

From: ESS

To: GS

WFM/ES/IRS/IE/sm
I. E. [unclear], 26-664
Date: 2 MAY 1950

2

1. Reference is C/N 1 from GS to ESS, dated 27 April 1950, submitting House of Representatives amendments to Amendment of the Commercial Code.

2. ESS interposes no objections to reference amendments.

Incl
w/d

-W.F.M.-

Rec'd GS 5/2

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

CW/JN/JW/CHH/GB

Subject: Draft Legislation

Note No.

From: Govt Sec

To: LS/LAJ

Date: 27 April 1950

Capt. Morris

26-6076

1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Representatives.

2. Your prompt comment is requested.

1 Incl
Amendment to Amendment
of Commercial Code

Cy to ESS

C. W.

P & P DIV

4/5

Excerpt to Excerpt of Commercial code

HR Att Gen

2

From: LS

To: GS

K. Steiner-2635/479

Date: 28 April 1950

1. No legal objections.

2. This member bill, which is an amendment to the proposed revision of the Commercial Code, alters only minor points. It limits the rights of the minority to demand holding of a general meeting to institute action against a director or to stop illegal actions of a director, etc. to those share holders who have held shares continuously for the last 6 months. The new Article 2 of the supplementary provision eliminates the necessity of a special majority for the alteration of the Articles of Incorporation, etc. in the case of corporations with a membership of more than 1,000 share holders for the time from the promulgation of the revision to the date of its enforcement.

1 Incl

w/d

----- A. C. C. -----

Rec'd GS 5/1

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL. 87-6010)

March 11, 1950

1. FOM Number: 176
2. Name of Bill: Land Coordination Commission
Establishment Bill
3. Competent Ministry: Attorney General's Office
4. Date of Cabinet Approval: February 10, 1950
5. SCAP Section concerned:
Mr. Neptune, Legislation & Justice Division, LS
Mr. Solomon, Mining & Geology Division, NRS
6. Remarks: (reference:)
Reference Copies are attached herewith.
.....
.....
.....
.....
7. G.S. Reviewers:

QS:
NRS
AS/KJ
ESS

Received by GS
Date 3/11/50

(13)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CW/JN/JW/CHH/ak**

Subject: Draft Legislation

Capt Morris

26-6076

Note No.

From: Govt Sec

To: **LS/LJ**

Date: **11 March 1950**

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

2. Your prompt comment is requested.

1 Incl

**Land Coordination Commission
Establishment Bill**

Cy: **ESS, NBS**

C. W.

P & P DIV

U/G.
Land Coordination
Commission

From: LS

To: GS

R H Neptune - 2635-479
Date: 30 March 1950

2

1. This is a companion bill to the Mining Law Bill and the Bill for Stone Quarrying. It establishes the Land Coordination Commission as an external organ of the Prime Minister's Office. The Commission will, upon application, make adjudications to coordinate the uses of land by various interests such as mining, agriculture, forestry and other industry. The law provides for the designation of areas prohibited from mining, and for adjudication of the use of land upon application by interested persons dissatisfied with actions, orders, or decisions under The Mining Law or the Stone Quarrying Law. Adequate hearings and court review are provided for. Penalties are prescribed.

2. The following objections are made:

a. Article 58 provides for the establishment of a collegiate court within the Tokyo High Court to handle "only the suits against the adjudication of the Commission". Legislation describing how a particular Court is to perform its functions invades the power of the Courts as granted in the Constitution. LS therefore recommends the deletion of Article 58.

b. Article 61 makes punishable juridical or natural persons as employers of a person who commit a violation of this law. It is recommended that this article be changed with respect to the natural person, so that violation by a natural person's employee will be only a prima facie case of violation against the employer.

3. While there are no serious legal objections to this bill, its

Draft Legislation (cont'd) re: Land Coordination
Commission Establish-
ment Bill

2 need is dependent upon the Mining Law Bill and the Stone Quarrying Bill, to which
(cont'd) serious objections are made by LS in Checknotes of this date. These bills should
be restudied and redrafted along with a new Land Expropriation Law. It is there-
fore recommended that this bill be withheld from clearance by GS for the time being.

1 incl:
w/d

----- A.C.C. -----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

CW/JH/JW/CHH/nk

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Morris

Note No.

From: Govt Sec

To:

RSS

Date:

26-6076

11 March 1950

1

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

2. Your prompt comment is requested.

1 Incl

Land Coordination

Commission Establishment

Bill

Copy: NRS
LS/LJ

C. W.

AG

Land Coordination Estab

3/11

2

From: ESS

To: GS

L.N. ~~26-6671~~
WPH/100/124/sm
Date: 23 March 1950

1. Reference is C/N 1 from GS to ESS, dated 11 March, 1950 transmitting for comment the Land Coordination Commission Establishment Bill.

2. There is no objection to the proposed legislation, provided a saving clause is added to Article 18 to insure against invasion of the Trade Association Law. Article 18 enables the Land Coordination Commission to entrust "an enterpriser's association" with authority to make necessary investigations. It is recommended that a proviso along the following lines be added to Article 18: "Provided that such investigations are not conducted in a manner contrary to the provisions of the Trade Association Law: Law No. 191 of 1948 or the Anti-Monopoly Law.: Law No. 54 of 1947." The provisions of the Trade Association Law are of special relevance in view of the prohibition against trade associations compulsorily inquiring into or demanding reports from entrepreneurs in regard to specific business conditions.

1 Incl
w/d

-----H.P.M.-----

Recd GS
3/23/50

✓

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CW/JN/JW/CHN/nk**

Subject: Draft Legislation

Note No.

From: Govt Sec

To: **NRS**

Capt Norris

23-6076

Date: **11 March 1950**

1

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

2. Your prompt comment is requested.

1 Incl

**Land Coordination Commission
Establishment Bill**

C. W.

Copies: **ESS
LS/LJ**

3/11

Land Coordination Commission Estab.

ASB

From: NR

To: GS

Lt Col N.F. Barnett, 26-6810
HGS/MWR/WG/NPB/1a
Date:

2

1. NR comments on the proposed draft legislation "Land Coordination Commission Establishment Bill" are listed below:

a. The establishment of a Land Coordination Commission as proposed in the attached bill has merit as an attempt to solve the difficulties attendant on the choice between competing uses for land. The proposal, however, has serious weaknesses in the following respects.

b. The proposal is designed to supplement the proposed new Mining Bill. Until the latter is revised to establish a clear relation between the operation of the two bills, passage of the Land Coordination Commission Bill would be premature.

c. The proposal is based on the idea of the commission as an appeal court. NR would favor extension of the commission's authority to cases of first instance, in place of the system for land designation proposed in the new Mining Bill.

d. Establishment of such a committee, designed to have authority overriding, among others, the Agricultural Land Adjustment Law (see Art 45) should not be favorably considered until the effects of the proposed plan on operation of each of the other basic laws has been carefully considered.

BASIC: Check sheet GS to NR, Subj "Draft Legislation" (Land Coordination Commission Establishment Bill) 11 March 1950

CN#2
Cont'd

✓ e. Since more than two-thirds of Japan's surface is forest land, it is suggested that "forestry" be specifically included in Article 20 - 3, providing for personnel of the commission.

✓ f. NR believes the proposal is one which merits careful study in the immediate future, but that until a cooperative plan covering all phases of land use is worked out, passage of this proposed bill would be premature.

1 Incl
w/d

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

LAND COORDINATION COMMISSIONS ESTABLISHMENT LAW FOM 176

- ✓ 1. A saving clause should be added to Article 18 to insure against invasion of the Trade Association Law. A proviso along the following lines should be added to this article:

"Provided that such investigations are not conducted in a manner contrary to the provisions of the Trade Association Law: Law No. 191 of 1948 or the Anti-Monopoly Law.: Law No. 54 of 1947."
- ✓ 2. Article 58 provides for the establishment of a collegiate court within the Tokyo High Court to handle "only the suits against the adjudication of the Commission". Legislation describing how a particular Court is to perform its functions invades the power of the Courts granted under the Constitution.
Art 58 should be deleted
- ✓ 3. Article 61 makes punishable juridical or natural persons as employers of a person who commits a violation of this law. It is recommended that this article be changed with respect to the natural person, so that violation by a natural person's employee will be only prima facie case of violation against the employer.
- ✓ 4. Since more than two thirds of Japan's surface is forest land, it is suggested that "forestry" be specifically included in Article 20 -3, providing for personnel of the commission.
- ✓ 5. It is believed that presentation of this bill at this time would be premature in that this draft legislation is closely related to the Mining Law Bill and the Bill for Stone Quarrying. Establishment of such a Committee, designed to have authority to override, among others, the Agricultural Land Adjustment Law (Art 45) should not be considered until the effects of the proposed plan on operation of each of the other basic laws has been carefully considered.
- ✓ 6. The proposal is one which merits careful study in the immediate future, but until a cooperative plan covering all phases of land use is worked out, introduction into the Diet of the proposed legislation at this time would be premature.

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL. 87-6010)

March 9, 1950

1. FOM Number: 172
2. Name of Bill: Bill for Partial Amendment to the
Land Ledger Law, etc.
3. Competent Ministry: Attorney General's Office
4. Date of Cabinet Approval: February 10, 1950
5. SCAP Section concerned:
Dr. Oppler, LS, Legislation and Justice Div.
6. Remarks: (reference:)
See attached paper.....
.....
.....
.....
.....
7. G.S. Reviewers:

CS:
LS/LJ
ESS
NRS

Received by CS
Date 3/9/50

(14)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JE/CHN/vb

Subject: Draft Legislation

Capt. Morris

26-6076

Note No.

From: Govt Sec

To: LS/LM

Date: 9 March 1950

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

2. Your prompt comment is requested.

1 Incl
Bill for Partial Amend-
ment to Land Ledger Law, etc.

C. W.

P & P DIV

A/G

SUBJECT: Bill for Partial Amendment
to the Land Ledger Law, etc.

3/9

1

2

From: LS/LAJ

To: Govt Sec

K. Steiner - 2635-479
Date: 29 March 1950

No legal objections.

1 Incl:
w/d

-----A. C. G.-----

Rec'd 35
3/31/50

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Morris

26-6076

Note No.

From: Govt Sec

To: ESS

Date: 9 March 1950

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

2. Your prompt comment is requested.

1 Incl
Partial Amendment to the
Land Ledger Law, etc.

Cy to NRS, LS/LAJ

C. W.

AG

3/9

Land Ledger Law

ECW
WFM/ECH/SMH/HB/ec
Mr. Jeffers - 26-6137

21 MAR 1950

From: ESS

To: Govt Sec

2

This Section has no objection to the proposed law.

1 Incl
n/c

W.F.M.

Recd 65
3/21/50

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Norris
26-6076

Note No. From: Govt Sec To: NRS Date: 9 March 1950

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

2. Your prompt comment is requested.

1 Incl
Partial Amendment to Land
Ledger Law, etc.

Cy to ESS, LS/L&J

[Signature]
C. W.

From: NR

To: GS

Miss D.C. Goodwin - 26-7860
HGS/MBW/JLC/DCG/daj
Date: 17 MAR 1950

2

NR has no comment on proposed Bill for Partial Amendment to the Land Ledger Law, etc.

1 Incl
w/d

[Signature]
H.G.S.

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TWL. 37-6010)

Feb. 16, 1950

1. FOM Number: ~~110~~ 110
2. Name of Bill: Bill for Partial Amendments
to the Family Registration Law, etc. pursuant
to the Enforcement of the Nationality Law.
3. Competent Ministry: Attorney-General's Office
4. Date of Cabinet Approval: Feb. 7
5. SCAP Section concerned: Messrs. F. C. Goodman
& K. Steiner:

Legislation and Justice Division, LS.

6. (1) *The Family Registration Law.*
(Law No. 224 of 1947) Official Gazette dated
Dec. 22, Extra.
(2) *The Law for Establishment of Attorney-General's Office.*
(Law No. 193 of 1947) Official Gazette dated
Dec. 17, No. 516.
Amendment of the above Law: Official Gazette
dated May 31, 1949, Extra No. 57.
7. (3) *The Law Amending Fukoku No 103 of 1873.*
(Law No. 21 of 1898:) Copies are attached herewith.

CS:
LS/WJ
ESS
DS

Received by CS

Date 2/16/50

(15)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CHN/nk

Subject: Draft Legislation

Note No.

From: Govt Sec

To: DS

Capt. Morris

26-6076

Date: 16 Feb. 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Attorney General's office.
2. Your prompt comment is requested.

1 Incl

Bill for Partial Amendments to the
Census Registration Law, etc.
Pursuant to the Enforcement of the
Nationality Law

C. W.

DS/WJS/GB/RAE/ena
Mr. Ericson

From: DS

To: GS

26-7055
Date: 10 March 1950

2

1. This draft law apparently seeks to amend the Family Registration Law in such a way as to make it compatible with the provisions of the proposed new Nationality Act, and the amendments would be clearly necessary if the proposed new Nationality Act should become law. The present Articles 102 through 106 of the Family Registration Law are concerned with the registration of persons who acquire Japanese nationality by marriage, adoption, recognition, or the recovery process. These methods of acquiring Japanese nationality would be abolished under the new Nationality Act, which provides, in general, that Japanese nationality may be acquired only by birth to a Japanese father or through a naturalization process. The suggested amendments are therefore believed to be sound in principle and DS perceives no objection to them.

2. With respect to the individual amendments, the following comments are made:

Article 104 - The provisions of the second paragraph would appear to be susceptible to abuse or misinterpretation by administering agencies, unless the implementing regulations were to establish a central agency for approving late notifications or provide a clear explanation of what should be considered an "unavoidable cause."

Article 105

Recd GS
3/10/50

DS

GS

10 March 1950

2
(cont'd)

Article 105 - In order to avoid error or injustice in the filing of notifications of the loss of nationality by public officials, it might be well to require the notifying office to submit documentary evidence of the loss of nationality in those cases where it is available and/or to set forth in its notification the source of the information which leads the notifying office to believe that nationality has been lost.

Incl:
n/c

[Handwritten signature]
----- W.J.S. ----- *[Handwritten signature]*

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) uw/ja/jw/csl/ak

Subject: Draft Legislation

Capt. Morris

26-6076

Note No.

From: Govt Sec

To: IA/LJ

Date: 16 Feb. 1950

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

2. Your prompt comment is requested.

1 Incl

Bill for Partial Amendment to
the Census Registration Law, etc.
Pursuant to the Enforcement of
the Nationality Law

C. W.

P & F DIV

2/16

Amendment to Census Registration Law etc
(att her)

From: LS

To: GS

A.G. Oppler - 2635-582
Date: 28 February 1960

2

1. Subject bill is designed to adjust the provisions of the Family Registration Law dealing with nationality status to the new Nationality Law.

2. No legal objections.

1 Incl:
w/d

Rec'd GS 3/2

----- A.G.C. -----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JH/JW/CHH/ak

Subject: Draft Legislation

Capt. Norris

Note No. From: Govt Sec To: ESS Date: 26-6076
18 Feb. 1950

1. 1. Immediate introduction of the attached draft bill in the Diet is proposed by the Attorney General's Office.
2. Your prompt comment is requested.

1 Incl

Bill for Partial Amendments to the Census Registration Law, etc. Pursuant to the Enforcement of the Nationality Law.

C. W.

oib6 FEB 1950)ESS/PP

J. R. Messler, 26-6148
WFW/EMR/ECH/AMM/JRM/ftk

From: ESS

To: Govt Sec

21 FEB

2. There is no objection to the immediate introduction in the Diet of the attached draft bill, Bill for Partial Amendments to the Census Registration Law, etc. Pursuant to the Enforcement of the Nationality Law, as proposed by the Attorney General's Office.

1 Incl
n/c

W. F. H.

AMENDMENTS TO THE CENSUS REGISTRATION LAW, ETC. PURSUANT TO THE
ENFORCEMENT OF THE NATIONALITY LAW FOM 110

1. Article 104 - (2) The provisions of this paragraph might be open to abuse or misinterpretation by administrative agencies unless the implementing agencies were to establish a central agency for approving late notifications or provide a clear explanation of what should be considered an unavoidable cause.

2. In Art 105, the notifying office should be required to submit documentary evidence of the loss of nationality in those cases where it is available, and/or to set forth in its notification the source of the information which leads the notifying office to believe that nationality has been lost.
