PROCEDURES DUE PROCESS TEST 3(B) AND 3(D) OR (E) APPLY 173 672

GHQ/SCAP Records(RG 331)
Description of contents

THE NATIONAL ARCHIVES OF THE UNITED STATES

(1) Box no. 2146

(2) Folder title/number: (16)
Laws and Bills, Miscellaneous, 1946 - 1948

(3) Date: Sept. 1946 - Dec. 1948

(4) Subject:

Classification	Type of record
324	e, v

(5) Item description and comment:

(6) Reproduction: (Yes) No

(7) Film no. Sheet no.

DECLASSIFIED EO 12958 SEC. 3(E) AND 3(D) OR (E) NNBD # 775 072

CIVIL SERVICE DIVISION
Government Section

21 December 1948

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

SUBJECT : Meeting with ESS Representatives Regarding Possibilities of NPSL Coverage of HCLC, CILC and SCLC Personnel

A meeting, arranged by Mr. Brower of the Finance Division, ESS, was held in Mr. Brower's office at 2 p.m. on 20 December 1948, for the purpose of discussing the pros and cons of including personnel of the Holding Companies Liquidation Commission (HCLC), the Closed Instututions Liquidation Commission (CILC) and the Securities Coordinating Liquidation Commission (SCLC) in the regular government service, subject to the standards set forth in the NPS Law. Other ESS representatives attending this meeting were Messrs. Boylan and Herbster of Mr. Brower's office (Liquidation Branch) and Messrs. Welsh, Gillies and Randall of the Anti-Trust and Cartels Division. Mr. Welsh is chief of this division and Mr. Brower is chief of the Liquidation Branch of the Finance Division.

As indicated in a previous memorandum, several of these men have been contacted individually for the purpose of securing additional information regarding the three commissions in connection with ~~the~~ same research being carried on by ~~this~~ Division. They had at this time indicated considerable concern about the problem of compensation for personnel of these commissions and were wondering what advantages, if any, would accrue if the commissions' personnel were placed in the regular government service, from the standpoint of medical and retirement benefits. The purpose of the subject named meeting was to explore these possibilities.

I was asked to describe the benefits and restrictions which would be applicable if the commission personnel in question were placed in the regular service. Before answering I ascertained the following:

(1) The HCLC, CILC and SCLC are all strictly temporary bodies whose personnel and members are appointed with the definite understanding that their positions are temporary for the duration of the work of their respective commissions.

(2) They do not have retirement or medical benefits comparable to personnel of the regular government service and are therefore paid at a correspondingly higher rate of base pay.

(3) In large part the professional and technical personnel of these commissions come from responsible positions in private financial institutions.

(4) The expected duration of CILC's work is from 5-10 years, judged by present progress; that of the other two commissions is 3 years or less.

(5) Appointment of commissioners to all three commissions must, according to SCAP directive, be approved by SCAP.

(6) HCLC and CILC are juridicial bodies, that is they are incorporated under articles of incorporation. SCLC is not incorporated but is made up of representatives from the two aforementioned commissions as well as the Bank of Japan and interested governmental agencies.

(7) According to the Law and the two Imperial Ordinances which respectively established the three commissions, personnel of these commissions are deemed to be in the public service for purposes defined by laws and ordinances; to wit: the purpose of subjecting them to penal provisions applicable to government officials and employees. No other type of coverage is intended.

I explained that if personnel of these commissions were covered into the regular service they would have the status of temporary employees until 1951 at which time they would be required to take regular examinations or be otherwise evaluated in order to become permanent employees. In the meantime it would be unlikely that they would receive regular retirement benefits. Their positions would be classified according to the position-classification plan and their pay would be according to the pay of other temporary government employees to be set forth in a pay plan under special legislation. Personnel of these commissions, despite their temporary status, would be subject to the restriction on entering related private enterprise, set forth in paragraph 2 of Article 103 of the NPS Law.

not later than

It appeared to be the sense of the meeting that they should attempt to keep the three commissions out of the regular service since their inclusion would not appear to satisfactorily solve their main problem, compensation, and would on the other hand introduce rigidities and restrictions of procedure which would hinder operation.

Despite their views indicated in the previous paragraph, they are anxious to have help on their compensation problem, particularly it would seem in the form of data on the basis of which they can formulate fair salaries relative to the rest of the government service. I made no promises in this respect, either on behalf of this division or NPA, but implied that requests for assistance would be given consideration. (In discussions among themselves they appeared highly dubious of depending for advice and assistance upon ESS Labor Division or Central Labor Relations Committee, but these side remarks were squelched). I suggested to Mr. Gillies as he left the meeting that any informal contact relative to their compensation problems might well be made with Mr. Salter of our division.

If
~~As~~ the advice of this division is requested by the NPA in regard to the status of HCLC, CILC, and SCLC personnel under the NPS Law, I recommend~~ed~~ that our view be that the personnel in question are not in the national public service.

TLE

THOMAS L. ELIOT
Personnel Specialist

TLE:jd

GD-Legis-7En

Central files

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

28 December 1948

MEMORANDUM FOR FILE

SUBJECT : Proposed Drafts of the Bill for the Partial Amendment to the Law Concerning Compensation, etc. of Judges, and Public Prosecutors.

1. The attached copies of the proposed revised drafts were presented directly to the Civil Service Division by a member of the Ministry of Finance at 1400 on 21 December 1948.

2. It is to be noted that these copies were not forwarded to the Civil Service Division through the Parliamentary and Political Division and therefore could not be considered official copies for review by the Civil Service Division.

3. The Parliamentary and Political Division and the Ministry of Finance were both advised that no action would be taken upon these proposed drafts, nor would any action be taken by this Division on any draft of the proposed bill submitted other than through proper channels.

W. PIERCE MacCOY
Deputy Chief
Civil Service Division

WPM/hm
Attachment

Petras

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

21 December 1948

MEMORANDUM FOR : Dr. J. W. Williams
Chief, Parliamentary and Political Division

SUBJECT : Bill To Amend the Law for the Partial Amendment, etc., to the Law Concerning the Salary and Others for the Public Procurators.

1. Inasmuch as the objective of this Bill and the Law which it amends is to raise the salaries of Procurators concident with the raise for other regular Government Service personnel, it would seem a good policy to provide that the effective date and the pattern of raises be in accordance with the general Pay Bill. This will necessitate the amendment of Articles 1 and 2 of Supplementary Provisions of the Law for the Partial Amendment, etc., to the Law Concerning the Salary and Others for the Public Procurators.

2. It is recommended that the proposed Bill include a provision that this Law and the one which it amends shall be subject to Provisions of National Public Service Law, similar to Paragraph 2 of Article 1 of the General Pay Bill as passed.

3. Because Procurators are in the regular government service covered by the General Pay Bill, in order to avoid any danger of dual payment of salaries to Procurators, it should also be specified that provisions of this Bill shall supersede those of the General Pay Bill as to base pay for Procurators.

GWP/hm

BLAINE HOOVER
Chief, Civil Service Division

DECLASSIFIED: E.O. 12356, SEC. 3.4(b) AND 3.4(b) OR (E.) NNDC # 775-072

Peterson

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

21 December 1948

MEMORANDUM FOR : Dr. J. W. Williams
Chief, Parliamentary and Political Division

SUBJECT : Bill to Amend the Law for the Partial Amendment, etc. to the Law Concerning the Compensation, etc. of Judges.

1. Inasmuch as the objective of this Law is to raise the salaries of judges concident with the raise for regular public service personnel, it would seem to be good policy to adopt the effective date and pattern of applying the raises as set forth in the General Pay Bill as passed.

2. This would necessitate amending Articles 1 and 2 of the Supplementary Provisions of the Law for the Partial Amendment, etc. to the Law Concerning the Compensation, etc. of Judges.

GWP/hm
Attachment

BLAINE HOOVER
Chief, Civil Service Division

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

21 December 1948

MEMORANDUM FOR : Dr. J. W. Williams
Chief, Parliamentary and Political Division

SUBJECT : Bill to Amend a Part of the Law Concerning Salary and Other Compensation for National Public Service Personnel in the Special Government Service.

1. The subject Bill amends the "Bill Concerning Salary and Other Compensation for National Public Service Personnel in the Special Government Service" which we understand has been passed by the Diet, although not yet promulgated. The subject Bill should amend that which has already been passed, to correct the titles in Article 1 and in the Annexed Table, to agree with titles in Article 2 of the National Public Service Law, as follows:

Change "Personnel Commissioner" to read "Commissioners of the National Personnel Authority."

Change "Audit Controller" to read "Auditors of the Board of Audit."

Change "Chief of the Imperial Household Office and Grand Chamberlain" to read "Director of the Imperial Household Office and Grant Chamberlain."

Change "Chief of the Central Liaison and Coordination Office" to read "Director of the Central Liaison and Coordination Office."

2. Item 16 of Article 1 of the Bill which has already been passed is questioned as being inappropriate insofar as it might be construed to apply to judges for which a separate law is being passed. However, such a provision should be retained for personnel other than judges.

3. Inasmuch as the objective of this Bill is to raise the salaries of special government service personnel coincident with the pay raise for regular government service personnel, it would seem to be good policy to correct Article 9 to conform to the pattern set forth in the General Pay Bill as passed, with respect to the effective date and the pattern of payments.

GWP/hm
Attachment

BLAINE HOOVER
Chief, Civil Service Division

Board of Audit Law m[illegible]s no mention of an "Audit Comptroller".

Eliot

DECLASSIFIED DOD Directive 5200.9 AND 5(E) AND 5(D) OR (E) NNDG # 773 072

CSD Legis-9
12-13-43

ROUGH DRAFT
GWP:mta
13 December

MEMRODANDUM FOR MR. W. PIERCE MacCOY

SUBJECT: Bill Concerning Salary and Other Compensations for National Public Service Personnel in the Special Government Service.

The following are suggested changes in the bill noted above:

Article 1, Item 3, change "Personnel Commissioner" to read "Commissioners of the National Personnel Authority."

Article 1, Item 6, change "Chief" to read "Director".

Article 1, Item 10, change "Chief" to read "Director".

Article 8, Paragraph 2, change "November 1" to read "December 1", "Chief" to read "Chairman" and "Authority" to read "Commission".

Article 9 change "1 November" to read "December 1".

Annexed table, change "Personnel Commission to read "Commissioner of the National Personnel Authority", change "Chief of the Imperial Household Office" to read "Director of the Imperial Household Office", and change "Chief of Central Liaison and Coordination Office" to read "Director of Central Liaison and Coordination Office".

GORDON W. PETERSON

1 more point to be clarified

DECLASSIFIED AUTHORITY NND 963052 BY NARS DATE 12-18-96

CIVIL SERVICE DIVISION
GOVERNMENT SECTION

13 December 1948

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

SUBJECT : Draft ~~Travel~~ Cabinet Orders concerning employees commission of To Do Fu Ken

1. Attached hereto is a copy of a letter from Dr Asai, the original of which is reported to have been delivered to the Civil Service Division, although it has not been seen by the undersigned. The letter suggests that certain revisions be made to the draft of the Cabinet Order Concerning the Employees commission of Metropolis, District, Urban or Rural Prefecture. This suggestion appears to be in order and according to Mr. Okobe, has met with the approval of Mr. Suzuki of the Local Autonomy Section, Secretariate of the Prime Minister's Office There has been no response as yet from the Civil Service Division to the local Autonomy Section regarding former's opinion of the draft.

GORDON PETERSON
Examination Specialist

GP:rr

Enclosure

0 8 File 12-10-48

T.E.
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CIVIL SERVICE DIVISION
Government Section

9 December 1948

MEMORANDUM FOR: The Record

SUBJECT : Draft of the Law for Establishment of the Advisory Council on Social Security dated December 2, 1948

1. No reference is made in the proposed law to compensation of personnel or to the application of the NPS Law or the jurisdiction of the National Personnel Authority.

2. The Council and its secretariat are staffed in part by government officials and government clerks. The participation of these government employees may be a violation of paragraph 1 of Article 101 NPSL in that they would be concurrently holding two positions in the employ of the government.

3. Personnel of the Advisory Council and its secretariat would, with the exception of Diet members, fall in the regular government service. Therefore, appointments of persons not heretofore in the regular service must be approved by NPA under the NPS Law. Unless they are appointed members of the regular service or are members of the special service they may not be paid in any way for their services by the government (see paragraph 6 of Article 2 NPSL).

4. Article 7 of the proposed law reads: "Government offices shall produce such data and information as the Advisory Council may request". This power of the Advisory Council is a potential danger to the official security of NPA's plans and records. However, there is no penal provision to compel compliance.

5. Apart from matters pertaining to the NPS Law and the National Personnel Authority, the establishment of such an Advisory Council independent of the Labor Ministry, Welfare Ministry and Finance Ministry, all of which have a close concern with the problems of social security, would

appear merely to add to the administrative complexity surrounding this function in the Japanese Government. It would appear to offer a better long-run solution if the social security function were clearly assigned to one or another of the ministries which is already concerned with some major aspects of these problems.

6. Recommend addition of the attached provision.

THOMAS ELIOT,
Personnel Specialist.

TE:mvb

The appointment by the Prime Minister of members and temporary members of the Advisory Council from the last two (2) groups designated in Paragraph 1 of Article 5 and men of learning and experience as Secretaries to the Advisory Council under Paragraph 2 of Article 10, shall be subject in all respects to the National Public Service Law (Law Number 120 of 1947 and Law Number 222 of 1948).

Government officials and clerks who are assigned duties in addition to the duties of their positions in the regular government service, under Articles 5, 10, and 11 of this law shall not be paid compensation of any kind for such additional duties unless provided in the pay plan specified in Article 63 of the National Public Service Law (Law Number 120 of 1947 and Law Number 222 of 1948).

ATTACHMENT

CSD - Legis - 4

CIVIL SERVICE DIVISION
Government Section

29 November 1948

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WHR
11/29/48

MEMORANDUM FOR: The Record

SUBJECT : Request for Diet Approval of Branch and Sub-Branch Offices of the Textile Inspection House and Daily Necessaries Inspection House

1. On 27 November the undersigned indicated approval to Government Section for Civil Service Division of a request by the Ministry of Commerce and Industry for approval to establish branch and sub-branch offices of the Textile Inspection House and Daily Necessaries Inspection House. As a condition of approval, however, insertion of the following paragraphs ~~were~~ was requested:

"The number of personnel to be employed in the Textiles Inspection House including branch and sub-branch offices will be less than the number of personnel in the Export Silk Fabrics Inspection House and the Export Woolen Fabrics Inspection House and their branch and sub-branch offices which have been abolished.

"As to the ten Second Class Officials, twelve Third Class Officials, ten Koin and five Yoin which are necessary for the establishment of these agencies, corresponding decreases will be made in the (Ministry of Commerce and Industry or Agencies within it)* by February 28, 1949."

It was indicated that if the Japanese Government preferred it would not be essential to include the numbers in the second paragraph shown above e. g. ten, twelve, ten and five.

GORDON PETERSON,
Examination Specialist.

GP:mvb

* left to the ministry to determine what name to insert.

I had discussed matter with Peterson before he gave approval.
WHR

CIVIL SERVICE DIVISION
Government Section

29 November 1948

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

SUBJECT : Suggested Action to be Taken if Educators Public Service Law is passed

1. The Civil Service Division recognizes that the Educators Public Service Law is filled with conflicts with the National Public Service Law.

2. C.I.& E.professes to know of no purposeful conflicts between the two laws. C.I. & E. regards those provisions which we would call "conflicting", "special provisions" due to the special nature of duties and responsibilities of educational personnel pursuant to Article 13, Supplementary Provisions of the National Public Service Law. Except in the case of conflict which would militate against the bureaucratic clean-up within the educational system, Civil Service Division has not disabused C.I. & E. of its impression that the above mentioned conflicts are recognized special provisions.

3. Because of C. I. & E.'s point of view and because of the large number of obvious conflicts which could not "reasonably" be in the law unless they were intended to be special provisions for educational personnel, it may be advisable for the National Personnel Authority to take special steps to:

a. Provide a legal rationalization of the situation

b. maintain satisfactory relations with the Ministry of Education and C. I. & E.

c. protect well intentioned persons from violating the National Public Service Law inadvertently especially to the extent of running afoul of the penal provisions

d. provide an orderly way of bringing about point by point the supremacy of the National Public Service Law, Such final determinations to be made only by the courts, however.

4. It is suggested that the National Personnel Authority adopt a rule with contents similar to the following: All provisions of the Law For The Special Regulations Concerning Educational Public Service which are in conflict with the

National Public Service Law and would therefore be nullified by it shall be enforced as special provisions in accordance with Article 13, First Supplementary Provisions of the National Public Service Law, as interim measures until the National Personnel Authority provides otherwise by rule.

5. If a rule such as the foregoing were passed the National Personnel Authority could from time to time designate certain provisions of the Educators Public Service Law as in conflict with the National Public Service Law and to no longer have force and effect as a rule of the Authority. It would then be a matter for the courts to decide whether such provisions were in fact conflicting.

6. If a rule such as that mentioned in Item 4 cannot be adopted lawfully because of its lack of specificity it may nevertheless be advisable to single out certain provisions which are important to C. I. & E. and also satisfactory to C.S.D. as interim measures and adopt them as rules.

GORDON PETERSON
Examination Specialist.

GP:mvb

CIVIL SERVICE DIVISION
Government Section

30 November 1948

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

SUBJECT : Revision of Educators Public Service Bill

1. Dr. Loomis of C. I. & E. delivered the attached statement to Civil Service Division yesterday at 1615. The first sentence of the revised paragraph 2 of Article 23 is an addition to the bill. It introduces an idea which we have carefully avoided. The second sentence is described as being a revision of the agreed-upon-provision by the Japanese.

2. To allow the addition of the first sentence would have the effect of eliminating all conflicts between the Educators Public Service Law and the National Public Service Law by making the former supreme because all conflicts could be legally explained as special provisions for educators due to the special nature of their duties and responsibilities. On the other hand to deny the inclusion of the sentence will bring into the open the conflicting objectives of Civil Service Division and C. I. & E.

3. It is suggested that in exchange for the omission of the first sentence the Civil Service Division agree to have the National Personnel Authority adopt a rule to provide interim provisions similar to all or some of the conflicting measures existing in the Educators Public Service Bill.

GORDON PETERSON,
Examination Specialist.

GP:mvb
Encl. 1

29 Nov 48

Art. 23, Paragraph 2.

This Law provides for the exceptional cases based on Art. 13 of the Supplementary Provisions of the National Public Service Law regarding the educational public service personnel who are national public service personnel. In the event when provisions of this Law are recognized to be inconsistent or in conflict with the provisions of the National Public Service Law the provisions of the National Public Service Law shall prevail regarding those matters.

Copy

November 30, 1948

Brief Listing of Conflicts Between the National Public Service Law and the Draft for the Law for the Special Regulations Concerning Educational Public Service.

Article 2, Paragraph 2 the words "shall be" may have the effect of restricting the National Personnel Authority from classifying teaching personnel according to its own findings.

Article 4 has the effect of removing initial appointments and promotions of Presidents, Teachers and Chief Administrators of national universities from the jurisdiction of the National Personnel Authority. (According to Article 24, Paragraph 2 not only national universities but also university preparatory schools, old type Koto Gakko, colleges and training schools for teachers as provided for in Paragraph 1 of Article 98 of the School Education Law, would be removed from the jurisdiction of N.P.A. in this respect.)

Article 5 would substitute hearings by the immediate governing body of national universities (and similar institutions listed in the preceding paragraph) for hearing of presidents, teachers and chief administrators which might otherwise be conducted by the National Personnel Authority as a consequence of compulsory transfer of personnel.

Article 6 and 9 provide for dismissal and other disciplinary punishment only if based on the result of the inquiry of the immediate governing body of the national universities or similar institutions. It would restrict the National Personnel Authority in preparation of rules governing dismissal procedure, result in the possibility of two complete hearings (the second one to be by the National Personnel Authority), and prevent initiation of charges and disciplinary punishment of personnel by the National Personnel Authority unless the immediate governing body gives prior approval. Among other provisions of the National Public Service Law, Article 11 of the First Supplementary Provisions (pertaining to examination of the bureaucracy) would be nullified with respect to personnel specified above. Article 6 also treats demotion of teachers on the same basis as described above.

Article 7 may be construed to prevent the National Personnel Authority from making rules or exercising discretion on the question of duration of temporary retirements of presidents, teachers and chief administrators of national universities and similar institutions.

Article 8 would have the effect of removing determinations as to tenure of presidents and chief administrators and age limit of teachers in national universities and similar institutions from the jurisdiction of the National Personnel Authority.

Article 10 does not in itself conflict with the National Public Service Law but is the focal point for the practice running throughout the law of dividing the normal responsibilities of an appointing officer and restricting the duties of the appointing officer to mere ratification of the acts of others, in this case the immediate governing body of each national university and similar institution.

Article 11 would substitute action by the immediate governing body of each national university and similar institution for the rule-making power of the National Personnel Authority to enforce the fundamental standard for performance on duty specified in Articles 96 to 106 inclusive.

Article 12, Paragraph 2 substitutes completely the immediate governing body of each national university and similar institution for the National Personnel Authority with respect to determining the standards for the evaluation of work performance.

Articles 13, 14 and 15 refer to principals and teachers of schools other than universities. It is understood that an exceedingly minute portion of national educational personnel are engaged in such work. Teachers of lower grade schools attached to teachers' colleges are an example.

Article 13 provides for appointment of principals and teachers of schools other than universities from eligible lists prepared by the National Personnel Authority but it appears to allow the appointing officer to make his selection from anyone on the appropriate list rather than the highest names certified by the National Personnel Authority.

Paragraph 2 of the same Article provides that eligible lists must be prepared "in accordance with the kind of certificates concerning those who shall hold certificates for principals or teachers, and apply for initial appointment." Such language conceivably could be used by the agency controlling certification of teachers to unduly restrict the National Personnel Authority's power to determine qualifications for appointments.

Paragraph 4 of Article 13 places the promotion of teachers in national schools, other than universities, completely in the hands of "evaluating officers" and removes all jurisdiction of the National Personnel Authority.

Article 14 restricts the National Personnel Authority from exercising rule-making discretion with reference to duration of temporary retirement and salary received therefor in cases of tuberculosis incurred by principals or teachers of national schools other than universities.

Article 20 possibly infringes to a slight degree upon the latitude possessed by the National Personnel Authority with respect to regulating time spent by educational public service personnel during normal working hours on study and self-improvement for short and long periods of time.

Article 21 is unclear in that it may be construed to allow educational public service personnel to engage in other duties, with or without pay, if "competent authority" acknowledge that the engagement in other duties concerning education shall not impede the execution of regular duties" whether or not the rules of the Authority permit such other activities.

Article 22 in English is exceedingly ambiguous. Although Mr. Loomis reported that its intent is to require the application of this law to lecturers and special instructors or teachers in "miscellaneous schools" as defined in the School Education Law, it may be construed to mean that this law shall apply to persons whose duties are similar to teachers in any national government schools.

Article 26 and 27 are a minor limitation on the National Personnel Authority with respect to determination of the future treatment of personnel who had been temporarily retired or were undergoing disciplinary punishment which commenced prior to enforcement of this law.

The statement of "reasons" which is appended to but not a part of the bill includes a statement damaging to the interests of the dominance of the National Public Service Law over this law by explaining that this law is made necessary to provide "special regulations of the National Public Service Law concerning employment and dismissal etc of these officials . . . ."

No reference is made in the above comments to the local public service in-as-much as future legislation in that field could easily take precedence over unsatisfactory provisions of the Educators Public Service Law.

G. W. P.

CIVIL SERVICE DIVISION
Government Section

29 November 1948

MEMORANDUM FOR: The Record

SUBJECT : Request for Diet Approval of Branch and Sub-Branch Offices of the Textile Inspection House and Daily Necessaries Inspection House

1. On 27 November the undersigned indicated approval to Government Section for Civil Service Division of a request by the Ministry of Commerce and Industry for approval to establish branch and sub-branch offices of the Textile Inspection House and Daily Necessaries Inspection House. As a condition of approval, however, insertion of the following paragraphs were requested:

"The number of personnel to be employed in the Textiles Inspection House including branch and sub-branch offices will be less than the number of personnel in the Export Silk Fabrics Inspection House and the Export Woolen Fabrics Inspection House and their branch and sub-branch offices which have been abolished.

"As to the ten Second Class Officials, twelve Third Class Officials, ten Koin and five Yoin which are necessary for the establishment of these agencies, corresponding decreases will be made in the (Ministry of Commerce and Industry or Agencies within it)* by February 28, 1949."

It was indicated that if the Japanese Government preferred it would not be essential to include the numbers in the second paragraph shown above e. g. ten, twelve, ten and five.

GORDON PETERSON,
Examination Specialist.

GP:mvb

* left to the ministry to insert the agency name.

CIVIL SERVICE DIVISION
Government Section

29 November 1948

MEMORANDUM FOR: The Record

SUBJECT : Request for Diet Approval of Local Offices of the Public Mariners Employment Security Agency

1. In a conference with representatives of CLCO and the Ministry of Transportation the undersigned gave approval* for the Civil Service Division of the request for Diet approval of the establishment of local offices of the Public Mariners Employment Security Agency with the condition that the following paragraph would be included:

> "As to the number of second and third class officials and employees necessary for the establishment of these agencies, corresponding decreases will be made gradually in the number of officials in the Meteorological Observatory by March 31, 1949."

2. Transportation officials submitted a plan for the reduction of officials in the Meteorological Observatory during the current fiscal year in accordance with recommendations of an occupation agency (an Air Wing). They proposed to abolish 13 of the 291 Second Class Official positions, 79 of the 1829 Third Class official positions, a large number of lesser employees unspecified at the moment and none of the six existing First Class official positions. Eleven of the Third Class official positions are reported to be vacant at the present time. It is understood that the ministry will reduce the number of officials actually employed in the Meteorological Observatory by at least the 38 positions which are required for the establishment of the Public Mariners Employment Security Agency including local offices.

3. Official clearance was given by Parliamentary and Political Division to the request for approval of local offices subject to the inclusion of the above specified paragraph.

GORDON PETERSON,
Examination Specialist.

GP:mvb

* 27 Nov. 1948

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

27 November 1948

MEMORANDUM FOR THE RECORD:

SUBJECT: Bill Concerning Applicants For Telephone Subscription Bonds, Proposed By Members Of The House of Councilors and the House of Representatives.

1. The Bill Concerning Applicants For Telephone Subscription Bonds, affords to Agricultural Cooperative Associations an exemption from the requirement that telephone subscribers purchase bonds covering the cost of telephones and installation charges. The Standing Committee for Communications, and Standing Committee for Agriculture and Forestry of both Houses have indicated their support of this proposed measure.

2. ESS and LS offer no objections to the introduction of said bill. Mr. Feissner, CCS, opposes this bill, contending that the law to be amended expires on 31 March 1949, and that in the meantime, the entire act, not merely a portion thereof, should be studied with a view to revision. CCS does not hold that the proposed legislation is objectionable in any manner whatever, refusing approval only on the ground of timeliness.

Richard G. Brown
RICHARD G. BROWN

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

27 November 1948.

MEMORANDUM FOR THE RECORD:

SUBJECT: Bill Exempting Repatriates from Taxation.

1. Bill Exempting Repatriates from Taxation is sponsored by Mr. Shuichi Hojo (GB), member of House of Councillors.

2. LS offers no objection to this bill. ESS has not replied to checksheet request for comment, dated 18 October, although Mr. Sanow, ESS/Finance stated in telephone conversation, that ESS maintains vigorous objection to this bill, contending that (1) the Government cannot afford a dimunition of revenue, and (2) such an exemption will offer an opening wedge for various pressure interests.

3. Japanese repatriated during 1945 and early 1946 were granted a respite from taxation, but later repatriates have received no such benefit since their return. It would seem, therefore, compatible with concepts of justice, and most equitable that assistance be made available to all Japanese returned from overseas. Furthermore, such action is a commendable step in countering Soviet indoctrination instilled in repatriates while in Siberia and Manchuria.

R. G. Brown 27

R.G. BROWN

43

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

19 November 1948

MEMORANDUM FOR MR. W. PIERCE MacCOY
Deputy Chief, Civil Service Division

SUBJECT: Possible Courses of Action with Reference to the Educators Service Bill.

Legal Section has reported by check sheet that the proposed paragraph 2 of Article 23 of the subject bill is unconstitutional. See copy attached, item 4. Such article was to have allowed all provisions of the law which were in conflict with the National Public Service Law to remain in effect as interim legislation until the National Personnel Authority provided otherwise by rule. Among the possible courses of action available to the Civil Service Division in the face of such report are the following:

1. Abandon jurisdiction over educational personnel to the extent now provided in the subject bill;

2. Identify all elements in conflict with the National Public Service Law, and,

a. Revise them to avoid conflict with the National Public Service Law; or

b. Set terminal date(s) for the applicability of such provisions to national public service personnel. Prior to such dates, other legislation will be necessary unless the law states clearly the manner in which the long-run provisions shall take over; or

c. Treat some provisions in accordance with Item a. above and others in accordance with Item b.

3. Seek to work out with Legal Section a statement which would accomplish the same thing as Article 23, paragraph 2, purported to do. (There are some legal devices somewhat similar in character which seem to be accepted practice for use in other circumstances, e.g. sometimes laws are abolished with the proviso that despite the abolition, certain provisions shall be deemed to continue to apply to certain kinds of cases and until Cabinet Order or other conditions decree otherwise; the NPS Law gradual enforcement provisions have similar characteristics.

4. Delay approval of the bill. This would inevitably cause disharmony between the Civil Service Division and CI&E. From the standpoint of CI&E there is more at stake in the bill than strictly technical personnel matters. The following two important matters will illustrate:

a. A distinction is made in the bill between national government personnel and local government personnel; local government control over the local government personnel is made clear. In absence of a bill such as this, the Minister of Education would continue to dominate the administration of local government at universities, colleges and similar schools.

b. The bill prescribes that "the immediate governing body" of educational institutions shall have a high degree of control over personnel matters in order to avoid undue centralization and domination of national government educational institutions by the Minister of Education, and of local government by chiefs of local public bodies.

GWP:hm

GORDON W. PETERSON

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

13 November 1948

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

SUBJECT : The Draft for the Law for the Special Regulations Concerning the Educational Public Service.

1. Yesterday Civil Service Division was given verbal notice that Legal Section regards as unconstitutional the paragraph proposed by Tatsuo Sato of the Attorney General's office which would declare that all provisions in the subject law which are in conflict with the National Public Service Law would be in force and effect only until the National Personnel Authority declared otherwise by rule. (Article 23, paragraph 2.)

2. It would appear that if the National Public Service Law is to encompass national educational personnel, the abolition of the above mentioned paragraph will necessitate many far-reaching amendments to the Educational Public Service Bill. To illustrate some possibly necessary amendments, the first seven articles have been reviewed. Comments and suggested revisions follow:

Article 2, paragraph 2. Terms used may be deemed to fix class titles. Revise:

"'Teachers' in this Law shall include personnel generally known as professors, assistant-professors ....." etc.

Article 4, paragraph 1. Restricts power of the appointing officer, (Minister of Education in National organizations) by requiring him to accept appointment proposed by immediate governing body. Although this is in contradiction to National Public Service Law, Article 55. Restriction may be advisable. Recommend no change in Article 4, paragraph 1.

Article 4, paragraph 2. Removes most of appointments in National educational institutions (all universities and similar schools) from jurisdiction of National Public Service Law and National Personnel Authority. Revise:

"In the case of National Government personnel, the evaluation prescribed in the preceding paragraph shall be made from among persons whose names are certified from eligible lists by the National Personnel Authority or are otherwise approved by the National Personnel Authority in accordance with the National Public Service Law."

"In the case of local public personnel, the evaluation ...." etc. as already set forth in paragraph 2.

Article 5, paragraph 1. The term "transfer" is unclear. "Based on the result of the inquiry of the immediate governing body" is too narrow. Revise:

"Presidents, teachers and chief administrators who, against their will are ordered to transfer between schools shall be granted a review of such action as provided herein."

Article 5, paragraph 2. It is unclear whether this supplants the hearings before the National Personnel Authority or is a preliminary duplicating procedure. In either case it is inadvisable. Revise:

"2. Transfers of National Government personnel against their will shall be in accordance with the National Public Service Law. Transfers of local government personnel as specified in paragraph 1 shall be in accordance with the standard established in Article 89, 90, 91 and 92 of the National Public Service Law (Law #120 of 1947) applied mutatis mutandis, the reviews to be conducted by the immediate governing body."

Article 6, paragraph 1. Restricts the appointing power to making only those dismissals which are based on inquiry by the immediate governing body; to such extent the paragraph conflicts with Article 55 of the National Public Service Law. Recommend only slight modification of restrictions:

"Except in cases of reduction in force or, in the case of national public service personnel, except as provided in the second sentence of Article 84 or paragraph 5 of Article 98 of the National Public Service Law, presidents, teachers and chief administrators shall not be dismissed against their will without recommendation or approval of such action by the immediate governing body based on inquiry."

Article 6, paragraph 2. It is unclear whether this supplants the hearings before the National Personnel Authority or is a preliminary, duplicating procedure. In either case it is inadvisable. Revise:

"Dismissals and demotions of National Government personnel shall be in accordance with the National Public Service Law. In the case of local public service personnel, the inquiry set forth in paragraph 1 shall be conducted in accordance with the standard established in Articles 89, 90, 91 and 92 of the National Public Service Law (Law 120 of 1947) applied mutatis mutandis."

Article 7. Determination of the period of temporary retirement seems to be the exclusive jurisdiction of the governing body. Revise by adding following sentence:

"In the case of national public personnel such determination shall be pursuant to Articles 79 and 80 of the National Public Service Law and rules established thereunder."

GWP/hm
Attachment

GORDON PETERSON

Article 5. As in Article 4, the appointing officer's powers are restricted by this article but exceptional restriction maybe in order in the name of academic freedom. The term "transfer" is unclear. "Based on the result of inquiry of the immediate governing body" is too narrow. Although it is not absolutely clear it seems that the hearing procedure described would replace the HPA's hearing; the latter should be available. Revise:

" 1. Transfers of national public service presidents, teachers and chief administrators from one educational institution to another shall be in accordance with the NPS law and the rules of the HPA provided that except in cases of reduction in force no one shall be ordered to transfer against his will without the consent of the immediate governing body of the institution from which transfer is sought.

" 2. Compulsory transfers of local public service presidents, teachers and chief administrators from one educational institution to another shall be made only in accordance with this paragraph, unless the transfer is for the purpose of reducing the number of personnel in the institution.

The appointing officer who orders such transfer shall give written notice including a statement of the reasons for transfer. If the person subject to transfer requests a hearing within thirty days after he has received written notice, such hearing shall be accorded by the immediate governing body of the institution. If requested by the person concerned, the hearing shall be a public hearing. The person subject to transfer may appear at all hearings, be represented by counsel of his own choosing, be heard and present witnesses, books, records and any pertinent facts and data concerning the case.

" If as a result of the hearing the immediate governing body recommends cancellation of the transfer order, the person shall not be transferred."

Article 6. As in Article 5, appears that the hearing procedure described would replace the HPA's hearing. This seems inadvisable. Revise:

" 1. Dismissals of national public service presidents, teachers and chief administrators shall be in accordance with the NPS Law and the rules of the HPA. Such personnel shall not be dismissed unless the immediate governing body has recommended or approved such action, except when the dismissal is for the purpose of reducing the number of personnel in the institution or except as provided in the second sentence of Article 84 or Paragraph 6 of Article 98 of the NPS Law.

" 2. Dismissal of local public service presidents, teachers and chief administrators shall be made only in accordance with the Article 5 paragraph 2, applied mutatis mutandis.

Article 5. As in Article 4, the appointing officer's powers are restricted by this article but exceptional restriction maybe in order in the name of academic freedom. The term "transfer" is unclear. "Based on the result of inquiry of the immediate governing body" is too narrow. Although it is not absolutely clear it seems that the hearing procedure described would replace the HPA's hearing; the latter should be available. Revise:

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The appointing officer who orders such transfer shall give written notice including a statement of the reasons for transfer. If the person subject to transfer requests a hearing within thirty days after he has received written notice, such hearing shall be accorded by the immediate governing body of the institution. If requested by the person concerned, the hearing shall be a public hearing. The person subject to transfer may appear at all hearings, be represented by counsel of his own choosing, be heard and present witnesses, books, records and any pertinent facts and data concerning the case.

If as a result of the hearing the immediate governing body recommends cancellation of the transfer order, the person shall not be transferred."

Article 6. As in Article 5, appears that the hearing procedure described would replace the HPA's hearing. This seems inadvisable. Revise:

" 1. Dismissals of national public service presidents, teachers and chief administrators shall be in accordance with the HPS Law and the rules of the HPA. Such personnel shall not be dismissed unless the immediate governing body has recommended or approved such action, except when the dismissal is for the purpose of reducing the number of personnel in the institution or except as provided in the second sentence of Article 84 or Paragraph 6 of Article 98 of the HPS Law.

2. Dismissal of local public service presidents, teachers and chief administrators shall be made only in accordance with the Article 5 paragraph 2, applied mutatis mutandis.

Article 8. These provisions would eliminate NPA jurisdiction over tenure and age-limits. Revise:

In the national public service

"1. ~~The~~ the tenure ~~of office~~ of presidents and chief administrators and the age limits of teachers shall be in accordance with the National Public Service law and rules of the NPA.

"2. In the local public service, the tenure ~~of office~~ of presidents and chief administrators and the age limits of teachers shall be determined by the immediate governing body of each institution."

Article 9. Paraphrase article 6.

Article 11. These provisions would eliminate the applicability of NPA rules on the subject of performance on duty, as spelled out in articles 96 and 106. Revise:

"1. In regard to the performance on duty of presidents, teachers and chief administrators of national universities, necessary matters concerning the enforcement of the fundamental standard of par. 1 of article 96 of the National Public Service Law (Law No. 120; 1947) in addition to rules of the NPA shall be provided by the immediate governing body of each institution.

Article 12. These provisions might be construed to eliminate or restrict the jurisdiction of the NPA. Revise:

"1. The evaluation of work performance and the measures taken in accordance with the result of the evaluation concerning national public service presidents, teachers and chief administrators shall be determined by the immediate governing body of each institution in accordance with the NPS Law.

"2. The evaluation of work performance, and the standards for such evaluation and the measures taken in accordance with the results of the evaluation concerning local public service presidents, teachers and chief administrators shall be determined by the immediate governing body of each institution."

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

18 November 1948

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

SUBJECT : The Draft for the Law for the Special Regulations Concerning the Educational Public Service.

1. Yesterday Civil Service Division was given verbal notice that Legal Section regards as unconstitutional the paragraph proposed by Tatsuo Sato of the Attorney General's office which would declare that all provisions in the subject law which are in conflict with the National Public Service Law would be in force and effect only until the National Personnel Authority declared otherwise by rule. (Article 23, paragraph 2.)

2. It would appear that if the National Public Service Law is to encompass national educational personnel, the abolition of the above mentioned paragraph will necessitate many far-reaching amendments to the Educational Public Service Bill. To illustrate some possibly necessary amendments, the first seven articles have been reviewed. Comments and suggested revisions follow:

Article 2, paragraph 2. Terms used may be deemed to fix class titles. Revise:

"'Teachers' in this law shall include personnel generally known as professors, assistant-professors ....." etc.

Article 4, paragraph 1. Restricts power of the appointing officer, (Minister of Education in National organizations) by requiring him to accept appointment proposed by immediate governing body. Although this is in contradiction to National Public Service Law, Article 55. Restriction may be advisable. Recommend no change in Article 4, paragraph 1.

Article 4, paragraph 2. Removes most of appointments in National educational institutions (all universities and similar schools) from jurisdiction of National Public Service Law and National Personnel Authority. Revise:

"In the case of National Government personnel, the evaluation prescribed in the preceding paragraph shall be made from among persons whose names are certified from eligible lists by the National Personnel Authority or are otherwise approved by the National Personnel Authority in accordance with the National Public Service Law."

"In the case of local public personnel, the evaluation ...." etc. as already set forth in paragraph 2.

Article 5, paragraph 1. The term "transfer" is unclear. "Based on the result of the inquiry of the immediate governing body" is too narrow. Revise:

"Presidents, teachers and chief administrators who, against their will are ordered to transfer between schools shall be granted a review of such action as provided herein."

Article 5, paragraph 2. It is unclear whether this supplants the hearings before the National Personnel Authority or is a preliminary duplicating procedure. In either case it is inadvisable. Revise:

"2. Transfers of National Government personnel against their will shall be in accordance with the National Public Service Law. Transfers of local government personnel as specified in paragraph 1 shall be in accordance with the standard established in Article 89, 90, 91 and 92 of the National Public Service Law (Law #120 of 1947) applied mutatis mutandis, the reviews to be conducted by the immediate governing body."

Article 6, paragraph 1. Restricts the appointing power to making only those dismissals which are based on inquiry by the immediate governing body to such extent the paragraph conflicts with Article 55 of the National Public Service Law. Recommend only slight modification of restrictions:

"Except in cases of reduction in force or in the case of national public service personnel, except as provided in the second sentence of Article 84 or paragraph 6 of Article 98 of the National Public Service Law, presidents, teachers and chief administrators shall not be dismissed against their will without recommendation or approval of such action by the immediate governing body based on inquiry."

Article 6, paragraph 2. It is unclear whether this supplants the hearings before the National Personnel Authority or is a preliminary, duplicating procedure. In either case it is inadvisable. Revise:

"Dismissals and demotions of National Government personnel shall be in accordance with the National Public Service Law. In the case of local public service personnel, the inquiry set forth in paragraph 1 shall be conducted in accordance with the standard established in Articles 89, 90, 91 and 92 of the National Public Service Law (Law 120 of 1947) applied mutatis mutandis."

Article 7. Determination of the period of temporary retirement seems to be the exclusive jurisdiction of the governing body. Revise by adding following sentence:

"In the case of national public personnel such determination shall be pursuant to Articles 79 and 80 of the National Public Service Law and rules established thereunder."

CWP/hm
Attachment

GORDON PETERSON

CIVIL SERVICE DIVISION
Government Section

17 November 1948

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

SUBJECT : Proposed Diet Personnel Law

1. A cursory review of the Diet Personnel Law as proposed by the House of Representatives October 2, 1948, indicates that for the most part the contents either paraphrase certain portions of the National Public Service Law as amended or are contradictory to the provisions of such law.

2. It is recommended that Civil Service Division register objection to the passage of the proposed law on the grounds that it is unnecessary and in some respects contrary to the spirit and letter of the National Public Service Law.

GORDON W. PETERSON
Examination Specialist.

GWP:mvb

CIVIL SERVICE DIVISION
Government Section

16 November 1948

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

SUBJECT : Draft Law Concerning the Continuance of the Legal Status of Labor Union as Juridical Person etc. Consequent Upon the Partial Amendment of the National Public Service Law.

1. It is recommended that the words "labor union(s)" be replaced by the words "employee association(s) and organization(s)" throughout the Law with the exception of Article 3, Line 1.

2. In order to give the National Personnel Authority adequate control over the structure of employee associations and organizations which became juridical persons prior to the amendment of the National Public Service Law, it is recommended that: (a) the words "and if the National Personnel Authority gives official notice of its approval" be inserted after the word "Law" in Article 1, Line 10; and (b) the words "and approved by" be inserted after the word "with" in Article 2, Line 3.

3. Article 4 needs further study to determine fully its necessity and significance. It may be advisable to delete the Article.

GORDON W. PETERSON
Examination Specialist.

GWP:mvb

10 Nov 1948

Draft Law Concerning the Continuance of the Legal Status of ~~Labor Union~~ as Juridical Person, Consequent upon the Partial Amendment of the National Public Service Law (Law No. 120 of 1947) ~~etc.~~

Article 1. Any ~~labor union~~ which is a juridical person actually existing on the effective date of the Law for the Partial Amendment of the National Public Service Law (Law No. of 1948, to be hereinafter referred to as the Law) and having as its main consituents, personnel of the regular government service as defined in Article 2 of the National Public Service Law shall, if registered with the National Personnel Authority within 60 days from the effective date of the Law in accordance with the provisions of Paragraph 1 of Article 4 of the Second Supplementary Provisions of the Law, be deemed, as provided in Paragraph 7 of Article 98 of the National Public Service Law, as having been established on that date as a juridical person referred to in the same paragraph, and shall continue its existence as a juridical person as heretofore. However, this shall not apply to those ~~labor unions~~ which are in liquidation on the effective date of the Law.

Article 2. The ~~labor~~ unions referred to in the preceding Article (except those in liquidation on the effective date of the Law) shall, unless registered with the Authority within the period prescribed in the same Article, be deemed as having been dissolved on the expiration of that period.

Article 3. The Labor Union Law (Law No. 51 of 1945) and orders

issued thereunder shall, notwithstanding the provisions of Article 16 of the Supplementary Provisions of the National Public Service Law, continue to apply to the ~~labor unions~~ associations and organizations referred to in the preceding Article to the extent necessary for the enforcement of this Law and to those referred to in Article 1 which are in liquidation on the effective date of the Law to the extent necessary for their liquidation.

Article 4. With uspect to the disposition of the previous registration concerning a juridical person which continues its existance under the provision of Article 1, provision shall be made by an ordinance of the Attorney-General's Office.

Supplementary Provision:

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

1-MacCorkle WDPR 11/16
2-Hoover 11/17
3-File
Vegis

CIVIL SERVICE DIVISION
Government Section

November 16, 1948

MEMORANDUM FOR: The Record

SUBJECT : Certain Japanese Legal Procedures

The following information regarding certain specific Japanese legal procedures was secured through conversation with Tom Blakemore of Legal Section.

1. The writ of mandamus is non-existent in Japan. Furthermore, there is no similar substitute procedure.

2. The procedure which we know as injunction is exceedingly restricted in Japanese law. Only when the substance of a given dispute is being irreparably dissipated or destroyed can a court be called upon to order the action to be terminated. Even then, there is no satisfactory way in which the court can enforce its order.

3. There is no grand jury system in Japan. As partial substitution, there is a system whereby at least quarterly, a number of community representatives meet with the judge of the local court to discuss whether the procurator has been performing his job satisfactorily. If, as a result of such discussions, it is concluded that the procurator has not been enforcing the law properly, such decision may be given public notice locally, may be reported to the chief procurator in Tokyo and also to the Procurator's Qualification Board, which has certain control over procurators' opportunities for advancement.

4. It is not necessary in Japanese law for a procurator to prosecute a case even though complaint has been brought to his attention formally and even though he may have adequate evidence of violation of law. It is entirely proper for the procurator to take into consideration the nebulous factors of "social considerations". If a procurator abuses his position undully by failing to press charges, the only recourse of the public appears to be through the indirect reporting device as noted in item 3 above which may have an adverse affect on a procurator's continued employment or his future advancement.

GORDON PETERSON
Examination Specialist

GP:vr

CIVIL SERVICE DIVISION
Government Section

15 November 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Review of Proposed Cabinet Orders Involving Increases or Decreases of Personnel

1. About the middle of October 1948, Parliamentary & Political Division, Government Section, notified CLCO that no Cabinet Orders involving personnel increases should be passed until approval of the Civil Service Division has been given. The objective was to prevent wholesale increases of personnel and unnecessary up-grading of personnel, either of which would tend to interfere with proper enforcement of salary adjustments and availability of funds for general salary increases.

2. The undersigned requested that before the Civil Service Division received requests for approval of such Cabinet Orders, the Administrative Management Agency should review the matter and indicate its findings and conclusions. In actual practice the proposed Cabinet Orders have passed through the Administrative Management Agency at which time they attached a slip indicating that a review had been conducted by such Agency. Such Agency's statement included no facts, analyses, or conclusions.

3. Civil Service Division then requested that CLCO secure information necessary to enable the Civil Service Division to have an understanding of proposed Orders. CLCO did secure such information which although inconclusive was of surprisingly good quality. In securing the information, CLCO worked directly with the Ministry involved in the Cabinet Order rather than working with Administrative Management Agency.

4. At a meeting of Civil Service Division representatives with Mr. Onogi, Assistant Chief of the Administrative Management Agency, information was sought regarding the nature of studies being conducted by the agencies and plans for improving such studies. A more adequate report of their findings and conclusions was requested to be furnished with each proposed Cabinet Order.

5. After about three weeks, Mr. Onogi returned with a report setting forth the principles which would guide Administrative Management Agency in conducting reviews of Cabinet Orders involving personnel. The statement is a good one, but probably impossible of adequate execution inasmuch as only four or five staff members are assigned to investigations of this type. Administrative Management Agency has now commenced to provide a somewhat analytical statement of its findings in each case and has indicated that the quality may be expected to improve further at once.

6. The undersigned indicated that it is the desire of the Civil Service Division to avoid reviewing these proposed Cabinet Orders and would much prefer to have the appropriate Japanese agencies accept full responsibility. On the other hand, Civil Service Division wants assurance that in each case an adequate study has been made resulting in an adequate analytical report and wherever Cabinet Order is found to be faulty, that such investigating agency makes determined representations before the Cabinet in support of findings and conclusions.

7. For the time being, Civil Service Division is still examining proposed Cabinet Orders in an informal attempt to keep down the number of personnel, but recognizing that it is beyond this Division's province to enforce its desires by any more than suggestive methods.

GORDON W. PETERSON

GWP:jb

CIVIL SERVICE DIVISION
Government Section

15 November 1948

MEMORANDUM FOR: Mr. W. Pierce MacCoy

SUBJECT : Proposed Public Corporations Labor Relations Act and Japanese National Railways Law

Your attention is called to the following points which were apparent upon a very cursory review of the above-mentioned proposed laws.

1. In the Japanese National Railways Law, Article 30, Item 4, provides that "any employee who is temporarily retired shall receive one-third of his salary during the term of his temporary retirement".

2. Article 4 of the Public Corporations Labor Relations Act provides that persons "holding managerial and superviscry positions and those employed in a confidential capacity shall not be permitted to organize or affiliate with union". In the same article, it is also provided that "only the employees of the Public Corporation shall be eligible to become members of the employees' unions of the said Public Corporation or to be elected as officers of such unions. Article 7 of the same act prohibits the payment of compensation by the corporation to employees who are engaged exclusively in union activities.

GORDON W. PETERSON

GWP:jb

Government Section
Civil Service Division

15 November 1948

MEMORANDUM FOR MR. W. PIERCE MacCOY

SUBJECT: Bill of the People's Finance Corporation Law

1. On November 12, 1948, a representative of the Finance Ministry, Mr. Isoda, delivered a revised copy of the bill of the People's Finance Corporation Law. He reported that due to opposition of Public Health and Welfare, the Finance Corporation would be restricted to the granting of loans on government employee pensions only. It has been the practice to grant such loans during the past ten years.

2. The first draft of the bill was reviewed in detail by the undersigned. Many corrections would be proposed if there is any likelihood of passage of such a bill. In lieu of making such detailed recommendations, it is proposed that Civil Service Division object to the creation of People's Finance Corporation and go on record as opposing a grant of any loans using as security the pension rights of former national government employees.

3. Mr. Isoda indicated that the objective of the law is to enable retired persons to secure loans in emergencies at reasonable rates in order to avoid the present blackmarket lending at exorbitant figures. He indicated that the loans are typically repaid by withholding the full amounts of quarterly pension payments until the complete obligation of the employee has been lifted. He agreed that in the final analysis the individual's financial emergency would merely be postponed; and further explained that despite this fact the passage of this bill has become a political issue and urged that we approve the creation of this corporation, if only for a few months, in order to satisfy the political objectives involved.

GWP:mta

GORDON W. PETERSON

CIVIL SERVICE DIVISION
Government Section

15 November 1948

MEMORANDUM FOR THE RECORD

SUBJECT: List No. I of Proposed Cabinet Orders Referred to the Civil Service Division

1. Attached hereto is List No. I comprising fourteen proposed Cabinet Orders which have to do with increases or decreases of government personnel. Cabinet Orders numbered 1-12 inclusive were given verbal clearance by the undersigned on 26 October 1948. Such Orders involve no increases in paid personnel. The small number of paid employees attached to the committees which are being created by these Cabinet Orders are to be transferred from similar existing committees. CLCC reported that "non-paid personnel" serving as committee members receive ¥ 1800 per year to cover their expenses; chairmen receive ¥ 2500 per year. The committees established by Cabinet Orders have been specifically named in laws passed by the Diet during 1948.

2. Proposed Cabinet Order shown as Item 14 was given verbal clearance on 9 November 1948. Approval was granted on condition that the total number of personnel including officials, koin and yoin, would be reduced from 428 to 423 as shown in the supporting data, although the number of second and third class officials would be increased by 24. It was further understood that if and when there is need to increase the number of yoin (guards), the Ministry of Commerce and Industry will be expected to reduce the number of second and third class officials in the same organization in order to provide funds for the additional lesser personnel or will be expected to find positions which can be abolished within other agencies of the Ministry in order to offset such increase.

3. Proposed Cabinet Order creating a new inspection agency shown as Item 13 on the list was approved 12 November 1948. Clearance was granted verbally after a revision of the language had been made in order to show more clearly the source of the authority of the inspection house and to protect the full authority and responsibility of the Minister of Commerce and Industry and, in turn, the Chief of the entire Daily Necessaries Inspection House for the operation of all branches and sub-branches. Clearance was authorized with the understanding that the Minister of Commerce and Industry would make a concientious attempt to find and abolish an equivalent number of positions (22 second and third class officers and 15 lesser employees) from other agencies within the Ministry.

GORDON W. PETERSON

GWP:jb

Government Section
Civil Service Division

12 November 1948

MEMORANDUM FOR W. PIERCE MacCOY

SUBJECT: Draft for the Law for the Special Regulations Concerning the Educational Public Service

Attention is called to the report by CI&E that the above mentioned draft of the law should be returned today by the Civil Service Division to Government Section in order that the Cabinet will be able to include the matter on its agenda for the current session of the Diet. The undersigned has reviewed the draft and is of the opinion that Article 23, paragraph 2, as quoted below will be adequate to give the necessary protection to retention of jurisdiction over educational personnel by the National Personnel Authority.

"Of the provisions of this Law which shall be inconsistent or in conflict with the provisions of the National Public Service Law, they shall remain valid up to the date as may be designated by the rules of the Personnel Authority as special regulations in accordance with the provision of Art. 13 of the Supplementary Provisions of the National Public Service Law."

It should be noted that Article 13, paragraphs 2 & 3, have the effect of requiring the National Personnel Authority to establish rules concerning the creation of "appointment-applicants list" for the employment of principals and teachers. Inasmuch as no special date is mentioned, the law presumes that such rules will be enacted at once in order to take care of any appointments made after the effective date of this law.

GORDON W. PETERSON

CSD files

General Headquarters
Supreme Commander for the Allied Powers
Government Section
Civil Service Division

MEMORANDUM FOR PARLIAMENTARY & POLITICAL DIVISION

21 October 1948

SUBJECT: Draft of the Law Concerning the Employment and Dismissal, etc. of the Educational Public Officials

The Civil Service Division has reviewed the proposed second paragraph of Article 1 of the above mentioned bill and has reached the conclusion that it is not adequate to explain the conflicts between such law and the National Public Service Law. We, therefore, recommend the substitution of the paragraph set forth below which has been drafted by the Attorney General's Office in conformity with our views. CI&E has informally agreed to this change. The paragraph may be included as Paragraph 2 of Article 1 or may be placed in the Supplementary Provisions.

"Of provisions of this Law which are inconsistent or in conflict with the provisions of the National Public Service Law (Law No. 120 of 1947) or the Temporary Local Public Service Law (Law No.), that part which pertains to those educational public officials who belong to the national public service shall remain valid on and up to such date as to be designated by rules of the National Personnel Authority as an exception provided for in Article 13 of the Supplemantary Provisions of the National Public Service Law, and that part which pertains to those educational public officials who are personnel of the local public service shall remain valid on and up to such date as may be designated by Cabinet Orders as an exception provided for in Article 2 of the Supplementary Provisions of the Temporary Local Public Service Law."

GORDON W. PETERSON

General Headquarters
Supreme Commander for the Allied Powers
Government Section
Civil Service Division

21 October 1948

MEMORANDUM FOR PARLIAMENTARY & POLITICAL DIVISION

SUBJECT: Draft of the Law Concerning the Employment and Dismissal, etc. of the Educational Public Officials

The Civil Service Division has reviewed the proposed second paragraph of Article 1 of the above mentioned bill and has reached the conclusion that it is not adequate to explain the conflicts between such law and the National Public Service Law. We, therefore, recommend the substitution of the paragraph set forth below which has been drafted by the Attorney General's Office in conformity with our views. CI&E has informally agreed to this change. The paragraph may be included as Paragraph 2 of Article 1 or may be placed in the Supplementary Provisions.

"Of provisions of this Law which are inconsistent or in conflict with the provisions of the National Public Service Law (Law No. 120 of 1947) or the Temporary Local Public Service Law (Law No.), that part which pertains to those educational public officials who belong to the national public service shall remain valid on and up to such date as to be designated by rules of the National Personnel Authority as an exception provided for in Article 13 of the Supplementary Provisions of the National Public Service Law, and that part which pertains to those educational public officials who are personnel of the local public service shall remain valid on and up to such date as may be designated by Cabinet Orders as an exception provided for in Article 2 of the Supplementary Provisions of the Temporary Local Public Service Law."

GORDON W. PETERSON

General Headquarters
Supreme Commander for the Allied Powers
Government Section
Civil Service Division

21 October 1948

MEMORANDUM FOR PARLIAMENTARY AND POLITICAL DIVISION

SUBJECT: Cabinet Order for Textiles Inspection House

The proposed Cabinet Order which would abolish the wool inspection house and the silk inspection house and in their place establish a single textile inspection house, increases the total number of second and third class officials from 152 to 176. Because of the current general tendency to up grade Japanese personnel and in absence of demonstrated need for increasing the number of second and third class officials, in this agency in contrast to the two abolished agencies, the Civil Service Division urges the substitution of the following table in Article 5:

Classification	Second Class	Third Class	Total
Technical Officials of Commerce and Industry	14	119	133
Secretaries of Commerce and Industry	0	19	19
Total	14	138	152

The effect of the foregoing table would be to retain the exact number of second and third class officials as are currently employed in the two agencies which would be abolished.

The above recommendation is not opposed by the Textile Division of ESS. Although such division approved the general plan of the Ministry of Commerce and Industry to combine two organizations into one and to employ a total force of 423 in place of 426, they neither recommended or opposed this Cabinet order in which the proportion of second and third class officials would be increased.

W. PIERCE MacCOY
Acting Chief, Civil Service Division

GWP:mta

General Headquarters
Supreme Commander for the Allied Powers
Government Section
Civil Service Division

21 October 1948

MEMORANDUM FOR PARLIAMENTARY AND POLITICAL DIVISION

SUBJECT: Cabinet Order for Textiles Inspection House

The proposed Cabinet Order which would abolish the wool inspection house and the silk inspection house and in their place establish a single textile inspection house, increases the total number of second and third class officials from 152 to 176. Because of the current general tendency to up grade Japanese personnel and in absence of demonstrated need for increasing the number of second and third class officials in this agency in contrast to the two abolished agencies, the Civil Service Division urges the substitution of the following table in Article 5:

Classification	Second Class	Third Class	Total
Technical Officials of Commerce and Industry	14	119	133
Secretaries of Commerce and Industry	0	19	19
Total	14	138	152

The effect of the foregoing table would be to retain the exact number of second and third class officials as are currently employed in the two agencies which would be abolished.

The above recommendation is not opposed by the Textile Division of ESS. Although such division approved the general plan of the Ministry of Commerce and Industry to combine two organizations into one and to employ a total force of 423 in place of 428, they neither recommended or opposed this Cabinet order in which the proportion of second and third class officials would be increased.

W. PIERCE MacCOY
Acting Chief, Civil Service Division

GWP:mta

10/18/45

Gordon

Under the present unsettled conditions of the proposed SCAP/N I see no possibility of holding these Cabinet orders — much as I should like to.

I believe our only hope is to set a retroactive date to which the Govt. must reduce (if we can talk the Japanese in to this) when the new pay program is established.

WLB

Reg. for Daily Necessaries/Inspection House.
Cab. Ord.

CIVIL SERVICE DIVISION
Government Section

September 2, 1948

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

SUBJECT : The Bill of the Peoples' Finance Corporation Law

1. It is recommended that in Article 5, Item 5, the phrase be changed to "titles and duties of the highest officers" in order to avoid excessive conflicts between the Articles of Incorporation and the Classification Plan of the Authority.

2. It is recommended that the word "temporarily" be inserted in Article 11, paragraph 2, line 2, before the word "performed".

3. It is recommended that the word "temporarily" be inserted in Article 11, paragraph 3, line 2, before the word "performed".

4. The law contains references to powers of appointment (Articles 12, 14 and 17), powers of removal (Articles 40 and 17) and power of approving employment of corporation personnel in other occupations. In no case is the applicability of the National Public Service Law mentioned. It is recommended that an article or paragraph be added to assure such applicability.

5. The designation of appointing powers may conflict with the intent of Article 55 of the National Public Service Law as amended. To assist in the review of this question, several rough charts are submitted herewith to illustrate the proposed location of appointing power.

6. In passing, attention is called to Article 44 in which the appointment of an Establishment Committee is prescribed. Question is raised here whether there is any agreed method of designation when a temporary committee of officials would be appointed without reference to employment as prescribed by the National Public Service Law.

GORDON V. PETERSON
Examination Specialist

CMP:vf
AM61

CIVIL SERVICE DIVISION
Government Section

1 September 1948.

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

SUBJECT : Insurance Appeal Boards.

The undersigned finds no reason to object to the draft of Cabinet Order entitled: "Regulations for the Insurance Referees, the Health Insurance Appeals Board, the National Health Insurance Appeals Board, the Seamen's Insurance Appeals Board and the Welfare Pension Insurance Appeals Board."

GORDON W. PETERSON

GWP:mvb

AUTHORITY NND 973(E) AND 973(D) OR (E) NNDG # 775 072

CIVIL SERVICE DIVISION
Government Section

1 September 1948

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

SUBJECT : Mutual Aid Association Managerial Regulations and Notification.

Of the four documents regarding the Mutual Aid Association referred to Civil Service Division by Parliamentary & Political Division apparently only two were referred for comment.

1. The sample draft of managerial regulations (July 1948).

a. The entire draft needs careful review and improvement as to the English translation. Among the parts particularly in need of such improvement are Paragraph 2 of Article 11, Article 21 and the third sentence of Article 23. The original Japanese text appears to be reasonably satisfactory in most instances.

b. The reference in Article 4, Item 1 should read "Article 3" instead of "Article 5".

c. The method of writing 22 thousandths should be corrected in Article 8.

d. It is recommended that the duty of the Managerial Committee be clarified in Article 21 or Article 22. It is not clear whether the committee is restricted to the making of recommendations or has certain powers of decision and action. Controls over it by the President contradict the powers which seem to have been granted to the Committee.

2. Draft of the Notification by the Ministry of Finance on "matters concerning preservation of records and appointment of members of appeal board".

a. As in the case of managerial regulations, the draft needs improvement as to English translation.

b. The minimum changes necessary to clarify the first sentence of the notification is as follows: "As the Cabinet Ordinance concerning the Appeal Board has been issued on August 17, 1948—I hope —each Association which has established the Appeal Board do SHALL select the members immediately and complete the establishment of the Appeal Board as soon as possible and that. The preservation of records or other matters shall be managed as follows:"

c. Although the above-mentioned documents were referred to Civil Service Division through Parliamentary and Political Division, it is understood from Mr. Igarashi of the Allowance Bureau that they are in a preliminary form and undergoing further revision by the Allowance Bureau. Final drafts will be submitted later.

GORDON W. PETERSON

GWP:mvb

CIVIL SERVICE DIVISION
Government Section

1 September 1948

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

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c. Although the above-mentioned documents were referred to Civil Service Division through Parliamentary and Political Division, it is understood from Mr. Iguraahi of the Allowance Bureau that they are in a preliminary form and undergoing further revision by the Allowance Bureau. Final drafts will be submitted later.

GORDON W. PETERSON

GWP:mvb

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

20 August 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Proposed Cabinet Order Concerning Article 98 of Law No. 132 (1947): Agricultural Cooperative Association Law.

1. Reference is check sheet, ESS to GS, dated 5 August 1948, in which ESS expresses opposition to proposed Cabinet Order.

2. Mr. Smith, ESS/Finance/Money and Banking, today indicated that it is not the intent of ESS to obstruct this Cabinet Order, and desired that NRS be told that ESS is offering no objection to the Cabinet Order.

3. Mr. Cooper, NRS/Agriculture, was informed of this turn of events and the CLCO was told that GHQ offers no objection to the promulgation of the Cabinet Order in question.

Richard G. Brown

RICHARD G. BROWN
Parliamentary & Political Division

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

11 August 1948

MEMORANDUM FOR : Dr. J. W. Williams
Chief, Parliamentary and Political Division

SUBJECT : Cabinet Order Concerning the Enforcement of the Law for the Establishment of the Agency for the Affairs of Allocation of Paper for Newspapers and Publications.

1. It is recommended that the following third paragraph be added to Article 1.

"All personnel matters of the agency shall be handled in conformance with the National Public Service Law (Law 120 - 1947) as amended."

2. It is of special interest to us that this paragraph be added in this Cabinet Order in view of the fact that the law concerning this agency was enacted without the inclusion of the regular clause concerning the operation of the National Public Service Law upon the activities of the agency.

BLAINE HOOVER
Chief, Civil Service Division

WPH/hm
Attachment

Pierce -
We can now rely on Gen. MacArthur's letter, I think
8/11/48

Files 1948 Cabinet Orders-1948
Central file

GOVERNMENT SECTION
CIVIL SERVICE DIVISION

11 August 1948

MEMORANDUM FOR : Dr. J. W. Williams
Chief, Parliamentary and Political Division

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BLAINE HOOVER
Chief, Civil Service Division

WPM/hm
Attachment

CLASSIFIED BY [illegible] EXEMPTION CAT. 5(E) AND 5(D) OR (E) NNDC # 775 972

CIVIL SERVICE DIVISION
Government Section

5 August 1948

MEMORANDUM FOR: Mr. W. Pierce MacCoy, Chief, General Personnel Administration

SUBJECT : Cabinet Order Concerning the Enforcement of the Law for the Establishment of the Agency for the Affairs of Allocation of Paper for Newspapers and Publications

1. As the title indicates, this Cabinet Order enforces a law establishing the agency for the affairs of allocation of paper for newspapers and publications. Such law does not make clear the applicability of the National Public Service Law to the agency established. It is one of several laws which was sent to the Diet shortly before adjournment without referral to the Civil Service Division. Article 4, paragraph 3 of the Law is as follows: "Necessary matters concerning the staff of the agency other than those provided for by this Law shall be stipulated by a Cabinet Order".

2. It is presumed that Article 1 of the National Public Service Law as it is to be amended will nullify the contradictory provision in this Law.

3. As a safeguard prior to the amendment of the National Public Service Law it is recommended that the subsidiary Cabinet Order which has been referred to the Civil Service Division for comment or concurrence be amended to add the customary phrase confirming the applicability of the National Public Service Law to the agency for the affairs of allocation of paper for newspapers and publications."

GORDON W. PETERSON

DECLASSIFIED BUT PARTS SEE: 3(E) AND 3(D) OR (E) NNDS # 775 012

CIVIL SERVICE DIVISION
GOVERNMENT SECTION

11 August 1948

MEMORANDUM FOR: Mr. Blaine Hoover

SUBJECT: Amendment to the Bill for the Government Communications Employees Training Law

1. Upon hearing the Civil Service Division's verbal objection to the proposed amendment, the Diet Committee which initiated the amendment is reported to have withdrawn it.

2. Government Section files show that the Bill was passed without the amendment; but the second sentence of Article 2 was deleted.

3. There is no need to make any further report to Political and Parliamentory Division. The law as passed should be satisfactory.

Gordon W. Peterson

DOCUMENT(S) DESIGNATED BUT NOT RELEASED UNDER SEC. 3(A) AND 3(B) OR (E) NNDB # 775 072

CIVIL SERVICE DIVISION
Government Section

5 August 1948

MEMORANDUM FOR: Mr. W. Pierce MacCoy, Chief, General Personnel Administration

SUBJECT : Cabinet Order Concerning the Enforcement of the Law for the Establishment of the Agency for the Affairs of Allocation of Paper for Newspapers and Publications

1. As the title indicates, this Cabinet Order enforces a law establishing the agency for the affairs of allocation of paper for newspapers and publications. Such law does not make clear the applicability of the National Public Service Law to the agency established. It is one of several laws which was sent to the Diet shortly before adjournment without referral to the Civil Service Division. Article 4, paragraph 3 of the Law is as follows: "Necessary matters concerning the staff of the agency other than those provided for by this Law shall be stipulated by a Cabinet Order".

2. It is presumed that Article 1 of the National Public Service Law as it is to be amended will nullify the contradictory provision in this Law.

3. As a safeguard prior to the amendment of the National Public Service Law it is recommended that the subsidiary Cabinet Order which has been referred to the Civil Service Division for comment or concurrence be amended to add the customary phrase confirming the applicability of the National Public Service Law to the agency for the affairs of allocation of paper for newspapers and publications.

GORDON W. PETERSON

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

File 8/5/48 FP
CAD Legis
Central File

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

4 August 1948

MEMORANDUM FOR : Dr. J. Williams
Chief, Parliamentary and Political Division

SUBJECT : Regulations Governing the Enforcement of the Agency of Industrial Science and Technology Establishment Law.

1. It is recommended that the following sentence be added to Article 18:

"All personnel matters shall be conducted in conformance with the provisions of the National Public Service Law (Law 120 - 1947) as amended."

2. It is recommended that the word "exclusively" be eliminated from Item 2 of Article 19.

WPM/hm
Attachment

BLAINE HOOVER
Chief, Civil Service Division

DECLASSIFIED EO 12958 SEC. 3(E) AND 3(D) OR (E) NNDG # 775 072

CIVIL SERVICE DIVISION
Government Section

3 August 1948

MEMORANDUM FOR; Mr. W. Pierce MacCoy, Chief, General Personnel Administration

SUBJECT : Cabinet Order Concerning Regulations Established for Taxation Workers as to Base Pay Range and Grading of their Job

1. Because of the lack of information essential for the determination of proper salaries of employees of the Japanese government, the undersigned finds no basis on which to object to this Cabinet Order.

2. Inasmuch as this Cabinet Order is retroactive to January 1, 1948 it is probably advisable to expedite approval.

GORDON W. PETERSON

DECLASSIFIED ENO. EXEC. 3(E) AND 3(D) OR (E) NNDU # 775 672

CIVIL SERVICE DIVISION
Government Section

3 August 1948

MEMORANDUM FOR: Mr. W. Pierce MacCoy, Chief, General Personnel Administration

SUBJECT : Cabinet Order Concerning the Guaranteed Minimum Wage by Age from June 1948 Onward

1. It is recommended that this Cabinet Order be approved as submitted.

2. It may be of interest to note the comparison between the table incorporated in this Cabinet Order and the table established by the preceding Cabinet Order establishing minimum wage by age. The new minimum wages for employees, age 17, 23 and each higher age expressed in odd numbers, are 30 per cent plus ¥5 higher than former minimums; all other minimums are an even 30 per cent higher. Apparently the variation is due to the desire of the Japanese to round off all salaries to even tens, e.g. ¥1365 is rounded to ¥1370.

GORDON W. PETERSON

DOWNGRADED BY A1032 SEC. 3(E) AND 3(D) OR (E) NNDC # 775 672

CIVIL SERVICE DIVISION
Government Section

2 August 1948

MEMORANDUM FOR: Mr. W. Pierce MacCoy, Chief, General Personnel Administration Branch, Civil Service Division.

SUBJECT : Cabinet Order Concerning the Mutual Aid Association Appeal Boards.

1. On several occasions representatives of the Allowance Bureau of the Ministry of Finance have consulted with the undersigned regarding the preparation of this Cabinet Order. As a result several adjustments have been made and are incorporated in the accompanying draft.

2. The Cabinet Order would establish a reasonable appeal procedure for persons who believe they have not received all benefits to which they are entitled under the National Public Service Mutual Aid Association Law. The only feature of the Cabinet Order which does not seem reasonable is the large number of each appeal board. This, however, is established in the Law itself and is not subject to modification by Cabinet Order.

3. The Cabinet Order as submitted does not seem to warrant objection by the Civil Service Division.

GORDON W. PETERSON

GWP:mvb

CIVIL SERVICE DIVISION
Government Section

30 July 1948

MEMORANDUM FOR: W. Pierce MacCoy, Chief, General Personnel Administration

SUBJECT : Proposed Cabinet Order for Amending a part of the Regulation Covering the Establishment of Temporary National Personnel Commission's Secretariat

1. The National Government Organization Law provides in Article 19 that the fixed number of positions for each administrative organ shall be provided by law.

2. Article 4 of the National Public Service Law, as amended provides that the Authority shall appoint a Director-General and such other personnel as it may be necessary to properly and adequately conduct the business of the Authority within the limitation of its budget. Inasmuch as Article 4 of the National Public Service Law also excludes the Authority from the jurisdiction of the National Government Organization Law presumably neither a Cabinet Order nor a law is required in order to establish the fixed number of positions within the Authority.

3. Although the National Government Organization Law has been passed and prescribes that the fixed number of positions for each administrative organ shall be provided by law, such laws have not yet been formulated and passed. In the interim period Cabinet Orders are being promulgated to prescribe the fixed number of positions. Accordingly, until the passage of the amendment of the National Public Service Law it is correct procedure to change the fixed number of positions in the Temporary National Personnel Commission's Secretariat by means of a Cabinet Order.

GORDON W. PETERSON

See "note"
I realize that you told
the N.P.C. to hold up on such
actions but this is the only way they
have at present to alter their numbers
and this is following the staffing
pattern approved by both Bell & Salter. This is to take care of
the new staff that is now in
training at Nikko.
WRM

SEC. 3(b) AND 3(d) OR (e) AND 4 775 672

1/- Jon Peterson

How does this conform to the present law as amended plus the Govt. Organ. Law?

2 - Mr Bell

What is your reaction to this proposed Cabinet Order?

Mr Howard did not want this to go in. I had to put them to put it in somewhere. WBM 7/29/44

1/30/48

CS&S Legislation

CS&S Folder
WWB
8/3/45

CIVIL SERVICE DIVISION
Government Section

30 July 1948

Mr Hoover

File

MEMORANDUM FOR: W. Pierce MacCoy, Chief, General Personnel Administration

USBJECT : Cabinet Order Concerning Enforcement of the Agricultural Employment Service Establishment Law

Although the Cabinet Order provides for the employment of certain personnel, nothing contained in the Cabinet Order appears to conflict with the National Public Service Law. The Cabinet Order can be passed as recommended.

GORDON W. PETERSON

P+P Div. is trying to reach this.
WWB

DECLASSIFIED ENO. PARA. SEC. 3(E) AND 3(D) OR (E) NNDC # 775 672

CIVIL SERVICE DIVISION
Government Section

30 July 1948

MEMORANDUM FOR: W. Pierce MacCoy, Chief, General Personnel Administration

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Although the Cabinet Order provides for the employment of certain personnel, nothing contained in the Cabinet Order appears to conflict with the National Public Service Law. The Cabinet Order can be passed as recommended.

GORDON W. PETERSON

CLASSIFIED BY: SEC. 3(E) AND 3(D) OR (E) NNDG # 775 012

Ad. Legislation

CS D File
WPM
8/3/48

CIVIL SERVICE DIVISION
Government Section

Mr Hoover

30 July 1948

file

MEMORANDUM FOR: W. Pierce MacCoy, Chief, General Personnel Administration

SUBJECT : Cabinet Order Establishing the Central Agricultural Adjustment Council

1. The Food Maintenance Temporary Measures Law (Law 182, 1948) creates a Central Agricultural Adjustment Council to give certain advice to the Minister of Agriculture and Forestry. The Cabinet Order prescribes the manner of organizing and staffing the Council.

2. Neither the Law nor the proposed Cabinet Order makes any reference to the National Public Service Law. However, the references made to appointing powers and method of appointment do not in any way exclude the National Personnel Council from jurisdiction. The Cabinet Order can be passed as proposed.

GORDON W. PETERSON

P + P Div. is trying to reach this.
WPM

CIVIL SERVICE DIVISION
Government Section

July 30, 1948

MEMORANDUM FOR: Mr. W. Pierce MacCoy, Chief, General Personnel Administration, Civil Service Division

SUBJECT : Regulations Governing Enforcement of the Agency of Industrial Science and Technology Establishment Law

1. The Agency of Industrial Science and Technology Establishment Law, which was passed in the last session of the Diet without objection by Government Section or referral to the Civil Service Division, infringes upon the jurisdiction of the National Personnel Commission. Article 7 of the Law provides that "the Coordination Division shall take charge of personnel affairs." Article 10 prescribes that "Necessary matters concerning personnel of the Agency of Industrial Science and Technology shall be provided for by Cabinet Order". No mention is made of the National Public Service Law.

2. It is presumed that Article 1 of the National Public Service Law, as it is to be amended, would nullify these seemingly contradictory provisions. Nevertheless, in order to clarify the matter, it is recommended that the proposed subsidiary regulations which have been referred to the Civil Service Division, be amended:

3. Article 19 reads as follows: "The director shall be first class official. The director shall take charge of personnel affairs of third class or lower official exclusively."

4. It is recommended that the word "exclusively" be deleted from Article 19 and the customary phrase be added confirming the applicability of the National Public Service Law to the Agency of Industrial Science and Technology.

5. The recommendations made by Civil Communications Section and by Legal Section are not objectionable to the Civil Service Division.

GORDON W. PETERSON

GWP:mvb

CIVIL SERVICE DIVISION
Government Section

27 July 1948

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

SUBJECT : Cabinet Order Concerning Remunerations to the Chairman and Commissioners of the Securities and Exchanges Commission.

1. The government order would raise the salary of the Chairman of the Securities and Exchanges Commission from 10,000 yen per month to 19,000 yen per month and the salary of commission members from 9,166 yen to 17,000 yen. For comparison, members of the National Personnel Commission receive 20,000 yen per month.

2. In the course of reviewing this Cabinet Order it has been noted that Articles 171, 172 and 173 of the Securities and Exchanges Law (Law No. 25, 1948) imfringes upon the jurisdiction of the National Personnel Commission. It is assumed, however, that Article 1 of the National Public Service Law, as it is to be amended, would nullify the contradictory provisions.

3. The proposal, being in the form of a Cabinet Order, does not lessen in any way the authority of the National Personnel Commission. If the change in salary is deemed to be appropriate, then it is recommended that the proposed Cabinet Order be approved.

GORDON W. PETERSON

GWP:mvb

CJD - Legislation

CIVIL SERVICE DIVISION
Government Section

27 July 1948

File

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

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2. In the course of reviewing this Cabinet Order it has been noted that Articles 171, 172 and 173 of the Securities and Exchanges Law (Law No. 25, 1948) infringe upon the jurisdiction of the National Personnel Commission. It is assumed, however, that Article 1 of the National Public Service Law, as it is to be amended, would nullify the contradictory provisions.

3. The proposal, being in the form of a Cabinet Order, does not lessen in any way the authority of the National Personnel Commission. If the change in salary is deemed to be appropriate, then it is recommended that the proposed Cabinet Order be approved.

GWP

GORDON W. PETERSON

GWP:mvb

Noted
WKR
7/28/48

DECLASSIFIED DATA PUBLIC LAW 105-153 SEC. 3(B) AND 3(D) OR (E) NNDD # 775 072

CIVIL SERVICE DIVISION
Government Section

26 July 1948

MEMORANDUM FOR: Mr. W. Pierce MacCoy

SUBJECT : Juvenile Court Cabinet Order and Reformatory Cabinet Order

1. Both documents being Cabinet Orders are acceptable in their present form unless exception is taken to the reference to "treated" officials in Article 4 of the Juvenile Court Order. The basis for such reference is the juvenile law passed in 1922 which is still in effect.

2. As in the case of most laws and cabinet orders being reviewed, references are made to classes and numbers of personnel and therefore must be amended when the National Personnel Authority exercises its authority in these matters.

GORDON W. PETERSON

GWP:mvb

DECLASSIFIED BY: NSSE DEPT. 5(E) AND 5(D) OR (E) NNDG # 775 072

Adv-Legis

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

22 July 1948

MEMORANDUM FOR : Dr. J. W. Williams
Chief, Parliamentary and Political Division

SUBJECT : Enforcement Ordinance of the Law for the Establishment of the Board of Smaller Enterprises.

Article 1 should be altered to read as follows:

"Director General, who shall be first-class official, shall appoint or dismiss third-class officials at his own responsibility, in conformance with the National Public Service Law (Law 120 - 1947) as amended, and the rules and directives issued thereunder."

BLAINE HOOVER
Chief, Civil Service Division

WPM/hm
Attachment

DECLASSIFIED E.O. 12032 SEC. 3(E) AND 3(D) OR (E) NNDG # 775 072

CIVIL SERVICE DIVISION
Government Section

22 July 1948

MEMORANDUM FOR: Mr. W. Pierce MacCoy, Chief, General Personnel Administration, Civil Service Division.

SUBJECT : Ordinance for Enforcement of the Administrative Management Agency Establishment Law

1. The final corrected copy as it will be promulgated reveals that several of the objections submitted by Captain Diamantes were sustained.

2. The recommendations of the Civil Service Division for inclusion of a sentence protecting the jurisdiction of the National Personnel Commission was omitted from the final draft.

3. In-as-much as this is a Cabinet Ordinance rather than a law, it is not essential that it include any reference to the National Personnel Commission.* Such provision would have only the effect of making it clearer to the casual reader that personnel matters shall be handled in accordance with the National Public Service Law. Actually the Administrative Management Agency Establishment Law, Article 2, Paragraph 2, Article 3, Paragraph 2, and Supplementary Provisions, Paragraph 3, provide ample protection.

GORDON W. PETERSON

GWP:mvb

DECLASSIFIED E.O. 12356 SEC. 3(E) AND 3(B) OR (E) NNDC # 775 072

CIVIL SERVICE DIVISION
GOVERNMENT SECTION

file CSO Legislation

21 July 1948

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

SUBJECT : Request of Finance Ministry for Permission to make extracts of Civil Travel Regulations, Dept. of The Army.

1. Mr. Watanabe of the Finance Ministry has requested that personnel from his office be permitted to copy basic policies on Civilian Travel Regulations, Dept. of the Army.

2. The information secured is to be used as a basis in preparing regulations for travel of personnel of the Japanese Government.

3. Information is requested on which to base a reply.

JESSE B. BETTIS
Compensation Specialist

JBB:vo

1- MacCoy discussed with Maj. Napier 7/21/48
2- The Maj. stated that as long as any issue was not classified it could be released to the Japanese if we so desired. It is entirely up to us.
3- Neither the Standard Gov't. Travel Regulations nor the Civilian Travel Regulations, Dept. of the Army are classified

WPB
7/21/48

7/21/48
Jesse B. Bettis

CIVIL SERVICE DIVISION
Government Section

12 July 1948

MEMORANDUM FOR: Mr. W. Pierce MacCoy, Chief, General Personnel Administration Branch

SUBJECT : The Construction Ministry Establishment Law

1. The jurisdiction of the National Personnel Commission seems to be fairly well protected. The law provides that the Minister's Secretariat shall administer "personnel accounts and general affairs of the Ministry. The personnel affairs, however, shall be conducted in accordance with the National Public Service Law (Law 120 of 1947)".

2. The only other reference to personnel matters is contained in Article 7 of Chapter 4: "Necessary matters concerning the personnel of the Ministry of Construction shall be determined by Cabinet Order."

3. When a copy of the law is received for Civil Service Division files it should be reviewed more carefully.

GORDON W. PETERSON

GWP:mvb

CIVIL SERVICE DIVISION
Government Section

12 July 1948

MEMORANDUM FOR: Mr. W. Pierce MacCoy, Chief, General Personnel Administration Branch

SUBJECT : Bill for Partial Amendment to the Law Concerning Personnel of the Diet.

1. As the title of the bill, which has now become a law, would suggest, the entire law deals with personnel administration. Only the two most important features are mentioned in this memorandum.

2. The law provides that: "in order to examine matters concerning qualification status and disciplinary punish of the personnel of the Diet there shall be instituted a Diet Personnel Examination Committee in each of the secretariat of each house, the legislative bureau of each house, the national diet library, the court of impeachment and the indictment committee."

3. One of the duties of each Diet Personnel Examination Committee is the giving of formal examinations to determine of the competence for appointment. The law provides that: "the examination to be conducted by the Diet Personnel Examination Committee as provided for in the four preceding articles, may be entrusted to the examination organ under Article 48 of the National Public Service Law."

4. A copy of the law has been requested for Civil Service Division files.

GORDON W. PETERSON

GWP:mvb

8

file 7/6/48 KPP Press Releases

Press Release

file

CIVIL SERVICE DIVISION
Government Section

8 July 1948

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

SUBJECT : Threat of Strike by Government Workers

noted WBH 7/8/48

1. A translation of a Jiji Press release of 7 July, 1948, stated that the National Council of Government and Public Office Workers Unions held a meeting in connection with the new wage scale of ¥3791 which did not meet their request of ¥5200 and decided to establish a National Central Dispute Committee (tentative name) consisting of 40 members. The news release stated that "every effort will be made to make use of the right of dispute which is to be acquired as of 8 August 1948."

2. It can be assumed that the date mentioned above was determined by the need for a thirty day waiting period. Acts of dispute may be resorted to after a request for mediation has been made under the provisions of Article 37 of the Labor Relations Adjustment Act.

3. An action such as that contemplated above with respect to office workers would be strictly illegal since under the provisions of Article 38 of the Labor Relations Adjustment Act ". . . officials and employees engaged in the work of national, prefectural, and municipal government administration. . ." are "disallowed to resort to acts of dispute."

4. It will be interesting to observe what action this union finally decides upon.

MACDONALD SALTER
Chief, Classification & Compensation Branch.

MS:mvb

Mr Kato reported on this on 7/8/48 = He states that 8 unions are involved which include a little more than 90% of all Govt. workers. WBH 7/8/48

26-5267 McCole

CIVIL SERVICE DIVISION
Government Section

8 July 1948

MEMORANDUM FOR RECORD

SUBJECT: Cabinet Order Concerning the Appeal of Mutual Aid Assistance.

1. The following revisions were suggested this date concerning the proposed Cabinet Order submitted by Messrs Igarashi and Watanabe of the Ministry of Finance.

2. Article 2: change the word "union" to "association".

3. Article 4: require that the letter requesting reconsideration include the names of witnesses requested to appear, together with their relation to the case.

4. Article 10: change "shall" to "may".

5. Article 18: include the phrase "preservation of record" and change the word "management" to a phrase containing the idea of uniformity of operation.

GORDON W. PETERSON

GWP:mvb

C&D. Legislation
7-2-48 Central file

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

2 July 1948

MEMORANDUM FOR : Dr. J. W. Williams
Chief, Parliamentary and Political Division

SUBJECT : Law Regarding Pensions

1. While the attached is officially entitled, "Draft of the Provisional Regulations Regarding the Special Cases of the Pension Law," it would appear to be more in fact, a law than operating regulations. Therefore this division has considered it in that light.

2. The following sentence should be added as a second paragraph to Article 1:

> "All provisions of this law shall be subject to the application of the National Public Service Law (Law 120 - 1947) as amended."

3. The Civil Service Division will make no further objections or comments on the proposed bill.

BLAINE HOOVER
Chief, Civil Service Division

WPM/hm
Attachment

CIVIL SERVICE DIVISION
Government Section

2 July 1948

MEMORANDUM FOR: Mr. Pierce MacCoy, Chief, General Personnel Administration Branch

SUBJECT : Law Regarding Pensions

WPB 7/2/48

1. It is reported that "the draft of the provisional regulations regarding the special cases of the pension law" is in reality a law passed by the Diet.

2. In-as-much as the proposed law deals with technical provisions rather than jurisdiction or methods of administration, it is probably not absolutely necessary to require the addition of a sentence protecting the jurisdiction of the National Personnel Commission.

3. A sentence such as the following could be added: "All provisions of this law shall be subject to the application of the National Public Service Law (Law 120-1947) as amended." The value of such provision would be two-fold: (a) It would avoid any danger of overlooked conflicts in eventual administrative jurisdiction. (b) It would reemphasize the intention of the National Personnel Commission to implement its present authority with reference to pensions and accident compensation.

GORDON W. PETERSON

GWP:mvb

Brown is calling for this

CIVIL SERVICE DIVISION
Government Section

2 July 1948

MEMORANDUM FOR: Mr. W. Pierce MacCoy, Chief, General Personnel Administration Branch

SUBJECT : Proposed Ordinance for Enforcement of the Administrative Management Agency Establishment Law.

1. Submitted with the proposed ordinance was a memorandum for the record signed by Captain T. Diamantes in which six recommendations for change were noted. Such recommendations if sustained would not be contrary to the interest of the National Personnel Commission. On the contrary some of the recommendations would be distinctly beneficial for the Commission. (over)

2. It is recommended that a standard sentence protecting the jurisdiction of the National Personnel Commission be added to the proposed ~~law~~ ordinance. *

3. In-as-much as several references to titles and methods of appointment are contained in the proposed ordinance, it ~~would~~ will be necessary to require an amendment at such time as the National Personnel Commission assumes jurisdiction.

GORDON W. PETERSON

GWP:mvb

* Not legally essential. Of "educational value" -- clarification for casual reader

CIVIL SERVICE DIVISION
Government Section

2 July 1948

MEMORANDUM FOR: Mr. Pierce MacCoy, Chief, General Personnel Administration Branch

SUBJECT : Law Regarding Pensions

1. It is reported that "the draft of the provisional regulations regarding the special cases of the pension law" is in reality a law passed by the Diet.

2. In-as-much as the proposed law deals with technical provisions rather than jurisdiction or methods of administration, it is probably not absolutely necessary to require the addition of a sentence protecting the jurisdiction of the National Personnel Commission.

3. A sentence such as the following could be added: "All provisions of this law shall be subject to the application of the National Public Service Law (Law 120-1947) as amended." The value of such provision would be two-fold: (a) [illegible] any danger of overlooked conflicts in eventual administrative jurisdiction. (b) It would reemphasize the intention of the National Personnel Commission to implement its present authority with reference to pensions and accident compensation.

GORDON W. PETERSON

GWP:mvb

GENERAL EAHADQUARTERS
SUPREME COMMANDER?(DR THE ALLIED POWERS
Governmater Section

APO 500
1 July 1948 -

MEMORANDUM FOR THE RECORD

SUBJECT: Eugenics ProtectiorLi aw

1. Reference is PH&W chcleksheet dated 25 June, Subject, Bill for Eugenics Protection aiLw Bill voicing objections to said measure.

2. Colonel Johnson, PH&/HWMedical Service, was informed this date that the bill in qusietion was enacted into law by the Diet on 28 June 1948. Coorlnel Johnson inquired what steps PH&W should take, and was tol idthat three courses of action are open to PH&W:

a. Leave the law as t ifstands.

b. Propose a SCAPIN ɔ t:set aside objectionable features of the law.

c. Discuss amendment:ts :o the law with the appropriate Government agency.

3. Colonel Johnson indic:eatd that the latter course would be taken by PH&W.

Richard G. Brown
RICHARD G. BROWN
Parla.imentary & Political Division

1 Incl
Checksheet (25 June 1948)

98.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

APO 500
1 July 1948

MEMORANDUM FOR THE RECORD

SUBJECT: Eugenics Protection Law

1. Reference is PH&W checksheet dated 25 June, Subject, Bill for Eugenics Protection Law Bill voicing objections to said measure..

2. Colonel Johnson, PH&W/Medical Service, was informed this date that the bill in question was enacted into law by the Diet on 28 June 1948. Colonel Johnson inquired what steps PH&W should take, and was told that three courses of action are open to PH&W:

a. Leave the law as it stands.

b. Propose a SCAPIN to set aside objectionable features of the law.

c. Discuss amendments to the law with the appropriate Government agency.

3. Colonel Johnson indicated that the latter course would be taken by PH&W.

RICHARD G. BROWN
Parliamentary & Political Division

1 Incl
Checksheet (25 June 1948)

GOVERNMENT SECT.
Buck Slip

29 June 1948

From:

No:

		INITIAL	DATE
1	CHIEF		
	EX OFF		
	Deputy Chief		
	Col Hays		
	Maj Rizzo		
	Ch, Am Div		
	Pub Affairs Div		
1	Local Gov't Div		
	Parl & Pol Div		
	Civil Service Div		
	PSQ Div		
2	File.		
	Chief Clerk		

FOR:

1-2 INFORMATION
___ NECESSARY ACTION
___ ACTION (PREPARE REPLY)
___ APPROVAL
___ SIGNATURE
___ INITIAL
___ COMMENT OR CONCURR.
___ RETAIN
3 FILE

GENERAL HEADQUARTERS
FAR EAST COMMAND
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheets) CFS/HGJ/pb

File No:

Subject: Bill for Eugenics Protection Law

Note No.	From: PH&W To: GS Date: 25 June 1948
1.	1. Reference is made to checknote from PH&W to Government Section under date of 21 May 1948, in reference to the draft of a bill known as "Bill for Eugenics Protection Law". 2. The intent of the objection raised by PH&W to the provisions of the bill in reference to compulsory sterilization was to prevent generalizations regarding diseases of hereditary origin, and to specify only disorders generally accepted by scientists as capable of being transmitted to offspring, which disorders carry with them certain stigmata constituting a menace to society. 3. The list of defective conditions incorporated into the revised draft of the Eugenics bill, considered by the Japanese as meeting the requirements of PH&W's objections, with very few exceptions, are of a genetically controversial nature. Investigation, through the Ministry of Welfare, reveals that this list of diseases was removed in toto from the ordinance implementing the Eugenics Law of 1941 by a physician in the Ministry of Welfare, without analytical consideration being given to accepted medical thought referrable to heredity. 4. It is generally accepted, by medical authorities, that mentally defective persons are capable of transmitting aberrant mental traits. Laws have been enacted by many states of the United States recognizing this fact, but great care has been given to the consideration of the constitutional right of the individual to beget children. Only in cases where the common welfare is superior to individual rights has compulsory sterilization for such conditions been permitted. Based upon this medical and legal concept, mentally defective persons have been made to include idiots, imbeciles and the feebleminded, but the insane have, in most cases been excluded, except in the case of the criminally insane. 5. It is believed, similar consideration should be given to the inclusion in this law of only those diseased conditions which are accepted by all concerned authorities as being capable of transmitting to the offspring socially undesirable traits. This will limit the application of compulsory sterilization to

FEC AGO Form No 37

1092—FEC Printing Plant—4/48—50M

GENERAL HEADQUARTERS
FAR EAST COMMAND
SUPREME COMMANDER FOR THE ALLIED POWERS
CHECK SHEET

(Do not remove from attached sheets) CFS/HGJ/pb

File No: Subject: Bill for Eugenics Protection Law

Note No.	From: PH&W To: GS Date: 25 June 1948
1. (cont'd)	those disorders enumerated in the previous paragraph, with possibly a few well-considered additions.

6. PH&W, therefore, cannot give concurrence to that part of the bill referrable to compulsory sterilization.

7. Policy regarding the social aspect of a bill incorporating a system of birth control, by the establishment of clinics for the dissemination of knowledge in reference to this matter, and liberalizing the law in respect to abortion, meets with no objection on the part of this section, and is in accord with thought developing in the United States.

C.C.F.S.

FEC AGO Form No 37

1002—FEC Printing Plant—4/48—50M

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

1 July 1948

MEMORANDUM FOR: Dr. Justine Williams, Chief, Political and Parliamentary Division

SUBJECT : Amendment to the Bill for the Government Communications Employees Training Law

1. It is our opinion that Article 2 as originally proposed in the bill for the government communications employees training law gives ample opportunity for legitimate in-service training of employees of the Communications Ministry.

2. The amendment to Article 2 suggested by a committee of the House of Representatives, 28 June 1948, allows much wider latitude to the Communications Ministry than is necessary for legitimate in-service training. It seemingly would permit the resumption of providing education, such as high school education, which more properly should be conducted under the auspices of the Education Ministry.

3. Objection is therefore made to the amendment of Article 2.

BLAINE HOOVER
Chief, Civil Service Division.

BH:mvb

Drft by BHoP

CIVIL SERVICE DIVISION
Government Section

29 June 1948

MEMORANDUM FOR: Mr. Pierce MacCoy, Chief General Personnel Administration Branch.

SUBJECT : Amendment to the bill for the Government Communications Employees Training Law.

1. On 28 June the undersigned met with the Diet Committee to discuss the proposed amendment to the bill for the Government Communications Employees Training Law. Such meeting was held prior to the submission of the proposal in writing.

2. The Diet Committee explained that the bill as originally drafted limited training opportunities within the Communications Ministry to the highest employees and that the bulk of the employees would be prevented from securing training necessary for reasonable promotional opportunities. The amendment is to correct such difficulties.

3. Article 2 in the original bill is as follows: "The trainings to be conducted by the Ministry of Communications in accordance with the provisions of this law shall be limited to those which have a direct relation to the specialized job activities of communications employees. Minister of Communications will not offer courses of training in subjects except technical subjects that are normally offered in public schools and universities. Minister of Communications will particularly emphasize on-the-job training with the minimum of classroom instruction."

4. The foregoing language would appear to be adequate to meet the legitimate needs for in-service training in the Communications Ministry.

5. The proposed revision allows such great latitude in providing education within the Communications Ministry that the old practise of sending newly employed persons to high school full time without exacting any government work from them, could be resumed. One of the original objectives of the current bill was to divide between the Communications Ministry and the Ministry of Education the educational functions which have been performed by the Minister of Communications. The proposed amendment would seem to contradict such objective.

6. Dr. L. Q. Moss, CI & E Vocational Education, has indicated his concern over the amendment and Mr. C. A. Feissner, CCS Analysis Division, has indicated his intention to file objection to the amendment.

7. The proposed amendment probably should not be approved.

GORDON W. PETERSON

GWP:mvb