18 November 1948
1630 Hours

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: HR Plenary Session, 18 November.

1. Continuing yesterday's urgent interpellation on the general administrative policy of the Cabinet, Mr. KITAMURA (D), former Finance Minister (Yoshida Cabinet), declared that unless the Cabinet's policy is known the Diet cannot adequately consider legislation brought before it. Mr. KITAMURA stated that circumstances called for determination of policy within the framework laid out by the occupying powers.

2. The Democratic and Social Democratic Parties, averred Mr. KITAMURA, cast blank ballots during the voting for Prime Minister because they could not be in the position of voting for Mr. YOSHIDA in light of his low national esteem.

3. The Prime Minister states that he cannot address the Diet, yet he speaks often and freely to the public, said Mr. KITAMURA. "Why," said the interpellator, "Cannot the Prime Minister state his position and ask for Diet cooperation?" Mr. KITAMURA says the Cabinet has presented no budget, no anti-inflation policy and it has done nothing to repeal the transactions tax.

4. The Cabinet's wage policy was questioned by Mr. KITAMURA who referred to the Finance Minister's statement saying that the financial stress would be alleviated although the Bank of Japan contends otherwise.

5. The War Crimes Trials have been concluded and the verdicts announced, and Japan is well aware of the role of its one-time leaders in the war of aggression, said Mr. KITAMURA, who continued, acknowledging Japan's status as a defeated nation. He warned against a trend toward isolationism and seclusion.

6. The Prime Minister replied, saying "I again state that the purpose of this Diet Session is to consider the amendments to NPSL and after passage of that bill I will make my administrative policy address." Mr. YOSHIDA and the Finance Minister declared that the best anti-inflation remedy is all-out production. The Finance Minister indicated that the Cabinet is seeking repeal of the transactions tax but before doing so must uncover another source of revenue.

RGB
RGB

17 November 1948
1420

MEMORANDUM FOR GENERAL WHITNEY:

SUBJECT: HR Steering Committee Meeting

1. HR Steering Committee confirmed changes in today's HR plenary session agenda, placing two urgent interpellations ahead of all other business. These are the Labor Farmer party interpellation concerning unfair arrests of farmers, and the Social Democrat-sponsored interpellation on the Yoshida Cabinet's general administration. The ensuing eleven speeches and answers will, in all probability, occupy the HR agenda for the balance of the meeting today and tomorrow's meeting.

2. The Steering Committee heard an apology by Mr. Ishida (DL) for his rude appelation of the opposition parties in yesterday's plenary session. The Democrats and Social Democrats vigorously asserted Mr. Ishida's apology to be most inadequate. This issue will be discussed further in tomorrow's Steering Committee meeting.

3. Mr. Kuroda (Labor Farmer Party) explained the resolution of non-confidence in the Cabinet proposed by his party, Japan Farmers' party and the Communist party. Democratic and Social Democratic parties indicated ~~that~~, in their opinion, this resolution to be premature, and that it would be more properly considered at some later date.

4. It is expected that plenary session will commence about 1500.

RGB

17 November 1948
1510

MEMORANDUM FOR GENERAL WHITNEY:

SUBJECT: HR Steering Committee Sub-Committee Meeting

1. Mr. Sato, Secretary General of the Cabinet, has just informed the HR Steering Committee Sub-Committee that the Prime Minister will deliver his Administrative Policy address to the HR on 25 Nov or 26 Nov. The opposition parties queried Mr. Sato for the reason of the delay, whereupon the Cabinet Secretary-General indicated that the Government is experiencing considerable difficulty in compiling the budget. The opposition parties accepted this explanation and indicated they will await the address.

2. The Democratic Liberal members of the Committee attempted to postpone the urgent interpellations on today's agenda but the opposition successfully retained their inclusion on the HR plenary session program.

RGB

17 November 1948
1745 hours

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: HR Plenary Session

1. Today's session of the HR was called at 1530. The two urgent interpellations reported in a previous memo this date were erroneously reported by the HR Liaison Office as having been placed ahead of all other business for today's session. The resolution concerning Japan's joining the International Telecommunications Union and the amendment to the Law for Elimination of Excessive Concentration of Economic Power were considered and unanimously approved by the HR.

2. After Mr. Horie (LF) interpellated the Attorney-General concerning the illegal arrest of farmers involved in difficulties with taxation officials, Mr. Yonekubo (SD) pointedly questioned the Prime Minister on the subject of his delay in delivering an administrative speech, the re-opening of restaurants, abolishment of the transactions tax, removal of economic controls, and the proposed new wage scale as stated by himself and the Democratic Liberal party. The Prime Minister countered with the statement that Mr. Katayama and Mr. Ashida made no haste in delivering their policy speeches and also pointed out that this third session was called primarily for the passage of the amendments to the National Public Service Law.

3. The Finance Minister informed the HR that priority must be given to production for economic reconstruction. He stated that he was not considering the issuance of deficit bonds.

4. The Finance Minister was followed to the rostrum by the Labor Minister who stated that it was his desire to stick to the international standard of an 8-hour day and that he had no intention of amending the Labor Standards Law. As to the fixing of a ceiling for wages, he felt that a substantial increase in incomes would have to be effected before wages could be steadied or fixed. He also reported that the two major labor disputes are being handled well and hoped to have them solved as early as possible.

4. Mr. Yonekubo made a second appearance at the rostrum to state that the Prime Minister's and Finance Minister's replies were most unsatisfactory in view of the fact that the gist of his interpellations had been furnished to them before the session started, and to which they had scarcely made reply. Mr. Yoshida's excuse that Mr. Katayama and Mr. Ashida both delayed their speeches was groundless and that the Finance Minister's reply was very vague and lacked concrete plans.

5. Mr. Matsuoka, Speaker of the HR, ruled that there would be no reply from the Government and, upon a motion from a member of the Democratic Liberal party, the remaining interpellations were postponed until tomorrow's session. The session adjourned at 1715.

C.F.G.
CFG

17 November 1948
1100 Hours

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: HR Proceedings, 17 November 1948

1. HR plenary session agenda for today tentatively consists of HR deliberation on approval of Japan's participation in the International Telecommunication Convention and the Bill Amending the Law Eliminating Excessive Concentrations of Economic Power.

2. The HR Standing Committee for National Personnel is holding its first public hearing on Amendments to NPSL this morning. The Committee will hear 10 witnesses representing labor unions, two from management and three representing the general public. A second and last public hearing on this bill in the HR committee will be held tomorrow morning.

3. It is not expected that the Prime Minister will reply to Mr. OZAKI's urgent interpellation of yesterday.

RGB

17 November 1948
1145 Hours

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: Public Hearing on Amendments to NPSL

HR Standing Committees for National Personnel and Labor, conducting a joint public hearing, have heard views of five witnesses representing labor, management and the general public. The hearing is orderly and quiet. Labor Minister MASUDA is the only Cabinet Minister present. One hundred fifteen spectators are viewing the proceedings. Meetings are being held in the HR Budget Committee Room, the largest committee room in the Diet Building.

RGB

17 November 1948
1235

MEMORANDUM FOR GENERAL WHITNEY:

SUBJECT: HR Steering Committee Sub-Committee Meeting

1. HR Steering Committee Sub-Committee has just concluded its daily meeting. The opposition urged disciplinary action be taken against Mr. Ishida (DL) in view of the latter's remarks in plenary session yesterday. Mr. Ishida had said the Democrats and Social Democrats to be "shameless" in presenting the resolution for presentation of the budget covering natural calamities inasmuch as the Katayama and Ashida Cabinets had done nothing to remedy the situation. Spokesman for the Democratic party claimed that Mr. Ishida seeks to intimidate the Diet and often offends its dignity. Democratic Liberal members expressed Mr. Ishida's regrets who then sought to speak for himself, but was ordered to leave the room. The HR Steering Committee, in full meeting, will further consider this matter.

2. Two urgent interpellations follow on the agenda for plenary session. The Labor Farmer party will sponsor a ten minute address informing the HR of unfair and illegal arrests of farmers in connection with delivery of rice quotas.

3. The second interpellation will be concerned with general administration of the Yoshida Cabinet and is proposed by Mr. Yonekubo (SD) and Mr. Iimura (SD). Following there will be a series of eleven speeches by opposition and minor party members. These speeches will continue, together with replies by Cabinet Ministers, over the next several days.

R.G.B.
RGB

16 November 1948
1050

MEMORANDUM FOR GENERAL WHITNEY:

SUBJECT: HR Agenda

1. HR plenary session meeting this afternoon, lists on its agenda yesterday's unfinished business - the resolutions requesting supplementary budgets covering the new wage level for government employees, and for measures to be taken in event of natural calamities.

2. The HR and HC Standing Committees for National Personnel, yesterday, conducted routine business concerning Amendments to NPSL, making normal progress. The HR standing committee is now discussing the bill.

3. HR Steering Committee will meet at 1300.

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16 November 1948
1300 Hours

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: HR Steering Committee Sub-committee Meeting.

1. HR Steering Committee Sub-committee Meeting, just concluded, confirms HR plenary session agenda previously announced. Speaker Matsuoka acknowledged an error on his part in accepting a Democratic Liberal motion introduced but not carried in the closing minutes of last night's plenary session. At the demand of the Social Democratic Party, the Speaker apologized to the sub-committee. The Speaker will also express his apologies to the House at the opening of plenary session.

2. The resolution demanding the supplementary budget covering the new wage level for government employees will be explained by a Social Democrat, after which five brief supporting speeches will be made. No member of the Democratic Liberal Party will speak. The Minister of Finance will reply.

3. The resolution calling for the supplementary budget on measures for natural calamities will be explained by the Peoples' Cooperative Party after which five brief speeches on its behalf will be made.

4. Mr. Yukio OZAKI (Independent Club) will make an urgent interpellation on Diet dissolution.

5. HR Steering Committee will have full committee meeting at 1315, and it is expected that plenary session will commence at 1400.

R.G.B.
RGB

16 November 1948
1440 Hours

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: Proposed Resolution of Non-Confidence in the Cabinet.

A proposed resolution expressing- non-confidence in the Cabinet sponsored by Mr. KURODA (Labor-Farmer Party) has been submitted to the HR Secretariat. It is expected that the HR Steering Committee will consider this measure tomorrow. This resolution is supported by the Labor Farmer Party, Japan Farmer Party and Communist Party, with a total of 23 votes. Even if the Democratic-Liberals support this resolution (indicating non-confidence in their own regime) the proposal would be defeated in the HR Steering Committee by a vote of 15 to 10 and in the HR plenary session by a vote of 272 to 174.

RGB

16 November 1948
1515 Hours

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: HR Plenary Session

1. Speaking in behalf of the resolution demanding presentation of the supplementary budget covering the new wage level for government workers, Mr. SHIMAGAMI (SD) advocated immediate revision of the wage basis and called upon the Government to implement this resolution in order that wages paid those in government service be brought into adjustment with remuneration offered to labor by private enterprise. Mr. SHIMAGAMI (SD) declared that the Government has not shown good faith in replying to questions on amendments to NPSL and expressed doubt that the Cabinet understands the contents of General MacArthur's letter to the Prime Minister concerning revision of NPSL.

RGB

16 November 1948
1540 Hours

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: HR Plenary Session

1. Mr. TSUNAJIMA (DL) opposed the resolution demanding the wage level budget, questioning the resolution's timeliness in view of the fact that Amendments to NPSL are now before the House. Mr. TSUNAJIMA further remarked that General MacArthur's letter recommends establishment of a wage level in accordance with Amendments to NPSL and contended the wage question should be deliberated at some later time.

2. Mr. TAKAHASHI (D), urging passage of the resolution, called upon the Government to clarify its position respecting Amendments to NPSL.

E.B.B.
RGB

16 November 1948
1610 Hours

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: HR Plenary Session

1. Mr. HIROKAWA (PC), supporting the resolution on the presentation of the wage level budget, asserted the Peoples' Cooperatives' willingness to cooperate with other parties of the opposition in steering a course through the difficult situation prevailing in Japan at the moment.

2. Mr. DATE (Labor Farmer Party) accused the Government of attempting to impose restrictions on labor by disallowing the wage level budget to be considered jointly with Amendments to NPSL. According to him, thousands of young men have been arrested under Cabinet Order No. 201.

3. The reactionary nature of the Cabinet has been the sole reason for the advocacy of this unusual resolution, claimed Mr. NOZAKA (C). He stated that the Government should have solved the wage problem long ago.

4. The resolution was approved by the HR in a standing vote, the Democratic Liberals voting against passage. The Finance Minister informed the House that he fully understood the purpose and intent of the resolution and that the budget would be presented shortly.

5. Taking up the next item on the agenda, the HR heard the resolution, demanding presentation of the supplementary budget covering expenditures for natural disasters, read and explained by Mr. IDE (PC). This Diet member averred that typhoons, earthquakes and floods have wrought vast damage in Japan and claimed that budget appropriations to cover rehabilitation in the areas affected by these catastrophes are wholly insufficient.

6. Mr. ISHIDA (DL) indicated support of the resolution. However, he declared that the Democrats and Social Democrats are shameless in proposing this measure inasmuch as they did nothing to remedy the situation when they were in power. At this juncture members of the Social Democratic and Democrat Parties assembled around the Speaker's rostrum demanding that the word "shameless" be stricken from Mr. ISHIDA's remarks. The meeting became increasingly noisy and Democratic Liberals called for adjournment, but were overruled by the opposition.

RGB

16 November 1948

1710

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT : HR Plenary Session

Three Diet members, expressing support of the resolution calling for presentation of the supplementary budget covering expenditures for rehabilitation of areas damaged by natural calamities, took the Government to task for not making available funds to accomplish the necessary work. Most severely damaged were properties in the agricultural areas and consequently farmers are direly in need of assistance. Mr. Takahashi (D) suggested that party politics be omitted from Plenary Session discussion inasmuch as there were present in the gallery certain people listening closely. The Opposition parties called for a twelve billion yen budget for recovery from natural disasters.

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DECLASSIFIED BY NARA DEC. 5(E) AND 5(D) OR (E) NNDG # 775972

16 November 1948

1800

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT : HR Plenary Session

1. Mr. Ishino (Labor Farmer Party), speaking on behalf of the resolution advocating funds for rehabilitation of damaged areas urged two hundred billion yen financial aid to agricultural interests. Mr. Nakano (SR) declared that under Article 54 of the Constitution the House of Councillors can be summoned into emergency session when the House of Representatives is in dissolution and at this time the Upper House could cope with financial matters of an emergency nature. Considerable jeering from the Opposition greeted this statement.

2. The Resolution was passed unanimously. The Finance Minister and the Construction Minister informed the House that the budget would be compiled as soon as possible.

3. Mr. Yukio Ozaki (Independent Club) is now making an urgent interpellation concerning the interpretation of the Constitution as it concerns the dissolution of the House of Representatives. Mr. Ozaki compared the Meiji Constitution with the present Constitution, stating that formerly the Prime Minister was appointed by the Emperor but is now named by the House of Representatives and the House of Councillors. Article 7 of the Constitution accords the Emperor ceremonial powers in the dissolution of the House of Representatives, but the power actually lies in the hands of the House. In contrast with the noisy and rowdy proceedings earlier in the meeting, the House of Representatives is listening to Mr. Ozaki intently and in complete silence.

4. It is expected that the Prime Minister will reply to Mr. Ozaki upon the completion of the latter's address.

R.S.B.

RGB

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 773 072

16 November 1948
1830

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT : HR Plenary Session

1. Mr. Ozaki continuing one of his rare appearances before the assembled HR expressed grave doubt of the Prime Minister's authority to dissolve the HR. Mr. Ozaki challenged the power of the Emperor to dissolve the HR.

2. Mr. Ozaki observed that the House should refrain from a vote of non-confidence in the Cabinet. By so doing the HR will deprive the Prime Minister of a basis of justification for calling for the dissolution of the HR.

3. Mr. Ozaki is addressing the HR impartially, refraining from favoring one party over another and urging the House to act in a manner befitting the National Legislature and on the other hand clearly defending its status under the Constitution.

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

16 November 1948

1900

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT : HR Benary Session

1. Mr. Ozaki concluded his urgent interpellation. The Prime Minister has informed the HR that he will reserve his comments until he has consulted with the Cabinet.

2. The HR has proceeded to the next item on the agenda, a resolution urging acceleration of repatriation.

RGB

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

15 November 1948
~~1920~~x 1940

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: HR Plenary S$_e$ssion

1. Following the Prime Minister's exit from the chamber, one of the five or six remaining Democratic Liberal members motioned that the meeting close, but the [redacted] motion was not carried.

2. The opposition commented that the Prime Minister in his remarks had said nothing in replying to the questions put to him by those supporting the resolutions. The Speaker then said that he would get the Prime Minister to return to the chamber. However, the matter was dropped.

3. The resolution demanding that the Prime Minister deliver the policy address to the HR was approved by the chamber in a standing vote. The Democratic Liberals, having returned in some number, were the only HR members expressing disapproval of the measure.

4. The Democratic Liberal members advocated that the remaining items on the agenda be postponed until tommorrow, and this motion was carried.

5. Plenary session closed at 1920.

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

15 November 1948
1730

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: HR Plenary Session

1. Mr. Ishida (People's Cooperative Party) supported the resolution, alleging that the Prime Minister's words and actions, since the formation of the Cabinet, have slighted and ignored the Diet, denying it the dignity rightly its own. It was further alleged that the Prime Minister seeks suspension of the Showa Denko investigations because he fears the real truth that may arise. At this point, many Diet members clustered about the Speaker's rostrum engaging in heated arguments to the extent that guards stationed close by were called upon to separate some groups.

2. Miss Matsutani (Labor Farmer) also supported the resolution, crying "Shame" upon the Cabinet for holding the Diet in session when it has no administrative policy. "The Diet," said she, "should vote non-confidence in the Cabinet." The Democratic Liberals cheered at this juncture.

3. Mr Sakakibara (New Liberal Party) declared that the Prime Minister should clarify his policies before the HR. "The Amendments to NPSL will have wide effects," according to this HR member, "so much so that it is impossible to consider the bill alone." "Therefore, the Prime Minister's address is awaited."

4. Mr Tokuda (Communist) sopke for the resolution, saying that the Prime Minister should have dissolved the Diet at the beginning of the session. The Cabinet, and Japan does not need the Amendments to NPSL immediately. It was a blunder of the first water for the Prime Minister not to make his policy speech according to Mr Tokuda. This HR member went on to claim that deliberations in committees of the HR is rendered extremely difficult due to the lack of understanding by HR members of the Cabinet's policies.

5. Mr Yoshida replied, stating that he should have dissolved the Diet at the beginning of the session, but that the Amendments to NPSL were of utmost importance and required consideration by the Diet. The Prime Minister said that he had no intention to speed of deliberations on the bill, after which he left the chamber, followed by many members of the Democratic Liberal Party, creating a considerable uproar.

6. ~~After an additional speech, The meeting closed at 1750.~~

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NND# 773 012

15 November 1948
1840

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: HR Plenary Session

The only Diet member to speak in opposition to the Hosokawa resolution, Mr. Homma (DL) began by stating that it should be evident to all that the current session of the Diet was summoned to discuss Amendments to NPSL, not to play party politics. He acknowledged that the opposition is apparently united in its demand for the Prime Minister's policy speech. Mr. Homma repeated the often-spoken Cabinet promise that the Prime Minister would deliver his address at a suitable moment, and that would certainly be by the end of this month. Mr. Homma challanged the opposition with the statement, "If you are so opposed to us, why don't you vote a show of non-confidence ?"

Mr. Ishii (D) spoke in support of the regolution, indicating the alignment of his party with the Social Democrats. Mr Ishiik stated that the Amendments to the NPSL are the most important subject at the moment but claimed that they are closely connected with the Cabinet's policy, and so should be covered in a policy speeh by the Prime Minister. Mr. Ishii declared that the Prime Minister is seeking to dissolve the HR in a sudden move, and went on to say that altough Mr. Yoshida had promised to repeal the transactions tax, he was well aware that such an action could not accomplished.

Three Diet members have yet to speak in behalf of this resolution.

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

15 November 1948
1810

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: HR Plenary Session -- Resolution Demanding Prime Minister's Policy Address

In a noisy meeting, the HR received the presentation of the first of three resolutions placed on this afternoon's agenda. The proposer of the resolution demanding that the Prime Minister address the HR on his administrative policy, Mr. Hosokawa (SD) called upon the Cabinet to clarify its policies. The Diet member stressed the need for lucid explanations on Amendments to NPSL. Mr. Hosokawa urged that the present is the most appropriate time for the policy address. "We demand", said Mr. Hosokawa, "that the Prime Minister address the House on matters of policy." He continued, saying that is is scandalous that the Prime Minister should [redacted] permit matters to become so that he must be exhorted so by the HR.

Mr. Hosokawa declared that the chief executives of Great Britain and the United States address the opening meeting of each session of their respective national assemblies on matters of policy, although Mr. Yoshida does not see fit to do so in Japan. The member urged that the Prime Minister should inform the Diet of what his Government can do and what it cannot do. In closing, Mr. Hosokawa claimed that his party was prepared to take strong action in the event that the Prime Minister denies his address to the Diet.

Four additional members of the HR will speak in support of this resolution, while one member of the Democratic Liberal party will speak against it.

Two additional resolutions are scheduled: 1) On Presentation of the Budget to Finance the New Wage Level, and 2) Presentation of the Budget to Finance Measures Coping with Natural Calamities and Disasters.

RGB

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

15 November 1948

1740

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT : HR Steering Committee Meeting

1. In a brief meeting, the HR Steering Committee denied the Prime Minister permission to address the House prior to the submission of the three proposed resolutions. The Democratic Liberals opposed the Committee's decision.

2. Prime Minister Yoshida has, through the Democratic Liberal Party, let it be known that he has an appointment in GHQ at 1800, and that due to the lateness of his appearance in the HR, following the introduction of the resolutions, he is seeking a deferment of said appointment.

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

15 November 1948.

1715

MEMORANDUM FOR GENERAL WHITNEY:

SUBJECT : HR Steering Committee Subcommittee Meeting

HR Steering Committee Subcommittee has just concluded a special meeting in which Democratic Liberal spokesman requested that the Prime Minister be allowed to address the HR, presenting an explanation of the Cabinet's attitude before resolutions are introduced as previously scheduled. The opposition parties vigorously opposed this request. The Democratic Liberals pressed further for approval of their request, but were as energetically opposed by the Democrats and Social Democrats. Speaker Matsuoka suggested, as a compromise, reference of this matter to full meeting of the HR Steering Committee. The latter has been in session for 10 minutes and has already started its discussion.

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

15 November 1948
1620

MEMORANDUM FOR GENERAL WHITNEY:

SUBJECT: Delay in HR Plenary Session

1. HR plenary session has been delayed due to an extended caucus within the Democratic Liberal party. Resolutions scheduled for presentation to plenary session by the opposition are being discussed.

2. The Cabinet has been in emergency meeting since 1545, discussing possible courses of action to be followed upon the passage of the three resolutions scheduled on the HR plenary session agenda.

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

15 November 1948
1400

MEMORANDUM FOR GENERAL WHITNEY:

SUBJECT: HR Steering Committee Meeting

1. The HR Steering Sub-Committee approved the agenda announced last Saturday for today's plenary session (three resolutions).

2. Meeting at 1320, the Steering Committee agreed to public hearings on the Public Railways Bill and on the NPSL, the latter scheduled for 17 - 18 November. Mr. Hosokawa (SD) requested that the Public Corporation Labor Relations Bill be explained in plenary session, but action on this request was deferred.

3. The plenary session will probably open around 1500 hours.

A.G.B.
RGB

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

15 November 1948

0905 Hours

MEMORANDUM FOR GENERAL WHITNEY.

SUBJECT: HR Plenary Session Agenda, 15 November.

1. Tentative agenda for today's HR plenary session calls for presentation of Resolutions concerning the Prime Minister's administrative policy speech, a supplementary budget covering new wages for government employees, and a supplementary budget for natural calamities. This agenda is subject to change by the HR Steering Committee which meets at 1100.

2. Interpellations on the NPSL were concluded last Saturday.

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DECLASSIFIED E.O. 12632 SEC. 3(E) AND 3(D) OR (E) NNDG # 773 072

13 November 1948
1100

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: Interpellations on Amendments to NPSL in HC, Committee Minutes, November 12.

1. On November 12 in joint meeting of Standing Committees for Personnel Administration and Labor, Dr. ASAI commented on questions concerning divergence of opinion reported to have existed among delegates in the Allied Council for Japan relative to amendments to NPSL revision, saying that the Cabinet had received no formal and accurate information concerning this subject.

2. Mr. HANI, Goro (Ind) urged Government introduction of the budget to finance pay issues concomitant with amendments to the NPSL. He admonished the NPA to make "intensified efforts" in arriving at a new pay scale commensurate with public opinion. Three members of the HC supported Mr. HANI in his statements.

3. Other remarks indicated HC belief that the Government's request for passage of the amendments to the NPSL by 15 November is not understandable. The opinion was expressed that the matter of a public hearing on the bill in question should be entrusted to the decision of Mr. MATSUDIARA, President of the HC.

R. G. BROWN

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

13 November 1948

1220

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: HR Steering Committee Meeting

1. HR Steering Committee began today's meeting at 1147 hours. The Speaker consented to a request for a public hearing on the Amendments to the NPSL and the Committee expressed its unanimous approval of this action, although the Democratic Liberals insisted upon the qualification that a public hearing be as short as possible.

2. The Committee next decided that the three remaining interpellations on the Amendments to NPSL would occupy first place on today's agenda. Next will be the resolution requesting the Prime Minister's address on administration policy sponsored by Mr. HOSOKAWA (SD) and six others. One DL member will speak against the resolution. A second Resolution Urging Clarification by the Government of the New Wage Level for Government Employees will also be presented in the plenary session.

3. An emergency meeting of the Cabinet has been called for 1300, the subject of discussion being unknown to the HR. This will delay the opening of the plenary session, scheduled for 1330.

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

13 November 1948
1415

MEMORANDUM FOR GENERAL WHITNEY:

SUBJECT: HR Plenary Session

HR plenary session has not started. There is no indication of when the meeting will begin.

RKS.
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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

13 November 1948
1545

MEMORANDUM FOR GENERAL WHITNEY:

SUBJECT: Urgent Meeting Of HR Steering Committee

1. HR Steering Committee met in urgent session at 1532. Chairman Yamaguchi (DL) informed the assemblage that the Prime Minister had suddenly left the Cabinet meeting shortly before because of a sudden illness, said to be a severe stomach upset. The Chairman stated that the Prime Minister was returning to his home at Oiso.

2. The opposition furiously attacked the Government accusing the Cabinet of being irresponsible and not acting in good faith.

3. Mr. Hosokawa (SD) informed the committee that the Social Democratic Party desired to make a statement at the beginning of this afternoon's plenary session urging that proceedings be accomplished with more dispatch.

4. The Committee decided to place the Social Democratic Party statement first on today's agenda to be followed by the remaining three interpellations on the amendments to the NPSL. Resolutions originally scheduled for today's plenary session will be considered on Monday.

5. Mr. Hayashi, Deputy Prime Minister, will attend the plenary session as the Prime Minister's representative. Plenary session is expected to begin within ten minutes.

RAB.
RGB

DECLASSIFIED E.O. 11,652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

13 November 1948

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: Closing HR Interpellations on Amendments to NPSL, 12 Nov 48

1. According to the interpellater a proposed draft bill for Educational Public Officials would place educators under the National Personnel Authority, whereas the recently enacted Board of Education Law gives the Boards of Education jurisdiction over them, causing conflict and confusion.

2. The Prime Minister responded with a statement affirming his confidence that the bill would guarantee faithful and efficient service from public officials.

3. Dr. ASAI, Director of the Temporary National Personnel Authority, referred to SCAP's letter to the Japanese Government asserting that the rights of public officials should be protected, and that he was in full agreement with General MacArthur. Dr. ASAI further stated that the political and administrative aspects of government should be kept separate and well apart, so much so that public officials remain neutral in political matters. The NPA and Board of Education, said Dr. ASAI, are two separate organs of the Government and should not be confused.

4. Mr. AKAMATSU (SR) called attention to the results of the enforcement of Cabinet Order No. 201 (1948), claiming that it has brought only controversies over its constitutionality. The interpellater expressed doubt concerning the validity of Mr. Sebald's statements in the meeting of the Allied Council for Japan held on 28 August. The nature of General MacArthur's letter to the Japanese Government was questioned, i.e., whether it be an order, or a recommendation.

5. The interpellater continued, saying that Article 28 of the Constitution prohibits restriction of the right of collective bargaining, and, therefore, Cabinet Order 201 (1948) is in violation of the Constitution. The division between the special and regular government services was questioned with the allegation that special services will prove "all-powerful." Mr. AKAMATSU asked why it was necessary that this bill be passed by 15 November, and what would the Cabinet do were the bill not passed by then. He stated that this measure should not be used for political purposes. He sought clarification of the denial to Government employees of the right to organize granted other laborers. A public hearing on this, Mr. AKAMATSU said, is highly desirable.

6. The Prime Minister led off with the Government's replies to the interpellater, declaring that he deems General MacArthur's letter a recommendation as opposed to an order. Mr. YOSHIDA disclaimed pressuring the Diet to pass the bill

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

by 15 November, saying that he had merely expressed a desire to see the bill enacted into law by that date. He further stated that if the Diet proposes recommendations, he will agree to them willingly.

7. Labor Minister MASUTANI held that the work of public officials is to serve the entire nation, hence their special treatment. The public is already aware of the purpose of the bill, and so there is no necessity for public hearing.

8. Finance Minister IZUMIYAMA announced the Government hopes to present the budget and new wage basis at an early date, and declared that the Government must have a sound and balanced budget.

9. Attorney General UEDA asserted this bill does not violate the Constitution.

RGB

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

13 November 1948
1620

MEMORANDUM FOR GENERAL WHITNEY:

SUBJECT: HR Plenary Session

1. HR plenary session opened at 1600. Mr. Tsuji (SD) presented the Social Democratic Party statement declaring that the Cabinet has demanded that Amendments to NPSL be passed by the HR no later than 15 Nov and has threatened to take "a strong attitude" in the event the HR does not. Mr. Tsuji labeled this Cabinet request as "utterly absurd". The Government, the Social Democratic Party spokesman claimed, seldom has representatives at plenary sessions and committee meetings and in this way is hindering debates. As a case in point, Mr. Tsuji cited today's plenary session originally scheduled for 1300, but postponed due to the absence of Cabinet representatives. Mr. Tsuji, in closing, expressed doubt that Amendments to NPSL will be approved by the HR by 15 Nov.

2. Mr. Hayashi, Deputy Prime Minister addressed the House, apologizing for the Prime Minister's absence, and saying that the latter had been stricken ill while attending a Cabinet meeting. He asserted that the Government promises to cooperate to the utmost in facilitation of Diet proceedings.

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

13 November 1948
1645

MEMORANDUM FOR GENERAL WHITNEY:

SUBJECT: HR Plenary Session

1. Mr. Tokoro (Labor Farmer Party), in the second interpellation of the afternoon on the Amendments to NPSL pictured the world scene, reminding the HR that President Truman had been unexpectedly re-elected to office, declaring that labor support had made this possible. Consequently, Mr. Tokoro claimed, the Taft-Hartley Act will be repealed shortly. Conditions in China and other countries are changing, the world is progressing, and only Japan retains a conservative Chief Executive, stated Mr. Tokoro. The interpellator queried the Cabinet for the reasons why Japan is not making progress, and then went on to say that Cabinet Order No. 201 (1948) is considered unconstitutional, urging the Cabinet to repeal it.

2. Mr. Tokoro requested an expression ~~from~~ the Cabinet's opinion of the 6307 yen wage base, the possibilities of effectuating such a wage level, and possible action to be taken in the event that such a base is not adopted.

3. Continuing, the interpellator commented that public officials are only human beings, asking why the Cabinet discriminates against them. He called upon the Cabinet to recognize the right of collective bargaining.

4. Mr. Hayashi, Deputy Prime Minister observed that Japan can take its own course in the world and stated that he was quite sure of the constitutionality of Cabinet Order No. 201. Dr. Asai said that he would explain the wage base question when that bill is presented to the Diet. The Finance Minister asserted that the Government deems the 6307 yen wage level too high.

RGB

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

13 November 1948
1705

MEMORANDUM FOR GENERAL WHITNEY:

SUBJECT: HR Plenary Session

1. Mr. Soma (IC), second interpellator of the afternoon, expressed the opinion that so important a bill as the Amendment to NPSL could not be passed as quickly as the Cabinet had requested. Substantiating Mr. Hosokawa's statement in the early part of the plenary session, Mr. Soma declared that Dr. Asai was the only Government representative in today's Personnel Affairs Standing Committee meeting. The interpellator contended that the Prime Minister continues to assert the constitutionality of Cabinet Order No. 201 whereas he refers to SCAP's letter as a recommendation. This ambiguity, Mr. Soma holds, should be clarified.

2. The interpellator requested the Finance Minister to state what he regards an adequate wage base.

3. The NPA according to Mr. Soma has already acquired an attitude that it is vested with wide powers.

4. Mr. Hayashi, Deputy Prime Minister, declared that the Diet may take as much time as it requires to pass the amendment to NPSL, although he urged early approval. Mr. Hayashi apologized for the low attendance of Cabinet representatives in the Personnel Affairs Standing Committee meeting, and reaffirmed the Cabinet's contention that Cabinet Order No. 201 is constitutional. Upon the appearance of the Finance Minister before the House, the Speaker reminded the assembly that there would be no jeering. The Finance Minister stated that the Government is examining the adequacy of the 6307 yen wage level. Assurances that railway fares and postal charges would not be increased were given to the house by the Finance Minister. Dr. Asai denied the alleged assumption of an offensive attitude by the NPA.

R.G.B.
RGB

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

13 November 1948
1745

MEMORANDUM FOR GENERAL WHITNEY:

SUBJECT: HR Plenary Session

1. Plenary Session closed at 1710 upon the conclusion of Mr. Kimura's (C) interpellation, and reply by the Finance Minister.

2. President Truman, who promised repeal of the Taft-Hartley Act, has been re-elected as Chief Executive of the United States. Mr. Hayashi has just commented that Japan should follow its own course relative to labor laws. "It is clear", said Mr. Kimura, "that we cannot be indifferent to world progress". The interpellator referred to a resolution approved in the 3rd General Assembly of the United Nations Organization demanding protection for laborers, asserting that Japan should follow this line of action inasmuch as it is the general trend of the world. The FEC says strikes are forbidden only when detrimental to occupation policy, said Mr. Kimura, who continuing, advised that the right of bargaining be substituted for prohibition of strikes, thus eradicating necessity for labor conflicts.

3. The Government shows no good intentions in effectuation of the 6307 yen wage base, and therefore, union members have no alternative but to starve. "If the Government would cease financing privileged persons, as in the Showa Denko scandal, it would be quite easy to save the laborers", declared Mr. Kimura.

4. The Finance Minister replied, stating that the Government wishes to do its best on the wage problem but present circumstances are extremely difficult. To this Mr. Kimura rejoined that the Finance Minister's reply was most unsatisfactory, and then admonished the Government for not clarifying the constitutional status of the Amendments to NPSL.

RGB

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

12 November 1948

1735

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT : HR Plenary Session

1. HR Plenary session was concluded at 1730.

2. Interpellations on amendments to NPSL continued in the same vein as previously reported, nothing significant being added.

3. No resolutions or motions were introduced.

RGB

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

12 November 1948.

1655

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT : Plenary Session in HR

1. HR Plenary session began at 1628. The Prime Minister stated that Cabinet Order No. 201 (1948) is not unconstitutional, inasmuch as it was issued under the authority of Imperial Ordinance No. 542 (1945), the "Potsdam Ordinance".

2. The Prime Minister informed the HR that his administrative policy address will be presented "shortly".

3. The first interpellator queried the Government relative to its attitude concerning the 6307 yen wage level, and asked if budgetary provisions are being made for the increased wage level.

4. Interpellations continued with the observation that the National Personnel Authority has too many powers. Article 202 of the Amendments to NPSL restricting political activities of Government employees it was charged, would cause conflicts between the National Personnel Authority and the Education Ministry over control of education officials.

RGB

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 713 012

12 November 1948

1545

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: HR Steering Committee Meeting

1. At 1420, HR Steering Committee resumed its meeting with Mr. Sato, Secretary General of the Cabinet in attendance. The Prime Minister and Finance Minister did not appear as requested.

2. Mr. Narushime queried Sato relative to his threat of "grave measures" should the Diet does not pass the Amendments to the NPSL by 15 November. Mr. Sato stated that this threat was not decided by the Cabinet, but by the Prime Minister, and then reported to the Cabinet.

3. Mr. Hayashi (C) stated that the attempt to set a 15 November deadline was blamed on GHQ, although he knew it to be the desire of the Cabinet only.

4. The Committee strongly admonished the Cabinet to be more careful in the future, though no motion or resolution was formally adopted.

5. The plenary session will begin at 1540, with interpellations on the Amendments to NPSL, followed by Hosokawa's resolution requesting a policy speech by the Prime Minister.

RGB

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

12 November 1948

1440 Hours

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: Proposed Resolution in the HR

1. Mr. Yoshikawa (SD) proposes the following resolution for introduction in the HR:

"Be it so resolved that, the dissolution of the HR not be done, in any case, against the will of the HR except in compliance with Article 69 of the Constitution based upon the principle of the people's sovereignity as set forth in the Constitution."

2. This proposal will be discussed in the Steering Committee later this afternoon.

R.G.B.

RGB

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

12 November 1948

1250 Hours

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: Proceedings of the HR Steering Committee

1. The resolution proposed by Mr. HOSOKAWA (SD) calling for presentation of the Prime Minister's administrative policy speech will be introduced in the HR plenary session today.

2. Mr. NARUSHIME (SR) referred to statements made by Mr. SATO, Secretary General of the Cabinet, appearing in the Japanese press to the effect that should the Diet not pass the Bill Amending the National Public Service Law, the Cabinet will take "grave measures." It is believed "grave measures" connotes dissolution of the House of Representatives. Mr. NARUSHIME urged that the Committee summon Mr. SATO for an explanation. Mr. SASAGUCHI (SD) stated that the Prime Minister and the Finance Minister should also be required to appear before the Committee. Request for the presence of the Prime Minister, Finance Minister and Chief Cabinet Secretary was dispatched to the Cabinet. The Committee went into recess pending reply.

3. Plenary session is expected to be held later this afternoon.

RGB

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

11 November 1948
1710 Hours

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: Interpellations on Amendments to National Public Service Law

1. Mr. NAKASONE (D) holds this bill unconstitutional in that it violates Article 65 of the Constitution by permitting the National Personnel Authority to report directly to the Prime Minister rather than to the Cabinet. Article 65 of the Constitution states "Executive power shall be vested in the Cabinet." Mr. NAKASONE further stated that it was by such devices that Hitler and Tojo rose to power.

2. The interpellator went on to say that the measure in question sets up an entirely new bureaucracy, and that the draft bill accords too many powers to the National Personnel Authority.

3. Mr. NAKASONE contends that this bill will allow the National Personnel Authority to encroach upon the authority of the Diet.

R.G.B.
RGB

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

11 November 1948

1620 Hours

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: Interpellations on NPSL

1. Plenary session began at 1555 with galleries filled to capacity. Mr. MATSUKAYA (SD), first interpellator, asked the Government:

> What wage level will be fixed? What about labor unions in private business and industry? Will the Government amend labor legislation already on the statute books? Does term "Government officials" in General MacArthur's July letter apply to local officials also? Should separate legislation be passed to deal with local government officials?

2. The Prime Minister stated that he hopes to revise the labor union laws, details of whiich will be explained by the National Public Service Commission. (Considerable jeering) The Finance Minister replied, advocating a 5300-yen wage base. (Booing and hooting).

3. The Labor Minister spoke in support of a fixed wage plus an efficiency wage, adding that officials of Government employees labor unions are not privileged individuals.

4. Mr. MATSUKAYA (SD) resumed the floor and stated, "We cannot proceed with the Amendments to National Public Service Law unless the wage bill is introduced for study at the same time."

JW

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

11 November
1530

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: Misunderstanding in H. R. Steering Committee

1. Refusing to appear before the Steering Committee re Cabinet Secretary Sato's implication that "high objective quarters" had ordered passage of the NPSL Bill by 15 November, the Prime Minister sent Deputy Prime Minister Hayashi instead. Thereupon Chief Secretary Oike of the House 'phoned GS in order to get the record straight. After talking with General Whitney, the undersigned conveyed the following message to Mr. Oike, who was in the presence of the Speaker, Steering Committee Chairman Yamaguchi (DL) and Floor Leader Asanuma (SD):

a. GHQ understands that the NPSL Bill will be passed this session;

b. GHQ has not specified any particular deadline date for passage of the bill.

Asanuma gave assurance that the bill will be passed after it has been thoroughly deliberated. Yamaguchi said that the immediate problem before his committee was solved.

2. The plenary session is now getting under way with nothing on the agenda except interpellations on the NPSL Bill.

JW

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

11 November 1948 -- 1315

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: Meeting of House of Representatives House Management Sub-Committee on Proceedings

1. The H.R. Steering Sub-Committee has just concluded its second meeting of the day. It was revealed that Mr Sato, Chief Cabinet Secretary, approached Mr Matsuoka, Speaker, demanding that the Amendments to National Public Service Law be passed by the House of Representatives on 15 November and by the House of Councillors on the 16th. The Committee will meet at 1330 to discuss this request.

2. Six Social Democrats are proposing a resolution requiring the Prime Minister to make his administrative speech immediately. OZAKI, Yukio (IND) is proposing a resolution advocating either en masse resignation of members thereby or a two-thirds vote of the House as a condition for dissolution.

1400 Hours

1. At 1340, the Steering Committee, by majority vote, refused to accept Chief Cabinet Secretary Sato's explanation of the 15 November deadline for the passage of the NPSL Amendment Bill. The Prime Minister has been requested to appear before the Committee to make a complete explanation. Meantime, the plenary session is being delayed.

C. G. Brown

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775 072

11 November 1948

1200 Hours

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: House of Representatives agenda, 11 November 1948

1. The HR House Management Committee's Proceedings Sub-Committee has just concluded its meeting. Decided that interpellations on Amendments to National Public Service Law be held this afternoon. There will be 8 interpellations, each limited to 20 minutes. Government representatives will answer briefly. No members of Democratic Liberal party will interpellate. Prime Minister and Mr. Asai will reply to interpellations.

2. Social Democrats requested that plenary session be held tomorrow also, when they plan to introduce a resolution requesting that the Prime Minister make his administrative speech. It was agreed to hold plenary session tomorrow, but the agenda is not yet decided.

RGB

10 November 1948
1230 hours

MEMORANDUM FOR GENERAL WHITNEY:

SUBJECT: H. R. Steering Committee Decisions

1. The H.R. Steering Committee at 1210 decided unanimously to postpone action on the National Public Service Law amendments until the problem of the Prime Minister's policy speech was resolved.

2. The Steering Committee, over the opposition of the Democratic Liberal members, also decided to offer in plenary session this afternoon an urgent motion requesting the Prime Minister to deliver the customary policy address now. The Committee is in temporary recess and may modify this decision before the plenary session convenes.

J. W.

1620

From Mr. Brown:

The Prime Minister early in the session said that he will not make his policy speech because he doesn't want to have any interference or obstruction to the passage of the amendments to the NPSL. Mr. Ogawa (D) then asked "Why does the Prime Minister not make the speech?" Ogawa says it is undemocratic not to give the speech. He also says that Mr. Yoshida decided not to make the speech because the prospect of lifting the sales tax and opening up restaurants and cafes is a very difficult problem at present. He admonished Mr. Yoshida saying that it is the duty of a responsible political leader to declare his policy. Yoshida replied that he has not said he will not give the speech, simply that he won't give it now. Ogawa replied that the NPSL is not yet in the House of Representatives so the speech should be given, but Yoshida said the bill is in the Diet but hasn't been presented to the plenary session yet.

Mr. Kono (PC) says the Ashida Cabinet fell not because of the Democratic Liberal Party's actions but because of the Showa Denko scandal and there are some people in the Democratic Liberal Party who are related to that scandal. He said the Cabinet intends to dissolve the Diet after the administrative policy address in order to avoid implication in the coal mine scandal.

There is quite a bit of jeering, catcalls and shouting. Each party cheers and applauds for his own party speaker.

Speaker Matsuoka said that he couldn't hear any derogatory remarks made by Mr. Yoshida about the opposition and he is going to have the official stenographic record studied and if there are any derogatory remarks he will have them referred to the House Management Committee.

1640

Mr. KONO (PC) also compared YOSHIDA to TOJO, saying that he seeks to gain popularity in the same way that TOJO did.

Mr. MIZUNO (SR) spoke also saying ~~that~~ about the same thing that everyone else had. Mr. YOSHIDA gave his stock answer - that he will give his speech after the bill's passage. YOSHIDA also said that the policies of the Cabinet, as announced, will be effected one by one.

Mr. NAKAHIRA(LF) is now interpellating and is asking if YOSHIDA has confidence that the Cabinet can wipe out scandals which have permeated public life in Japan. He also asked if YOSHIDA thinks the Cabinet has the peoples' confidence.

10 November 1948

1030 Hours

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: Activities in the House of Representatives, 9 November 1948

1. Convening at 3:15 P.M. in plenary session the House of Representatives unanimously approved the resignation of NAGAE, Kazuo (SD), Minister of Agriculture and Forestry in the Ashida Cabinet, accused of accepting a bribe of 300,000 yen, and voted to extend the term of session to 30 November, after which interpellations were begun on government policy. The Steering Committee had decided that urgent interpellations would be made by the following seven members: YOSHIKAWA (SD), OGAWA (D), FUNADA (PC), MIZUNO (Soc. Renov.), OTAKI (New Lib.), NAKAHARA (L&F), TOKUDA (C).

YOSHIKAWA: There is no precedent for the Prime Minister's refusal, as announced yesterday, to deliver his administrative address at the beginning of a session. Since the government is going to push through the National Public Service Bill according to its own view, it is absolutely essential that Cabinet policy be clarified. The government's intention to enact the National Public Service Law within ten days is proof of its lack of sincerity. A democratic government would most certainly declare its policy at the opening of a session.

PRIME MINISTER YOSHIDA: I shall reply to these and the remaining interpellations en bloc so as to avoid duplication.

(The chamber was thrown into an uproar)

SHIIKUMA: (0) The cause of this uproar has resulted from the Prime Minister's refusal to answer interpellations one at a time. The House should recess to permit the Steering Committee to urge the Prime Minister to reconsider.

(The chamber is still in an uproar. By standing vote it was decided to recess at 4:20. Re-opening at 6:43 the session was immediately adjourned by the Speaker.)

2. Sitting at 4:20, the Steering Committee took up where the rowdy plenary session left off. SHIIKUMA argued that while the subject of the interpellations was the same the contents of each interpellation would differ substantially, and besides each party would interpellate in accordance with its own particular view. Therefore, the Prime Minister should answer each interpellator. The Prime Minister's attitude, he said, was disrespectful of the Diet and makes

light of the Diet. If his attitude goes unchallenged, a bad precedent would be set for the future management of the House. Such being the case, he concluded, we demand that the Prime Minister respect the desires of the House. HOSOKAWA (SD) remarked that the Prime Minister would be forced to yield "on the strength of the total will of the House." Other opposition members spoke in the same vein. YAMAGUCHI (DL), Steering Committee chairman, defended the Prime Minister's stand but proposed to solve the problem by conveying to the Prime Minister the opinions voiced by the opposition parties, urging him to comply with the Committee's wishes and "asking the government to reflect on themselves." No solution was found, however, and the question was carried over to today's sittings.

3. ASANUMA (SD), until recently chairman of the Steering Committee, after adjournment last night interpreted the proceedings as follows: The Prime Minister purposely angered the House and threw it into confusion, looking for an excuse to appeal to GHQ for dissolution. He harbors the dangerous view that the Cabinet can at any time dissolve the House in the name of the Emperor. When the Speaker requested the Prime Minister to answer the interpellations one at a time, the Democratic Liberal members rushed the Speaker's rostrum while the members of the opposition remained seated. At yesterday's Steering Committee meeting, when asked if the Prime Minister was postponing his policy speech until the end of the session so that the opposition members would have no opportunity to question him, Mr. YOSHIDA refused to answer. A GHQ press conference on the subject of dissolution is considered most urgent; otherwise the widespread belief that the Emperor does not have the power to dissolve the House will persist. The press in general upholds YOSHIDA's interpretation and refuses to present the interpretation of the opposition members, numbering 235 to 165 for the government

4. Visiting the Diet building yesterday, 92-year old House Member OZAKI Yukio, made the following comments to his fellow members as reported in this morning's Mainichi: "It is a mistake to think that the Emperor has the right to dissolve the Diet. If the Cabinet can dissolve the Diet arbitrarily by using the Emperor, it will recreate the danger of bringing forth criminals. If the Lower House-elected Premier dissolves the Diet, disregarding the Diet which represents the will of the people, it will be just like a servant dismissing his master. This will cause the impression that the cabinet stands above its master, the public. It will set an undemocratic precedent. If there is something wrong with the Constitution, the cabinet should leave the provision alone and try to set a good example. In this case, consideration should be given from a national standpoint and by disregarding partisan interests."

JW

Political Calendar

I. To the 3rd (Extraordinary) Session of the Diet no bills other than the following will be submitted.

(1) Bills relating to the National Public Service Law.

a. Bill concerning partial revision of the N.P.S.L.

b. Bill concerning a Provisional Local National Public Service Law.

c. Bill concerning the continuance or discontinuance of certain labor unions (juridical persons) in consequence of the partial revision of the N.P.S.L.

(2) Bills of which an early passage is necessary because of the time factor. (Bill to postpone the enforcement date of the National Administrative Organization Law and others.)

Notes:

i. If the 3 bills a, b, c under (1) are enacted, it will be possible to abolish the Government Ordinance based on the SCAP letter.

ii. Of the bills based on the SCAP letter, those relating to Labor Relations in State Railways, Monopoly Corporations, and Public Corporations, and the New Wage Bill, the Educational National Public Service Bill, and the Communications Ministry Reorganization Bill will be deferred to the next Diet.

iii. In case the Diet is dissolved before deliberations on the bills under (2) are completed, they will be disposed by the House of Councillors at its emergency meeting as provided for by the Constitution, Article 54.

iv. A supplementary budget will not be submitted. The money needed will be taken out of the current budget, by drawing upon the appropriations for

later

later months. In this manner, 11,500 million yen will be paid out as special allowances to government employes (about a month's pay for each employe). It is believed the national treasury will have enough left to permit the Government to carry on till the end of January at the rate of spending as is anticipated at present.

II. The political calendar according to the above-mentioned policy is as follows:

1.	November 8	Diet reopens. The Diet Steering Committee will meet and decide on the extension of the 3rd Diet Session to Nov. 16.
2.	November 9	Prime Minister's address. Economic Stabilization Board President's address. Bills are submitted.
3.	November 10 - 16	interpellations. Deliberation of bills.
4.	November 16	Diet is dissolved.
5.	November 17 - 26	Screening of candidates.
6.	November 27	Election is announced.
7.	December 21	General election.
8.	December 22	A call for the new Diet is issued.
9.	Jan. 11, 1949.	The new Diet comes into being.

Notes:

1. The extension date is as planned by the Government. The Diet may decide otherwise.

2. The period of Nov. 17 - 26 under 5 can be reduced by 10 days and the dates under 6 through 9 correspondingly moved up, in case the current Ordinance governing the screening procedure is revised so as to permit a prospective candidate to register his candidacy upon filing his application for qualification examination, without awaiting the result of the examination. (Of course, he will drop out, if found disqualified.)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

29 September 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Fisheries Cooperative Association Bill and Bill Dissolving Existent Associations of Like Nature

1. Fisheries Cooperative Association Bill (Ministry of Agriculture and Forestry), received by GS on 2 September, was dispatched with checksheet to interested SCAP sections: NRS, ESS, LS and CTS, all of which, save ESS, have indicated approval. ESS/Anti-trust and Cartels (Mr. Delaney) stated that his division has no objection to the bill. ESS/Finance/Money and Banking (Mr. Robinson) has some objections relative to the financing and banking features. The ESS position is yet to be clarified by Dr. Fine.

2. Bill for Dissolution of Existent Fisheries Cooperative Associations (Ministry of Agriculture and Forestry), received by GS on 22 September, was forwarded with checksheet to NRS, ESS and LS. ESS has indicated that it will not oppose this bill which is favored by NRS. LS/Legislative and Justice (Mr. Appleton) expresses strong opposition, stating that the measure should be rewritten, a task which he thinks may require a month for preparing his comments.

3. NRS and ESS have been discussing these bills since the early months of the Occupation.

4. The Cabinet desires to submit these two bills to the special session of the Diet in October.

RICHARD G. BROWN
Parliamentary & Political Division

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

5 September, 1948

MEMORANDUM FOR THE CHIEF OF STAFF:

SUBJECT : Procedure for Processing Proposed Legislation.

1. While the attached study fully recognizes the need for remedial action which would remove existing impediments to the orderly legislative process and give the Japanese Government that degree of legislative freedom which occupation policy now envisages, development of responsibility in government requires, and three completed years of occupation certainly would seem to warrant, the proposed staff memorandum only partially would solve the problem.

2. This section is firmly of the opinion that all bills, whether originating with the Cabinet or a member of the Diet, should be permitted to be introduced into the Diet without pre-censorship by this headquarters. The proposed staff memorandum authorizes such a procedure only with respect to member bills, leaving without modification present procedure requiring that the great bulk of legislation approved for introduction in the Diet by the Cabinet be subject to consideration, coordination and approval by the several SCAP staff sections prior to introduction.

3. It has for some time been the established policy of the Supreme Commander, and indeed that of the United States, to shift to the Japanese themselves responsibility for solution of their own domestic problems and to intervene therein only to ensure against any violence to basic allied

objectives -- avoiding any interference in the search for perfection alone. Existing practice tends to perpetuate a situation found at start of the occupation wherein the Diet was confined to little more than a puppet role, with little or no opportunity for individual initiative to develop. During this advanced phase of the occupation, such improvements as staff sections may deem advisable in legislative bills, where there exists no direct involvement of basic policy, should be "sold" to the responsible legislative committee or party leaders through consultation and advice, rather than enforced through the more rigid procedure of formal SCAP action. No possible disadvantage could result from thus freeing the legislative process. Before any bill becomes law, it must run the gamut of open hearings in a standing committee of each House, where it is thoroughly examined clause by clause, with the advice and assistance of a Diet Legal Bureau and of special committee consultants, after which it is brought up in plenary session in both chambers for final debate and action by the entire membership. If a Government bill, it must, even before its introduction into the Diet, be drafted by the legal experts in the appropriate Ministry (who invariably coordinate with the staff section concerned), then be discussed and approved by the whole Cabinet, and finally be examined by the Attorney-General's Office to determine that it does not traverse any directive of the Supreme Commander, conforms to the provisions of the Constitution, and is technically sound from the standpoint of legislative draftsmanship. In the course of the legislative process, there is ample time and opportunity for this headquarters to advise with the responsible Ministry or Diet committee as to any proposed legislation. Should such safeguard by any chance fail to prevent an enactment which traverses

or conflicts with basic occupation policy, a formal directive setting the same or any provision thereof aside would be adequate.

4. Recent Diet sessions have had to be repeatedly extended because of log-jams resulting from numerous sessions when legislation, as General Fox has pointed out in his covering memorandum of 20 August 1948, was held unduly long in interested sections of SCAP. Introduction of over one hundred bills, few of which by any stretch of the imagination were related to Occupation objectives, was delayed until the last ten days of the most recent Diet session, because staff sections and even divisions within sections could not reach agreement amongst themselves, an unwholesome situation also frankly recognized by General Fox in his covering memorandum. For example, the Consumers' Cooperative Bill was delayed nine months because of wrangling between two staff sections; the Chief of Staff quickly cleared this bill for introduction into the Diet by declaring that no Occupation objective was at stake; and that it was enacted into law without the slightest impairment of Occupation objectives. Furthermore, this GHQ legislative bottleneck has deprived the Diet of time to deliberate legitimate bills and has resulted in the passage of such hasty and ill-considered legislation which may in the long run do infinite harm to the overall aims of the Occupation.

5. Already listed for introduction in the forthcoming extraordinary Diet session, scheduled to sit for twenty days, are one hundred and nine (109) Cabinet bills, <u>of which number the Cabinet itself is interested in but forty-eight (48)</u>. Most of the remainder are GHQ sponsored bills, and there will be others, many of which grow out of nothing more profound than the penalent

of some GHQ experts/"pride of authorship" or the desire to "ride a hobby" for into legislative enactments. This Section fully concurs with the statement of General Fox, in his covering memorandum, as to "the tendency on the part of sections to inject themselves into matters which are primarily Japanese Government responsibilities." Until action designed to correct this situation is taken, the development of "responsible government" will be correspondingly retarded.

6. The proposed staff memorandum by the requirements of paragraph 4 thereof would greatly reduce the legislative demands of GHQ. The forty-eight (48) bills expressly desired by the Japanese Government out of the 109 slated for introduction at the coming special session are presumably being drafted in accordance with paragraph 7 of the proposed staff memorandum, which provides for preservation of existing procedures under which technical discussions concerning proposed legislation are carried on between staff sections and the appropriate Ministry or other executive agency of the Japanese Government.

7. For the reasons stated above, it is concluded that paragraph 5 of the proposed staff memorandum should be revised to eliminate the requirement for any pre-censorship of bills or resolutions before their introduction into the Diet. The content of any such bill or resolution contravening any directive of the Supreme Commander or any objective of the occupation may be prohibited during deliberation thereon or enacted thereafter.

8. Unless, however, the proposed staff memorandum is modified by revising paragraph 5 substantially as provided in Tab A to this memorandum and deleting paragraph 6, this Section feels that its issuance would leave the

basic problem but partially solved. Also as is the provision recommended by General Fox in paragraph 6 of his proposed staff memorandum, by permitting individual legislators the unfettered right to introduce member bills and resolutions without prior SCAP approval while denying the Cabinet the identical right would be to place a premium upon legislative proposals individually sponsored over those which have been fully considered in the respective ministries and adopted by Cabinet unanimity. Furthermore, it would at once suggest to the Cabinet the method of circumventing required SCAP approval by having all legislation introduced into the Diet by a member or members of the Government parties.

9. Accordingly, it is recommended that the proposed staff memorandum be approved with the amendments herein indicated in Tab A.

COURTNEY WHITNEY,
Brigadier General, U.S. Army,
Chief, Government Section.

1 Incl: Tab A.

SUGGESTED REVISION OF PARAGRAPH 5
OF PROPOSED STAFF MEMORANDUM.

(Deleted material is in brackets; new material is underlined).

"5. (When) After Japanese Government-sponsored legislation, which has received Cabinet approval, (is) or legislation sponsored by a number of members of the National Diet is introduced into the Diet, copies submitted to this headquarters in accordance with reference 1a (16) will be distributed by the Government Section to the interested staff sections. Comment by the interested sections will be submitted to the Government Section promptly, and will be concerned with principles, not details of draftsmanship. If further clarification is desired, the comments will specify the particulars, and the Government Section will refer them to the proper Japanese Government Ministry and to the Diet committee concerned for consideration. Unless a proposed bill manifestly contravenes SCAP policy, there should be no objection to its enactment by the Diet. If it is considered that the legislation, if enacted, would contravene SCAP policy or be detrimental to the accomplishment of occupation objectives, the comments and recommendations will be submitted through the Government Section to the Chief of Staff for consideration. If deemed necessary or appropriate, a formal directive to the Japanese Government in draft form will be attached. Such draft directive will specify the occupation objective or directive of the Supreme Commander contravened in the proposed legislation."

(N.B. There is no necessity for paragraph 6 since member bills as well as Cabinet bills would be covered by the recommended changes in paragraph 5 above.)

Tab "A"

Draft Ordinance prepared by Mr. Kades (4 August 1948) to be promulgated in Osaka, to supersede faulty Ordinance on the same subject matter already proposed by Osaka MG Team.

ORDINANCE REGARDING PARADES AND MASS PUBLIC DEMONSTRATIONS

Article 1: No parade or mass public demonstration involving a procession by vehicles or on foot occupying or marching on any street to the exclusion or interruption of other citizens in their individual right and use thereof shall be held without a permit issued by the Public Safety Commission.

Article 2: Application for such permit shall be made to the Public Safety Commission by the sponsoring individual or organization not less than seventy-two hours prior to the time of such parade or such mass public demonstration involving such a procession by vehicles or on foot.

Article 3: The application shall contain the following information:

1. Date and time of such parade or such mass public demonstration.
2. Name and address of sponsor and all participating organizations.
3. Route of parade or of such mass public demonstration.
4. Estimated number of participants.
5. Purpose and nature of such parade or such mass public demonstration.

Article 4: The Public Safety Commission must issue such permit unless such parade or such mass public demonstration would clearly provoke imminent danger to the public safety, in which latter event the denial of permit will promptly be reported to the city assembly with full particulars and reasons. Such permit may contain such appropriate conditions as the Public Safety Commission may prescribe to protect the public against mass disorder or violence by mobs.

Article 5: Those who act in wilful violation of Article 1 or who wilfully make a false statement in the application required by Article 2 or who do not comply with conditions required by the Public Safety Commission under Article 4 shall be liable to penal servitude not exceeding one year or a fine not exceeding ¥50,000.

Article 6: Nothing in this ordinance shall be construed (a) to prohibit or limit in any way the right to hold public assemblies other than parades or mass public demonstrations as defined in Article 1, or (b) to authorize the supervision or censorship by the Public Safety Commission, police officials, members of police forces or other municipal officials or employees of public meetings, political activities, or of placards, publications, or other printed or written matter.

Article 7: Nothing in this ordinance shall be construed to contravene laws relating to the election of public officials or to require advance notice of political meetings or speeches during election campaigns.

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in which latter event the denial of permit will promptly be reported to the city assembly with full particulars and reasons

Morning

DIRECTIVE ISSUED TO
OSAKA POLICE FORCE

JIJI PRESS

OSAKA, July 13.--The Osaka National Regional Police headquarters today notified all police forces in the 12 prefectures under its jurisdictions a directive from Captain Edwin W. Mercer, Provost Marshal of the 25th Division restricting demonstrations, marches and meetings.

The directive announced was to the following effect:

1. All marches, demonstrations and meetings shall be reported to proper Japanese police agencies seven days before they take place. Only such events as are approved by both the Japanese police and local military authorities shall be permitted to take place.

2. Permission to hold a march, demonstration or meeting shall be given only on the following conditions:

A. The course of a march shall be determined by the Japanese police to control traffic and

maintain public peace.

E. All banners and slogans (including those concerning taxes and food quota deliveries), either agitating or harmful for occupation purposes, are banned.

C. Flags can be demonstrated only after the approval of the commander-in-chief of the 25th Division.

D. Using of a building shall require permission by Japanese police in order to insure public hygiene and peace.

E. No demonstration, march or meeting shall be held in the areas adjacent to public buildings or buildings of the occupation forces.

F. The Japanese police shall be held responsible to see to it that such events are held in an orderly fashion.

G. "Programs" are banned.

(more)

H. Using of vehicles powered by gasoline or charcoal shall not be permitted except in cases where sponsors can produce certificates indicating that the fuel was obtained legally.

I. All marches shall be controlled so as not to interfere with general traffic.

J. Those who apply for permission to hold demonstrations, marches or meetings shall be notified that violators of those regulations shall be held legally responsible.

K. The Japanese police shall inform the 25th Division Provost Marshal headquarters and the chief of the military government concerned in case of development of a situation likely to obstruct the aims or security of the occupation, or disturb public peace or social order.

3. An application for permission to hold a demonstration, meeting or a march shall be accompanied by a report to the Japanese police of the following data:

(type)

A. The names of the organizations participating.

B. The names of those persons responsible for the orderly conduct of the participants.

d. The estimated number of participants.

D. The time and place of the event.

E. The persons responsible for the orderly conduct of the participants shall be directed to report immediately to the Japanese police in case they become unable to control the participants.

4x The Japanese police shall be responsible for the maintenance and recovery of public order.

4. The Japanese police shall be responsible for the carrying out and publication of those regulations.

5. The Japanese police shall keep the 25th DivisionProvost Marshal headquarters constantly informed of the applications for marches, demonstrations and meetings filed with it and its measures taken thereon.

(more)

The directive added that the 25th Division Provost Marshal's directive issued on April 28 became null and void with the issuance of the present one.

---

s/h

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

APO 500
2 July 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Status of "Primary" and "Secondary" Priority Legislation.

1. Of the ten bills on the "primary list," 5 have been enacted into law, 1 has been passed by one House, and 4 are pending in committee in both Houses:

a. Enacted into Law:

(1) Code of Civil Procedure
(2) Habeas Corpus Bill
(3) National Property Bill
(4) Corrupt Practices Act
(5) Pharmaceutical Affairs Bill

b. Passed by the House of Representatives:

(1) Code of Criminal Procedure

c. Pending in Diet Committees:

(1) Bill for Inquest of Prosecution
(2) Board of Education Bill
(3) Juvenile Law Bill
(4) Reformatory Law Bill

2. Of the eight bills on the "secondary list," 2 have been enacted into law, 1 has been passed by one House, 1 is scheduled for passage by one House today, and 4 are pending in Diet committees:

a. Enacted into Law:

(1) Administrative Management Authority Bill
(2) Bill Establishing a Fisheries Agency

b. Passed by the House of Representatives

(1) National Government Organization Bill
(Approved by H.C. Committee with amendments)

c. Scheduled for passage by the House of Representatives today:

(1) Science Council of Japan Bill

d. Pending in Diet Committees:

(1) Trade Association Bill
(2) Bill Amending the Agricultural Cooperative Association Law
(3) Agricultural Improvement Service Establishment Bill
(4) Communications Ministry Bill

Helen Loeb

HELEN LOEB
Parliamentary & Political Division

Bill for the Punishment of Prostitution and Related Activities.

Legal Section Govt. Sec. 15 June 1948

(1) 1. The subject bill aims at making any form of prostitution criminally punishable. This Section has been unofficially informed that the Japanese Cabinet does not favor such far-reaching legislation, but is under the impression that this Headquarters desires or sponsors it. Furthermore, opinions have been voiced that unless considerable pressure is exercised by SCAP, the bill will be rejected by an overwhelming majority of the Diet. This is, indeed, all the more probable as the provisions of the draft go even beyond American law regarding the scope as well as the severity of punishment. Thus not only the prostitute herself but also the customer is subject to rigid penalties, while in most jurisdictions in the United States sexual intercourse as such with a prostitute is not a crime.

2. In the opinion of this Section, neither the Cabinet nor the Diet should be left in the belief that this Headquarters is pushing or even favoring the proposed legislation. Unless the contrary is stated unambiguously, SCAP will be severely criticized as attempting to impose American moral standards on a nation whose sexual mores are based on essentially different Oriental traditions. The well known sociological fact that prostitution is not generally regarded as unethical by the Japanese would certainly confirm the suspicion that such legislation, if really enacted, did not originate in the own initiative of the Japanese Government or legislature. After involuntary prostitution has been outlawed, the occupation is concerned only with the health aspect of the problem. Energetic and adequate safeguards in this regard are provided in the Venereal Disease Control Bill which will be passed into law by the Diet in its current session. Individuals suffering from venereal diseases will be subject to compulsory physical examination and treatment if they do not comply with the instructions of the Public Health Agencies. Particularly heavy penalties will be imposed upon prostitutes who violate the law. Therefore the subject legislation is no longer needed from the point of view of public health, but would have predominantly ethical implications, although the provisions of the bill against third persons exploiting prostitution commercially are doubtless sound.

3. This Section refrains from commenting at length on the merits of legislation making prostitution as such a crime and from repeating the divergent arguments pro and con. Experiences in France and more recently in

(1 Cont'd)

Korea have indicated that with prostitution outlawed the rate of venereal diseases is increased. This might be explained by the fact that the vice is driven underground and the prostitutes are afraid of seeking medical treatment. This Section is inclined to believe that prostitution as a social and economic phenomenon existing in various forms throughout the world should be fought by improving the social and economic conditions leading to it as well as by education, rather than by legislation. However that may be, the decisive questions is whether the Japanese really and sincerely want this law.

4. Hence, it is primarily suggested that the Cabinet be advised that SCAP considers the matter as of purely domestic concern to be left to the determination of the Japanese themselves. It should be made clear that the Cabinet is free to submit or not to submit the bill to the Diet. If the Cabinet decides in favor of submission, the Diet should likewise be assured that no interference by SCAP is to be expected. Furthermore, to eliminate all possible doubts, the Diet should be encouraged to conduct public hearings on the merits of the bill.

5. Apart from these general considerations, the bill in its present form is objectionable from the point of view of legal draftsmanship. If it is necessary, due to the present emergency situation in which time is of the essence, the introduction of the bill into the Diet might be approved subject to the condition outlined in Paragraph 4. In this case Legal Section would be willing to discuss the questions of formulation subsequently with the Committees of both Houses in charge of this legislation.

6. The following legal objections are raised:

a. Article 1: Since it is obviously not intended to punish a mistress who is kept by one man and her lover, it is suggested that the phrase 'indiscriminately and to or from more than one person' be inserted after the word 'body' in the first sentence. The use of the word 'promiscuous' as one of the elements of prostitution is inadequate.

b. Article 2, paragraph 2: The term 'regular practice of prostitution' appears too vague and should be more precisely defined. It may also be considered that regular practice alone and not a single and occasional act should be punishable under the law as prostitution.

(1 Cont'd) c. Article 4: What is the meaning of 'deceives or perplexes another and thereby makes him (or her) commit prostitution'? With the strange definition of 'prostitution' as covering the customer as well as the prostitute, if a prostitute seduces a young man, and the procurator claims the young man was 'deceived or perplexed,' then the prostitute will be liable to two years penal servitude or 10,000 yen fine, though this may be her first offense. The words 'deceives or perplexes' are so vague as to have no real meaning and are capable of any interpretation. A more exact definition is required.

d. Article 5: How does a person 'make' another commit prostitution by 'taking advantage of kinship, business or profession, employment and other positions'? This vague language, also, offers the opportunity of abuse. If the use of physical force, threats, intimidation or persuasion constitutes the crime intended to be punished, then clear and exclusive language should be used to indicate this intention.

e. Article 6: This provision would enable the owner, lessee, custodian or manager of the premises to be punished because prostitution is taking place on the premises, if he is unable to cancel the lease under the terms of the contract of lease. It is advisable therefore, to provide that the owner or lessee of the building in which prostitution is being carried on shall be able to cancel the lease upon specified term of notice, upon learning of the fact that prostitution is taking place on the premises. Only if this possibility exists, can the penal provision be justified in case he does not make use of the right of cancellation.

Moreover, the term 'presenting a place for prostitution, touting or other such acts' might be interpreted as including dance halls, movie theaters, restaurants and other places of public amusement, since these business establishments may be utilized by prostitutes in order to pick up potential customers. The language quoted must be recorded to prevent penalties against such enterprises, unless the owners or managers thereof encourage the use of their premises for the purpose of 'presenting a place for prostitution.'

Finally, here again the meaning of 'a regular practice' as used in Paragraph 2 of Article 6 is not sufficiently clear.

DECLASSIFIED E.O. 14032 SEC. 3(E) AND 3(D) OR (E) RNDG # 773 072

(1 Cont'd)

f. The foregoing discussion shows that Articles 1, 3, 4, and 5, as presently drafted will punish people who commit "fornication," as distinguished from "prostitution," in the properly defined meaning of these quoted offenses. For example, if two lovers have intercourse and either one gives the other any gifts, this might be interpreted as "promiscuous giving or receiving of the body for sexual intercourse for compensation." Re-definition of prostitution in Article 1 should remove this defect from the other articles as well.

1 Incl: Subject Bill

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

DECLASSIFIED DOD DIR 5200.9 SEC. 5(E) AND 5(G) OR (E) NNDB # 773 072

GEN WHITNEY'S FILES

Correspondence from Prime Minister concerning current legislation.

Chief of Staff

9 June 1948

Civil Section

1. Your attention is invited to the attached communication from the Prime Minister dated June 7th with this section's Memorandum for the Record giving data as of June 8th concerning the bills in reference.

2. This communication from the Prime Minister references attention upon the delays in the normal processes of government incident to the interference by sections of this headquarters with the normal functioning of the Japanese administrative and legislative machinery. It raises once more the need for clarification of the desired relationship between this headquarters and the Japanese Government at this stage of the occupation. In this connection, it is again urged that this headquarters leave to the appropriate agencies of the Japanese Government the management of its internal affairs, subject only to the guiding principles and objectives clearly enunciated by the occupation and the inherent power of the Supreme Commander formally to nullify any administrative or legislative act which contravenes such principles and objectives. Only thereby may a responsible government be fostered and encouraged, and only thereby may the responsibility of the Supreme Commander be confined to the limits clearly delineated by his basic directives. Attention is invited to the Staff Study and recommendations of this section dated 27 April 1948, subject: "SCAP Interference in Japanese Diet Proceedings".

3. Request instructions as to the nature of a reply which should be made to the Prime Minister's communications.

2 Incls:
(a) Ltr fr Prime Minister to Gen Whitney, dtd 7 Jun 48.
(b) GS Memo for Record dtd 8 Jun 48

- - - -

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(B) OR (E) NNDG # 773 072

COPY

Premier's Office

Tokyo, June 7, 1948.

Brigadier General C. Whitney,

Chief, Government Section,

G.H.Q. SCAP.

My dear General :

As it is necessary to enact, by July 1, laws for the establishment of various offices on ministerial level and of various Ministries based on the National Government Organization Law as well as those laws regulating the pertinent laws and orders consequent upon the implementation of such "establishment" laws, the Japanese Government has drafted some 30 bills and has already submitted them to your Section through the Central Liaison and Coordination Office. Of these bills, some have already been approved by your office and submitted to the Diet.

As there is a desire not only on the part of the Diet, that all bills involved be submitted to it as soon as possible, but the Japanese Government itself is also desirous of having the speedy settlement of these bills which constitute the basis of ordinances to be drafted for the organization of various Ministries, etc., I shall appreciate it if you could be so good as to give special consideration in expediting the examination of these bills which are yet to be approved.

Yours faithfully,

/s/ H. Ashida

/t/ Hitoshi Ashida,
Prime Minister of Japan.

DECLASSIFIED E.O. 11,652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

Legislative Situation, Second National Diet.

Gov't Section	**Chief of Staff**	**21 May 1948**

1. Attached report on the legislative situation gives me grave concern lest a SCAP responsible legislative log jam develop with resultant complete legislative impotency or a last minute passage of a flood of ill-considered legislation.

2. I believe that this situation should carefully be considered in connection with the comments and recommendations contained in this section's staff study of 27 April, subject, "Proceedings of the Diet" to avoid a growing tendency to saddle upon GHQ responsibility and blame for retarded legislation, (i.e. Minister Kitamura's explanation of the delay in presentation of the budget to the Diet). The effect of this of course is to project the Supreme Commander directly into the center of Japanese partisan political maneuvering, and to impose upon him responsibility in detail for the internal affairs of the Japanese Government.

3. Recommend again that policy be reoriented to permit the Cabinet and Diet members full latitude to introduce and process legislation, subject only to SCAP advice in committee hearings or the issuance of SCAP directives if necessary to void legislative provisions in direct contravention of stated occupation objectives.

2 Incls:
(1) Memo for Chief, GS, dtd 20 May 48
(2) Memo for Record, dtd 19 May 48.

C.W.

GEN WHITNEY

DECLASSIFIED E.O. 11,652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

APO 500
20 May 1948

MEMORANDUM FOR THE CHIEF, GOVERNMENT SECTION

SUBJECT : Legislative Situation, 2nd National Diet.

1. To date, at the end of five and one-half months of the 2nd Diet session, 90 bills have been introduced, of which 55 have been enacted into law and 35 are under deliberation.

2. During the remaining month of this session, which is scheduled to adjourn on 20 June, the Cabinet expects to present 151 more bills to the Diet. Of this number, 36 (10 received this date) have been Cabinet-approved but not yet cleared by GHQ; 50 are in the final drafting stage by the various Ministries; 65 will not be completed for some time yet.

3. The General Budget is an extremely controversial measure and may well determine whether the Ashida Cabinet stands or falls. Under the old Constitution, each House was privileged to deliberate the Budget for 21 days, while under the new Constitution no time limit is fixed. Recently, the Diet agreed to extend this session until 20 June with the definite understanding that the Cabinet would submit the Budget to the Diet not later than 15 May. In a joint meeting of the Diet Steering Committees yesterday, Finance Minister Kitamura said: "The annual budget was decided in Cabinet meeting on 8 May and was submitted without delay to the authorities concerned; but approval for it has not yet been received. I hope you will understand that the Government is making every effort for the prompt presentation of the annual budget to the Diet." This delay may cause a further extension of the Diet session.

4. In addition to the general legislative situation referred to in paragraphs 1-3 above, other complications will arise owing to the slow and cumbersome system of obtaining GHQ clearances for bills and proposed amendments. The attached Memorandum for the Record, Subject: "Status of Projected Legislation (Cabinet-Approved)," dealing with 15 bills now held up in GHQ, shows that after two weeks, a month and in some cases even four months, many bills have not been sanctioned by appropriate staff sections. As the volume of Cabinet-approved bills increases from day to day, together with numerous amendments which will inevitably be proposed by the Standing Committees to which they will be referred, the legislative program will be engulfed in GHQ red tape. This, combined with the determination of the Democratic Liberal Party to embarrass the government in every conceivable manner, may also compromise the Ashida Cabinet.

JUSTIN WILLIAMS,
Chief, Parliamentary and
Political Division.

1 Incl: Memo for Record, as
indicated in Para.4

DECLASSIFIED E.O. 11,652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

19 May 1948

MEMORANDUM FOR THE RECORD:

SUBJECT: Status of Projected Legislation (Cabinet Approved)

1. Bill for Improvement and Promotion of Agriculture (Agriculture and Forestry Ministry): No objection, GS/Governmental Powers (Hussey), NRS/Agriculture (Hewes). Forwarded ESS by checksheet, 6 May. No reply received from ESS.

2. Bill Prolonging Validity of "Act to Promote Production of Important Minerals": Received 9 April. No objection CPC/Comptroller/Precious Metals (Temple), and GS/Governmental Powers (Hussey). ESS and NRS opposition stated in checksheets.

3. Bill Establishing Economic Stabilization Board (ESB): Forwarded ESS 17 May, covered by checksheet. No reply received.

4. Bill for Railway Security Organization (Transportation Ministry): Approved, G-2/CIS/PSD in checksheet, 13 May. Forwarded CTS (Richers), covered by checksheet, 7 May, whose approval is indicated verbally, and by whom negotiations are being conducted with ESS/Labor (Killen). The latter demands that personnel concerned in draft bill be accorded right to strike, while CTS and G-2/CIS/PSD oppose granting the strike privilege. Awaiting CTS coordination with interested SCAP sections.

5. Mariners' Employment Security Bill (Transportation Ministry): Received 20 April. No objection, GS/Governmental Powers (Hussey). Approval, applicable to social insurance provisions only, given by PH&W/Social Insurance (Anton), and ESS/Labor (Shureliff), 15 May. CTS (Richers) and CI&E/Education (Moss) studying vocational guidance and training features.

6. Amendment to Welfare Pension Insurance Act (Welfare Ministry): No objection, GS/Governmental Powers (Hussey). ESS/Finance (Baron), ESS/Labor (Davis) and PH&W/Social Insurance (Anton) object. Under study since 15 January.

7. Preventive Vaccination Bill (Welfare Ministry): Received 12 April. PH&W/Preventive Medicine (Thomas) studying. ESS/Finance opposes financing features.

8. Welfare Commissioner Bill (Welfare Ministry): Approved PH&W/Welfare (Markuson). Forwarded ESS, covered by checksheet, 7 May.

Govt. Section file

DECLASSIFIED E.O. 12,032 SEC. 3(E) AND 3(D) OR (E) NNDG # 773 072

9. Bill Amending Postal Transfer Savings Law and Bill Amending Postal Money Order Law (Communication Ministry): No objection GS/Governmental Powers (Hussey), and CCS (Feissner). ESS/Finance/Money and Banking objects in checksheet. 23 April.

10. Bill Amending Postal Savings Law (Communications Ministry): No objection. GS/Covermmental Powers (Hussey), and CCS (Feissner). Forwarded ESS, 20 April. ESS checksheet voicing objections reported forwarded GS, although not yet received in Parliamentary and Political Division.

11. Bill for Establishment of Construction Ministry (Cabinet Boards): Forwarded ESS 17 May, covered by checksheet. No reply received.

12. Bill Establishing Ministry of Foreign Affairs (Cabinet Boards): Received 18 May. DS (Poole) studying.

13. Bill Establishing Finance Ministry (Finance Ministry): Forwarded ESS 19 May by checksheet. No reply received.

14. Harbor Regulations Bill (Transportation Ministry): Received 29 April. No objection GS (Hays). CTS (Richers), and G-2/CIS/PSD (Battey) studying.

15. Bill Establishing Transportation Ministry (Transportation Ministry): Forwarded CTS 18 May by checksheet.

C. F. GUIDA
Capt. Inf.

DECLASSIFIED E.O. 11,652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775072

Correspondence from Prime Minister concerning current legislation.

Gov't Section Chief of Staff 9 June 1948

1. Your attention is invited to the attached communication from the Prime Minister dated June 7th with this section's Memorandum for the Record giving data as of June 8th concerning the bills in reference.

2. This communication from the Prime Minister refocuses attention upon the delays in the normal processes of government incident to the interference by sections of this headquarters with the normal functioning of the Japanese administrative and legislative machinery. It raises once more the need for clarification of the desired relationship between this headquarters and the Japanese Government at this stage of the occupation. In this connection, it is again urged that this headquarters leave to the appropriate agencies of the Japanese Government the management of its internal affairs, subject only to the guiding principles and objectives clearly enunciated by the occupation and the inherent power of the Supreme Commander formally to nullify any administrative or legislative act which contravenes such principles and objectives. Only thereby may a responsible government be fostered and encouraged, and only thereby may the responsibility of the Supreme Commander be confined to the limits clearly delineated by his basic directives. Attention is invited to the Staff Study and recommendations of this section dated 27 April 1948, subject: "SCAP Interference in Japanese Diet Proceedings".

3. Request instructions as to the nature of a reply which should be made to the Prime Minister's communication.

2 Incls:
(a) Ltr fr Prime Minister to Gen Whitney, dtd 7 Jun 48
(b) GS Memo for Record dtd 8 Jun 48

- C.W. - - - - - - - - - -

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

COPY

Premier's Office

Tokyo, 7 June 1948

Brigadier General C. Whitney,
Chief, Government Section,
GHQ, SCAP.

My dear General:

As it is necessary to enact, by July 1, laws for the establishment of various offices on ministerial level and of various Ministries based on the National Government Organization Law as well as those laws regulating the pertinent laws and orders consequent upon the implementation of such "establishment" laws, the Japanese Government has drafted some 30 bills and has already submitted them to your Section through the Central Liaison and Coordination Office. Of these bills, some have already been approved by your office and submitted to the Diet.

As there is a desire not only on the part of the Diet, that all bills involved be submitted to it as soon as possible, but the Japanese Government itself is also desirous of having the speedy settlement of these bills which constitute the basis of ordinances to be drafted for the organization of various Ministries, etc., I shall appreciate it if you could be so good as to give special consideration in expediting the examination of these bills which are yet to be approved.

Yours Faithfully,

/s/ H. Ashida.

/t/ Hitoshi Ashida,
Prime Minister of Japan.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

Correspondence from Prime Minister concerning current legislation.

Gov't Section | Chief of Staff | 9 June 1948

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COL KADES

2 Incls:
(a) Ltr fr Prime Minister to Gen Whitney, dtd 7 Jun 48.
(b) GS Memo for Record dtd 8 Jun 48

GS.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

COBY

Premier's Office

Tokyo, 7 June 1948

Brigadier General C. Whitney,
Chief, Government Section,
GHQ, SCAP.

My dear General:

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/s/ H. Ashida.

/t/ Hitoshi Ashida,
Prime Minister of Japan.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

WFM/ECW/LJR/gg

(Do not remove from attached sheets)

File No.: 010 (21 May 48) ESS/AC Subject: Draft of a Livelihood Cooperative Law

Note No.: | From: ESS | To: GS | Date: 21 May 1948

1

1. Reference is made to a draft of a Livelihood Cooperative Law proposed by seven members of the Diet and submitted by the Government Section to ESS for comment.

2. The following comments are made with regard to subject proposal:

a. The draft as a whole is too general to give minimum insurance for democratic operation and sound organization or to prevent organizations formed under it from having undue power.

b. Article 3 authorizes one cooperative to carry on all the functions of a wholesaler, retailer, manufacturer, bank and insurance company. Certain functions, such as those carried on by a producer's cooperative, should not be intermingled with savings and loan, health insurance, consumer services, etc. It should also be noted that paragraph 9 of Article 3 makes paragraphs 1 through 8 and 10 through 12 superfluous since it apparently permits an association to take on any function it wishes.

c. Non-member business authorized in paragraph 11 is so limited as to make it of little or no value to non-members or to the association. If, for example, the only ice house in a village were owned by a cooperative, the provision would restrict the use of the services to members only. Transient shipping could not be served even if all local residents joined.

d. Article 4 would, in effect, seem to force all the families in a community into the association.

e. Article 3, paragraph 12, also provides for the power to issue tickets in lieu of cash for purchases made from members. This provision would make it possible for the association to force members to buy only from the association.

f. Tax exemption, as provided in Article 7, is too inclusive and should be limited to participation benefits paid to members.

g. Article 13 provides an inadequate organizational procedure since, among other things, it fails to provide for time requirements re organization or first general meetings. This article also permits the area of operation to be that of the whole country which vitiates Article 10 wherein only persons residing in the district designated by the articles of incorporation would be eligible.

h. Article 26 in effect eliminates the necessity for a general meeting

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

Basic: Check Note 1 from ESS to GS, subj: Draft of a Livelihood Cooperative Law, 21 May 48

except for dissolution or merger, since practically all responsibility is delegated to representatives, probably oyabuns.

i. No provision is made for limiting the use of proxies which traditionally in this country have permitted very small cliques to control associations.

j. No provision is made for one vote per member nor is there a limitation placed upon the amount of stock or securities which one member may hold. Both provisions should be clearly specified in order to insure democratic operation of cooperatives.

3. It should be noted that in general this act is more undesirable than the legislation presently on the books in the form of a Commerce and Industry Cooperative Union Act which this proposal presumes to amend and improve.

4. It is requested that a consideration of the Diet with regard to reference draft be deferred until the proposed Cooperative Enterprise Law can be given to the Japanese Government for consideration. A draft of the latter has already received concurrence from Government Section and is in the process of detailed examination in the Headquarters.

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

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDC # 773 072

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

28 April 1948

MEMORANDUM FOR CHIEF, GOVERNMENT SECTION

SUBJECT: Allied Council Discussion of Maritime Safety Authorities Bill

1. At this morning's meeting of the Allied Council, which lasted about one hour and ten minutes, the British Commonwealth member stated that this measure was important enough to warrant prior discussion by the Allied Commission or the Far Eastern Commission and that its importance was recognized by SCAP over a year ago when it allowed the Japanese to use thirty-eight craft for anti-smuggling purposes and prevention of illegal re-entry.

2. The Russian member accused the Supreme Commander of violating the terms of reference of the Allied Council (he quoted paragraphs 1, 5 and 6 of the Council's terms of reference), referred to what he alleged were similar unilateral actions on the part of the Supreme Commander, accused the Headquarters of attempting to build up large police forces in Japan and alleged that the "Maritime Police Law permits the Japanese Government wide freedom of action in arming vessels authorized under this act," and stated that we are now confronted with a revival of the Japanese armed forces. He formally requested that the enforcement of this law be suspended until the Far Eastern Commission has reached a policy decision in the matter.

3. The Chinese member stated that he was of the opinion that the Supreme Commander had acted within the scope of his authority but that the Headquarters should take every precaution to prevent the new agency from being operated as a military establishment.

4. The Chairman interrupted the Russian member frequently for the purpose of confining him to the matter on the agenda, prohibited detailed discussion of police matters, reviewed the derivation of SCAP's authority particularly that of acting in the absence of any policy decision by FEC, reviewed the necessity and desirability of the law, pointed out the Allied Council's lack of jurisdiction in the premises, circulated pictures of the thirty-eight vessels SCAP authorized a year ago for use in anti-smuggling and illegal re-entry activities, and in a forceful manner informed the Russian member that his comments on the law and his quotations from the terms of reference of the Allied Council were irrelevant, immaterial and did not apply.

FRANK E. HAYS
Special Adviser

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

CW/CLK/er

Bicycle Race Law

Gov't Section Chief of Staff 16 April 1948

1 1. Enclosed, Tab A, is a bill for a "Bicycle Race Law" proposed for introduction by fifty-eight members of the House of Representatives, to which is attached a memorandum entitled, "Desires on Consideration of this Bill," submitted by the sponsors thereof.

2. This bill is submitted to this Headquarters in accordance with the approved plan of procedure for keeping the Supreme Commander informed of proposed legislation under the provisions of SCAPIN 191, Tab B.

3. The Economic and Scientific Section by a memorandum dated 1 April 1948 (Tab C), objects to the introduction of this bill and has requested the Chief of the Parliamentary and Political Division of this Section to inform the officials of the House of Representatives not to permit the members of the House of Representatives who are sponsoring this bill to introduce it into the Diet.

4. While the Government Section has no interest either in the form or substance of the proposed law, nor is it in position to advise on the merits or demerits of the exhibitions contemplated, or the regulation and control thereof, it does feel that to stop the introduction of this measure sponsored by fifty-eight members of the House of Representatives would be a wholly arbitrary suppression of legislative initiative. Once a measure of this kind is introduced it must still run the gamut of open committee hearings and stand the test of parliamentary debate and action in both chambers of the Diet. During this time SCAP, if it so desire, would have ample opportunity to advise the responsible Diet committee on any amendments which are believed to be in the interest of sounder draftsmanship and procedural perfection.

5. The Supreme Commander made his policy patently clear at the time of the initial effort of the Japanese Diet to democratize the election law in February 1946, that efforts merely leading to perfection in legislation were to be avoided if they operated to transform a reasonable attempt by the Japanese themselves into legislation by force of Allied power. He pointed out that we should not expect here to impose the requirement of perfection upon the Japanese not even enjoyed in the United States or other Allied countries, and that once we insisted upon change we altered the character of the measure by clothing it with the stigma of Allied force.

6. A tendency by SCAP sections unduly to interfere with member initiative if permitted to continue will threaten destruction of such gains as have already been made in the transition from a traditional puppet legislation subservient to the bureaucracy of the executive branch to one subservient to a SCAP bureaucracy. It will vitiate the freedom of thought and freedom of action so fundamental to vitality in the legislative process.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

1 (cont.) 7. I realise fully the need for constant observation and supervision over the governmental administration when Allied objectives are directly involved, but our course I fear increasingly is leading to government by Allied decree through the exercise of direct military controls. This in due time will impose upon the Supreme Commander complete responsibility for the details of the administration of Government over Japanese life and inevitably destroy the structure which so laboriously has been erected. Nor do I believe there is anything present in the situation confronting the Occupation which warrants so abrupt a shift in long established policy. For the very corrections which SCAP sections by fiat seek to make in measures introduced could better be left to the action of the Diet itself with any SCAP assistance it might require.

8. Recommend that in such matters as this the sponsors of the measure be left free to effect its introduction and that the Diet itself remain charged with the normal legislative function of scrutiny for imperfections and judgement as to its effect upon the public interest.

Incl:
Tabs A, B, C & D

C.I.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

GW/CLK/ER/mm

Proposed Diet Law Regarding Restaurants and Drinking Establishments

Government Section — Chief of Staff — 24 April 1948

2

1. In paragraph 4 of Check Note No. 1 above, the Chief, Economic and Scientific Section has objected to the provisions of a "Bill Providing Temporary Measure for Food Distribution Business" and requested that "prompt action be taken to modify the proposed law so that it will continue in effect present restrictions on the operation of non-essential restaurants for the duration of the acute food shortage". As indicated in paragraph 4 of basic Check Note, this action, regarded by Economic and Scientific Section as necessary to preserve our essential Occupation objective, must be accomplished by 30 April 1948. The Japanese National Diet, after having been in continuous session for nineteen consecutive weeks, is now, to all intents and purposes, in recess, with its members scattered far and wide among their constituencies. Under these conditions, to call suddenly upon Government Section one week before the mandatory deadline to secure legislative action for the protection of what is considered a necessary Occupation objective involves a degree of legislative wizardry which Government Section cannot perform in a manner consistent with democratic legislative processes.

2. Instant bill is not a cabinet-sponsored measure but has been proposed for introduction in the House of Representatives of the Japanese National Diet by Yaechachi Hasekawa (D), member from Osaka. The subject matter of the bill is clearly within the field for which the Economic and Scientific Section bears the responsibility of advising the Supreme Commander. The action requested, however, is one which deeply concerns Government Section, affecting as it does the position and function of the National Diet under the new Constitution of Japan, the integrity of the legislative process, and the authenticity of the representative form of government which the Japanese, under the Supreme Commander's guidance and pursuant to the most basic of Occupation objectives and policies, adopted and put into practice as long ago as 3 November 1945.

3. This is not the first or only effort of GHQ staff sections to intervene in Japanese legislation concerning matters in which they were interested, and Government Section, to safeguard Occupation objectives, has hitherto held up the passage of bills to which a section of GHQ has voiced objection. This has been done even when, as in the case of The Bicycle Racing Bill and the Horse Castration Bill, Government Section could see no connection between such bills and known Occupation objectives, and has voiced dissent with the act of intervention, advocating adherence to the settled policy of permitting the Japanese to manage their purely domestic affairs without either pampering or hindrance by the Occupation Forces.

4. In the present instance, however, it is proposed that a member of the Japanese National Diet be instructed to rewrite a bill originated by him to accord with the desires of a staff section of GHQ. Were this to be done,

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

2 (Cont'd) the Diet member sponsoring this bill would become a mere puppet, putting forth as his own what had been dictated to him by GHQ. Such action would stultify the legislative process and reduce the Diet to the status of a mere rubber stamp, fit only to serve the bureaucracy in power, whether it be the bureaucracy of GHQ or the Japanese bureaucracy which, in the absence of an effective and vigorous legislature, will inevitably seize the reins when the Occupation drops them. The representative form of government guaranteed under the new Constitution will be as much of a mockery as the Diet and local assemblies were under the Tojo regime. The gains made during the thirty-one months of patient effort and leadership in the direction of democracy will be forfeit. It would be infinitely preferable to adjourn the Diet and govern by SCAP Directive and Cabinet Order than to destroy the keystone of the arch of the new democratic structure in Japan.

5. Should it be necessary for the Supreme Commander to intervene in the legislative process in order to prevent the passage of member initiated laws inimical to the objective and purposes of the Occupation, formal communication to that effect should be addressed to the government pointing out the objectionable features, after the introduction of the measure and while it is under committee consideration. Such action would preserve the objectives of the Supreme Commander without destroying legislative initiative, or as recommended by the Chief, Economic and Scientific Section in the instant case, compelling by force a Diet member to rewrite a measure drafted upon his own initiative and then introduce it as his own.

6. Recommend:

a. That SCAP do not direct the member of the House of Representatives from Osaka to amend his bill prior to introduction as requested by paragraph 4 of basic Check Note from Economic and Scientific Section but that the measure be permitted to pursue its normal course, subject to any formal requirement SCAP may desire to communicate to the Japanese government while the bill is under committee study;

b. If, as indicated by Economic and Scientific Section (paragraph 1, basic Check Note), action is mandatory prior to 30 April 1948 to protect Occupation purposes, that SCAP directly exercise the legislative power inherent in his position by issuing a formal directive to the Japanese government setting forth the essential requirements.

- -C.S.- - - - - - - - - - - -

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

COPY

CHECK SHEET WFM/HFA/RG/WTR/jg

File: 010 (22 April 48) ESS/P&D

Subject: Proposed Diet Law Regarding Restaurants and Drinking Establishments

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Note No. From: ESS To: GS Date: 22 April 1948

1. 1. The proposed Diet law submitted through Government Section is intended to supersede the present Restaurant Closure Law, Ordinance 118, issued by the Cabinet on 1 July 1947 and scheduled to expire on 30 April 1948.

2. The proposed Diet law would permit the opening of about 10,000 public barrooms serving sake beer and other liquors, soba shops serving Japanese buckwheat cakes, and restaurants serving non-rationed foods. The operation of these types of establishments is now prohibited under the present Ordinance 118.

3. ESS non-concurs with approval of this measure because:

a. The available food is inadequate to supply the needs of these additional establishments without diverting supplies from the consumer ration system.

b. It is anticipated that the opening of restaurants to serve only non-rationed foods would in practical effect relax all restaurant restrictions. Restaurant associations have advised that it is impossible to operate a restaurant if restricted to non-rationed foods. Such restaurants would therefore be forced to deal in the black market to get staple foods. It would be extremely difficult to enforce this type of restriction.

c. This measure would indicate that the food situation was greatly improved and hence create unfavorable public reaction to programs for collection of staple foods, fish and vegetables.

d. It would probably create an unfavorable reaction in the United States if, in view of the heavy import requirements of staple foods, indigenous foods were diverted into liquor and luxury restaurants.

4. Since the present Ordinance is about to expire, it is requested that prompt action be taken to modify the proposed law so that it will continue in effect present restrictions on the operation of non-essential restaurants for the duration of the acute food shortage.

5. The Price and Distribution Division is available for consultation in this matter.

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

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 012

TRADE UNION LAW

CHAPTER I GENERAL PRINCIPLES.

Article 1. The aim of the present Act shall be to raise the status of workers and thereby contribute to economic development through the guarantee of the right of organization and the encouragement of collective bargaining.

The provisions of Article 35 of the Criminal Code shall apply to collective bargaining and other acts of the trade unions which are appropriate, being performed for the attainment of the objects of the preceding paragraph.

Article 2. Trade Unions under the present Act shall be those organizations, or federations thereof, formed autonomously by the workers, with the workers as the main constituents, for the main purpose of maintaining or improving the conditions of work and for raising the economic status of the workers, provided that this rules shall not apply to those:

1. Which admit to membership the employer or persons who may be considered to represent the interest of the employer.
2. Which depend on the employer's aid for the major expenses of the organization.
3. Which objects are confined to mutual aid work or other welfare work among the members.
4. Which principally aim at carrying on political or social movements.

Article 3.

DECLASSIFIED E.O. 11652 SEC. 5(E) AND 5(D) OR (E) NNDG # 773 072

Article 3. Workers under the present Act shall include those who live by wages, salaries or other remuneration assimilable thereto regardless of the kind of occupation.

Article 4. Police, fireman and employees of penal institutions shall be denied the right to organize or to join trade unions.

As regards other government officials, subordinate officials and municipal officials, and those employed by the state or public bodies, separate regulations may be made by ordinance for the application of the present Act, provided that this rule shall not apply to the prohibition of their organizing a trade union or of their joining such as members.

CHAPTER II. TRADE UNIONS

Article 5. Representatives of trade unions shall submit to the administrative authorities within the week after formation of the trade union, its statute and the list of names and addresses of its officers.

When changes occur in the particulars as laid down in preceding paragraph, a report thereon shall be submitted to the administrative authorities within a week thereafter.

Article 6. When a report has been submitted in accordance with paragraph one of the preceding article and the union concerned is not in conformity with Article 2, the administrative authorities shall take action in accordance with the stipulations of ordinance following the resolution of the Labor Relations Committee.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

The provisions of the preceding paragraph shall apply mutatis mutandis to the case of an organization set up as a trade union which has ceased to conform to Article 2.

Article 7. The statute of the trade union shall contain at least the following particulars:

1. Name of the union.
2. Address of the main office.
3. If the union is a legal person, statement to that effect.
4. Objects and business of the union.
5. Rules relating to membership or to affiliated unions.
6. Rules relating to meetings.
7. Rules relating to the representatives of the union and other officers.
8. Rules relating to expenditure and accounts of the union.
9. Rules relating to revision of the statute of the union.

Article 8. When the statute of a union contravenes laws or regulations, the administrative authorities may order its alteration following the resolution of the Labor Relations Committee.

Article 9. The trade union shall keep a membership list or a list of affiliated unions.

Article 10.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

Article 10. Representatives of a trade union or those to whom the powers therefore are delegated by the union shall have the power to negotiate with the employer or employers organizations on behalf of the union or its members for conclusion of a grade agreement or on other matters.

Article 11. The employer shall be disallowed to discharge or give a discriminatory treatment to a worker for his being a member of a trade union, for having tried to form or join a grade union, or for having performed proper acts of a trade union.

(As amended by the Labor Relations Adjustment Law, 13 Oct. 1946)

The employer shall not be permitted to make it a condition of employment that the worker do not join a trade union or withdraw from it.

Article 12. No employer shall claim indemnity from a trade union or members or officers of the same for damages received through a strike or other acts of dispute which are proper acts.

Article 13. When a trade union intends to use for other purposes the funds specially set up for mutual aid and other welfare work, it shall obtain the resolution of the General Meeting of the union.

Article 14. The trade union shall be dissolved in the following cases:

1. Occurrence of the circumstances requiring the dissolution as provided in the statute of the union.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

2. Bankruptcy of the union.

3. Resolution for the dissolution adopted by the General meeting of the union with at least three-fourths majority of the total membership or of the affiliated unions.

4. The decision taken under the provisions of Article 6.

5. Court action of dissolution order issued in accordance with the provisions of Article 15.

Article 15. When a trade union frequently violates laws and ordinances and disturbs peace and order, the Court may order dissolution of the union at the request of the Labor Relations Committee.

Necessary matters relating to procedure under the preceding paragraph shall be fixed by ordinance.

Article 16. A trade union shall acquire the status of legal person by registering at the place where its main office is located.

The matters necessary for registration other than were provided in this Act shall be fixed by ordinance.

As regards the matters which require registration for a trade union, they shall have no effect against any third person unless a registration has been effected.

Article 17. The provisions of Article 43, 44, 50, 52-58, 57 and 72-83 of the Civil Code and of Articles 35, 36, 37 clause 2, 126 paragraph 1, 137 and 138 of the Law

on

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

on Procedure of Non-contentious cases shall apply mutatis mutandis to trade unions which are legal persons.

Article 18. Trade unions which are legal persons shall be exempted from income tax and taxes charged on legal persons in accordance with the provisions of an Ordinance.

CHAPTER III. TRADE AGREEMENTS.

Article 19. The agreement between a trade union and the employer or organization of the later concerning conditions of work will take effect when the agreement is signed by the parties concerned.

Parties concerned shall submit the trade agreement to the administrative authorities within the week after signing of the trade agreement.

Article 20. No trade agreement shall fix a term exceeding three years.

Article 21. When a trade agreement is signed, the parties concerned shall mutually assume the obligation to cooperate in all sincerity for giving effects to the agreement for the enhancement of efficiency and maintenance of industrial peace.

Article 22. When a standard is fixed by a trade agreement concerning conditions of labor and treatment of workers (when a special organ exists for fixing such standards in accordance with a trade agreement, the standards fixed by

that

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 773 072

that organ shall come under this provision and this rule shall apply to all the cases where the same terms occur hereafter) any provision of a labor contract contravening the standard mentioned shall be void and the invalidated part of the labor contract shall be replaced by the provisions of the above mentioned standard. The same-rule shall apply to the part which is not laid down in the labor contract.

Article 23. When three-fourths or more of the workers normally employed in a factory, mine or other places of employment come under application of a trade agreement, the remaining workers shall ipso facto be bound by the same agreement.

Article 24. When a major part of the workers of similar kind in a given locality come under application of a certain trade agreement, the administrative authority may at the request of either one or two of the contracting parties take the decision to extend the compulsory application of the contract (including the part revised under provisions of the second paragraph) to all the remaining workers of the same kind in the same locality and to the employer.

In case the Labor Relations Committee deems, in making the resolution of the preceding paragraph that the trade agreement in question contains inappropriate provisions, the Committee may amend these provisions.

The decision shall become effective by public notification.

Article 25.