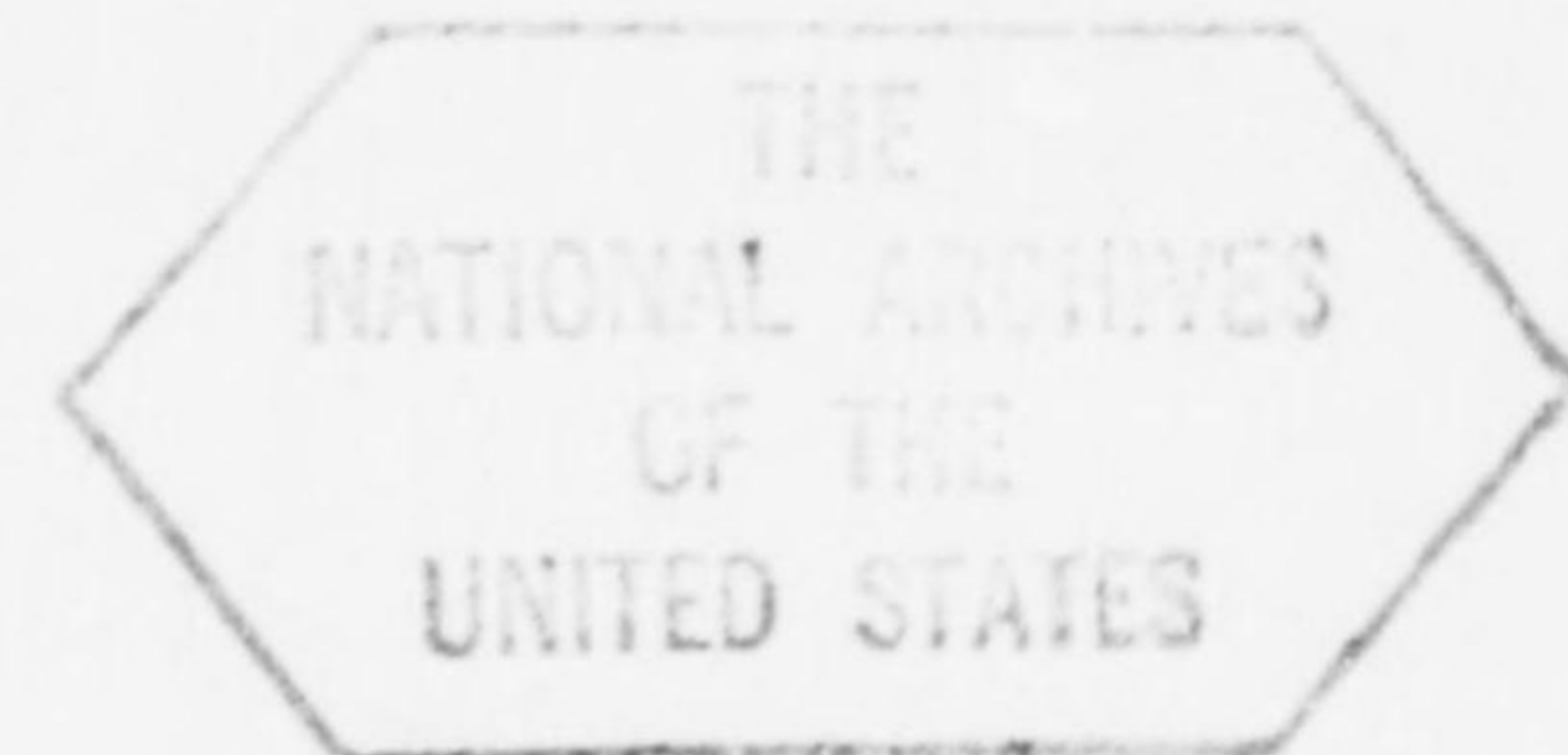


**GHQ/SCAP Records(RG 331)**  
**Description of contents**



- (1) Box no. 2205
- (2) Folder title/number: (3)  
Attorney General's Office - 6th National Diet

(3) Date: Sept. 1949, Oct. 1949

(4) Subject :

Classification	Type of record
320	m

- (5) Item description and comment :  
Includes Contents List

(6) Reproduction :  Yes  No

(7) Film no. \_\_\_\_\_ Sheet no. \_\_\_\_\_

## Title

## Comment

- 
- |   |  |
|---|--|
| 1. Criminal Indemnity Bill  | LS (Appleton) No obj<br>G2 (Pulliam) No obj                            |
| 2. Amendment to Law for Salary and<br>Others fro Public Procurators | ESS (Mossler) No obj<br>LS (McCormick) No obj<br>GS/CS (MacCoy) No obj |
| 3. Amendments to Law for Compensation<br>etc of Judges              | ESS (Mossler) No obj<br>LS (McCormick) No obj<br>GS/CS (MacCoy) No obj |
| 4. Amendment to the Juvenile Law                                    | G2(Pulliam) No obj<br>LS (Appleton) No obj                             |

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No. From: Govt Sec To: IS/LAJ Date: 7 October 1949

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

2. Your prompt comment is requested.

1 Incl:  
The Criminal Indemnity Bill

C. W.

P & P DIV

①

The Criminal Indemnity Bill

123

2. From: LS To: GS

R. B. APPLETON-Mei j1-479  
Date: 11 October 1949

No legal objections.

Incl: W/D

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

Rec'd GS 10/17/49

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: G-2/PSD

Date: 7 October 1949

1.

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

2. Your prompt comment is requested.

1 Incl:

The Criminal Identity Bill

C. W. \_\_\_\_\_

P & P DIV

From: G-2

To: Govt Sec

CIS/PSD/RCG/HEP/sm  
Date: 11 Oct 1949

2

PSD/G-2 offers no objection to the enactment of the Criminal  
Indemnity Bill.

1 Incl  
Withdrawn

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

*Rec'd GS 10/12/49*



Bill

to be submitted for GS approval  
Legislative Affairs Section, FOM  
(TEL. 57-6010)

Oct. 7 1949,

1. FOM Number: 13
2. Name of Bill: The Criminal Indemnity Law (Draft)

3. Competent Ministry: Attorney General's Office
4. Date of Cabinet Approval: Sep. 20, 1949
5. SCAP Section concerned:  
LS. Legislation and Justice Division Mr. Appleton

6. Remarks: (Reference:)

Reference is attached herewith.  
.....  
.....  
.....  
.....  
.....

7. G.S Reviewers:

CS & : LS/L+J  
G2/PSD

Received by GS

Date 10/7/49

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

CW/JN/JW/CFO/vs

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To:

IS/LAJ

Date:

1 December 1949

1.

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

2. Your prompt comment is requested.

1 Incl

Amendments to Criminal  
Indemnity Bill

C. W.

P 2 P DIV



Amendments to Criminal Indemnity Bill

HC

141

2.

From: LS

To: GS

R.B.APPLETON-2635-473  
Date: 5 December 1949

1. Subject amendments having been withdrawn and revised as a result of discussion by LS with Mr. Ito of the House of Councillors, no comment is made.

Incl: w/d

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

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

CW/JH/JE/CYG/vs

Subject: Draft Legislation

Note No.	From: Govt Sec	To: IS/LAJ	Date: 29 November 1949
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Representatives.</p> <p>2. Your prompt comment is requested.</p>		
	<p>1 Incl Amendment to the Criminal Insanity Law</p>		
	C. W.		

Capt. Guida  
28-6076

P & P DIV

Amendment to the Criminal Indemnity Law

*H.R.*

*11/29*

From: LS

To: GS

R.B. Appleton-2635-473  
Date: 29 November 1949

No legal objections.

Incl: w/d

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

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: ESS

Date: 18 October 1949

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

1 Incl:  
Bill for Partial Amendment to  
Law re Salary and Others for  
Public Procurators

C. W.

P & P DIV

(2)

010(18 Oct 49)ESS/JF

From: ESS

To: Govt Sec

*J.R.A. [Signature]*  
WFM/JRA/EMR/JRM/mm  
Mr. Mosler, 57-8813  
Date: 7 November 1949

2.

1. There is no objection to introducing in the Diet the attached draft Bill for Partial Amendment to Law re Salary and Others for Public Procurators as proposed by the Attorney General's Office if paragraph 2 in the supplementary provisions to the law is omitted and paragraph 1 be amended to read as follows:

This Law shall come into force as from the day of its promulgation.

2. This bill provides for the adjustment in pay for judges and assistant judges in order that their pay be made to conform to the existing pay standards of other employees in the government service and does not provide for the average pay of these individuals to exceed what is considered the existing \$5300 average monthly wage for all government employees.

1 Incl  
n/c

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

*Amendments made to bill  
and cleared  
S.*

*Rec'd GS 11/14/49*

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: LS/LAJ

Date: 18 October 1949

1.

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

2. Your prompt comment is requested.

1 Incl:

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

C. W.

From: LS

To: GS

A.J. McCormick-2635-269

Date: 25 October 1949

2.

1. In December 1948 the Diet raised the base for ordinary government officials from 5330 to 6307 yen, but the subsequent dissolution of the Diet precluded similar appropriate action as to ordinary public procurators and assistant public procurators. Draft amendment does not apply to the Procurator-General, Assistant Procurator-General or Superintending Procurators, but only to the lower bracket classes coming within "other public procurators" in the Law.

2. LS has no objections to the immediate introduction of draft bill.

Incl: 1 W/D

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

*Rec'd GS 10/28/49*

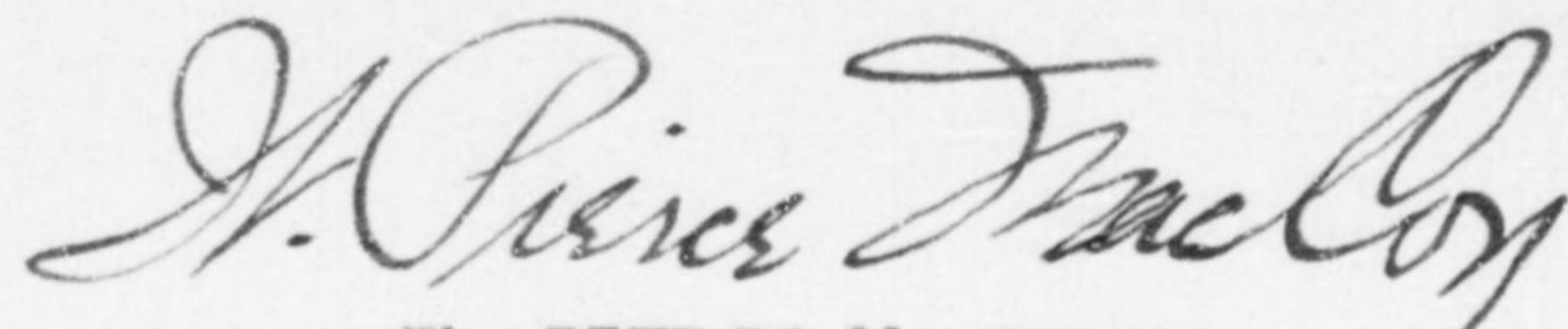
CIVIL SERVICE DIVISION  
Government Section

19 October 1949

MEMORANDUM FOR: Parliamentary and Political Division  
Government Section

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

The Civil Service Division makes no objection to subject  
bill.



W. PIERCE MacCOY  
Acting Chief, Civil Service Division

WPM:GP:rj



Bill

to be submitted for GS approval  
Legislative Affairs Section, FOM  
(TEL. 57-6010)

October 17, 1949

1. FOM Number: 24
2. Name of Bill: Bill for Partial Amendment to the Law concerning the Salary and Others for Public Procurators.

3. Competent Ministry: Attorney General's Office

4. Date of Cabinet Approval: September 22, 1949

5. SCAP Section concerned:  
Legislation & Justice Division, Legal Sec. Mr. McCormick  
Civil Service Division, G.S. Mr. Salter  
Finance Division, Economic &  
Scientific Section Mr. Mossler

6. Remarks: (Reference:)  
The full text of Law concerning the Salary and Others for  
the Public Procurators (Law No. 76 of 1948, as amended  
by Law No. 270 of 1948), the list of References and  
a letter of references to this Bill are attached  
herewith.

7. G.S. Reviewers:

Cst: ESS  
LS/L+J  
GS/CS

Received by GS  
Date 10/18/49

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: ESS

Date: 18 October 1949

1.

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

2. Your prompt comment is requested.

1 Incl:

Bill for Partial Amendment to Law  
re Compensation etc. of Judges

C. W.

F & P DIV

*Mosler*

(3)

010(18 Oct 49)ESS/JF

From: ESS

To: Govt Sec

*J.A.A. Quinn*  
WFM/JRA/EMR/JRM/mm  
Mr. Messler, 57-8813  
Date: 7 November 1949

2.

1. There is no objection to introducing in the Diet the attached draft Bill for Partial Amendment to Law Regarding Compensation of Judges as proposed by the Attorney General's Office if paragraph 2 in the supplementary provisions to the law is omitted and paragraph 1 be amended to read as follows:

This Law shall come into force as from the day of its promulgation.

2. This bill provides for the adjustment in pay for judges and assistant judges in order that their pay be made to conform with the existing pay standards of other employees of the government service and does not provide for the average pay of these individuals to exceed what is considered the existing \$6300 average monthly wage for all government employees.

1 Incl  
n/c

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

*Amendmt made & bill  
+ cleared* *CS*

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No. From: Govt Sec To: IS/LAJ Date: 18 October 1949

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

1 Incl:

Bill for Partial Amendment to  
Law re Compensation etc. of  
Judges

C. W.

P & P DIV

*Amendment to Law re: compensation etc of  
Judges.*

*(Atty Gen's off)*

From: LS

To: GS

A.J. McCormick-2635-269

Date: 25 October 1949

2.

1. The provisions of draft amendment are required by Art. 9 and 10 of Law No. 75 of 1948, which states:

"Article 10. When the Government takes measures for the raising of salaries or other allowances, or for the payment of special allowances for ordinary government officials on account of the remarkable change in cost of living and current prevailing wage scales, the Supreme Court shall increase the compensation and other allowances for judges or grant special allowances for them after the examples laid down for ordinary government officials as provided elsewhere by law."

2. In December 1948 the Diet raised the base for ordinary government officials from 5330 to 6307 yen, but the subsequent dissolution of the Diet precluded similar appropriate action as to Assistant Judges and Summary Court Judges. Draft amendment does not apply to Supreme Court Judges, High Court Judges or full Judges but only to the lower bracket classes and shall apply from April 1, 1949.

3. In the preparation of the Law the drafters foresaw the possibility of discriminatory action in favor of ordinary government employees inasmuch as the judiciary had been withdrawn from the old Ministry of Justice by the new Constitution of Japan and the Court Organization Law and elevated into the third great branch of the government. They foresaw the possibility of the judges being "left in the cold." That there was good ground for their

Subject: Bill for Partial Amendment to Law  
RE: Compensation Etc. of Judges

2.  
Cont'd

apprehension is evidenced beyond any reasonable doubt by the development in the last Diet session of 1948.

4. The existing disparity is incompatible with the expression of the Supreme Commander in his letter of 1 April 1948 to the President of the Supreme Court:

"...I Believe, as you do, in the establishment of judiciary power as one of the three powers in accordance with the principle of division of powers as expressed in the Japanese Constitution.

"In order to insure the independence of the judges in the exercise of their conscience, it is indeed essential that they enjoy the prestige commensurate with their high office, as well as freedom from economic worries. This can only be accomplished by establishing a level of remuneration for judges which will be a guarantee that the administration of justice is not impeded by a possible temptation of corruption or a standard of living for the judiciary less than that consistent with decency and comfort."

The Constitution of Japan, moreover, explicitly requires, in Art. 79, that the judges shall receive "adequate compensation".

5. The discrimination against the judges concerned in the proposed amendment cannot be condoned or successfully tranced away by excuses that the judges are well enough off, or that there is no source for funds, or that this is no time to bring up the matter. Such contention would be violation of law, contrary to the prestige of the judiciary, and in practice amounts to a reduction in judicial salary in contravention of the Constitution of Japan.

6. Legal Section strongly recommends immediate submission of the Bill to the Diet.

Incl: 1 W/D

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

*Copy forward to Mr. Bacon ESS/PI  
by bukslip 10/28/49. Advised him  
of this action per phone conversation.  
Cb.*

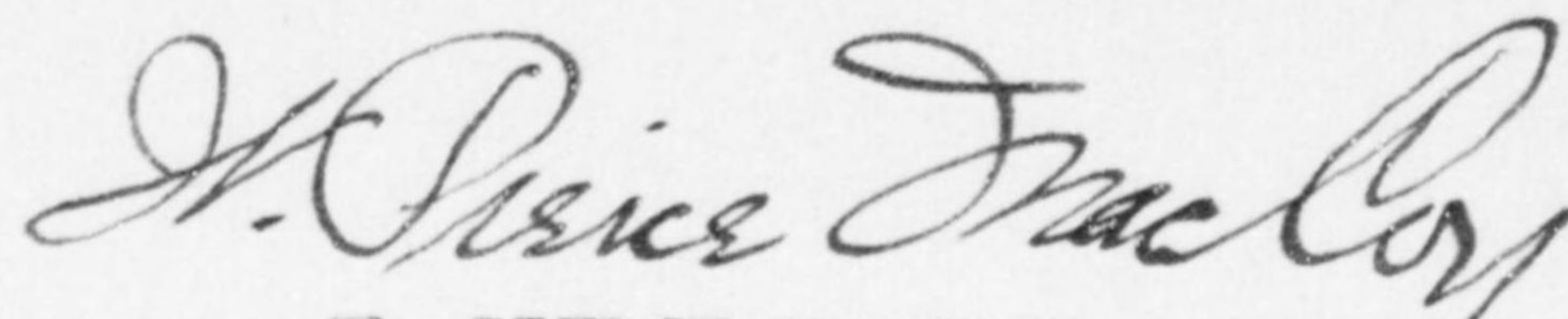
CIVIL SERVICE DIVISION  
Government Section

19 October 1949

MEMORANDUM FOR: Parliamentary and Political Division  
Government Section

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

The Civil Service Division makes no objection to subject  
bill.



W. PIERCE MacCOY  
Acting Chief, Civil Service Division

WPM:GP:rj

Bill

to be submitted for GS approval  
Legislative Affairs Section, FOM  
(TEL. 57-6010)

October 17, 1949

- 1. FOM Number: 23
- 2. Name of Bill: Bill for Partial Amendment to the Law concerning the Compensation, etc of Judges.

3. Competent Ministry: Attorney General's Office

4. Date of Cabinet Approval: September 22, 1949

5. SCAP Section concerned:

Legislation & Justice Division,	Legal Sec.	Mr. McCormick
Civil Service Division,	Gov. Sec.	Mr. Salter
Finance Division,	Economic &	
Scientific Section		Mr. Mossler

6. Remarks: (Reference:)

The full text of Law concerning the Compensation, etc. of Judges (Law No. 75 of 1948, as amended by Law No. 269 of 1948) and the list of references are attached herewith.

7. G.S Reviewers:

CS to: LS/L+J  
ESS  
GS/CS

Received by: GS

Date: 10/18/49



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: G-2/PSD

Date: 26 September 1949

1.

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

2. Your prompt comment is requested.

1 Incl:

Bill for Partial Amendment  
to the Juvenile Law

C. W.

P & P DIV

(4)

G-2/PSD/RTB/HEP/gw

From: G-2

To: Govt Sec

Date: 30 September 1949

2

PSD/G-2 concurs in partial amendment to the Juvenile Law re: that par 1 of Article 68 be amended to read "two years" instead of "one year".

1 Incl  
w/d

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

Rec'd GS 10/3/49.

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

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

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: IS/L&J

Date: 26 September 1949

1.

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

2. Your prompt comment is requested.

1 Incl:

Bill for Partial Amendment  
to the Juvenile Law

C. W.

P & P DIV

Bill for Partial Amendment to the Juvenile Law

43.

From: Legal Section

To: GS

2635- Ext. 479  
R.B. Appleton  
Date: 27 Sept 49

2. No legal objection.

Incl: w/d -----A.C.C.-----

*Rec'd CS 9/30/49*

Bill

to be submitted for GS approval  
Legislative Affairs Section, FOM  
(TEL. 57-6010)

24 September, 1949

1. FOM Number: 4
2. Name of Bill: The Bill for Partial Amendment to the Juvenile Law.
3. Competent Ministry: Attorney General's Office
4. Date of Cabinet Approval: 20 September 1949
5. SCAP Section concerned: G-2, Public Safety Division Dr. Dr. Lewis.
6. Remarks: (Reference:)  
References are attached herewith.....  
.....  
.....  
.....  
.....
7. G.S. Reviewers:

CSB: LS/LVT  
G2/PSP

Received by GS  
Date 9/24/49