FILE
- ___ BURN

Traffic Control Law

LS
6-21 PSD

PMO

DRAFT OF LAW

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

May 6, 1949

1. CLCO Number: 201

2. Name of Law: Bill for Partial Amendment to Road Traffic Control Law.

3. Competent Ministry: Prime Minister's Office.

4. Date of Cabinet Approval: May 4

5. SCAP Section concerned: G2 Public Safety Div., Mr. Eaton.

6. Remarks: (Reference:)

Road Traffic Control Law, Law No. 130 (No. 483, Nov. 8, 1947) (Amendment) Article 3 of The Law concerning the arrangements of the Laws concerned in consequence of the Enforcement of the Police Law (Extra, March 6, 1948)

7. G.S Reviewers: EX-O

8. Date of G.S. Approval: LS

9. G.S. Member Responsible: G-2 - PSD

Lt. Col GS 5/6/49

15

CIVIL SERVICE DIVISION
Government Section

May 2, 1949

MEMORANDUM FOR: Parliamentary and Political Division, Government Section

SUBJECT : Law for the Partial Amendment of the Economic Investigation Board Law (Draft)

It is understood by the Civil Service Division that the words, "or entrusted" in paragraph 3 of Article 6 and in paragraph 3 of Article 12 of subject bill were omitted in the Japanese draft which was sent to the Diet. If such is true, Civil Service Division makes no objection to subject bill.

Blaine Hoover

BLAINE HOOVER
Chief, Civil Service Division

BH:GP:vr

14

Draft Legislation

Major Harris

Govt Sec ESS 20 April 49

1. The attached bill, drafted by Prime Minister's Office
has n has been cleared for immediate introduction into the Diet.

1 Incl:
Amendment of Economic Investigation
Board Law

C. W.

2.

R. Goodman 57-8392
WFW/FLW/RG/eb

From: ESS To: Govt Sec 26 April 1949

1. Recommend that the appropriate legislative agency be advised that the proposed change in paragraph 3 of article 6 of The Economic Investigation Board Law be modified so that the members of the Central Economic Investigation Committee are appointed by the President of the Economic Stabilization Board, who is the Prime Minister, rather than "appointed or entrusted by the Director General."

2. The Central Economic Investigation Committee is intended to play an important part in coordinating and organizing the various activities of the Japanese Government law enforcement agencies in the economic field and, therefore, the maximum cooperation of agencies coordinate with ESB should be achieved.

3. Discussions with the Economic Investigation Board officials indicate that the Japanese Government is willing to make this change.

4. If the ESB Establishment Law is disapproved, there will be no need for this law.

1 Incl: n/c

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

14

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheet) CW/JN/JW/RAH/vls

Subject: Draft Legislation

Note No.	From: Govt Sec To: LS	Date: 26-6076 Major Harris 20 April 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office 2. Your prompt comment is requested. 1 Incl Amendment of Economic Investigation Board Law	

C. W.

P&P

No. 21 Date: Apr. 18 1949

Title of bill
~~cabinet order~~

Bill for the Partial Amendment of the Economic Investigation Board ~~Law.~~

This draft bill ~~cabinet order~~ has been approved by the Administrative Management Agency.

Onogi Katsuhiko

Deputy Director ONOGI, Katsuhiko.
Administrative Management Agency.

DRAFT OF LAW

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

April 19, 1949

1. CLCO Number: 167

2. Name of Law: Bill for the Partial Amendment of the Economic Investigation Board Law.

3. Compatent Ministry: Prime Minister's Office

4. Date of Cabinet Approval: 16/Apr.

5. SCAP Section concerned:

Mr. R. Goodman, Enforcement Branch, Price and Distribution Div. E.S.S.

6. Remarks: (Reference:)

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7. G.S Reviewers: GS EX O

8. Date of G.S. Approval: LS

9. G.S. Lember Responsible: ESS (GS/CS1)

Recd GS 4/19/49

(14)

CIVIL SERVICE DIVISION
Government Section

April 29, 1949

MEMORANDUM FOR: Parliamentary and political Division, Government Section

SUBJECT : Bill For Partial Amendment of The Law For Temporary Establishment of The Reparations Board

No objection is made by the Civil Service Division to the bill named above.

Blaine Hoover

BLAINE HOOVER
Chief, Civil Service Division

BH:GP:de

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CW/JM/JW/RAH/vls

(Do not remove from attached sheet)

Subject: Draft Legislation

Major Harris
26-6076

Note No.	From: Govt Sec	To: ESS	Date: 20 April 1949
1.	The attached bill, drafted by Prime Minister's Office has been cleared for immediate introduction into the Diet. 1 Incl: Reparations Board Establishment		

C. W.

P&P

13

Separations Board Establishment

3170

WSV/MMC/mk
W Thurman 26-8485
Date: 27 Apr 49

2. From: ESS To: Govt Sec

No objection to proposed draft legislation if the consolidation means a decrease in the total number of employees.

Incl w/d

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

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CW/JH/JW/RAH/vla

(Do not remove from attached sheet)

Subject: Draft Legislation

Major Harris
26-6076

Note No.	From: Govt Sec	To: GPC	Date: 20 April 1949
1.	The attached bill, drafted by Prime Minister's Office has been cleared for immediate introduction into the Diet. 1 Incl: Establishment of the Reparations Board		

C. W.

P&P

4/20

Amdmt to Law re: Temp. Est. of Reparations Board

P.M. Off.

Mr Roller 26-8645

From: CPC/RP To: Govt Sec Date: 10 [illegible] 1949

2 Concur.

1 Incl
n/c

E.C.M.

13

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CW/JN/JW/RAH/vlo

(Do not remove from attached sheet)

Subject: Draft Legislation

Major Harris
26-6076

Note No.	From: Govt Sec	To: LS	Date: 20 April 1949
1.	The attached bill, drafted by Prime Minister's Office has been cleared for immediate introduction into the Diet. 1 Incl: Reparations Board Establishment		

C. W.

P&P

4/20

Subject: Reparations Board Establishment

P.M.

F.C.Novotny: 2635-269

From: LS To: Govt Sec Date: 2 May 1949

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

1 Incl:
n/c C.R.L.

Rec'd GS 5/5/49

13

No. 66 Date: Apr. 18. 1949

Title of bill ~~cabinet order~~

Bill for Partial Amendment of the Law for Temporary Establishment of the Reparations Board.

This ~~draft~~ bill ~~cabinet order~~ has been approved by the Administrative Management Agency.

Onogi Katsuhiko

Deputy Director ONOGI, Katsuhiko.

Administrative Management Agency.

GOVERNMENT SECTION
Buck Slip

4-20-1949

FROM: GS

TO:	INITIAL	DATE
✓ CHIEF		
EX OFF		
Deputy Chief		
Maj Rizzo		
Chief Adm Div		
Statistics & Review Br		
Civil Service Div		
Parl & Pol Div		
Public adm Div		
Public Aff Div		
File		
Chief Clerk		
Personnel Clerk		

FOR:

- INFORMATION
- NECESSARY ACTION
- ACTION (Prepare Reply)
- APPROVAL
- SIGNATURE
- INITIAL
- ✓ COMMENT OR CONCUR.
- RETAIN
- RETURN
- FILE
- BURN

LS
CPC
ESS
GS/CSD

DRAFT OF LA

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

April 19, 1949

1. CLCO Number: 168

2. Name of Law: Bill for Partial Amendment of the Law for Temporary Establishment of the the Reparations Board.

3. Compatent Ministry: Prime Minister's Office

4. Date of Cabinet Approval: 16/Apr.

5. SCAP Section concerned: C.P.C Bri. Gen. Tansey

6. Remarks: (Reference:)

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7. G.S Reviewers: GS-Ex-O

8. Date of G.S. Approval: LS

9. G.S. Member Responsible: CPC

GS/(S)

ESS

Recd GS 4/19/49 (13)

CIVIL SERVICE DIVISION
Government Section

25 April 1949

MEMORANDUM FOR: Parliamentary and Political Division, Government Section

SUBJECT : Prime Minister's Office Establishment Law

1. Objection is made by the Civil Service Division to subject Law. Failure to include a Bureau of Personnel in the Prime Minister's Office Proper will, in the opinion of this division, defeat an Occupation objective by impairing the program and controls of the National Personnel Authority. For essential operation and controls the National Personnel Authority must function through a personnel unit at the highest operating echelon within each agency.

2. To meet the objection above the following revisions of the bill are recommended:

a. Amend Para. 1 of Article 5 to read as follows:

"The Office proper shall have a Secretariat of the Prime Minister and the following four bureaus:

Bureau of Personnel
Bureau of Pensions
Bureau of Statistics
Bureau for Allocation of Paper for Newspapers and Publications"

b. In Article 6 delete items (2) and (9) and renumber the remaining items consecutively.

c. Renumber Articles 7 to 22 to be 8 to 23 and insert the following new Article 7:

"(Functions of Bureau of Personnel)

Article 7. The Bureau of Personnel shall take charge of the following affairs:

(1) Classification, appointment and dismissal of personnel, their status, disciplinary punishment, performance of duty, and other personnel affairs; also their instruction and training;

(2) Health, medical treatment and other welfare measures for personnel."

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3. Objection is also made to the inclusion of the Pension Bureau in the Prime Minister's Office. Such inclusion will defeat or delay an Occupation objective by failure to place in the hands of the National Personnel Authority the necessary resources from which it may develop and administer a sound pension plan pursuant to Articles 107 and 108 of the National Public Service Law as amended.

As noted in our memorandum of 5 April 1949 to Maj. J. P. Napier, Chief, Public Administration Division, the Civil Service Division is of the opinion that the appropriate time to commence the transference of the function of administering the pension plan is now when a general reorganization plan is being undertaken. It is therefore recommended that the Pension Bureau, its staff, records, funds, and similar essentials of operation, be transferred from the Prime Minister's Office to the National Personnel Authority.

4. Attention is called to the inclusion of the Assistant Public Procurators Selection Commission and the Public Procurators Special Selection Council in Article 16 of the Law. Care should be taken that such organizations are not established unless the bill for the higher judicial examination is passed setting forth a need for them.

5. It is suggested that item 19 of Article 4 is unnecessary and would possibly result in the mistaken interpretation that there is a substantial body of activities with respect to allowances and other labor conditions of government personnel other than that covered by the National Public Service Law.

Blaine Hoover

BLAINE HOOVER
Chief, Civil Service Division

BH:GWP:jd

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Maj. Harris
26-6076

Note No.	From: Govt Sec To: LS Date: 18 April 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office. 2. Your prompt comment is requested. 1 Incl: Prime Minister's Office Establishment Law C. W.

P & P DIV.

12

PMO

Subject: Prime Minister's Office
Establishment Law.

F.C.Novotny; 2635-269
Date: 22 April 1949

From: LS To: Govt Sec

2. 1. Article 4, Item 8 confers a power in conflict with powers of the Construction Ministry which is the logical executive organ to build quarters to be rented.

2. Objection is made to the wording of Article 4, Item 19. The words "so far as it does not violate" should be amended to read "in accordance with,".

3. The creation of the Divisions mentioned in Article 5, Par. 2 is objected to unless the proposed amendment to the National Government Organization Law authorizing Divisions is enacted by the Diet.

4. Article 8, Par. 1, Item 5 is in conflict with proposed laws setting up the respective Ministries. If each Ministry is to gather, compile and publish statistics relating to affairs under its jurisdiction, then the above item would create an overlapping power.

5. It also appears that the functions of two "other auxiliary organs" listed in Article 16, namely the Local System Enquiry Commission

12

2 (Contd) and the Local Tax Council, duplicate those of the newly established Local Autonomy Agency (Article 17).

6. In the Supplementary Provisions the words "Enforcement Order of the" should be inserted before "Law for Establishment of the Agency for the Affairs of Allocation of Paper for Newspapers and Publications."

7. Due to the limited time available for review of subject law, no attempt has been made to check with all Establishment bills for overlapping powers of functions. Only the most apparent have been noted above. It is recommended that the Administrative Management Agency be instructed to make a continuous study of establishment laws and of administrative organs for the purpose of eliminating conflicting powers and functions and abolition of unnecessary offices.

1 Incl:
n/c

- -C.R.I.- - - - - - - - - - - - - - - - - -

No. 59

Date: Apr. 16. 1949

Title of bill ~~cabinet order~~

This draft bill ~~cabinet order~~ has been approved by the Administrative Management Agency.

Onogi Katsuhiko

Deputy Director ONOGI, Katsuhiko.

Administrative Management Agency.

GOVERNMENT SECTION
Buck Slip

18 apr. 1949

From: P+P Div.

No:		INITIAL	DATE
	CHIEF		
✓	EX OFF		18
	Deputy Chief		
	Maj Rizzo		
	Chief Adm Div		
	Statistics & Review Br		
	Civil Service Div		
	Parl & Pol Div		
	Public Adm Div		
	Public Aff Div		
	File		
	Chief Clerk		
	Personnel Clerk		

FOR:

- ___ INFORMATION
- ___ NECESSARY ACTION
- ___ ACTION (Prepare Reply)
- ___ APPROVAL
- ___ SIGNATURE
- ___ INITIAL
- ✓ CONCURRENT OR CONCUR.
- ___ RETAIN
- ___ RETURN
- ___ FILE
- ___ BURN

cs: LS
GS/CSD

12

DRAFT OF LAW

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

April 18, 1949

1. CLCO Number: 151

2. Name of Law: Prime Minister's Office Establishment Bill

3. Compatent Ministry: Prime Minister's Office

4. Date of Cabinet Approval: 15/Apr.

5. SCAP Section concerned:

6. Remarks: (Reference:)

.....

.....

.....

.....

.....

7. G.S Reviewers: GS-Ex O

8. Date of G.S. Approval: LS

9. G.S. Member Responsible: GS-LSD

Paul GS 4/18/49

12

CIVIL SERVICE DIVISION
Government Section

27 April 1949

MEMORANDUM FOR: Parliamentary & Political Division
Government Section

SUBJECT : Law for the Partial Amendments to Cabinet Law

1. Objection is made to subject bill for its failure to include a Bureau of Personnel. Such omission will, in the opinion of this division, defeat an Occupation objective by impairing the program and controls of the National Personnel Authority. For essential operation and controls the NPA must function through a personnel unit of the highest operating echelon within each agency.

2. Objection is also made for failure of the amendment to include a provision assuring the applicability of the National Public Service Law to the Secretariat of the Cabinet, similar to the provision which is contained in other establishment laws. To meet this objection the following article should be added:

> "Article 17. With respect to appointments, dismissals, promotion, disciplinary punishment, and other matters concerning personnel administration in the Cabinet Secretariat, the provisions of the National Public Service Law (Law No. 120 of 1947) shall apply."

for BLAINE HOOVER
Chief, Civil Service Division

BH:GWP:jd

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

CW/JN/JW/RAE/vls

(Do not remove from attached sheet)

Subject: Draft Legislation

Major Harris

Note No.	From: Govt Sec To: LS Date: 12 April 1946
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office. 2. Your prompt comment is requested. 1 Amendments to Cabinet Law

C. W.

P&P

Amdmt to Cabinet Law
4/18

l M. off

From: LS To: GS F.C. NOVOTNY-2635-269
Date: 20 April 1949

2. 1. Legislation Bureau of the Attorney General's Office states that proposed Article 15, paragraph 1 is intended to cover Confidential Secretaries of Ministers without portfolio only. The Japanese text is clear on this point, but the English text should be revised to avoid the present ambiguity.

2. Except as noted above, this Section has no legal objections to the bill.

Incl: n/c

- -C.R.L. - - - - - - - - - - -

11

No. 60

Date: Apr. 16, 1949

Title of bill ~~cabinet order~~

This draft bill ~~cabinet order~~ has been approved by the Administrative Management Agency.

Onogi Katsuhiko

Deputy Director ONOGI, Katsuhiko.

Administrative Management Agency.

GOVERNMENT SECTION
Buck Slip

4-18- 1949

From: P-G Desk

No:		INITIAL	DATE
	CHIEF		
✓	EX OFF		18
	Deputy Chief		
	Maj Rizzo		
	Chief Adm Div		
	Statistics & Review Br		
	Civil Service Div		
	Parl & Pol Div		
	Public Adm Div		
	Public Aff Div		
	File		
	Chief Clerk		
	Personnel Clerk		

FOR:

____ INFORMATION
____ NECESSARY ACTION
____ ACTION (Prepare Reply)
____ APPROVAL
____ SIGNATURE
____ INITIAL
____ COMMENT OR CONCUR.
____ RETAIN
____ RETURN
____ FILE
____ BURN

Amendments to Cabinet Law

CS: LS
GS/CSD

DRAFT OF LAW

to be submitted for GS' approval
Coordivation Section, CLCO (TEL. 57-6010, 7847)

April 18, 1949

1. CLCO Number: 150

2. Name of Law: Bill for Partial Amendments to Cabinet Law.

3. Compatent Ministry: Prime Minister's Office

4. Date of Cabinet Approval: 15/Apr.

5. SCAP Section concerned:

6. Remarks: (Reference:)
Gabiney Law (Law No. 5 of 1947)

7. G.S Reviewers: GS-Ex O
LS
GS/CSD

8. Date of G.S. Approval:

9. G.S. Member Responsible:

Recd GS 4/18/49

11

Dr. Williams:

General Whitney is interested in whether or not Diet will handle this — Do you know about its present status?

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
Public Affairs Division

5 May 1949

MEMORANDUM FOR THE CHIEF, GOVERNMENT SECTION

SUBJECT: Attorney General's Interpretation of Article 35 of the Constitution

1. Article 45-6 of the draft law for partial amendment of the Local Tax Law would permit a local tax official to enter private property, to unlock strongboxes, and to seize and dispose of privately owned property to satisfy tax claims. This search and seizure could be carried out without warrant of any kind.

2. The Local Finance Commission of the Cabinet rejected a suggestion that the article be modified to require the issuance of search warrants, in accordance with Article 35 of the Constitution, citing as the basis for this rejection an opinion by Mr. Sato of the Attorney General's Office, which held that Article 35 relates solely to criminal investigations.

3. Attached is a copy of Article 45-6 of the draft law and a copy of Sato's opinion.

Osborne Hauge
OSBORNE HAUGE
Chief, Public Affairs Division

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C O P Y

(Investigation of Property)

Article 45-6. In case where a Do, urban or rural prefectural taxation official or city, town and village taxation official contemplates to seize a property, he may investigate the house, storehouse etc. and unlock and or open any sealed packing or else he may take any necessary measure in disposal of such property. The same shall apply to those cases where a third party who occupies the property concerned refuses the delivery thereof or a third party is suspected of concealing any property pertaining to a delinquent taxpayer.

2. The disposal as provided for in the preceding paragraph shall be carried out in daytime between sunrise and sunset.

C O P Y

On the Constitutional Problem Relating to the
Bill for the Partial Amendment of the Local Tax Law

May 2, 1949

I wish to state my opinion on the subject matter with particular reference to the relation between Article 45-6 (provision concerning coercive collection of taxes) of the subject bill and Article 35 of the Constitution.

1. We have always understood Article 35 of the Constitution as being a provision specifically relating to criminal investigation and not covering all cases other than this particular one. Such a conclusion, it is considered, is borne out, for one thing, from the position of the article which immediately follows on Article 33 and 34. To take Article 33 for an example, it seems on first glance to cover all cases of apprehension. It is apparent, however, by the existence of such phrase as "warrant....which specifies the offense" that it does not apply to such cases as when a patient infected with a contagious disease is held with the object of putting him in an isolation ward against his will or a lunatic is seized with the object of placing him in an asylum. Although Article 35 does not contain any phrase such as has been mentioned above, it is considered that from such phrase as "except as provided by Article 33" it should be construed as being of similar purport.

That Article 35 only envisages the case of criminal investigation has been explained by Minister of Justice Kimura as the interpretation of the government before the committee of the House of Representatives which deliberated on the New Constitution (Enclosure No. 1). There is also a cogent opinion in concurrence therewith among students of law (Enclosure No. 2). It may be added that Prof. Minobe holds that the same Article is applicable only in case of criminal and civil procedure (Enclosure No. 3).

2. From the fact that Article 35 of the Constitution is not directly applicable, conclusion may not be drawn, however, that it would be permissible to enter or search a person's house at will for the purpose of attaining such administrative objectives as coercive collection. Needless to state that the fundamental spirit of the Constitution, which guarantees the freedom of the people should be respected and adhered to in all legislation.

Since the present draft of Article 45-6 of the Local Tax Law Amendment Bill contains provision for 'due processes' deemed as a minimum requirement, such as (a) that on the occasion of search or seizure the official concerned must always show an indentification card certifying his status, (b) that such procedures must take place during day time, (c) that the subject person or other persons must be caused to be present at the place, (d) that certain Seizure Forms must be drawn up, (3) that persons aggrieved with coercive collection may make administrative appeal (that appeal to the courts concerning unlawful disposal may be made being a matter of course), it can be defended at any rate against any argument questioning its constitutionality which might be raised. Furthermore, since the occasion for taking of action is limited to a case where there is a fact of delinquency in tax payment, there would be no chance of a capricious search being carried out. However, it is needless to say that, through amending this provision if this procedure could be made more tightly waterproof, the better it would be.

P.S.

Thus, we have drafted as an amendment, a plan approximating to Article 35 of the Constitution in form, requiring a warrant issued by a judge concerning search or seuzure. It might be considered a step further as compared to the original draft. My only concern is that to bring in the courts in a purely

administrative procedure of this kind might lead to confusion in the division of responsibilities through placing a share of responsibility in administrative matters on the courts.

To take for an example the case of local public bodies (the same will apply to the state), there is a danger that the executives of local bodies when faced with criticism from local assemblies or inhabitants for the fact that they did or did not carry out coercive collection might try to find refuge in the shifting of responsibility on the courts by saying that this was due to the courts granting or not granting such permit: Since the courts are not responsible in any way to local assemblies or local inhabitants, we could not say definitely that there is no question involved here from the standpoint of local autonomy or local democratic government.

However, if the courts were only to decide whether or not the search is for coercive collection in regard to request for the issuance of warrant and if they always were to grant the same upon making decision that it was for the purpose of coercive collection, it is considered that this problem would not constitute a source of too much anxiety.

Mr. Cogagi's idea —
For Mr. Neff
copy sent 5/14/49

File with Cont Food Tot
P.M. Off

House of Representatives

May 13th, 1949.

Matters to be Improved in the Stnadard Amount of Livelihood Assistance Allowance prescribed in the Livelihood Protection Law

1. According to the standard amount of livelihood assistance allowance, the percentage of food expenses occupied in the living expenses amounts to 85%, but living expenses formed by such a percentage is not feasible in the light of actual condition of all living expenses such as C.P.S., etc. The food expenses to be found in the livelihood should be, at the most, 70%.

2. The reason why this irrational standard is applied is that there are following contradictory elements in the contents of various items.

(a) The prices of commodities adopted as the stnadard of estimation are mostly those of March 1948, which should be revised to those of the present.

(b) The following items are computed on the materials ignoring the actual circumstances, which need be corrected.

(1) As to the question of dwelling, one 6-mat room is appropriated for one family of six persons, but this is infeasible in view of the present housing condition. This should be corrected so as to comply with the actual situation. For instance, according to the result of housing investigation carried out by the Statistic Bureau of the Prime Minister's Office, the number of mats per capita was 2.79 even in Tokyo where the house shortage was felt most keenly. Therefore, the number of mats

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should be computed as 3 mats per capita.

(2) As to the hygienic expenses, the bathing of twice a month is prescribed and 1.45 piece of soap a year are allotted for one person. However, school boys and infants will need to take a bath at least twice a week to keep them clean, and even adults must take a bath three times a month. On the other hand, soap of less than 1.5 piece a year will not suffice even for washing, to say nothing of bathing. In view of the fact that the soap is abundant in the market at present, the allotment of soap should be increased; the quantity scheduled in the distribution project of the government should , at least, be secured for them.

(c) As to the lighting expenses, it is prescribed that the number of electric bulbs be computed on the basis of meter system, but as it is seldom that the house of protege will have a meter, this point should also be corrected.

The charcoal expenses are estimated onthe premise that 11 bales of charcoal will be distributed a year, but this is not sufficient even for cooking food. Lately, special distribution of charcoal and other fuel is being made upon demand, and, therefore, the expenses necessary for cooking and heating in winter time should be estimated.

(d) The miscellaneous expenses are estimated on only several items such as paper and postage-stamps. But in reality, the pocket-money of the children, expenses necessary for intercourse with the neighbors, etc. also amount to a considerable sum. Therefore, the miscellaneous expenses should be increased.

3. As the present standard amount is based on the above-mentioned unreasonableness, I would like to ask that the average living expenses a month be increased to not less than 1,200 yen per capita. (At present, 800 yen per capita).

YS

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Maj. Harris
26-6076

Note No.	From: Govt Sec To: NRS Date: 2 May 1949
1.	1. Immediate introduction of the attached revised draft bill in the Diet is proposed by Prime Minister's Office. 2. Your prompt comment is requested. 1 Incl: Partial Amendment to Local Tax Law C. W.

P & P DIV

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Prime Minister Office

Amend to Local Tax Law

From: NR

To: GS

Mr S Takahashi - 26-5494
HGS/WHL/RSH/ST/ts
Date: 12 MAY [redacted]

2. 1. NR does not object to the Law for the Partial Amendment to the Local Tax Law providing that:

a. In Art 45-5, the following item is added: "3. Boats, nets, and other equipment indispensable for fishing operations."

b. Art 45-24 is modified to provide that disposal of agricultural land seized by the government as payment for taxes will be in accordance with the Owner Farmer Establishment Special Measures Law and the Agricultural Land Adjustment Law.

c. In Art 94, "1800 yen" is changed to "1200 yen."

d. In Art 116, "twice and a half times in mine product tax" is deleted.

2. NR appreciates that responsibility for decisions relative to the legality of legislation proposed by the Japanese Government rests primarily with Legal Section, but calls attention to the possibility of inconsistencies

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(Cont)

as between Sub-section 3 (coercive collection) and the Japanese Constitution. Art 45-6, for example, apparently provides for search and seizure without a warrant. This would appear to be inconsistent with Art 35 of the Constitution.

1 Incl
w/d

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

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Maj. Harris
26-6076

Note No.	From: Govt Sec To: ESS Date 2 May 1949
1.	1. Immediate introduction of the attached revised draft bill in the Diet is proposed by Prime Minister's Office. 2. Your prompt comment is requested. 1 Incl: Partial Amendment to Local Tax Law

C. W.

P & P DIV

PMW

Part Annual Lowell Tax Law

WPM/LMM/MS/HCB/cpirk
H.C. Bradshaw DT-3000
Date: 5 May 1949

2. From: ESS To: Govt Section

Recommend approval.

1 Incl:
w/d

- - - - - - - - - - - - - - - - - - N. F. M. - - - - - - - - - - - - - - - - - -

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Maj. Harris
26-6076

Note No.	From: Govt Sec To: LS Date: 2 May 1949
1.	1. Immediate introduction of the attached revised draft bill in the Diet is proposed by Prime Minister's Office. 2. Your prompt comment is requested. 1 Incl: Partial Amendment to Local Tax Law

C. W.

P & P DIV

Subject: "Partial Amendment to Local Tax Law"

From: LS To: GS A.C.OPPLEE-2635-582
Date: 11 May 1949

2. 1. Reference is made to the conference held between representatives of GS, NSS, and LS on Subsection III, Coercive Collection, and particularly on Article 45-6 of the bill to which constitutional objections were made in previous Check Sheet.

2. On the basis of an agreement reached between the three Sections concerned, the matter has been discussed by Legal Section with the Legislative Counsel of both Houses of the Diet and it was suggested that the need for the specific provisions regarding coercive collection as contained in Articles 45-2 through 45-35 of the bill be reconsidered. Apart from the constitutional issue involved, considerable doubt was expressed on the widdom of conferring on the local tax collectors, the excessive powers provided in the bill. It was pointed out that the mere reference to the collection procedure with regard to national taxation, as made in Article 24 of the Local Tax Law now in force, would appear preferable to the specific enumeration of the various phases of coercive tax collection, as proposed in the present bill. The Counsel, while agreeable to the arguments advanced, were not in a position to give the reasons for these detailed provisions. They promised, however, to invite the attention of the Committees in charge of the bill to the problems involved and to the possible solution suggested by this Headquarters.

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Incl: n/c - - - - - - - - - - - - - - - - - - C.R.L. - - - - - - - - - - - - - - - - - -

GOVERNMENT SECTION
Buck Slip

2 May 1949

From: P + P Div.
No: INITIAL DATE

CHIEF..... .....
EX OFF..... .....
Deputy Chief..... .....
Maj Rizzo..... .....
Chief Adm Div..... .....
Statistics & Review Br.....
Civil Service Div.... .....
Parl & Pol Div..... .....
Public Adm Div..... .....
Public Aff Div..... .....
File..... .....
Chief Clerk..... .....
Personnel Clerk..... .....

FOR:

INFORMATION
NECESSARY ACTION
ACTION (Prepare Reply)
APPROVAL
SIGNATURE
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CONSENT OR CONCUR.
RETAIN
RETURN
FILE
BURN

Partial Amend Rec'd Leg Rev

cs: LS
ESS
GS/Hauge

DRAFT OF LAW

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

April 15 1949

1. CLCO Number: 125

2. Name of Law: Bill for Partial Amendment to the Local Tax Law.

3. Competent Ministry: Prime Minister's Office

4. Date of Cabinet Approval: 12/Apr.

5. SCAP Section concerned:

Internal Revenue, E.S.S.
Mr. Bradshow.

6. Remarks: (Reference:)
References are attached herewith.
.....
Local Autonomy Law (Law No. 67 Apr. 17, 47)
.....
.....
.....

7. G.S Reviewers: GS - Ex O

8. Date of G.S. Approval: LS

9. G.S. Member Responsible: ESS

GS - PAD

Legal GS 4/15/49
Second Draft - 5/2/49

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Major Harris - Clearance is required on the following amendments consisted of the points cleared over telephone. None of other points are included.

House of Representatives

May 21, 1949. Shima

AMENDMENTS TO THE BILL FOR PARTIAL AMENDMENT TO

THE LOCAL TAX LAW.

(Standing Committee for Local Administration)

A part of the Bill for Partial Amendment to the Local Tax Law shall be amended as follows.

(1) The provisions amending the contents shall be deleted.

(2) The provisions amending Article 24 shall be amended as follows:

In Article 24, Paragraph 1, "the governor of the Do, or urban or rural prefecture or" and "the mayor of city, town and village or", and in Paragraph 4 of the same Article, "the mayor of city, town and village" shall be deleted.

(3) The provisions amending Article 43 shall be amended as follows.

In Article 43, "Article 32" shall read "Article 32 and 33."

(4) The amended provisions to be added next to Art.45 as Subsection III (Art.45-2 to Art.45-35) shall be deleted.

(5) The provisions amending Art. 75 shall be deleted.

OK
BARON (ESS)
HAUGE (ES)
RAH

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(6) The provisions amending Article 76 shall be deleted.

(7) In Supplementary Provisions, Paragraph 1, the proviso shall be deleted.

(8) In Supplementary Provisions, Paragraph 2, the proviso, "the amended regulations concerning the admission tax and the surtax on admission tax, from June 1, 1949" shall be deleted.

(9) In Supplementary Provisions, Paragraph 5, "and the admission tax and the surtax on admission tax till May 31, 1949" shall be deleted.

delete

CN

HOUSE OF COUNCILLORS

Sun. May 22nd, 1949.

Partial Amendment to
the Bill for Partial Amendment
to the Local Tax Law

Proposed by:

OKAMOTO, Aisuke (Ryoku)
YOSHIKAWA, Suejiro (Soc.)
SHIMAMURA, Gunji (Ryoku)
SAIGO, Kichinosuke (")
KASHIWAGI, Kuraji (")
MACHIMURA, Hirotaka (")

The following shall be added after the provisions amending Art. 71:

In Art. 76 Proviso, following "however" shall be added "those who enter exhibitions or the other places of this kind or".

(Provisions of Art. 75 and 76 have been deleted by the amendment of House of Representatives)

OK - RA
5/23/49

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section
Public Affairs Division

(24)

22 April 1949

MEMORANDUM FOR: Parliamentary and Political Division

THROUGH : Deputy Chief, Government Section
Executive Officer

SUBJECT : Comment concerning Draft Bill for Partial Amendment to the Local Tax Law

1. Article 45-6 of the subject draft bill would permit tax officials, without judicial sanction, to enter and seize private property and to "take any necessary measures" to dispose of seized property. This provision contravenes Article 35 of the Constitution which forbids search and seizure "except upon a warrant issued for adequate cause and particularly describing the place to be visited and things to be seized...."

2. Article 45-33 provides that "necessary matters concerning coercive collection [of taxes] shall be provided for in Cabinet Orders or Ordinances." By means of this almost unlimited grant of authority an irresponsible government could impose dangerously oppressive measures. Moreover, it represents an unwarranted violation of the autonomy of local public entities.

3. The spirit if not the letter of the Constitution is violated by Article 126-2, paragraph 6, which permits revision of taxes by means of Cabinet Order.

4. Several other provisions of the bill are so broadly stated that they could be mis-applied to the detriment of local public entities. Since, however, the entire tax structure is currently under study, pending revision to effect a reasonable division of revenue sources and responsibility for tax collection between the national and local governments, it is not advisable to delay clearance of the bill to permit extensive redrafting. It is imperative, however, that at least those provisions of the draft bill noted in paragraphs 1, 2, and 3 be revised prior to submission to the Diet.

Osborne Hauge
OSBORNE HAUGE
Chief, Public Affairs Division

Don't clear the bill. JW

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GOVERNMENT SECTION
Buck Slip

4-18-1949

From: Pare, & Retail Div

No:		INITIAL	DATE
	CHIEF		
✓	EX OFF		
	Deputy Chief		
	Maj Rizzo		
	Chief Adm Div		
	Statistics & Review Br		
	Civil Service Div		
	Parl & Pol Div		
	Public Adm Div		
	Public Aff Div		
	File		
	Chief Clerk		
	Personnel Clerk		

FOR:

- ___ INFORMATION
- ___ NECESSARY-ACTION
- ___ ACTION (Prepare Reply)
- ___ APPROVAL
- ___ SIGNATURE
- ___ INITIAL
- ___ COMMENT OR CONCUR.
- ___ RETAIN
- ___ RETURN
- ___ FILE
- ___ BURN

CS: LS
ESS
GS/PAD

Subject: Draft Legislation

Major Harris

From: Govt Sec   To: ESS   Date: 15 April 1949

1 1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office.

2. Your prompt comment is requested.

1 Incl:
Amendment to Local Tax Law

C. W.

LHM/HS/dm
H. Shavell 57-3613

From: ESS   To: Govt Sec   Date: 19 April 1949

2 Recommend approval.

1 Incl:
w/drawn

- G. F. M. - - - - - - - - - -

Recd GS 4/23/49

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CW/JM/JW/RAT/vla

(Do not remove from attached sheet)

Subject: Draft Legislation

Major Harris
26-6076

Note No.	From: Govt Sec To: LS Date: 15 April 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office. 2. Your prompt comment is requested. 1 Incl: Amendment to Local Tax Law C. W.

P&P Div

Subject: Amendment to Local Tax Law

R.T.Brunckhorst; 2635-420

From: IS To: Govt Sec. Date: 21 April 1949

2. 1. Legal Section objects to introduction of the attached draft bill in the Diet in its present form, for the following reasons:

a. Article 45-6 is unconstitutional, in that it permits taxation officials in contemplating seizure of property of a delinquent taxpayer, to enter a dwelling house, storehouse, etc. and unlock or open any property or take "any necessary measures in disposal of such property." The tax official can even take these measures in regard to property occupied by a third person. Article 35 of the Constitution protects all persons against entry, searches or seizures in their homes, papers and effects except upon a judicial warrant beforehand for adequate cause, describing the place to be searched and the things to be seized. Article 35 of the Constitution does not restrict this protection to criminal proceedings and is fully applicable to this case.

b. Article 45-15-2 does not set a standard as to how the seized objects may be sold and consequently is objectionable.

RB
DO

Reed GS 4/21/49

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Draft Legislation (Cont'd)

2 (Contd) c. Article 45-22 interferes with the procedure of the court and is thereby objectionable. It must be left to the court whether or not execution should be suspended.

d. Article 45-24-3 is too vague in the terminology "If necessary owing to public interest."

e. Article 45-33 gives the Cabinet excessive authorization unguided by standards.

f. Article 75-2-3 is too vague. The term "other places" should be more clearly defined.

g. In Article 75-4-4, the term "other facilities" should be more clearly defined.

h. Article 126-2-6 empowers the Cabinet to widen the scope of criminal offenses, which is contrary to the spirit of the Constitution.

1 Incl:
n/c

- C.R.L.- - - - - - - - - - - - - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CW/JW/JW/MAH/vla

(Do not remove from attached sheet)

Subject: Draft Legislation

Major Harris
26-6076

Note No.	From: Govt Sec To: LS Date: 22 April 1949
1.	1. Immediate introduction of the attached revised draft bill in the Diet is proposed by Finance Ministry. 2. Your prompt comment is requested. 1 Incl: Amendments to Local Finance Law

C. W.

P&P

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4/28

Audit & Local Finance Laws

~~For Min~~ P.M. Off

From: LS To: GS A.C.OPPLER-2635-582
Date: 2 May 1949

2. The revised draft essentially meets the objections raised on previous check sheet.

Incl: n/c

- C.R.L. - - - - - - - - - - - - - - - - - -

5/5/49

Rec'd GS

9

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CW/JN/JW/RAH/vls

(Do not remove from attached sheet)

Subject: Draft Legislation

Major Harris
26-6076

Note No. 1.

From: Govt Sec To: CTS Date: 28 April 1949

1. Immediate introduction of the attached revised draft bill in the Diet is proposed by ~~Finance Ministry.~~ PMO

2. Your prompt comment is requested.

1 Incl:
Amendments to Local Finance Law

C. W.

Note No. 2.

From: CTS To: Govt Sec

Mr. Silver, 26-6002
Date: 4 May 1949

Since the interests of CTS are not materially involved in or affected by the subject legislation, the Chief of CTS refrains from comment.

1 Incl:
w/d

H. T. M.

9

8375

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CW/JN/BM/RAH/vls

(Do not remove from attached sheet)

Subject: Draft Legislation

Major Harris
26-6076

Note No.	From: Govt Sec To: ESS Date: 23 April 1949
1.	1. Immediate introduction of the attached revised draft bill in the Diet is proposed by Finance Ministry. 2. Your prompt comment is requested. 1 Incl: Amendments to Local Finance Law C. W.

P&P

4/28

Amend to Local Finance Law

~~Fin Min~~ P M FF

010(28 Apr 49)ESS/FIN

From: ESS To: GS

WFH/~~[illegible]~~/~~[illegible]~~/~~[illegible]~~/~~[illegible]~~/~~[illegible]~~
Mr. Baron, 57-8806
Date: 29 April 1949

2. No objection is made to introduction in the Diet of the proposed revised Amendments to Local Finance Law.

1 Incl
a/e

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

4/29

Recd GS

9

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T CW/JN/JW/RAH/vls

(Do not remove from attached sheet)

Subject: Draft Legislation

Major Harris
26-6076

Note No.	From: Govt Sec To: PH&W Date: 28 April 1949
1.	1. Immediate introduction of the attached revised draft bill in the Diet is proposed by Finance Ministry. 2. Your prompt comment is requested. 1 Incl: Amendments to Local Finance Law C. W.
2.	Col. Mollohan 26-6993 From: PH&W To: Govt Sec Date: 29 April 1949 1. PH&W Section concurs in the proposed amendments to Articles 6 and 13 of draft of amendments to attached Law for Partial Amendments to Local Finance Law and Other Laws. 2. PH&W does not concur in Article 17 of the attached draft. See Check Note no. 2 of Check Sheet PH&W to Govt Sec 21 April 1949. 1 Incl: w/d C.F.S.

9

GOVERNMENT SECTION
Buck Slip

4-28-1949

From: P-P
No: INITIAL DATE

CHIEF..... .....
EX OFF..... .....
Deputy Chief..... .....
Maj Rizzo..... .....
Chief Adm Div..... .....
Statistics & Review Br.....
Civil Service Div.... .....
Parl & Pol Div..... .....
Public Adm Div..... .....
Public Aff Div..... .....
File..... .....
Chief Clerk..... .....
Personnel Clerk..... .....

FOR:

INFORMATION
NECESSARY ACTION
ACTION (Prepare Reply)
APPROVAL
SIGNATURE
INITIAL
CONSENT OR CONCUR.
RETAIN
RETURN
FILE
BURN

Consult Dept

CS: ESS
PH&W
CTS
LS
GS/CSD
GS/PAD

DRAFT OF LA

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

April 16 ,1949

1. CLCO Number: 138

2. Name of Law: Bill for Partial Amendments to the Local Finance Law and other laws.

3. Compatent Ministry: Prime Minister's Office

4. Date of Cabinet Approval: 15 /Apr.

5. SCAP Section concerned: Mr. Baron Public Finance E.S.S.

6. Remarks: (Reference:)
References are attached herewith.
.....
.....
.....
.....
.....

7. G.S Reviewers: Rec'd GS - 4/16/49

8. Date of G.S. Approval: CS &: ESS
LS
GS/CS
PH&W
CTS

9. G.S. Member Responsible:

9

GOVERNMENT SECTION
Buck Slip

4/28 1949

FROM: P & P Div

TO:	INITIAL	DATE
CHIEF		
EX OFF		
Deputy Chief		
Maj Rizzo		
Chief Adm Div		
Statistics & Review Br		
Civil Service Div		
Parl & Pol Div		
Public adm Div		
✓ Public Aff Div		
File		
Chief Clerk		
Personnel Clerk		

FOR:

- INFORMATION
- NECESSARY ACTION
- ACTION (Prepare Reply)
- APPROVAL
- SIGNATURE
- INITIAL
- ✓ COMMENT OR CONCUR.
- RETAIN
- RETURN
- FILE
- BURN

Amend. Local Finance Law

No objection to submission to Diet. However, something will have to be done soon to clarify this whole muddled local finance situation. OH

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No. | From: Govt Sec To: PH&W Date: 16 April 1949

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by **Prime Minister's Office.**

2. Your prompt comment is requested.

1 Incl:
Partial Amend. to Local Finance Law and Other Laws

C. W.

Col. Mollohan 26 6993
21 Apr 1949

2 **From: PHW To: GS**

1. PH&W Section concurs in Articles 1 to 16 inclusive of the attached draft of "Law for Partial Amendments to Local Finance Law and other Laws".

2. Article 17 (Law for Partial Amendment to Pharmaceutical Law) is not concurred in. It is believed that fees for licensing of pharmacies and sellers of drugs should be continued as provided for in the present Pharmaceutical Law and the enforcement regulations pertaining thereto not only as a source of funds for the financing of the licensing services but as a means of exercising better control over the practice of pharmacy and the sale and distribution of drugs and as a means of protecting the health of the Japanese people as well.

1 Incl
w/d

Rec'd GS 4/22/49

-O. F. S.-

9

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No.	From: Govt Sec To: ESS Date: 16 April 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office. 2. Your prompt comment is requested. 1 Incl: Partial Amend. to Local Finance Law and Other Laws C. W.

P & P DIV.

9

4/4

Andrews Local Fin Tax & other

F. M. B.

O10(16 Apr 49)ESS/FIN

WTK/MMB/MMB/STB/mm
Mr. Burton, 57-8806

From: ESS To: GS

Date: 22 April 1949

2. The proposed bill is being withdrawn for revision by the Local Finance Committee of the Prime Minister's Office. This section has been informed that the revised draft will be presented to GS on 23 April 1949.

1 Incl
n/c

- W.F.B. - - - - - - - - - -

Said GS 4/13/49

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

CW/JW/JW/CFG/vs

Subject: Draft Legislation

Capt. Guida
26-6076

Note No.	From: Govt Sec To: LS Date: 16 April 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office. 2. Your prompt comment is requested. 1 Incl: Partial Amend. to Local Finance Law and Other Laws

C. W.

P & P DIV.

4/6

Amdmt of Local Finance Law
+ others

P.M. off

From: LS To: G3 A.C. OPPIER-2635-582
Date: 21 April 1949

2. 1. Legal Section objects to the following provisions of the proposed amendment:

a. Art. 2. The Riparian Law provides in Art. 27 that the expenses of certain works shall be borne by the national treasury, but authorizes the Cabinet to impose "part of such expenses" to urban and rural prefectures. The mode of apportionment of the expenses should be established by law, or if that is not possible, the law should at least contain standards for the guidance of the Cabinet's discretion.

b. Art. 28 of the same law provides that when the prefectures bear part of the expenses they cannot claim refunds "even though expenses of work prove less than budget upon settlement of account". Since according to information from ESS the purpose of this provision is to exclude claims for refund of insignificant amounts, this should be clearly expressed in the law by providing a maximum amount up to which refunds are not required. The danger of omitting such maximum amount is obvious.

9

2.
(Cont'd)

c. The objection made in a above applies likewise to the newly added Art. 6-2 of the City Planning Law.

d. Art. 9. The same objection applies to Art. 35 of the Road Law.

Incl: n/c

- C.R.L. - - - - - - - - - - - - - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No. | From: Govt Sec To: CTS Date: 16 April 1949

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office.

2. Your prompt comment is requested.

1 Incl:
Partial Amend. to Local
Finance Law and Other Laws

C. W.

Mr. Silver, 26-6002

From: CTS To: Govt Sec Date: 21 April 1949

2. Since the interests of CTS are not materially involved in or affected by the subject legislation, the Chief of CTS refrains from comment.

1 Incl:
w/d

H. T. M.

Rec'd GS 4/22/49
CB

9

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JR/JW/CFO/vs

Subject: Draft Legislation

Capt. Guida
26-6076

Note No.	From: Govt Sec To: LS Date: 13 May 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by ~~the House of Representatives.~~ P. M. Ff. 2. Your prompt comment is requested. 1 Incl: Amendments to Bill to Amend Part of Law Relating to Prohibition of Private Monopolization, etc.

C. W.

P & P DIV

8

5/13

Amdmt of Law re: Prohibition of Private monopolization and Methods of Preserving Fair Trade

P. M. Off

From: LS To: GS R.B.APPLETON-2635-479
Date: 16 May 1949

2. Reference is made to Check Note dated 26 April 1949 concerning the original version of subject bill. The same comments are applicable to this proposed revision, to which no legal objection is made.

Incl: n/c

- C.R.L. - - - - - - - - - - - - - - - -

8

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida
26-6076

Note No.	From: Govt Sec To: ESS Date: 13 May 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives. 2. Your prompt comment is requested. 1 Incl: Amendments to Bill to Amend Part of Law Relating to Prohibition of Private Monopolization, etc.

C. W.

P & P DIV

5/13

File in PM 77

Amdmt of law re: Prohibition of private monopolization and methods of Fair trade

HR

WRM/ECW/EMG/LWS/ld
L. N. Salwin 26-6671

From: ESS To: GS Date: 16 May 1949

2. ESS offers no objection to attached legislation.

1 Incl
n/c

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

8

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

CW/JM/JW/CFG/vs

Subject: Draft Legislation

Note No.	From: Govt Sec To: LS Date: 16 April 1949
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Prime Minister's Office. 2. Your prompt comment is requested. 1 Incl: Prohibition of Private Monopolisation and Methods of Preserving Fair Trade

C. W.

P & P DIV

(8)

4/16

Prohibition of private monopolization
etc

P.M. 8/

From: LS To: GS R.B. APPLETON-2635-582
Date: 26 April 1949

2. 1. Necessarily hasty review reveals no obvious constitutional or fundamental legal objections to the introduction of subject bill.

2. No opinion is expressed concerning the policy behind the bill, which is a matter of primary concern to ESS/Antitrust & Cartels.

Incl:
n/c

- G.R.L. - - - - - - - - - - - - -