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

3 March 1951

MEMORANDUM TO PARLIAMENTARY AND POLITICAL DIVISION

SUBJECT : Bill of Ministry of Fisheries Establishment Law.

1. No objection, provided that language is inserted in Chapter I, General Provisions, to the effect that the definition of the functions of the new ministry under this bill shall not by itself constitute an abrogation of the present powers and authority of local governments as set forth in existing laws and ordinances.

2. It is difficult to determine in the list set forth in Article 4 of 38 powers assigned to the new ministry, whether or not there is impingement on local government authority, and if so whether on the basis of this establishment law the ministry may not abrogate such authority through subsequent ordinance. It would seem advisable to indicate clearly that legislative intent at this time as represented by the bill does not contemplate such an effect.

NICKOLAS COTTRELL

6 mar 51

Returned no obj.

(Obtain 5 mar
establishment no
effect on detailed
powers of
existing legis)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

2 March 1951

MEMORANDUM FOR THE RECORD

SUBJECT: Proposed Amendments of the Bill for Partial Amendment of the Law for Special Regulations Concerning Educational Public Service

The undersigned met with Messrs Oka, Imamura and Makieda, all members of the Central Executive Committee of the Japan Teachers Union. The proposed amendments mentioned above are by the Green Breeze Society of the Upper House and concern, with respect to the interests of the Japan Teachers Union, the formation of organizations to negotiate with competent authorities of the prefectural level about compensation, duty hours, and other matters concerning working conditions. The Green Breeze proposal would allow such prefectural negotiations for a period up to 31 October 1952. Thereafter such negotiations would be eliminated in ~~cases~~ favors of negotiations on a local body basis.

The Japan Teachers Union contends that since compensation and other matters lie within the authority of prefectural authorities, it would be meaningless for them, after a certain period of time, to be denied negotiations on a prefectural basis. It is their feeling that such a provision is aimed at breaking down the organization of the Japan Teachers into small town and village units in order to control the power of the Japan Teachers as a whole and to place the small units under local political pressures. They earnestly request that they be allowed to form teachers organizations on a prefectural basis although the local Public Service Law allows them to form prefectural organizations made up of the small town and village units. This latter provision, however, defeats their purpose because they will probably not be able to consolidate town and village units into any sort of unified organization.

The undersigned advised them that Civil Service Division understands their position but did not feel that the situation concerned higher headquarters policy to the extent that CSD could withhold clearance of the Green Breeze proposals. The undersigned proposed that the Japan Teachers Union use every means to acquaint all parties concerned with the intent or possible effects of the Green Breeze proposals and secure Diet support of its own views, at the same time promising that full study of the Green Breeze proposals would be made when presented to this division.

JOHN SATO
Civil Service Division

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GOVERNMENT SECTION

27 January 1951

MEMORANDUM FOR: Parliamentary & Political Division

SUBJECT : Public Affairs Clearance of H.R. Bill Draft 16 Jan 51 "Bill Concerning Disaster Rehabilitation in the Districts of Ground Deformation Caused by the Nankai Earthquake"

1. Civil Affairs Section reports that information from their field offices indicates that generally enough money from the national government is being allocated to the seven prefectures where damage occurred but there is considerable question as to whether the funds are well administered. However, practically the area will benefit from expenditure of additional funds. Civil Affairs does not believe that the committee organization was proposed is necessary.

2. Public Affairs Division, regardless of the merits of the bill, feels that there is no jeopardy to basic occupation objectives and that the matter is one for Diet determination. No objections are interposed.

NICKOLAS COTTRELL
Chief, Local Government Branch

GOVERNMENT SECTION

26 January 1951

MEMORANDUM FOR THE RECORD

SUBJECT: Bill for Establishment of National Committee to Aid Rehabilitation from the Nankai Earthquake

1. Mr. Suzuki, LAA, stated that while there is practically no great harm in administering the reconstruction program through a committee essentially directed by the national government, he felt that the problems were ones that should be decided at the prefectural level with inter-prefectural working groups whenever problems extended over ken boundaries.

2. Mr. ~~Nicolas~~, Kanto CAR, has heard that the damage from the Nankai earthquake extended over Wakayama, Okayama, Hiroshima, some areas in Kyushu and four prefectures, Shikoku. Rehabilitation had not been completed in the six years since the earthquake when Jane typhoon and tidal wave last year caused further extensive damage. It is rumored that a group of contractors in Kochi Ken are behind the plan.

3. Mr. Porter, CA, after checking with his regional offices reported that main support for the bill comes from Kochi Ken, the home district of Premier Yoshida who will head the committee. Local feeling is that national help is insufficient in amount and is not being dispensed rapidly enough. CA does not think that the elaborate committee organization is justified and that there has been considerable inefficiency in use of reconstruction funds.

4. GS has cleared the bill. There does not appear to be any basic occupation objectives involved as the national government participation in emergency projects extending over several prefectures has precedent. The ultimate decision as to whether the project has merit should be made by the Diet.

NICKOLAS COTTRELL

NC/gb

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

MEMORANDUM FOR THE RECORD 23 January 1951

SUBJECT: CIE Inquiry re Discrimination Between Old and New System Universities

An explanation of the fact that new system university graduates are allocated to enter the service at Grade 5, Steps 1-3, while old system graduates enter at Grade 6, was requested by Dr Loomis of CIE. The request was apparently motivated, in part, by the recent protests against the alleged discrimination by student groups, university faculty associations and others. (Previously reported - Sato).

A conference with Messrs Miyaji, two men from Compensation Hearings Section, Speicher, Tindale and Sato was immediately arranged wherein it was established that:

1. The differentiation is made necessary by pay legislation;

2. There is, in a majority of cases, one more year of schooling under the old system;

3. Public opinion and private firms believe that old system graduates are more able.

The solution arrived at (and the answer given by Mr Tindale to Dr Loomis) comprised the following:

1. As an interim measure, identical examinations will be given to both groups together in August 1951, the next Grade 5-6 examination. Although the distinction as to terms of entrance will be maintained, the ratio of success for the two groups should prove to be of interest.

2. When the classification system is put into effect next year, the problem will automatically cease to exist, as both groups will be treated identically.

3. The problem may be solved even earlier if pay legislation, being prepared by NPA, is acted upon by the Diet. NPA favors the abolition of the distinction, and has for some time.

4. The possibility of eliminating the limitation of specifying Grade 5, Steps 1-3 and instead permiting the eligible to enter at the highest step of Grade 5 - a process which can be initiated by NPA rule - was considered but rejected. Reasons: NPA Compensation men believe that so long as the law provides for the distinction, the distinction should be maintained in pay, and, however slight, the pay distinction and grade distinction still remain.

JOHN SATO
Examination Branch

NATIONAL PERSONNEL AUTHORITY - ANNUAL REPORT TO THE DIET - 1950

EXAMINATION OF NATIONAL PUBLIC EMPLOYEES

With a view to selecting national public employees in a democratic manner along with the spirit of the National Public Service Law and, also, in order to improve the efficiency in the government service, the National Personnel Authority had been administering entrance examinations since last year for government service on a nation-wide scale.

Beginning with the appointive examination for higher level government positions in January, ten entrance examinations had been administered during the year under review; i.e. the entrance examination for grade 4, 5 and 6 positions; the entrance examination for diplomats, consuls and chancellors of the Ministry for Foreign Affairs; and the entrance examination for police-men and Imperial guards. There were eight other examinations administered by designated examining bodies, thus making a total of 18 examinations for the year.

These examinations, unlike those in the past which had been intended to test the so-called academic knowledges, were designed to test the ability of discharging duties involved. A rational and objective examination method developed in democratic countries was adopted as the examination method.

Appointive Examination for Higher-Level Government Positions

On January 15, 20, 21 and 22, 1950, the National Personnel Authority administered an open and competitive examination for appointment to 2,464 higher-level government positions at 14 places in the country.

This examination is provided for in Article 9 of the Supplementary Provisions of the National Public Service Law. Ever since the establishment of the said article in October 1947, the National Personnel Authority had continued a careful study on the examination program and, on November 12, 1949, designated government positions subject to the examination, beginning to accept applications for the examination on November 21. By the deadline date of December 24, 1949, the total number of applicants by occupation showed as many as 12,206, actually representing 8,076 applicants. Having been screened off through the rating of qualifications for examination, 7,815 were given admission cards. The total number of persons examined throughout the examination represented 15,777.

Physical examination was administered in June, 1950 for the civilian applicants who had passed both the rating of qualifications for appointment to designated positions and the written examination. In order to be fair, close and careful attention was paid to career investigation and personality evaluation, mobilizing 102 investigators exclusively engaged in such work and using 26,905 sheets of special investigation cards prepared for the purpose.

The supplementary examinati n was administered on May 27 and 28 and June 10, 1950 at three places - Tokyo, Osaka and Sendai.

As a result of the written and physical examinations, personality evaluation and rating of qualifications for appointment to designated positions, 8,489 in all were selected as successful candidates and registered on the employment eligible lists under each category of occupation.

The final result of the examination analyzed under 60 occupations and the actual conditions of appointments to designated positions as of December 31 are shown respectively in the appended tables (1) and (2).

Entrance Examination for National Public Service

Entrance Examination for Grade 6 and Grade 6 Positions

The National Personnel Authority, after having conducted a survey on the need for employees of grades 5 and 6 by various ministries and agencies of government for the fiscal year 1951-1952, administered a written examination in general culture and specialized knowledge on public administration, on August 25 and 26, 1950 at 15 places in the country. Physical examination and oral tests were given from October 5 to 10 of the same year at eight places where the regional offices of the National Personnel Authority are located.

This was the third examination since the National Personnel Authority had undertaken the task of administering entrance examinations for public service.

As in the previous examinations, positions were broadly divided into two categories of administrative and professional. Three new occupations of physics, shipbuilding and sericulture were added to professional positions, thus making a total of 22 from 19 for that category.

As regards qualifications for taking examination, measures were taken, along with the line of the spirit of the National Public Service Law, to widely open the door to examination sothat the persons with a low school career, such as the graduates of middle schools under the old system might be able to sit at an examination long after their graduation.

The applicants for the examination were as many as 24,621, broken down as follows:

Appended Table (1)

Return of the Result of Examination Under Article 9 of the Supplementary Provisions of the Law

(As of 10 July 1950)

Occupations	Positions (as of 31 Aug 51)	Candidates of Written Exam.	Successful Candidates Written Exam.	Candidates Screened Off					Successful Candidates
				A	B	C	D	Total	
1. General Administration	257	2,004	1,751	253	59	49	3	364	1,640
2. Pension	3	6	5	1				1	5
3. Correction and Rehabilitation	37	49	39	10	1	1		12	37
4. Printing and Minting Management	6	11	11		2			2	9
5. Meteorology	2	10	9	1	1			2	8
6. Surveying	15	17	13	4	1			5	12
7. Narcotic Control	1	1	1						1
8. Veterinary	3	8	7	1	1			2	6
9. Horse Racing	4	8	7	1				1	7
10. Sericulture	4	30	26	4	6			10	20
11. Hunting Inspection	1	2	2			1		1	1
12. Industrial Technology	11	114	101	13	9	5		27	87
13. Patents	3	12	11	1	4	1		6	6
14. Postal Service	141	614	472	142	30	17		189	425
15. Economic Inspection	78	257	232	25	57	3		85	172
16. General Affairs	116	496	385	111	46	6		163	333
17. Personnel	95	329	272	57	23	2		82	247
18. Statistics	39	77	64	13	5	2		20	57
19. Budgeting and Accounting	91	344	256	88	20	6		114	
20. Finance and Economics	198	761	621	140	62	11		213	548
21. Taxation	68	193	162	31	10	2		43	150
22. Law	85	78	63	15	5	2		22	56
23. Foreign Affairs	26	167	129	38	2	2		42	125
24. Education	25	194	139	55	32	3	2	92	102
25. Land Transportation	41	239	198	41	4	2		47	192
26. Marine Transportation	70	277	223	54	21			75	202

27.	Public Health	18	50	41	9	1	1	11	11	39
28.	Medical Affairs	17	32	27	5				5	27
29.	Pharmaceutical Affairs	7	15	13	2		2		4	11
30.	Nursing	1	2		2				2	0
31.	Health and Welfare Statistics	4	4	2	2				2	2
32.	Social Insurance	6	11	8	3	1			4	7
33.	Social Welfare	14	34	25	9	3			12	22
34.	Agricultural Economy	111	556	440	116	17	4		137	419
35.	Agriculture	53	177	127	50	16	7		73	104
36.	Agricultural Engineering	12	100	81	19		1		20	80
37.	Agricultural Chemistry	3	42	34	8	5	2		15	27
38.	Forestry	52	298	233	65	5	10		80	218
39.	Animal Husbandry	4	26	21	5	2			7	19
40.	Fisheries	8	65	43	22	1	1		24	41
41.	Labor	92	298	238	60	25	8		93	205
42.	Telecommunication Management	119	727	546	181	45	6		232	495
43.	Business Specialist, Economics	93	514	417	97	21	16		134	380
44.	Business Specialist, Mechanics	10	139	113	26	9	4		39	100
45.	Business Specialist, Electric Mechanics	1	17	10	7		2		9	8
46.	Business Specialist, Communication Machinery	3	19	13	6	1	3		10	9
47.	Business Specialist, Electric Power	14	113	99	14	4	1		19	94
48.	Business Specialist, Iron & Steel	4	50	42	8	5			13	37
49.	Business Specialist, Mining	23	217	185	32	1	6		39	178
50.	Business Specialist, Chemistry	13	113	93	20	7	4	1	32	81
51.	Business Specialist, Textile	10	75	60	15	7	3		25	50
52.	Business Specialist, Construction	18	188	152	36	9	4	1	50	138
53.	Civil Engineering	47	263	230	33	4	10	1	48	215

54.	Architecture	33	185	139	46	3	4		53	132
55.	Mechanics	16	108	86	22	7	3		32	76
56.	Electricity	4	45	36	9	1			10	35
57.	Mining	4	98	73	20	6	4		30	63
58.	Telecommunications Engineering	51	416	311	105	2	5	1	113	303
59.	Shipbuilding	17	88	74	14	3			17	71
60.	Police	105	133	125	8				8	125
101.	Combined Occupations	57	..	..	..	..	..	..	..	..
	Total	2,464	1,511	9,336	2,175	612	226		93,022	8,489

N.B. In the above table "A" indicates the number of candidates who failed in the written examination.
"B" indicates the number of candidates screened off as unqualified for appointment.
"C" indicates the number of candidates screened off as unqualified for appointment, as a result of rating by means of the Special Investigation sheet.
"D" indicates number of candidates screened off as physically unfit.

Appended Table (2)

Table Showing Actual Condition of Appointments to Designated Government Positions

(As of December 31, 1950)

	Grade I	Grade II	Grade III	Grade IV	Total
Appointment from Incumbents:					
Number of employees appointed to original positions.....	29	108	(2) 234	(4) 1,460	(7) 1,831
Number of employees appointed from other grade within same ministry or agency.....	4	19	(3) 47	(9) 0	(11) (3) 70
Number of employees appointed from other Grade in other ministries and agencies....	0	(1) 3	(3) (1) 4	0	(3) 7
Number of employees appointed from same grade in other ministries and agencies....	0	0	(1) 1	(2) 35	(3) 36
New Appointment:			(1)	(1)	(2)
Number of employees appointed from the same ministry or agency.....	(1) 0	4	7	(12) 316	(13) 327
Number of employees appointed from other ministries or agencies.....	0	1	(1) 0	(8) 51	(9) 52
Number of employees appointed from other sources.....	1	(1) 0	0	(1) 17	(2) 18
Total number of Appointments:.....	(1) 34	(1) 135	(8) 293	(6) 1,879	(401) 2,341
		(1)	(7)	(31)	(15)
Number of designated positions:.....	26	139	318	1,955	2,448
Percentage of Appointment:.....	97.2%	98.6%	96.9%	97.8%	97.9%

Note: This table shows how the incumbents of the designated positions have been appointed as of 31 December 1950

The figure in ( ) indicates the number of employees appointed under the provisions of Paragraph 8 of the NPA Rule 8-11.

The Figure in 0 indicates the number of employees appointed under the provisions of Paragraph 11 of the NPA Rule 8-11

Examination Centers	Positions Grade 5	Grade 6	Total
Sapporo	330	421	751
Sendai	891	446	1,337
Akita	245	66	311
Tokyo	5,623	4,456	10,079
Nagano	554	90	644
Nagoya	1,289	485	1,774
Kanazawa	395	132	527
Osaka	1,597	858	2,455
Kyoto	753	664	1,417
Hiroshima	653	255	908
Matuse	231	51	282
Takamatsu	769	199	968
Fukuoka	1,291	787	2,078
Kumamoto	922	170	1,092
Grand Total	15,541	9,080	24,621

The number of successful candidates of the examinations who have been registered in the employment eligible lists is 1,810 for the grade 5 (560 for administrative positions and 1,527 for professional positions) and 1,416 for the grade 6 (541 for administrative positions and 1,201 for professional positions). Some of them were already certified and appointed by ministries and agencies of government.

Entrance Examination for Grade 4 Positions

In the past, the appointment of grade 4 national public employees has been left to the discretion of each organ of the National Government and made, as a matter of expediency, to fill a vacancy as it had occurred.

With an eye to the establishment of a new recruitment system, public announcement was issued in November setting forth that the National Personnel Authority would administer en bloc an entrance examination for grade 4 national public employees whose appointment in the past had been considered only as a problem of filling vacancies. The forthcoming examination is for grade 4 national public employees (assistant clerks) who are expected to work at Hakodate, Asahikawa and Kushiro in addition to the seats of local government units. Applicants must be over full 18 but under 24 years of age, regardless of their educational background. In response to such announcement as many as 110,133 applied by the deadline on December 22, 1950. The examination is scheduled to be adm nistered in the middle of January 1951.

Entrance Examination for Diplomats, Consuls and Chancellors of the Ministry for Foreign Affairs

The application for the first entrance examination for diplomats, consuls and chancellors of the Ministry for Foreign Affairs was closed at the end of the previous year. On January 6 of this year, the forst examination was administered in Tokyo and at the places where the regional offices of the National Personnel Authority are located, the test covering such culture and knowledges as may be deemed necessary for foreign service. In February, 1950, the second examination (oral test and physical examination) was conducted in Tokyo.

In view of the nature of the duties of the positions the examination placed special emphasis on foreign languages. The number of applicants for the examination, the number of examinees and those successful of the first examination, the number of examinees of the second examination and the number of final successful candidates by foreign language are as follows:

Position	Applicants	Examinees of 1st Examin.	Successful Candidates of 1st Exam.	Examinees of 2nd Exam.	Final Successful Candidates
Diplomat and Consul	683	331	37	36	14
Chancellor	1,613	715	31	26	10

Language / Position	English	French	German	Russian	Chinese	Spanish	Portugese	Total
Diplomat and Consul	12	1	0	1	0	0	0	14
Chancellor	6	1	0	1	2	0	0	10

The successful candidates of the examination were registered in the employment eligible lists and certified on the requisition of the Ministry for Foreign affairs. To date, 17 have been appointed.

The first examination of the second entrance examinationfor the positions of diplomats, consuls and chancellors of the Ministry for Foreign Affairs was administered in December 1950 in Tokyo and the places where the regional offices of the National Personnel Authority are located. The second examination is scheduled to be held in January 1951.

The number of applicants for this examination and the number of the successful candidates of the first examination are as follows:

Position	Applicants	Examinees of 1st Exam.	Successful Candidates of 1st Exam.
Diplomat and Consul	625	378	56
Chancellor	1,084	611	53

Entrance Examination for Police Personnel and Imperial Guards

The successful candidates of the examination were registered in the employment eligible lists by prefecture and certified upon the requisition of the police authorities in the order of their examination scores.

The second, third and fourth entrance examinations were held for police personnel only. The second entrance examination was administered in May and June at 81 places all over the country (the second examination covering oral test and physical examination was administered at 30 places). The number of applicants for the examination, the number of examinees and the number of successful candidates were as follows:

Number of Applicants	Number of Examinees	Successful Candidates of 1st Examination	Number of Final Successful Candidates
21,286	15,432	1,224	726

The third entrance examination was administered in August and September at 91 places throughout the country (the second examination covering oral test and physical examination was given at 25 places). The number of applicants for the examination, the number of examinees and the number of successful candidates are as follows:

Number of Applicants	Number of Examinees	Successful Candidates of 1st Examination	Number of Final Successful Candidates
24,680	17,250	1,856	910

The fourth entrance examination was conducted in October and November at 83 places throughout the country (the second examination covering oral test and physical examination was held at 22 places). The number of applicants for the examination, the number of examinees and the number of successful candidates are as follows:

Number of Applicants	Number of Examinees	Number of Successful Candidates 1st Exam.	Number of Final Successful Candidates
11,410	6,569	1,612	796

The fifth entrance examination is scheduled to be held from the end of January to February 1951. Necessary preparations are now under way.

Examinations Conducted by Designated Agencies

By a designated agency is meant an agency other than the National Personnel Authority which is specially designated as an examining body by a resolution of the National Personnel Authority under the provisions of Article 48 of the National Public Service Law and the NPA Rule 7-3, and is decided after taking into consideration the budget and the staff strength of the National Personnel Authority as well as the peculiarity of the duties of positions to be covered by examination. Each of the designated agencies will be delegated the power by the National Personnel Authority, and subject to general supervision of the Director-General of the Authority, will administer examination on behalf of the Authority which is responsible for such examination.

During the year under review, the following eight entrance examinations were administered by the designated examining bodies:

Kind of Entrance Examination	Examining Body
Entrance Examination for national tax investigators	Tax Administration Agency
Entrance Examination for national tax collectors	〃
Entrance examination for taxation employees (for grade 2 and grade 3 taxation personnel)	〃
Entrance examination for general taxation employees	〃
First entrance examination for employees of the Maritime Safety Agency	Maritime Safety Agency
Entrance examination for labor standard inspectors	Ministry of Labor
Entrance examination for probational court clerks (for grades 5 and 6)	Supreme Court Secretariat
Entrance examination for juvenile delinquency investigators (grade 6)	〃

As to each of these examinations, the designated examining body was responsible for its administration, while the work relating to advertisement and acceptance of applications was conducted jointly by the designated examining body and the National Personnel Authority, while career investigation was made primarily by the National Personnel Authority. The Authority held itself responsible for determining final successful candidates and the preparation of the employment eligible lists which are kept at the Authority.

Entrance Examination for National Tax Investigators

The entrance examination for national tax investigators was an examination to select employees neded by tax administration bureaus and taxation offices throughout the country for various investigations concerning internal taxes as well as members of conference groups for national taxes. The written first examination was administered on 7 May 1950, and the second examination covering oral test and physical examination was conducted on 31 May and 1 June 1950 at 10 places in the country, respectively.

In view of the nature of the duties of the positions, the examination was given to those over full 30 but under 50 years of age, with experience of over three years in taxation business, finance, and economics or accounting. No limitation as to school career execpt for scholarship coordinate to graduates from college under the old system.

The number of applicants for the examination, the number of examinees and the number of successful candidates of the examination are as follows:

Applicants	Examinees for 1st Exam.	Successful Candidates - 1st Exam.	Examinees for 2nd Exam.	Final Successful Candidates
8,670	7,038	1,829	1,793	1,389

Entrance Examination for National Tax Collectors

This was an examination designed to select employees who are to be engaged in work relating to internal taxes. The written first examination was administered on 14 May and the second examination covering oral test and physical examination was conducted on 14 and 15 June 1950 at four places - Tokyo, Nagoya, Osak and Fukuoka.

As one of the qualifications for taking examination, applicants must be over 25 but under 40 years of age and must be graduates of the old system middle schools and high schools. The breakdown is as follows:

Applicants	Examinees for 1st Exam	Successful Candidates - 1st Exam.	Examinees for 2nd Exam.	Final Successful Candidates
8,758	5,849	1,147	1,116	871

Entrance Examination for Taxation Employees
(For Grade 2 and Grade 3 Taxation Personnel)

This was an entrance examination for employees to be engaged in business relating to assessment and collection of internal taxes. The written first examination was administered on 8 October and the second examination covering oral test and physical examination was conducted from 13 to 16 November 1950 at all places in the country where tax administration bureaus are located.

In view of the duties involved, positions were divided into two categories, A and B - A for general taxation business and B for assessment and collection of taxes. Another distinction was made as to scholarship; applicants for grade 2 were required to possess scholarship coordinate to graduates from old system high school or college, while those for grade 3 were required to possess scholarship comparable to graduates from an old system university. The figures concerning applicants for the examination, examinees and successful candidates are as follows:

	Applicants	Examinees of 1st Exam.	Successful Candidates 1st Exam.	Examinees of 2nd Exam.	Final Successful Candidates
A Grade 2	2,642	1,611	610	580	437
B Grade	1,884	1,231	581	533	422
A Grade 3	1,826	1,136	526	466	376
B Grade	1,209	847	397	364	307
Total	7,561	4,825	2,114	1,943	1,542

Entrance Examination for General Taxation Employees

This was an entrance examination for employees to be assigned to various tax administration bureaus or taxation offices throughout the country (limited for this time to those under the jurisdiction of the Nagoya, Osaka, Hiroshima and Fukuoka Tax Administration Bureaus) and to deal with transactions relating to the assessment and collection of internal taxes. The first examination was administered on 10 December 1950 at the places where the above-mentioned four tax administration bureaus are located for applicants who were over full 28 but under 35 years of age with scholarship coordinate to graduates from a middle school under the old system. The second examination will be conducted in the first part of January 1951. The number of applicants for the examination reached 4,406.

Entrance Examination for Employees of the Maritime Safety Agency

This was an entrance examination for second class maritime safety officers and below and their subsidiary staff. The written first examination was held on 8, 11, and 14 September 1950 and the second examination covering oral test and physical examination was conducted from 8 to 17 September of the same year at 13 places including Hakodate, Takamatsu and Kagoshima, plus the places where the regional headquarters of the Maritime Safety Agency are located.

In view of the peculiarity of the duties involved, a detailed list of qualifications for taking examination was provided for, such as, for instance, that, for senior safety officers, experience of at least three years at sea was required in lieu of the written examination, and in addition it was also prescribed that the applicants concerned could take the examination on any day at their convenience during the period set for the examination.

The number of applicants for the examination by position and the number of successful candidates are as follows:

Position	Number of Applicants	Number of Successful Candidates
2nd Class Maritime Safety Officer	112	16
3rd Class Maritime Safety Officer	282	91
1st Class Maritime Safety Warrant Officer	401	105
2nd Class Maritime Safety Warrant Officer	772	211
3rd Class Maritime Safety Warrant Officer	1,577	158
Subsidiary Staff (experience at sea required)	15,162	1,136
Subsidiary Staff (experience at sea not required)	22,651	376
Total	40,957	2,093

Entrance Examination for Labor Standards Inspectors

The written test of this examination was administered on 13 November 1950 and the second examination (oral test and physical examination) was conducted from 9 to 14 December of the same year at the places where the regional offices of the National Personnel Authority are located.

In view of the nature of the positions involved, specialized knowledge of matters relating to labor was required of the applicants for the examination, but no schooling was prescribed as a qualification except for scholarship coordinate to graduates from an old system college. The total number of applicants for the examination was 7,411, of which successful candidates of the first and second examinations were 317, and 236, respectively. The number of final successful candidates has not yet been out.

Entrance Examination for Probational Court Clerks (Grades 5 and 6)

This was an examination for persons who are expected to work at each court of law, performing subsidiary work to assist court clerks to insure smooth administration of court business. The written first examination was administered on 9 and 10 December 1950 at the places where the regional offices of the National Personnel Authority are located. The second examination is scheduled to take place in January 1951.

Of the qualifications for taking examination, school career was divided into two categories, i.e., scholarship coordinate to graduates from an old system college or high school for grade 5, and scholarship coordinate to

graduates from an old system university for grade 6. The number of applicants for the examination and the number of examinees are as follows:

Position	Number of Applicants	Number of Examinees of 1st Examination
Probational Court Clerk.....Grade 5	1,181	776
Probational Court Clerk.....Grade 6	631	438
Total	1,812	1,214

Entrance Examination for Probational Juvenile Delinquency Investigators (Grade 6)

This was an examination held to select employees to be assigned to family courts throughout the country to assist juvenile delinquency investigators. The first examination (written) was administered on 9 and 10 December 1950 at the places where the regional offices of the National Personnel Authority are located. The number of applicants for the first examination was 535, of which 347 actually took the examination. The second examination is scheduled to take place in January 1951. It was prescribed that the applicants for grade 6 must be graduates of an old-system university or those with coordinate scholarship.

CIVIL SERVICE DIVISION
Government Section

27 November 1950

MEMORANDUM FOR THE RECORD

SUBJECT: Talk re LPSL with Japan Teacher's Union

Vice-Chairman IMAMURA and Messrs. TSUJIHARA and OSHIKA of the JTU called on the Chief, CSD, this morning. Messrs. Salter and Sato also present.

A statement of JTU policy re LPSL was made:

1. Although the necessity of some political restrictions for local public employees is recognized, relaxation of the restrictions in the Government bill will be sought.

2. Guarantee of collective bargaining on an equal basis will be sought.

3. Authority for Personnel and Equity commissions to mediate or arbitrate in case of disagreements will be sought.

In connection with the above policy, it was asked whether CSD would oppose any revision bills presented to the Diet. Mr. Shirven's answer was that, in general, Occupational policy consisted, with certain exceptions, of allowing the democratic procedure of majority Diet votes to settle domestic issues.

Specifically, it was said that while the three points of JTU policy were regarded as matters for the Diet to decide, care should be exercised in the wording of a revision for point two.

The JTU representatives then cited cases of alleged misquotation of CSD thoughts and policies and suggested that all political parties be given a clear statement of CSD policy re LPSL. One statement attributed to a "high official of the Japanese Government" was denied and no statement policy was thought necessary since, among other things, agreement on the draft has already been reached.

Mr. IMAMURA reiterated his determination to call upon public opinion and fight in the Diet for their policy and, as urged by CSD, seek acceptance of their views by the majority.

In the course of further discussion, in the course of which references were made to collective bargaining as touched upon by General MacArthur's letter of July 1948 and Cabinet Order 201 and other official interpretations of the letter, it was found that misunderstandings existed as to the term "collective bargaining". "Collective bargaining on an equal basis" was defined as:

1. Compliance by management to all requests for negotiation by employee bodies except when legitimate cause for refusal,

as explained to the employee's satisfaction, is present, and

2. Compulsory observance of all items on which agreement is reached.

The JTU has apparently been under the impression that General MacArthur's letter allowed "restricted collective bargaining on an equal basis".

After thanking them for their call today, Mr. Shirven suggested to the three gentlemen that they call on Mr. Salter for further talks, particularly so that clear understanding may exist between us.

JOHN SATO
Examination Branch

JS:gb

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

12 June 1950

MEMORANDUM FOR: Mr. Rizzo

SUBJECT: Local Tax Bill

1. On 12 June, Minister Honda requested the undersigned to transmit the following to Mr. Rizzo. On Saturday, 10 June, Minister Honda called on Mr. Shavell, ESS, Internal Revenue. At the outset, Mr. Shavell asked Minister Honda why he had stated to the press that the Local Tax Bill would be revised.during the election campaign. Minister Honda told Mr. Shavell that on 17 May he returned from the Chugoku area and on the 18th of May, Mr. Sato, Secretary-General of the Liberal party, had asked him to say that the Local Tax bill would be revised. No explanation was given by Mr. Sato. On 19th May, Minister Honda went to Osaka to campaign for the Liberal party candidates. During his stay he was assigned the same room as Mr. Iwamoto, Vice-speaker of the House. Mr. Iwamoto asked him if he planned to make statements to the effect that the Local Tax bill would be revised. Minister Honda told Mr. Iwamoto that Mr. Sato had requested him to make such statements but that he was at the present time considering whether such a statement was justified. At this, Mr. Iwamoto stated that on 3 May, Mr. Shidehara, Speaker of the House of Representatives and Mr. Sato, President of the House of Councillors,had called on General MacArthur and during the course of their conversation, they were told that General MacArthur had not stated that the Local Tax bill could not be revised but he had already agreed to the revision of lowering the Added Value Tax from 4% to 3.5% and the lowering of 900 multiple to 800 for the Property Tax. He was warned that this interview was to be a complete secret but that he would be perfectly safe in stating to the press that the Local Tax bill would be revised. On the following day, Minister Honda left for Saga and in his interview with the press he stated that he thought the Local Tax bill could be revised but it would depend on the negotiations with GHQ. He reiterated to Mr. Shavell that the above reasons were the circumstances that led to his statement that the Local Tax bill would be revised. At the present time he plans to submit a complete revision of the Local Tax bill to ESS by the 15th, planning on a week's negotiations with ESS and three days for printing the revised bill. The Diet will be called into an emergency session on or about the 28th. It is expected that the Local Tax bill will be passed by the 15th of July.

M. MATSUKATA

GS Files

225

Cabinet Order for the Decision of the Scope of the Local Public Service Personnel in the Regular Public Service employed for Simple Labor (Draft)

In consequence of coming into force of the Local Public Service Law (Law No. 261 of 1950) and for the purpose of enforcing the same Law, the Cabinet establishes this Cabinet Order.

The personnel employed for simple labor provided for in paragraph 21 of Supplementary Provisions of the Local Public Service Law shall be construed to indicate those local public service personnel in the regular public service who engage in such jobs as are engaged by one of the following persons, however, experts, supervisors and those who take charge of administrative affairs shall be excluded:

(1) A ~~keeper~~ guard, waiter, servant, porter and odd-job man;

(2) A navvy, ~~survey helper~~, forester, farmer, herdsman, gardener and breeder;

(3) A cleaner, slaughterer and funeral helper;

(4) A disinfector and epidemic-prevent helper;

(5) A boatman and sailor;

(6) A cook, washerman and barber;

(7) A carpenter, pasterer, stone-mason, electric-worker, building reparative worker, plumber and frame worker;

(8) A telephone operator, elevator boy, driver, machinist and stoker;

(9) A blue-print maker, printer, binder, molder, weaver and spinner, sawer, wood-worker and iron-worker;

(10) A welder, painter, lathesman, finisher and reparative worker;

(11) Besides the persons enumenrated in the preceding items, those who are similar to such persons.

Supplementary Provisions

This Cabinet Order shall come into force as from February 13, 1961.

FoM 155

Bill

Law concerning Securing of the Standard Compulsory Education Expense

Rev

read 4/11

(Purpose of this Law)

Article 1. The purpose of this Law is, in view of the importance of the compulsory education, to strive for the realization of the equal opportunity of education and the equality of people's burden of educational expense, and to contribute to the maintenance and elevation of the ~~level~~ level of school education, by laying down the fundamental principles for calculation, gurantee, etc. of the standard compulsory education expense, until such time when the maintenance of the level of compulsory education is fully secured.

2. The method of calculating the financial need amount of a local public body concerning compulsory education expense of elementary schools, lower secondary schools, schools for the blind, and schools for the deaf, (hereinafter referred to as "compulsory education schools"), established by To, Do, Fu or prefecture, or city, town, or village (special ward and association of city, town, or village included: ~~the same is implied here-~~ the same inafter), and the carrying down of that amount calculated by the said method into the standard financial need amount provided for in the Local Finance Equalization Grant Law (Law No. ___ of 1950) shall be done in accordance with the provisions of this Law, despite the provision of the said Law.

(Securing of the Standard Compulsory Education Expense)

Article 2. Each To, Do, Fu or prefecture, or city, town, or village shall disburse, every fiscal year, the amount based upon the standard compulsory education expense at least, for the current expense of compulsory education schools which it established, except w[illegible] there occurred calamities and other inevitable circumsta[illegible].

3. The Minister of Education shall consult with the Local Finance Commission in advance, after hearing [redacted] the local public body concerned, when he intends to give the advice mentioned in the preceding paragraph.

4. In case To, Do, Fu or prefecture, or city, town, or village does not follow the advice mentioned in paragraph 2, the Local Finance Commission shall, in order, when demanded by the Minister of Education, the decrease or the refundment of the amount of local finance equalization grant of that local public body, after hearing the explanation by the local public body concerned, except when there exist such inevitable circumstances as calamities and others. The amount to be decreased or refunded, however, shall not exceed the amount neglected to be disbursed in violation of the provision of paragraph 1.

(Standard Compulsory Education Expense)

Article 3. "Standard compulsory education expense" in this Law shall mean the minimum current expense needed for the compulsory education in To, Do, Fu or prefecture, or city, town, or village, (the amount of share for pension and for mutual aid association included), and the amount of it shall be the amount, for each To, Do, Fu or prefecture, or city, town, or village, calculated by multiplying the standard unit cost prescribed in Article 4 by the number of the standard pupil units of the schools of compulsory education of that local public body, which is to be calculated in accordance with the provision of Article 5.

2. The minimum current expense under the preceding paragraph shall consist of salaries and other allowances of personnel engaged in compulsory education, other expenses (including local share for pensions and for mutual aid associations) needed for such personnel, and expenses for the maintenance and operation of the schools concerned with compulsory education, etc., but shall not include administrative expenses of boards of education and their secretariats, and expenses for the acquisition or construction of school lands, school buildings and other facilities similar to those of the schools concerned with compulsory education.

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under any of the following items, the number of pupils given in that items shall be regarded as the actual number of those schools, in the calculation of the number of the standard pupil units in accordance with the provision of the preceding paragraph.

1) A school whose actual number of pupils is less than 30 . . 30 pupils.

2) A school whose actual number of pupils is 31 or more, but less than 60 . . . . . , 60 pupils.

3) A school whose actual number of pupils is 61 or more, but less than 100 . . . . . 100 pupils.

3. The coefficients for the classified types of schools mentioned in paragraph 1 shall be as follows:

1) Elementary school 100/100

2) Lower secondary school 130/100

3) School for the blind and school for the deaf 800/100

4. The adjusting number for the scale of each local public body mentioned in paragraph 1 shall be 315, in case where the total of the products secured by multiplying the actual number of pupils in that public body by the coefficients for the classified types of schools exceeds 1,000; and in case where that total is 1,000 or less, it shall be as follows:

1) In case the total is 50 or less, it shall be the number obtained by multiplying the said number by 100/100.

2) In case the total is 51 or more, but not over 300, it shall be calculated by subtracting 50 from that number, multiplying the remainder thus obtained by 50/100, and adding 50 to that product.

3) In case the total is 301 or more, but not over 1,000, it shall be calculated by subtracting 300 from that number, multiplying the remainder thus obtained by 20/100, and adding 175 to that product.

5. The areal coefficients mentioned in paragraph 1 shall be determined by Cabinet Order, with due consideration given to areal allowance, colder area allowance, coal allowance, and other factors relating to the cost of living etc., so that To, Do, Fu and prefectures, and cities, towns, and villages of the whole country may be classified into groups of not

more than 10. Provided, however, that the total increase of the number of the standard pupil units of To, Do, Fu and prefectures, and cities, towns, and villages of the whole country shall not exceed 10/100 of the total number of the standard pupil units of all those local public bodies.

(Determination of the Amount of the Standard Compulsory Education Expense)

Article 6. The board of education of To, Do, Fu or prefecture shall make an estimate of the standard compulsory education expense of To, Do, Fu or prefecture concerned in accordance with the precedures to be provided for by the Ministry of Education Ordinance, and shall ask for the opinion of the governor of To, Do, Fu or prefecture concerned, and submit it, with the governor's opinion attached theretp, to the Minister of Education.

2. The board of education of a city, town, or village shall make an estimate of the standard compulsory education of the city, town, or village concerned in accordance with the procedures to be provided for by the Ministry of Education Ordinance, and shall ask for the opinion of the mayor, or the head of the town, or village, and submit it, with his opinion attached thereto, to the board of education of To, Do, Fu or prefecture, In this case, in the estimates of the standard compulsory education expense of the schools of compulsory education established by association of cities, towns, and villages (excluding a whole-affairs association; the same hereinafter in this article), the amount of share for each city, town, or village shall be calculated separately based upon the number of standard pupil units in each city, town, or village that constitutes the association concerned, and clearly stated.

3. The board of education of To, Do, Fu or prefecture shall examine the estimates submitted thereto in accordance with the provision of the preceding paragraph, and transmit them to the Minister of Education, with the document stating its opinion as well as those of the mayors and heads of the towns and villages attached thereto.

4. The Minister of Education shall examine, through the conference with

the Local Finance Commission, the estimates of the standard compulsory education expense of To, Do, Fu and prefectures, and of cities, towns, and villages, submitted thereto in accordance with the provision of paragraph 1 and the preceding paragraph, and shall notify the results to the boards of education of To, Do, Fu and prefectures, and through them to the boards of education of cities, towns, and villages.

5. The amount calculated as the result of the examination in accordance with the provision of the preceding paragraph shall be put into the basic financial need amount provided for in the Local Finance Equalization Grant Law. In this case, the amount of the standard compulsory education expense of the special wards shall be put into the amount of basic financial need of To, and the amount of the same expense of the associations of cities, towns, and villages shall be put into the amount of the basic financial need of the cities, towns, and villages concerned, according to the amount of share by the cities, towns, and villages that constitute those associations.

(Re-examination)

Article 7. Any board of education, upon receiving the notification of the amount of the standard compulsory education expense in accordance with the provision of paragraph 4 of the preceding Article, may demand the re-examination of the amount determined, within 30 days from the date of receipt of the notification, toward the Minister of Education, in case it is dissatisfied with the determination of the amount.

2. The Minister of Education, upon receiving the demand of re-examination mentioned in the preceding paragraph, shall, after hearing the opinion of the board of education concerned, make decision upon the demand, through the consultation with the Local Finance Commission, within 30 days of the date of receipt of the demand, and shall notify that result to the board of education concerned.

mutatis mutandis to the decision of the Minister of Education mentioned in the preceding paragraph.

(Provision for the Enforcement)

Article 8. Necessary technical matters concerning the establishment of the

standards for the time of calculating the actual number of pupils, and for others respecting the calculation of the standard compulsory education expense shall be prescribed by Cabinet Order.

Supplementary Provisions:

1. This Law shall come into force as from the day of its promulgation and shall apply as from the fiscal year, 1950.
2. The following Laws shall be abolished:

   Law concerning the Treasury's Share of Compulsory Education Expenses (Law No.22 of 1940);

   Law concerning the State Subsidy to the Expenses for the Staff in charge of the Part-time Course in Public Upper Secondary Schools (Law No.134 of 1948);

   Law concerning Share by the Local Government of the Pay of Municipal School Personnel (Law No.135 of 1948).
3. As regards the salaries and other allowances of the personnel of the municipal schools provided for in the former Law concerning Share by the Local Government of the Pay of Municipal School Personnel, they shall be disbursed by To, Do, Fu and prefectures according to the precedent, notwithstanding the provision of the prededing paragraph, until such time when the boards of education will be fully established in the local public bodies with proper scale, and the law concerning the minimum standard of salaries and other allowances of the educational personnel will be enacted and come into force.
4. While To, Do, Fu and prefectures disburse the salaries and other allowances of the municipal school personnel in accordance with the provision of the preceding paragraph, the standard compulsory education expense of To, Do, Fu and prefectures shall include the total amount of salaries and other allowances to be disbursed thereby in accordance with the provison of the same paragraph, the amount of which is to belong to the standard compulsory education expense of the cities, towns, and villages therein; and the standard compulsory education expense of cities, towns, and vil-

lages shall be the balance between the said expense thereof and the amount of salaries and other allowances to be disbursed by To, Do, Fu or prefecture in accordance with the provision of the same paragraph. In this case, the amount of salaries and other allowances of the personnel to be disbursed by To, Do, Fu and prefectures shall be calculated by multiplying the unit cost to be stipulated by Cabinet Order by the number of the standard pupil units thereof.

5. In Article 6 paragraphs 2 and 4, and in Article 7, the term "boards of education of cities, towns, and villages" or"the boards of education" shall read "mayors, and the heads of towns, and villages," in case of cities, towns, and villages where the boards of education have not yet been established, until such time when they will be established.

6. The National Public Service Mutual Aid Association Law (Law No.69 of 1948) shall be partially amended as follows:

Article 86-§2). Deleted.

7. The Ministry of Education Establishment Law (Law No.146 of 1949) shall be partially amended as follows:

In Article 8 paragraph 4, "Law concerning the Treasury's Share of Compulsory Education Expense (Law No.22 of 1940)" shall be amended as "Law concerning Securing of the Standard Compulsory Education Expense (Law No. ___ of 1950)."

C/D

23 March 1950

MEMORANDUM FOR: Mr. Rizzo

SUBJECT: Bill Concerning Prevailing Wage for Laborers Employed by Allied Forces

Mr. S. Kimura, Chief of the Liaison Bureau, reported this afternoon that no agreement on the above-named bill has been reached between the Ministries concerned, and it is most unlikely that it will be submitted to Cabinet meeting tomorrow, 24 Mar 50. One reason suggested for the delay was a purported discussion being held in ESS between Finance and Labor Divisions.

W. E. C.

8/25 reported to Col Ryder by phone.

212A

recd fr Mr Kim 3/17/52

Law #171
Prevailing Wage Law

(Draft)

Law concerning Prevailing Wages by Occupation.

(Principle of Prevailing Wages by Occupation.)

Article 1. Whenever any person who accomplishes a project, produces goods or supplies services for the State (hereinafter called as a supplier) receives from the State payment of compensation or remuneration therefor, he must pay wages to workers employed according to the amount of wages generally paid to workers engaging in the similar kinds of occupation in the locality of employment. (hereinafter called as Prevailing Wages by Occupation.)

(Determination of Prevailing Wages by Occupation.)

Article 2. Minister of Labor shall make survey from time to time on wages by locality and occupation, and notify it in the Official Gazette.

2. The amount of Prevailing Wages by Occupation stipulated in Art. 1 shall be those notified in the Official Gazette in accordance with the provision of the preceding paragraph.

(Application to workers employed for the Occupation Forces and public work.)

Article 3. Government officer (~~including staff of corporation specified by ordinance~~) must not pay to workers who come under one of the following items wages in excess of or lessthan the amount of Prevailing Wages by Occupation stipulated in Art.2, Par.2.

1. Workers directly working for the Occupation Forces in response to Labor Requisition.
2. Workers engaged in the project financed totally or partially by public work fund.

(Exemption from application.)

Article 4. This Law shall not apply with respect to any case where a supplier produces goods as may usually be bought in the open market, nor to any case where he makes with the State a contract of not more than 100 thousand Yen.

2. In any case a supplier makes and enters in a contract with the State on the basis of general competitive bid or competitive bid among specified bidders according to the provisions of Section 1 through Section 3 in Chapter 7 of the Budget, Settlement of Accounts and Accounts Ordinance (Imperial Ordinance No. 165, 1947), he may not be prohibited to pay wages over the Prevailing Wages by Occupation regardless the provision of Art. 1.

(Mutatis-mutandis application to Japan National Railway Public Corporation, Japan Monopoly Public Corporation and Public Corporations.)

Article 5. Provisions of Art. 1, Art. 3, and Art. 4 shall apply mutatis-mutandis to the Japan National Railway Public Corporation, the Japan Monopoly Public Corporation and the public corporations.

(Mutatis-mutandis application to subcontractor.)

Article 6. Provisions of Art. 1 and Art. 4 shall apply mutatis-mutandis to any person who, under a contract, supplies for a supplier goods or services to be used in execution of contract stipulated in Art. 1 or Art. 5.

(Inspection and report.)

Article 7. Provisions of Art. 97 through Art. 105 and Art. 110 of the Labor Standards Law shall apply mutatis-mutandis to the enforcement of this Law.

(Penal regulations.)

Article 8. Any person as mentioned in one ofthe following items shall be punished with a fine not exceeding 5,000 Yen.

1. Any person who pays wages less than the amount stipulated in Art.2, Par.2, in violation ofthe provisions of Art. 1, Art. 5 (excluding cases applied mutatis-mutandis by Art.3) and Art. 6.
2. Any person who refused, impeded or evaded the inspection based on the stipulation of Art.7, or person who refused to reply or made mendacious reply to the inquiry, or person who did not offer records and document or who submitted mendacious records and document, or person who did not report or reported mendaciously, or who did not appear.
3. Any person who disturbed any who was inquired or ordered to offer reports basing upon the stipulation of Art. 7, in his reply or report, or any person who disturbed the offering of document based on the stipulation of the same article.

Article 9. In case a representative of corporation, or a deputy, hired person or other employee of corporation or person perpetrates the violation of the preceding Article in matters concerning businesses of the corporation or the person, the corporation or the person shall be

punished with the fine of the preceding Article in addition to the perpetrator. However, this shal not apply in case the corporation or the person took necessary measures to prevent the violation.

Supplementary Provisions.

1. This Law shall be enforced on and after the date of publication.

2. Law concerning Protection of the Government against Unjust Claims and Others (Law No. 171 of 1947) is hereby repealed.

3. "Law concerning Protection of the Government against Unjust Claims and Others (Law No. 171 of 1947)" quoted in the Law administering the New Pay of Government Officials (Law No. 46 of 1948) and in the Law concerning Compensation for National Public Service Personel in the Special Government Service (Law No. 252 of 1949) shall hereafter read as "Law concerning Prevailing Wages by Occupation (Law No. of 1950)".

4. In applying the penalty provisions to the violation committed before the enforcement of this Law, the old law shall be deemed to be still valid.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

15 March 1950

MEMO FOR RECORD

SUBJECT: Repeal of Law 171

On 13 March 1950 I discussed with Chief Cabinet Secretary Masuda the subject of ESS checknote of 28 February regarding the Japanese Government's proposal to repeal Law 171 of 1947. He agreed readily that repeal of this law without simultaneously safeguarding the provision concerning prevailing wages to workers on government contracts would be unfortunate at this time and stated that he would discuss the matter with the Labor and Finance ministers at once.

On 14 March 1950 Mr. Kimura informed me that the matter had been discussed and agreement reached to preserve the provision in question and that a draft of the necessary legislation would be submitted after the Cabinet meeting of Friday, 17 March.

The same afternoon Mr. Mazo of Labor Division called up to say a representative of the Ministry of Labor was in his office saying that he understood that there had been a discussion between the Minister of Labor and the Chief Cabinet Secretary and that he had been instructed to coordinate the matter with Labor Division, but apparently was not clear as to exactly what he was supposed to do. I explained to Mr. Mazo that on Colonel Ryder's request we had simply discussed the policy question with the Chief Cabinet Secretary and that since the policy question was settled it was up to the Labor Minister to work out the necessary legislative provisions with the advice of Labor Division.

On 15 March 1950 Colonel Ryder was informed of the above by telephone.

FR

F. R.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheets)

WFM/WTR/mp
Lt. Col. Ryder 26-6298

Subject:

File No.:

Note No.:	From: ESS	To: Government Section	Date: 28 February 1950

1

1. Concur in principle with repeal of Law 171 as proposed in the attached legislation, however, that law contains one feature pertaining to adequate labor standards which should be continued.

2. The United Nations Internation Labor Office convention concerning clauses in public contracts prescribes that national governments should provide legislation to insure that labor which is employed by private concerns who have government contracts must be paid at prevailing wage rates for their category of occupation. In the United States this guarantee is provided by the Walsh-Healy and Davis-Bacon acts and the general principle is recognized as a normal standard in all countries which profess a free and democratic labor movement.

3. It is considered that the elimination of the present safeguard by total abolition of Law 171 would place Japan at a disadvantage in its relations with the International Labor Office in view of the fact that it would reflect an apparent reluctance to provide minimum safeguards for labor employed under government contracts.

4. It is therefore recommended that appropriate officials of the Japanese Government be advised that full consideration should be given to one of the following courses of action:

a. Leave that specific portion of Law 171 pertaining to the prevailing wage in effect until new legislation can be provided, or

b. delay abolition of Law 171 in toto until new legislation covering the prevailing wage can be introduced simultaneously.

1 Incl as indicated

W. F. M.

CIVIL SERVICE DIVISION
Government Section

22 December 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT: Bill for Partial Amendment to the Law Administering the New Pay to Government Employees

The Civil Service Division objects to subject bill submitted by the House of Representatives 21 December 1949 because of its internal inconsistency. The schedules contained in the Appendix will not provide for an "average total pay" of 7877 yen as required by Article 1. In order to correct such inconsistency, either the phrase "¥ 7877" should be revised to read "at least ¥ 7877" in Paragraph 1 of Article 1 or else Article 17, Paragraphs 2 and 3 should be amended as follows:

> "2. The monthly amount of area allowance shall be computed by multiplying the monthly total of base pay and family allowance by the rate corresponding to the classification of area of allowance prescribed in each following item:
>
> | | | |
> |---|---|---|
> | (1) | First Class Area | 5 per cent |
> | (2) | Second Class Area | 10 per cent |
> | (3) | Third Class Area | 15 per cent |
> | (4) | Fourth Class Area | 20 per cent |
>
> 3. The classification of each items of the preceding paragraph shall be prescribed by another separate Law."

Of course, only one of the foregoing revisions, not both, should be made.

Objection is also made to what was probably a typographical error in Appendix No. 2. The second step of Grade 5 should read "8211" instead of "8221".

for W. Pierce MacCoy
Acting Chief

GWP:gb

CIVIL SERVICE DIVISION
Government Section

13 December 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT: Bill for Partial Amendment to the Ministry of Foreign Affairs Establishment Law

Civil Service Division has no objection to subject bill.

W. Pierce MacCoy
Acting Chief

WPM:GWP:gb

CIVIL SERVICE DIVISION
Government Section

1 December 1949

MEMORANDUM TO: Parliamentary and Political Division,
Government Section

SUBJECT : Partial Amendment to the Law Concerning Compensation for National Public Service Personnel in the Special Government Service

Subject amendment proposed by Kentaro Yui, House of Counsillors, November 30, 1949, is satisfactory to this Division with one exception. The second paragraph of the revised Article 12 contains the reference to "the total amount of the salaries to be paid by a Kodan to personnel in its service." Objection is made to the word "salaries". If "base pay" is substituted for "salaries", the amendment will be acceptable to this Division.

FOSTER B. ROSER
Acting Deputy Chief

FBR:GWP:rj

CIVIL SERVICE DIVISION
Government Section

30 November 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT: Amendment to Bill Concerning Compensation for National Public Service Personnel in the Special Government Service

The Civil Service Division objects to the Amendment to Bill Concerning Compensation for National Public Service Personnel in the Special Government Service, proposed by the Standing Committee for Personnel Affairs, November 29, 1949, because of its failure to provide assurance that the system of compensating personnel of the Foodstuffs Distribution Kodan will be compatible with the system applied to personnel in the regular service.

Amendment of Article 12 to read as follows would be acceptable to this Division:

"Article 12. The kind and amount of compensation for personnel of the Food Stuff Distribution Kodan referred to in Item 25 of Article 1 shall be determined by applying mutatis mutandis the same pay structure in force for the regular government service, provided that, a special Kodan allowance may be paid and included with base pay in computing area allowance within the limits of 10 percent to 50 percent of the regular salary but not to exceed 30 percent of the aggregate amount of basic pay for the Kodan as determined by the Minister of Agriculture and Forestry and the Minister of Finance."

FOSTER B. ROSER
Acting Deputy Chief

FBR:GWP:aa

CIVIL SERVICE DIVISION
Government Section

29 November 1949

MEMORANDUM FOR: Foster B. Roser
Acting Deputy Chief, Civil Service Division

SUBJECT: Bills Regarding Impeachment of N.P.A. Commissioners

1. As you know, Parliamentary and Political Division referred to the Civil Service Division two bills regarding impeachment of commissioners of N.P.A. One bill would be enacted into law; the other would become a Diet regulation not a law.

2. Both Mr. Okabe and Dr. Asai were unable to give us direct advice on the bills, both attending Diet hearings. A preliminary discussion was therefore held with Mr. Tsurumi of the N.P.A. Law Bureau. At our request, he then in turn got in touch with Mr. Okabe and Dr. Asai to ascertain their opinions. Conclusions reported through Mr. Tsurumi are as follows:

a. Both bills are regarded as desirable in their present form.

b. The adoption by the Diet of only regulations would be inadequate. Actual legislation is necessary. According to present practice, regulations of the Diet are established internal affairs only and do not affect outside organizations unless expressly authorized by law. Furthermore, regulations as prescribed by Article 58 of the Constitution are enacted by each house separately rather than by joint action by both houses. There are, however, some regulations transacted by joint action but these have been authorized by law.

c. The only impeachment procedures now in effect in Japan are prescribed by law rather than regulations. These apply to impeachment of judges.

d. If procedures as contemplated by the bill are enacted into law, the results would be greater prestige for the N.P.A. commissioners than would be true if only regulations were enacted. A separate law rather than amendment to National Public Service Law apparently would have a similar advantage from the standpoint of prestige.

e. Enactment of a separate law is held to be compatible with present Japanese practices even in the case of matters treated by the National Public Service Law. Examples are the Law Administering New Pay, the Classification Bill, the Accident Compensation, etc.

3. The content of the proposed law and regulation appear to be entirely satisfactory to the undersigned. One point which was unclear in the English translation is the question of how the Diet's decision regarding indictment is to be reached. It has been verified through Mr. Tsurumi's interpretation, that the Japanese text clearly makes it necessary for each house to vote on the indictment. A majority vote of the members present will be required.

4. Inasmuch as the Diet session ends tomorrow, clearance of the bills was recommended in their present form rather than to stir up a controversy over the advisability or otherwise of amending the National Public Service Law instead of enacting separate regulation.

Gordon W. Peterson
Chief, Organization Branch
Civil Service Division

CIVIL SERVICE DIVISION
Government Section

28 November 1949

MEMORANDUM FOR : Parliamentary and Political Division
Government Section

SUBJECT : Draft Bill for the Law Guaranteeing those Who Lost Their Positions for Reinstatement in Office.

The Civil Service Division objects to subject bill as being in serious conflict with the National Public Service Law and the duties and responsibilities of the National Personnel Authority thereunder.

W. PIERCE MacCoy
Acting Chief

WPM:tger

CIVIL SERVICE DIVISION
Government Section

22 November 1949

MEMORANDUM FOR : Parliamentary and Political Division
Government Section

SUBJECT : Amendments to Bill for Partial Amendments to the Japanese National Railway Law.

The Civil Service Division makes no objection to subject bill.

WPM:GP:mw

W. PIERCE MacCOY
Acting Chief

Civil Service Division
Government Section

18 November 1949

MEMORANDUM FOR : Parliamentary and Political Division
Government Section

SUBJECT : Amendments to Law Concerning Compensation for National Public Service Personnel in the Special Government Service.

The Civil Service Division sees no reason for paying personnel of the Foodstuffs Distribution Kodan on a basis other than that applicable to regular service personnel and therefore objects to the proposed amendment of Article 12 of the pending Law concerning compensation for National Public Service personnel in the Special Government Service.

WPM:mw

W. PIERCE MacCOY
Acting Chief

CIVIL SERVICE DIVISION
Government Section

14 November 1949

MEMORANDUM FOR: Parliamentary and Political Division, Government Section

SUBJECT : The Local Administration Investigation Committee Establishment Law (Draft) Nov. 2, 1949

The Civil Service Division makes no objection to subject bill.

W. PIERCE MacCOY
Acting Chief, Civil Service Division

WPM:GWP:rj

CIVIL SERVICE DIVISION
Government Section

3 November 1949

MEMORANDUM FOR: Parliamentary and Political Division, Government Section

SUBJECT: Private School Law (Draft)

The Civil Service Division makes no objection to subject bill.

W. PIERCE MacCOY
Acting Chief, Civil Service Division

WPM:GP:aa

CIVIL SERVICE DIVISION
Government Section

3 November 1949

MEMORANDUM FOR: Parliamentary and Political Division, Government Section

SUBJECT: Draft of Law for Partial Amendments to the Board of Education Law

The Civil Service Division makes no objection to subject bill.

W. PIERCE MacCOY
Acting Chief, Civil Service Division

WPM:GP:aa

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2 Nov.

Bill to amend bill concerning compensation for the NPS Personnel in the Spec'l Govt Serv.

no objection.

CIVIL SERVICE DIVISION
Government Section

2 November 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Export Finance Guarantee Bill

The Civil Service Division makes no objection to subject bill.

FOSTER B. ROSER
Acting Deputy Chief
Civil Service Division

FBR:GWHrj

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

26 October 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Law Concerning the Position-Classification Plan for the National Public Service

The Civil Service Division has no objection to subject bill.

FOSTER B. ROSER
Acting Deputy Chief
Civil Service Division

FBR:GP:jb

CIVIL SERVICE DIVISION
Government Section

21 October 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Law for Partial Amendments to the Local Autonomy Law (Draft)

The Civil Service Division makes no objection to subject bill.

W. PIERCE MacCOY
Acting Chief, Civil Service Division

WPM:GP:rj

CIVIL SERVICE DIVISION
Government Section

19 October 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Law for Partial Amendments, etc. to the
National School Establishment Law (Draft)

The Civil Service Division makes no objection to subject bill.

W. PIERCE MacCOY
Acting Chief, Civil Service Division

WPB:GP:rj

CIVIL SERVICE DIVISION
Government Section

19 October 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Bill for Partial Amendment to the Law concerning the Compensation etc. of Judges

The Civil Service Division makes no objection to subject bill.

W. PIERCE MacCOY
Acting Chief, Civil Service Division

WPM:GP:rj

CIVIL SERVICE DIVISION
Government Section

19 October 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Bill for Partial Amendment to the Law concerning the Salary and Others for Public Procurators

The Civil Service Division makes no objection to subject bill.

W. PIERCE MacCOY
Acting Chief, Civil Service Division

WPM:GP:rj

CIVIL SERVICE DIVISION
Government Section

19 October 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Bill for Partial Amendment to Law Administering the New Pay of Government Employees

The Civil Service Division makes no objection to subject bill.

W. PIERCE MacCOY
Acting Chief, Civil Service Division

WPM:rj

CIVIL SERVICE DIVISION
Government Section

19 October 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Bill concerning Compensation for National Public Service Personnel in the Special Government Service

The Civil Service Division makes no objection to subject bill.

W. PIERCE MacCOY
Acting Chief, Civil Service Division

WPB:GP:rj

File.

CIVIL SERVICE DIVISION
Government Section

28 September 1949

MEMORANDUM FOR THE RECORD

SUBJECT: Status of Personnel - HCLC, CILC, RFB, and SCLC

The Finance Division of ESS has again brought up the question as to the status of officials and employees of the Holding Companies Liquidation Commission, The Closed Institutions Liquidation Commission, the Reconstruction Finance Bank, and the Securities Coordinating Liquidation Commission. It is their feeling that these groups of employees are the only ones remaining that are performing functions of state ~~and~~ that have not been declared to be national public employees. It is the opinion of ESS that these are national public employees.

This problem was brought to the attention of this office in December 1948 and conferences were held at that time between Mr. Eliot of this office and several representatives of the Finance Division, ESS.

NPA was requested at that time to render a legal opinion in regard to the matter. Brief and opinion later submitted to this office by NPA were to the effect that these employees were not in the national public service. A review of the brief submitted does not indicate that there was any sound basis for the opinion rendered.

The ordinance establishing these agencies declared them to be "public agencies"; that the "business transacted is that of the state"; "personnel of the commission are those engaged in the official service as defined by appropriate laws and ordinances"; "the expenditures of these commissions are defrayed with the fees collected, accessory miscellaneous revenues, and an appropriation delivered to the commission from the National Treasury as prescribed in the annual budget".

These agencies are required to submit budget estimates and financial statements the same as other government agencies.

It is believed that these agencies of the government should be treated in the same respect as the Kodans and the CMMC and that they should be declared to be in the regular government service with the same treatment as the above mentioned agencies.

The benefits and restrictions which would be applicable under the NPSL are as follows:

1. These agencies are temporary in nature and the employees are appointed with this understanding.

Legal Bu. NPA says NPA can declare these personnel to be in the regular service — tho it will be awkward — the agencies have Public Govt agencies. NPA advised Bu not to so declare — after salary problem is worked out.

2. These employees are not subject to retirement or medical benefits.

3. The appointments of these employees are temporary and the methods of appointment would be excepted from the NPSL.

The employees of these agencies are presently being paid on a salary schedule which was dictated or approved by the Finance Division, ESS, in accordance with budgetary restrictions. It is believed that their salaries should be paid on the basis of the schedule for regular government employees with an additional allowance similar to that of Kodans.

If these employees are not deemed to be in the regular government service they should be declared to be in the special government service and the salary schedules under which they are presently being paid should be incorporated into the law covering salaries for personnel in the special government service.

JESSE B. BETTIS
Compensation Specialist.

JBB:jd

Enc. NPA Opinion

FILE

STATEMENT BY WILLIAM J. SEBALD, Chairman
at Special Session of Allied Council for Japan
August 28, 1948

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The Acting Soviet Member rests his challenge upon Allied policy providing as he states it "that in Japan all obstacles in the way of the revival and strengthening of democratic tendencies among the Japanese people should be eliminated; freedom of assemblies, associations as well as freedom of the press and speech should be guaranteed and the Japanese people should be encouraged to form democratic organizations and labor unions" and he points out that the "right of Japanese workers to strike" is indispensable to the fulfillment of this general policy.

He is silent however upon that fundamental allied objective in the occupation of Japan to see established "a freely inclined and responsible government" which is precisely the objective the Supreme Commander has sought to serve by substituting order for chaos, a government by law for a government controlled by the coercion, intimidation and threat of minority pressure groups which seek, not to elevate the standards and dignity of public employment, but to use the organizations of public servants as pawns in the seizure of political power, preliminary to labor's complete suppression. It is indeed significant in evaluating his purpose that the very freedoms which the Soviet Member pretends to espouse for labor in Japan are so ruthlessly denied labor in the land which he here represents on the Council.

He has challenged the Supreme Commander's action designed to see established in Japan a "freely inclined and responsible government" as in conflict with the Far Eastern Commission policy decision on, as he put it, "Principles of Organization of Japanese Labor Unions" when he should well know that the only policy decision of the said Commission was expressly limited by its very terms as stated in its title to "Principles for Japanese Trade Unions" and had not bearing whatsoever, as the entire record of the corresponding commission proceedings clearly disclose, upon the organization or principles governing the employment of public servants. Were the contrary true, all processes and services of government, including the maintenance of public order and protection against fire, would be subject to the normal interruptions incident to labor's constant and legitimate struggle to improve its conditions of employment in private enterprise and the abnormal interruptions incident to the self-serving violence of irresponsible leaders seeking to usurp the people's sovereign power. The Supreme Commander has, since the beginning of the occupation, endeavored as far as possible to apply the identical principles, rights, and procedures to public servants as have applied to workers in private enterprise; but the experiment has failed due to the advantage taken thereof by radicals who have infiltrated into the government union leadership.

The Supreme Commander has been gravely concerned for many months over the trend of the labor movement in Japan. It long ago ceased to be a movement of workers as contemplated under the American concept, concerning itself very

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little with legitimate trade union problems and becoming instead predeminantly political. With no background of experience and with insufficient time to develop as yet a mature and responsible leadership from its own ranks, it has proved itself easy prey to exploitation. Its control and direction due to these inherent weaknesesses was seized by self-appointed radical leaders with the paramount purpose ofdeveloping personal political power, and in the pattern of the conventional tactic, using it as the spring-board to ultimate political control of Japan. The opportunity for the ascendancy of this type of irresponsible leadership has been enormously advanced by the complete austerity of living which war and defeat has brought to all classes of Japanese society, none to a rore desperate extent than to the laboring class. Spearheading this misdirection of the labor rovement have been the two large unions of government workers which radicals concentrated upon because of the two vital arteries to Japanese life, transportation and communications. As is well known, all of the communications and most of the railroads in Japan are government-owner and operated, and the stoppage of these vital functions with its attendant paralysis of food distribution and other services essential to the preservation of life at once threatens starvation and disaster to large sections of the Japanese population. Twice during the past year and one-half the Supreme Commander was forced to stop a general strike spearheaded by these government unions, which if perritted to proceed would beyond doubt have resulted in a corplet collapse of the Japanese structure. A tragedy of rajor proportions almost certainly would have resulted. The letter of July 22nd to the Prire Minister was written in the face of another such threatened general strike projected for the follwoing August 7th, within the period of rost rronounced food scarcity during the year, as a reans of restoring some semblance of balance to a rapidly deteriorating situation.

I have given you the foregoing general background as I believe there is a lack of understanding of the situation existing here and the need and pattern of corrective measures being undertaken. The general purpose of the Supreme Commander's letter was to bring into the Public Service of Japan some degree of the responsibility and stability such as that existing in our own Federal Government and the governments of our several states, thereby perritting the Japanese people some measure of benefit from our own long experience in such matters. The Suprere Commander confined hirself to a broad statement of the basic principles involved and intentionally phrased the letter as a suggestion rather than directive, in order to encourage the Japanese Government to exercise its own initiative and thought in developing and implementing details, and leave it entirely free to question provisions deemed unacceptable to it. The Japanese ordinance is an interir measure designed to maintain the status quo until the Diet meets next month to consider and act upon irplementing legislation, subject of course to scrutiny to ensure against the distortion of any of the principles enunciated in the letter.

The occupation is entirely friendly to labor and in fact restored the free trade union rovement in Japan, having instituted its development long before receipt of any detailed directives from the United States Government or the Far Eastern Commission. None therefore could be rore reluctant to see a tightening of controls upon government workers, even though they had been permitted ruch greater latitude than in the United States. Indeed, as before stated, the Supreme Commander did not move

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toward such end until the situation brought about by government union excesses had deteriorated to so marked a degree that both the objectives and security of the occupation had become directly threatened and the advances made by labor in private enterprise toward achievment of its legitimate aims so compromised as to face ultimate destruction.

There appears to be much confused thought concerning the meaning of "collective bargaining". As used by the Supreme Commander in his letter to the Prime Minister and by the government in its ordinance, it carries with it the connotation as commonly understood with its coercive character supported by the strike threat -- as referred to in the doctrine enunciated with such clarity by the late President Franklin D. Roosevelt reading as follows:

"All government employees should realize that the process of collective bargaining, as usually understood, cannot be transplanted into the public service. It has its distinct and insurmountable limitations when applied to public personnel management. The very nature and purposes of government makes it impossible for administrative officials to represent fully or to bind the employer in mutual discussions with government employee organizations. The employer is the whole people, who speak by means of laws enacted by their representatives in Congress. Accordingly, administrative officials and employees alike are governed and guided, and in many instances restricted, by laws which establish policies, procedures, or rules in personnel matters.

"Upon employees in the Federal service rests the obligation to serve the whole people, whose interests and welfare require orderliness and continuity in the conduct of Government activities. This obligation is pararount. Since their own services have to do with the functioning of the Government, a strike of public employees manifests nothing less than an intent on their part to prevent or obstruct the operations of Government until their demands are satisfied. Such action, looking toward the paralysis of Government by those who have sworn to support it, is unthinkable and intolerable."

The letter contemplated, in lieu of this form of collective bargaining, provisions for individual or collective negotiation by employees within the framework of the Civil Service System before the National Personnel Authority, an agency responsible to the Diet -- something along the lines of our own procedural practice before the Civil Service Commission in Washington. I understand this is the intent of the Japanese Government's ordinance and complete grievance machinery is now being evolved by the Government in anticipation that permanent legislation will embody this principle. As to the employees of Government, outside of the framework of the Civil Service System, a different form of procedure will of course be necessary and the Supreme Commander is waiting with considerable interest to see just what form this takes in Japanese thinking. He will of course closely scrutinize such provisions as are developed to ensure that adequate protection is provided for every employee in the public service and so far as he can guide the action taken without positive direction will see that it closely follows American or other democratic practice.

.....

I know of no conflict in the measures taken with Far Eastern Commission labor policies. The freedom accorded labor in Japan is still greater than in the United States and most democracies, despite Japan's peculiar position as an enemy

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country under military occupation. Furthermore, the action being taken to adjust the employee relationships to government has no direct bearing upon the Japanese labor movement in private enterprise to which the Far Eastern Commission's labor policy was directed. But even were the contrary true, the said policy specifically reserved to the Supreme Commander the right to prohibit strikes and other work stoppage when he considered that they would directly prejudice "the objectives or needs of the Occupation". Such prejudice was critically present when he was forced to intervene.

There are of course many systems relating to public employment quite as efficient and as democratic as in the United States, an it is not only possible, but in my opinion probable, that the Japanese Diet will carefully consider and perhaps adopt such concepts.

As an example, present American law provides:

> "It shall be unlawful for any individual employed by the United States or any agency thereof including wholly owned Government corporations to participate in any strike. Any individual employed by the United States or by any such agency who strikes shall be discharged immediately from his employment, and shall forfeit his civil service status, if any, and shall not be eligible for reemployment for three years by the United States or any such agency."

No two democratic countries, so far as I know, have established the same criteria of public employment, and it is the Supreme Commander's hope that Japan will evolve for herself, within the basic principles enunciated, her own minutiae in handling these problems.

The Japanese in all walks of life other than the Communist party have been practically unanimous in support of the principles laid down in the Supreme Commander's letter to the Prime Minister and the Government's subsequent action thereon, and have shown manifest relief at the prospect of some semblance of order and stability being restored in a situation which so long has threatned Japanese life. The Japanese press other than the Communist Akahata (Red Flag) has given it most complete editorial support, and even large sections of organized labor have voiced their approval and moved to oust entrenched radical leadership. It is reported that even among the railroad workers there is a growing movement to bring them within the framework of the Civil Service System, rather than under a government-owned corporation such as was proposed in the Supreme Commander's letter to the Prime Minister. The Supreme Commander is watching developments without further direct intervention, as he regards it as most healthy for the Japanese themselves to resolve the issues involved and work out the implementing details, subject only to close scrutiny to see that occupation policy or the inherent rights of the workers are not violated.

The recovery phase of the occupation is currently being stressed and I know of nothing more calculated to impede recovery and to destroy occupation gains already made through painstaking effort and heavy United States expenses and I repeat, U. S. expenses, than to permit this trend toward disaster and destruction to continue.

In evaluating the situation, it must further be clearly understood that with the renunciation of armed forces by Japan and the future withdrawal of our own occupation force, a leadership capable of dominating the presently existing unions of communications and transportation workers would control those

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two vital arteries of Japanese life, communications and transportation, and would be in position almost at will to take over control of the Japanese Government. Unless steps are now taken clearly to define the authority of the government of Japan and to preserve its integrity and dignity in the interest of all of the Japanese people, a minority pressure group could easily take over the reins of the Japanese Government. The action taken has dealt a severe blow to a radical concentration infiltrated into the leadership of the government employee unions, by removing its power over and threat to government. Any measures much short of those taken would be tolerant of the forces agitating confusion and unrest, would decidedly hamper the efforts at recovery, and would in due course tend to nullify all gains made toward a free trade union movement in Japan.

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FILE

REMARKS BY MR. PATRICK SHAW, MEMBER REPRESENTING JOINTLY UNITED KINGDOM, AUSTRALIA, NEW ZEALAND AND INDIA, ALLIED COUCIL FOR JAPAN, AT SPECIAL MEETING
28th AUGUST, 1948

WBr 9/1/48

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Mr. Chairman, I would like this afternoon to confine my remarks to the one topic which seems to me most relevant, namely, the question of labour relations in the Japanese public service. I would preface my remarks by emphasising that an efficient, properly-paid, responsible and contented public service is a pre-essential to any modern state. In addition, if the evils of bureaucracy and authoritarianism are to be avoided, there must be within the public service provision not only for recruitment and promotion strictly on a merit basis, but also for an adequate machinery for the fair settlement of disputes.

The Supreme Commander's letter of 22nd July to the Japanese Prime Minister laid down certain general principles for labour relations in the public service. It remains for the Japanese Government to implement amending legislation to their National Public Service Law, but already there are indications of the lines on which such a law might be drafted. I refer specifically to the Japanese Government Cabinet Ordinance of 31st July and the explanatory notifications which the Government have issued since regarding this ordinance. In considering the form in which the implementing legislation will be drafted I hope that the fullest consideration will be given to the experience of democratic countries in this field.

I do not wish to speak lengthily on the right of workers to strike. The Far Eastern Commission directive of 6th September, 1945, Section 5, states that "strikes and other work stoppages should be prohibited only when the occupational authorities consider that such stoppage would directly prejudice the objectives or needs of the occupation". An interpretation of this provision was contained in a report on the treatment of workers' organizations in Japan issued by G.H.Q., SCAP on 30th June, 1946. This report emphasised that it was deemed essential that strikes and other work stoppages be prohibited only when such stoppages would interfere with military objectives or military security or directly prejudiced the objectives or needs of the Occupation. In paragraph J (1) of that document it is states "a labour dispute inimical to the objectives of military occupation is one which jeopardises the safety of allied troops, interferes with troop supply, disrupts services or production necessary to the maintenance of public order, public service and public health or adversely affects other purposes of the Occupation".

On 3rd August Government Section, G.H.Q., SCAP, issued a statement explaining the reasons behind the Supreme Commander's letter of 22nd July. I quote "General MacArthur was forced to step in to restore some semblance of order in a rapidly deteriorating situation between the Japanese Government and its employees with a paralysing strike of government workers announced for 7th August, which in Japan's impoverished condition would have resulted in starvation and disaster to large sections of the Japanese people". In other words, the immediate reason for the cancellation of the right to

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basis of equality. This is not linked with a coercive strike threat, rather - as I have said - a proper system of collective bargaining would obviate the need for strikes.

On the two related subjects which I have been discussing, narely labour relations and civil service, I believe that the countries which I represent have something to offer which may be helpful in Japan's present state of development. Firstly, we should encourage the Japanese to establish a public service authority which would be above political influence, incorruptible and efficient. British civil service experience should be of value to the Japanese. Secondly, I believe that we have something to offer in the system of labour relations which British Commonwealth countries have worked out over a number of years and which we believe to be second to none in the world. Satisfactory labour relations in any sphere, including the public service, involve some right of appeal to an external conciliation or arbitration authority, recognized by both parties. To our way of thinking, the mere right of public servants to carry a petition to a government agency, such as the Japanese Government seems to have in mind, is not a substitute for collective bargaining in the sense that we know it. I was glad to hear your statement that the Japanese Government would be free to draft their own legislation. Last Wednesday there was published a statement from Government Section, G.H.Q. SCAP, which went into some detail regarding the nature of the Public Service Authority. Much of this statement expressed admirable ideas on the need for a responsible public service. On the question of labour relations, however, there was little recognition of the need for a third party arbitrator or conciliator. Nor was there reference to the Supreme Commander's distinction between public servants and workers in government enterprises. However, I note your assurance that different procedures will probably be made for these two categories.

In conclusion, I would emphasize, Mr. Chairman, that I have no wish to be merely critical. You spoke of the need for applying to Japan long experience of the Federal and State Governments in the United States and the suggestion that the Japanese Government and Diet may wish to consider experience of other countries. I should be only too glad on behalf of the British Commonwealth Governments which I represent, to provide whatever material there is at hand which might assist in the framing of legislation on this important topic.

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CIVIL SERVICE DIVISION
Government Section

24 August 1949

MEMORANDUM FOR: Mr. W. Pierce MacCoy, Deputy Chief, Civil Service Division

SUBJECT : Draft of Law Concerning Allowance for Labor Relations Committeemen

1. Pursuant to your memorandum of 17 August the following comments refer to the law concerning the allowance of members of the Labor Relations Committee (draft) dated July 22, 1949.

2. Articles 3, 4 and 5 provide allowances on a daily basis for members representing employers and members representing labor and on a monthly basis for public members. The amounts for all members, except the chairman, are within the limitation established by Article 28 of the Law Administering the New Pay of government employees. The chairman, however, would receive ¥ 32,000 a month despite limitation in the above-mentioned law of ¥ 1,000 per day. Allowances for committee members are normally fixed by decision of chiefs of the agencies concerned with the approval of the chief of the Office of New Pay Administration.

3. Article 6 provides for a night duty allowance for any hours of work between 10:00 P.M. and 8:00 A.M. Without such provision members might not be eligible to receive night duty allowances because the corresponding provision in the Law Administering the New Pay grants such allowance only for regular work hours and because the standard provision is "25% of their hourly amount of compensation" and these committeemen probably would not have either regular hours or a method by which an hourly amount of compensation can be computed. The inclusion of Article 6 also makes it much more likely that the business of Central Labor Relations Committee will, at least in part, be conducted at night. The second paragraph of the same Article is unintelligible in English.

4. Article 9 contains a provision which, from the standpoint of the Civil Service Division, is most objectionable. It eliminates the restriction imposed by the "latter part of Article 101 of the National Public Service Law" which prohibits personnel of the national government from performing duties or carrying on activities for and on behalf of employee organisations. Such provision would therefore have the effect of encouraging personnel of the regular service to hold concurrently positions of committeemen of the Labor Relations Committee. It would appear to the undersigned that the varying loads

of work of such committees, sometimes requiring full time attention for substantial periods, is not compatible with proper performance of such individuals' regular government duties.

5. Article 10, Paragraph 3 provides that allowances of Prefecture Labor Relations Committee shall coincide with that of the National Government's Central Labor Relations Committee.

6. Article 11 provides for a similar treatment of the Maritime Central Labor Relations Committee and the Local Maritime Labor Relations Committees.

GORDON W. PETERSON,
Chief, Organization Branch.

GWP:mvb

CIVIL SERVICE DIVISION
Government Section

4 August 1949

MEMORANDUM FOR: The Record

SUBJECT : Proposed Educators Labor Relations Law

1. Mr. Amis of ESS Labor Division telephoned today to report that all agencies of the Japanese Government concerned have agreed that local governments and their personnel are subject to the Trade Union Law and similar laws subject to the limitation imposed by Potsdam Cabinet Order 201 of 1948. He added that Labor Division had no objection to such decision if Civil Service Division also had no objection. I reported that such decision was entirely in accord with the beliefs which have for many months been expressed by both Civil Service Division and NPA.

2. Mr. Amis reported also that the government is planning to go ahead with the drafting of legislation to place all educational personnel—national, local, and private in a separate category in respect to labor relations. His understanding is that such personnel would be subject to the Trade Union Law but they would be prohibited from engaging in strikes. He added that Labor Division will make no recommendations nor give advice with respect to such a program in-as-much as Civil Service Division will undoubtedly have opinions on the matter.

3. Yesterday Mr. Suzuki of the Local Autonomy Agency reported the same thing mentioned in the foregoing paragraph and asked whether Civil Service Division had initiated recommendations for such new legislation. I told Mr. Suzuki that we did not make such recommendations and would not recommend the type of labor relations program for educational personnel which is a compromise between the industrial type and that established by the National Public Service Law. Mr. Suzuki appeared relieved and indicated that he will oppose attempts to introduce such legislation. I am afraid, however, that he may prove to be in the minority among the Japanese.

GORDON W. PETERSON,
Chief, Organization Branch.

GWP:mvb

Chapter IV. Penal Provisions

(Penal Provision)

Article 15. Any one who, in connection with the installation and administration of the position classification plan under this Law, comes under any of the provisions of respective articles in Chapter IV of the National Public Service Law shall be subjected to the penal provisions of the same law.

Approved for Classification Law by
Rankin - GHQ. 13 Oct 49.

Bills submitted to NPA for Clearance

1. The Law concerning the administration of the Prisoners' Labor.
2. The Private Schools Law.
3. The Radio Regulatory Commission Establishment Law.
4. The Law Amending a Part of the Local Autonomy Law.
5. The Law Amending a Part of the Japan National Railways Law.
6. The Local Administration Investigation Commission Establishment Law.
7. Special Mine Damage Temporary Measure Law.
8. Teachers and Educational Officials Labor Relations Law.
9. Special Law for Student Employees.
10. Law concerning the Compensation for the Members of the Labor Commissions.

— NPA opposed; will not be submitted to Cab.

Memo
To offices

31 May 1949

MEMORANDUM FOR: Maj Napier

SUBJECT : Administration Reorganization Laws

According to telephone report by Nakagawa Toru, Administrative Management Agency, Establishment Bills of the Administrative Organizations have been passed by the Diet in the form cleared by Government Section with the following exceptions:

Bills not yet passed: Bill Establishing Special Procurement Board; Bill Establishing the Agriculture and Forestry Ministry.

Bills amended in the Diet: National Government Organization Law - provision for divisions within a bureau limited to one (1) year; Finance Ministry Establishment Law - two (2) financial divisions added, making a total of ten (10) divisions within the Ministry; Bill for the Fixed Number of Personnel - 1,958 additional persons authorized to the Forestry Agency.

J. D. M.

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CIVIL SERVICE DIVISION
Government Section

May 27, 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Bill for Partial Amendment to the Certified Public Accountant Law (presented by MIYAKE, Moriyoshi and two others)

The Civil Service Division makes no objection to subject bill.

ELAINE HOOVER
Chief, Civil Service Division

EH:GP:vr

CIVIL SERVICE DIVISION
GOVERNMENT SECTION

24 May 1949

MEMORANDUM FOR: Parliamentary and Political Division, Government Section

SUBJECT : Fixed Number of Personnel in Ministry of Agriculture and Forestry

The Civil Service Division makes no objection to either draft of the Proposed Amendments to Law for the Fixed Number of Personnel in the Administrative Organizations submitted by the House of Councillors May 23, 1949. No opinion is here expressed regarding the financial aspects of the proposals, however.

BLAINE HOOVER
Chief
Civil Service Division

BH:jb
GWP.

Peterson

CIVIL SERVICE DIVISION
GOVERNMENT SECTION

18 May 1949

MEMORANDUM FOR: Dr. Justin Williams, Chief
Parliamentary and Political Division
Government Section

SUBJECT : Foodstuffs Distribution Kodan Bill

Objection is made by Civil Service Division to Article 14, Paragraphs 2 to 5 inclusive, of subject bill. These provisions provide inadequate and improper personnel administration under the circumstances.

BLAINE HOOVER
Chief
Civil Service Division

BH:GP:jb

CIVIL SERVICE DIVISION
Government Section

May 17, 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : Food Stuffs Distribution Kodan Bill

1. Dr. Asai, this morning, voiced some concern over the Foodstuffs Distribution Kodan Bill. It has come to his attention that there is criticism regarding the current draft of Article 14 of such bill which reads as follows:

> "The provisions of Paras. 1 to 3 inclusive, Paras. 5 and 6 and Para. 7 except proviso of Art. 98 of the National Public Service Law (regarding duties to obey laws, orders and orders of superiors and union of the personnel of the service) shall apply mutatis mutandis to officers and employees of the Foodstuffs Distribution Kodan. "The National Personnel Authority" in Para. 2 of the same Art., however, shall read "Minister of Agriculture and Forestry"

2. Because of such criticism stemming from the Kodan personnel, it is possible that the Diet may want to delete the paragraph quoted above. One justification for the action would be that no safe guards of employee rights in the form of appeals procedures are set forth in the bill to counterbalance the loss of collective bargaining rights supported by the right to engage in dispute tactics.

3. Dr. Asai seems inclined to favor the deletion of the questionable paragraph on the grounds that all special service personnel should be treated uniformly rather than placing restrictive measures upon only the personnel of the Foodstuffs Distribution Kodan. He conceded, however, that such a problem was primarily that of the Diet and is not of direct concern to NPA.

4. I explained my personal point of view to the effect that although this Division had not initiated the inclusion of the above paragraph in the bill, nevertheless, it would seem contrary to General MacArthur's letter to delete it. I suggested that it might be more appropriate for the Diet to add additional paragraphs to the Article in order to grant the employees some appeal rights but suggested that in order to include a sound regulation on such matter, it might be necessary to delay it until the next session of the Diet. I agreed to bring the matter to your personal attention in order that you could express Civil Service Division's point of view on the matter if you so desired.

GORDON W. PETERSON
Chief, Organization Branch

GWP:vr

CIVIL SERVICE DIVISION
Government Section

May 16, 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Foodstuffs distribution Kodan Law (Bill)

The Civil Service Division makes no objection to subject bill.

BLAINE HOOVER
Chief, Civil Service Division

GH:GP:rr

withdrawn

CIVIL SERVICE DIVISION
Government Section

16 May 1949

MEMORANDUM FOR : Parliamentary and Political Division
Government Section

SUBJECT : Bill Concerning the Cold District Allowances.

1. The present wage structure of the national public service consists of a base rate plus various allowances.

2. The system of allowances is presently under study. Necessary research and coordination of the various allowances will require some time and certainly cannot be completed in time to serve as a guide for legislation considered in the present session of the Diet.

3. The system of allowances presently in force continues to be paid with two notable exceptions: (1) the cold area allowances; and (2), the coal allowances. The coal allowances are confined to Hokkaido. These two allowances have been treated annually beginning in 1946.

4. Various representations have been made concerning the need for a cold area allowance and a coal allowance, the latter particularly is urged as important at this time because immediate decision must be taken relative to the distribution of coal rations during the summer months. It is our understanding that the proposed bill combines the cold area allowances and coal allowance previously treated separately.

5. In this situation, and in advance of completion of studies designed to put the entire allowance system on a basis of scientific management, Civil Service Division is not prepared to advance objections to the continuation of the present practice as an interim measure pending completion of the foregoing studies.

6. The position of Civil Service Division in this matter involves no reference to the financial problems involved which are presumably within the jurisdiction of Public Finance Division, ESS.

7. Civil Service Division does object to that provision of the bill which leaves determination of the districts, amounts, terms and methods of payment to the rules of the National Personnel Authority. In our opinion such delegation, in the absence of any restriction, constitutes an undue and improper delegation of legislative authority.

Proper procedure in this situation, after completion of necessary studies, will be for the National Personnel Authority to refer the result of its studies to the Diet with recommendations for legislation enacting such scientific schedules of allowances.

8. If the legislature desires to perpetuate present practices on this item of allowances as an interim measure, the schedules of such allowances should be incorporated in the bill.

BH:mw

BLAINE HOOVER
Chief
Civil Service Division

CIVIL SERVICE DIVISION
Government Section

May 13, 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : Bill for the Civil Liberties Commissioners

1. Your attention is called to the Bill for the Civil Liberties Commissioners. Before its submission to the Diet, Mr. MacCoy discussed it with Mr. Meyers of Legal Section. It was agreed that because of the peculiar nature of the Civil Liberties Commissioners, who were to be appointed throughout Japan (not to exceed 20,000), they should not be subjected to the National Public Service Law. Mr. MacCoy recommended, however, that the law not contain any provision exempting Commissioners from application of the National Public Service Law. Instead, the National Personnel Authority would accomplish very much the same purpose by the adoption of a rule pursuant to Article 13 of Supplementary Provisions of Law No. 120. It was understood that the draft would be revised in accordance with Mr. MacCoy's recommendation.

2. In the latter part of April, the official draft of the Bill was submitted to Civil Service Division for comment or concurrence. Within two working days thereafter, Parliamentary and Political Division cleared the Bill for Diet action without waiting for comment from this Division. The Bill as cleared contains the provision (Article 5) that "The National Public Service Law (Law 120 of 1947) shall not apply to Civil Liberties Commissioners."

3. Commissioners are "commissioned by" and directed by the Attorney General. They serve two year terms after appointment, based on recommendations of Governors, Bar Associations, Federation of Consultative Assemblies of Civil Liberties Commissioners, and Mayors. They serve without pay for services but may be granted compensation for expenses.

part time or intermittent

GORDON W. PETERSON
Chief, Organization Branch

GWP:vr

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.

BLAIR HOOVER
Chief, Civil Service Division

BH:GP:vf

CIVIL SERVICE DIVISION
Government Section

May 18, 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Law for Adjustment of Laws and Orders Concerned in Consequence of the Enforcement of the Law for Fixed Number of Personnel in the Administrative Organizations (Draft)

The Civil Service Division has no objection to the subject bill.

BLAINE HOOVER
Chief, Civil Service Division

BH:GP:vr

CIVIL SERVICE DIVISION
Government Section

13 May 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Dairy Farming Promotion Temporary Measures Law
(Draft)

Objection is made to Article 21, paragraph 5 of subject law. It is recommended that such paragraph be revised to read as follows:

"5. Any matter other than those prescribed in the preceding 4 paragraphs, or in the National Public Service Law (Law No. 120, 1947) or other law, which is necessary for the Council on Dairy Farming shall be prescribed by a Cabinet Order."

BLAINE HOOVER
Chief, Civil Service Division

BH:GWP:rp

CIVIL SERVICE DIVISION
Government Section

May 13, 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Law for Partial Amendments to the National Government Organization Law (Draft)

The Civil Service Division has no objection to the subject bill.

BLAINE HOOVER
Chief, Civil Service Division

BH:GP:VT

CIVIL SERVICE DIVISION
Government Section

May 12, 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Postal Agency Law (Draft)

The Civil Service Division makes no objection to subject bill.

ELAINE HOOVER
Chief, Civil Service Division

EH:GF:VF

CIVIL SERVICE DIVISION
Government Section

May 12, 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Bill concerning Branches and their Personnel of the National Diet Library, to be established in each administrative department of the Government under the Provisions of Article 20 of the National Diet Library Law.

Civil Service Division makes no objection to the above subject bill.

BLAINE HOOVER,
Chief, Civil Service Division

BH:GP:rr

CIVIL SERVICE DIVISION
Government Section

May 11, 1949

MEMORANDUM FOR: Parliamentary and Political Division
Government Section

SUBJECT : Bill Concerning the Partial Amendments to "The Law Concerning the Total Number of Court Officials"

The Civil Service Division makes no objection to subject bill.

ELAINE HOOVER
Chief, Civil Service Division

EH:GF:vr

CIVIL SERVICE DIVISION
Government Section

May 9, 1949

MEMORANDUM TO: Parliamentary and Political Division
Government Section

SUBJECT : Law for Partial Amendment of the National Public Service Law

1. The Civil Service Division concurs with the Draft of subject Law received this date from Parliamentary and Political Division.

BLAINE HOOVER
Chief, Civil Service Division

BH:CP:rr

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

6 May 1949

MEMORANDUM FOR: Parliamentary & Political Division

SUBJECT : Marine Transportation Bill

The Civil Service Division makes no objection to subject bill.

BLAINE HOOVER
CHief, Civil Service Division

BH:GWP:jd

CIVIL SERVICE DIVISION
Government Section

May 6, 1949

MEMORANDUM FOR: Parliamentary and Political Division

SUBJECT : Bill concerning the Regulation over Money-lending Business, etc. (Draft)

The Civil Service Division makes no objection to subject bill.

ELAINE HOOVER
Chief, Civil Service Division

EH:GP:vr

CIVIL SERVICE DIVISION
Government Section

May 5, 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Bill for Partial Amendment to the Law concerning the Salary and Others for Public Procurators

The Civil Service Division makes no objection to subject bill.

ELAINE HOOVER
Chief, Civil Service Division

EH:GP:vr

Both recommend

.CIVIL SERVICE DIVISION
Government Section

May 5, 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Amendment to a part of the Statistics Law (Draft)

1. Objection is made to proposed Article 6-4 for its inconsistency with Article 55 of the National Public Service Law. The following modifications are recommended in order to meet such objection:

(a) Revise the first sentence of paragraph 2 to read as follows:

"The members shall be appointed by the Prime Minister from among the persons of knowledge and experience on statistics."

(b) Revise paragraph 4 to read as follows:

"The chairman shall be appointed from among the members by the Prime Minister with the approval of the House of Representatives."

2. Objection is made to paragraph 5 of Article 10 because of its intrusion into the responsibilities of the National Personnel Authority for the establishment of prerequisites for employment of National Government Personnel. It is recommended that all references to such standards be deleted and that either the local public bodies be required to observe the same requirements in the appointment of Statistical Directors as are established by the National Personnel Authority for Statistical Officers or the minimum qualifications be set forth in subject bill in a form applicable only to local public bodies.

ELAINE HOOVER
Chief, Civil Service Division

EH:GF:VF

CIVIL SERVICE DIVISION
Government Section

May 5, 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Bill for Partial Amendment to the Law concerning the Compensation etc. of Judges.

No objection is made to subject bill. The Civil Service Division has made no evaluation of the effect of this bill on the budget.

ELAINE HOOVER
Chief, Civil Service Division

EH:GP:vr

CIVIL SERVICE DIVISION
Government Section

May 5, 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Bill for Partial Amendment to the Law concerning the Salary and Others for Public Procurators

No objection is made to subject bill. The Civil Service Division has made no evaluation of the effect of this bill on the budget.

ELAINE HOOVER
Chief, Civil Service Division

EH:GP:vr

CIVIL SERVICE DIVISION
Government Section

May 3, 1949

MEMORANDUM FOR: Mr. Blaine Hoover, Chief, Civil Service Division

SUBJECT : Amendment to a part of the Statistics Law (Draft)

1. The subject bill was cleared by Government Section almost immediately after we received a copy. The following points are called to your attention, however, in order that your views can be placed in a memorandum to Parliamentary and Political Division for the record and in order that NPA can be given corresponding information.

a. Article 6-4 provides that the Cabinet shall appoint members of the Statistics Committee on the recommendation of the Prime Minister, although the Committee is "an independent organization of the Prime Minister's Office".

It is recommended that "Prime Minister" be substituted for "Cabinet" and "on the recommendation of the Prime Minister" be deleted.

b. The same Article provides that "the person elected from among the members shall be appointed the Chairman by the Prime Minister with the approval of the House of Representatives." It is recommended that "elected from" be deleted. + correct grammatically

c. Article 10, paragraph 5, sets forth prerequisites for appointment to positions of Statistical Offices (in National Government agencies) and Statistical Directors (in local public offices). Included are the following choices, one of which must be met:

1. An experience qualification.
2. An educational qualification.
3. A different educational qualification.
4. Qualification by an examination on statistics, presumably conducted by the Statistics Committee.
5. Other qualifications considered by the Statistics Committee to be equivalent.

With reference to the foregoing qualification provisions, either of the following two recommendations could be made:

1. Modify qualification No. 5 to place all discretion within the jurisdiction of the National Personnel Authority instead of the Statistics Committee with respect to National Government Personnel.

2. Eliminate all references to qualifications, leaving such matter entirely to NPA with respect to National Government Employees and either requiring local public bodies to adopt same requirements or including in the Law requirements which are applicable only to local public bodies.

GORDON PETERSON
Chief, Organization Branch

GP:VF

CIVIL SERVICE DIVISION
Government Section

May 3, 1949

MEMORANDUM FOR: Parliamentary and Political Division,
Government Section

SUBJECT : Ministry of International Trade and Industry
Establishment Law (Draft)

Objection is made to subject bill for 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 National Personnel Authority must function through a personnel unit at the highest operating echelon within each agency.

BLAINE HOOVER
Chief, Civil Service Division

BH:GP:de

File

Reported to NPA 3 May

May 2, 1949

BILLS BEFORE THE DIET WHICH CONTAIN FEATURES INCONSISTENT WITH THE NATIONAL PUBLIC SERVICE LAW AND POSSIBLY DISADVANTAGEOUS TO THE PERSONNEL PROGRAM OF NATIONAL PERSONNEL AUTHORITY

1. Law for Partial Amendments to the Ministry of Telecommunications Establishment Law.

   Article 52. Provision is different from corresponding provisions of other establishment laws.

2. Law for the Partial Amendments to Cabinet Law.

   Law fails to include standard provision assuring applicability of NPSL to Secretariat of the Cabinet.

3. Economic Stabilization Board Establishment Bill.

   Article 38. Open to mistaken assumption that Budgetary Appropriations are the only limitations on allowances and travelling expenses.

4. Law for Partial Amendments to the Maritime Safety Law and Sea Casualties Inquiry Law.

   Article 14. ~~Could~~ Should be deleted.

5. Law for Adjustment of Laws and Ordinances in consequence of the Enforcement, Etc., of the Ministry of Finance Establishment Law.

   Article 27. English translation of Article 27 which amends Article 12 of the Law Concerning Government Housing for the National Public Service Personnel is inconsistent with the official English translation of the latter law. Article 12, Paragraph 1, Item 1 need not be amended except perhaps to make the Japanese text agree with the official English translation.

6. Trade Union Law.

   Article 2 fails to specify that among the organizations excluded from such law are those which admit to membership and represent personnel of the regular or special service of the National government. Article 19, Paragraph 19 contains the words, "with approval of the Chairman" which are inconsistent with Article 55 of the National Public Service Law.

7. Law Amending the National Public Service Mutual Aid Association Law.