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### The Imperial Prerogatives

Widely differing points of view are expressed also in the matter of the Emperor's prerogatives. The FBA merely abolishes those pertaining to Supreme Command, military organization and the issuance of emergency decrees, and places the Emperor's diplomatic powers under Diet control. The Progressives abolish the Emperor's prerogatives relating to Supreme Command and military organization, stipulate that the legislative power shall be exercised with the approval of the Diet, as at present, and provide that the executive power, including such presently exclusive Imperial prerogatives as the declaration of war, signing of peace and conclusion of important treaties, requires the advice of the Cabinet. The Liberals abolish a larger number of the Emperor's prerogatives (Supreme Command, military organization, declaration of a state of seige, issuance of emergency ordinances, and organization of government administration), and provide that the remainder be exercised with the assistance of the Ministers of State, as at present. The Socialists and the CIA reduce the Emperor's prerogatives to purely ceremonial functions, such as the formal appointment of new Premiers recommended by the Presidents of the two Houses of the Diet and the formal promulgation of laws and signing of treaties approved by the Diet. The Communists have stated that the Imperial Family may be retained if so decided by the people, but purely as an object of affection without substantive power of any kind, although, presumably, still supported from State funds.

### The Privy Council

The Progressive, Liberal and Socialist Parties, the FBA and Dr. TAKANO are all agreed that the Privy Council should be abolished. The Communists and the CIA unquestionably are of the same opinion but have not specifically provided to that effect in their draft revisions.

### The Peerage

The Progressive and Socialist Parties, the CIA, the FBA and Dr. TAKANO specifically state that the peerage should be abolished. The Communists have frequently expressed the same opinion, although they make no mention of the matter in their very brief revision outline. The Liberals also make no mention of the matter, but in their case, judging by the privately expressed views of Party leaders, desire the peerage retained.

### The House of Peers

The Socialists, the CIA and Dr. TAKANO would abolish the House of Peers and substitute a "Second House" or "House of Councillors" publicly elected by the various occupational groups. The Progressives would also substitute a Chamber of Councillors but prefer that only part of its members be elected, the remainder being selected by a special government body. The Liberals merely provide that the Chamber of Councillors shall be a "political-stabilizing organ utilizing learning and experience", omitting to state how its members should be chosen or whether they would still include a certain proportion of peers. The FBA is equally vague, simply stating that the

Chamber

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Chamber of Councillors should be composed of "occupational representatives and those appointed for meritorious services".

#### Supremacy of the House of Representatives

The Progressives, Socialist, the CIA and Dr. TAKANO agree that bills passed twice by the House of Representatives shall become law over the veto of the Chamber of Councillors. The Liberals would require that the second vote be by a two-thirds majority, but are the **only** group to provide that "the time of discussion by the Chamber of Councillors of bills passed by the Lower House may be restricted". The FBA is satisfied with the provisions of the present Constitution in the matter, which confer almost **equal** powers on both Houses. Although no group proposes that consideration of financial bills be restricted solely to the House of Representatives (**hardly** to be expected of the Progressive, Socialists, the CIA or Dr. TAKANO, whose drafts provide for a wholly or partially elected Upper House), the CIA and Dr. TAKANO forbid the Upper House "to reject items or the total amount of the Budget" (presumably it may express its disapproval of the Budget bill as a whole), the Progressives prohibit it from "restoring items in the Budget reduced or eliminated by the House of Representatives," and the Liberals provide that "the Lower House shall have priority in budgetary discussions".

#### Diet Sessions

The Socialists and the CIA stipulate that "the Diet shall not be closed", a Standing Committee serving in its place during recesses. The Progressives propose a five-month session, empowering the House of Representatives to extend a session or convoke an extraordinary session at will; a Standing Committee would act for the Diet when not in session, its acts to require later approval by the Diet as a whole. The Liberals and the FBA are satisfied with the three-month session stipulated in the present Constitution, and with the procedures for the prolongation of a session and convocation of extraordinary sessions, i.e. by Imperial order. They too propose, however, that a Standing Committee be established to assume certain Diet functions during periods when the Diet is not in session.

#### Selection of Prime Ministers

The Progressives, Socialists and the CIA provide that new Premiers shall be appointed on the recommendation of the Presidents of the two Houses of the Diet. However, only the Progressives explicitly state that the Emperor must follow the two Presidents' recommendation, and only the CIA explicitly states that the Presidents shall be elected by the Diet membership, ensuring selection of the Premier from the leadership of the majority party. The Liberals and the FBA suggest no changes in the existing procedure.

Cabinet

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Cabinet Responsibility to the Diet

Only the Liberals specify that a Cabinet shall be expressly provided in the Constitution, and only the CIA specifies that the Cabinet shall be jointly responsible to the Diet. The Progressives merely state that "The Prime Minister and State Ministers are responsible to the Diet", as provided in Article 60 of the present Constitution. The Socialists, the Communists and the FBA stipulate that the Cabinet (the "government" in the case of the Communists) shall be responsible to the Diet, but of all the various parties and groups none (except, it might be held, the CIA in stating that "the Cabinet shall have the confidence of the Diet while it is in office") expressly provides that the Cabinet shall either resign or appeal to the electorate on a vote of no-confidence by the Lower House.

Rights and Duties of the People

The CIA, the Progressives and the FBA are emphatic in their guarantees of basic human freedoms. The CIA provides that "no law shall be promulgated restricting the people's freedom of expression, research, art and religion"; the Progressives state that "laws restricting freedom of speech, press, etc., can be enacted only as may be necessary for the maintenance of public peace and order"; and the FBA stipulates that "provision is to be made in the Constitution of those rights which cannot be restricted even by law". The Liberals state more mildly that "freedom of thought, speech etc., is established by law but cannot be arbitrarily restricted". The Socialists, the Communists and the CIA go further than the other groups, as would be expected, in guaranteeing the peoples' right to education, work, and to protection in old age, while the Progressives are the only group to provide that "Japanese subjects illegally arrested or detained may petition the courts for a hearing".

Economic Freedom

The Liberals stipulate as one of the Party's basic tenets that "freedom of enterprise and labor cannot be restricted except by law", and that "private property must be maintained." The Progressives are silent in the matter. The Socialists advance as one of their principal tenets the principle that "the right of ownership shall be subject to limitation for the general welfare". The CIA proclaims the same principle, and then goes on to provide that "the right of possession shall have the duty of being useful", and "land shall be so distributed and utilized by the people as to enable them to live healthy lives".

Justice

The Socialists and the CIA emphasize that the judiciary shall be independent under judges appointed according to law, while the Liberals provide that "the independence of the judiciary is to be

strengthened

strengthened". The Progressives, Liberals, Socialists and the FBA would abolish the administrative court system, placing the functions of the Courts of Administrative Litigation within the competence of the judiciary courts. Dr. TAKANO, on the other hand, specifically provides for their retention. The CIA proposes the public election of the President of the Supreme Court, the President of the Court of Administrative Litigation and the Prosecutor General, while the Socialists would have the President and Judges of the Supreme Court and the Prosecutor General appointed by the Cabinet on the recommendation of the Presidents of both Houses, all other judges being appointed by the Cabinet.

#### Finance

The Progressives propose a provisional three-month budget when the budget is not approved, "the amount for each month being within the scope of the monthly budget of the previous year". This provisional budget would require the approval of the Diet Standing Committee, and the Diet would be required to formulate a new budget within the three-month period. The other groups propose no change in the procedure provided in Article 71 of the present Constitution. The Socialists stipulate that the Director of the Audit Bureau shall be appointed by the Cabinet on the recommendation of the Presidents of both Houses, the Liberals would require that his appointment receive the approval of the Diet, and the CIA would have him publicly elected.

#### Constitutional Amendments

The Progressives, Liberals and the CIA specifically provide, and the Socialists clearly imply, that the Diet shall have the power of initiating Constitutional amendments. The Socialists and the CIA provide that such amendments shall require the presence of two-thirds of the members of both Houses and the approval of a majority of those present. Dr. TAKANO, and, by implication, the Progressives, the Liberals and the FBA, since they make no mention of the matter, would continue the procedure stipulated in the existing Constitution, requiring the presence of two-thirds of the members of both Houses and the consent of two-thirds of those present. The CIA would permit the Constitution to be amended by popular plebiscite, requiring the approval of a majority of the voters.

The above presentation reveals a complicated cross-pattern of agreement and disagreement. Outstanding among the points of agreement is the fact that the Progressives, the Liberals, the Socialists, the FBA and the CIA, all, in fact except the Communists and Dr. TAKANO, representing a small minority of opinion, favor the British over the American form of democratic government, as would be expected considering how much closer the existing Japanese governmental structure and tradition is to the British system than to our own.

Within

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Within this group, the Progressives, Socialists and the CIA are agreed that the Cabinet shall be responsible to the Diet; that new Prime Ministers shall be appointed on the recommendation of the Presidents of the two Houses of the Diet; that the House of Representatives elected by and from the general population shall be supreme over the Upper House; that the Upper House shall be entirely or in greater part elected by and from the various occupational groups; that the Diet shall not be closed, or, in the case of the Progressives, may meet at will; that the Privy Council and the peerage shall be abolished; that fundamental human rights shall be guaranteed; that the independence of the judiciary shall be ensured; that no budget shall go into effect without the prior approval of the Diet, or, in some circumstances, in the case of the Progressives, the Diet Standing Committee; and that Constitutional amendments may be initiated and decided by stipulated majorities of the Diet.

The Liberals and the FBA, on the other hand, propose no change in the present procedure for the appointment of Prime Ministers; make no provision, or, in the case of the Liberals, inadequate provision, for the supremacy of the Lower over the Upper House; fail to provide for the democratization of the Upper House; fail to increase the length of the annual session of the Diet or to provide that the Diet may meet at will; fail to ensure that no budget shall go into effect without the prior approval of the Diet; do nothing, in the case of the Liberals, to abolish or reform the peerage; and fail in the case of the FBA, to confer power on the Diet to initiate Constitutional amendments.

It may be stated that, generally speaking, the Progressive, Socialist and CIA drafts succeed and the Liberal and FBA drafts fail to establish the essentials of democratic government. Even the former, however, lack precision and explicitness on key points. None of the three, for example, expressly provides for a Cabinet; none actually states that the Cabinet must resign or appeal to the electorate on a vote of no-confidence by the Lower House; only the CIA provides that the Presidents of the two Houses of the Diet, who are to recommend new Prime Ministers to the Emperor, shall be elected by the Diet membership; and only the CIA speaks of the joint responsibility of the Cabinet to the Diet. But while these omissions are unquestionably an important defect of the drafts, there is little reason to believe that they are deliberate. The fuller explanations of party leaders and members leave little doubt that the lack of explicitness is attributable to inexpert drafting and the desire for brevity and simplicity, and that genuinely democratic forms are intended. The plans are preliminary drafts, not finished legal documents, and were necessarily limited in newspaper space.

Although the Progressive, Socialist and CIA plans reveal many points of similarity in establishing the essentials of British-type, democratic government, the Progressives, joined by the Liberals and FBA, present a very different point of view from the Socialists, the Communists and the CIA on the issues of the Emperor and free private enterprise versus a controlled economy. Regarding the former, all six drafts state or clearly imply that the Emperor's powers shall be purely nominal and that he shall have neither political nor legal responsibility. The conservative group, however, being of the opinion that the Emperor should be retained as a stabilizing influence (partly from reasons of self-interest but in many cases also from a genuine conviction that democracy can be more firmly

and

and lastingly introduced under the Emperor than without him), desire the retention of at least part of his theoretical powers. The leftist group, on the other hand, consider the Emperor institution a source of strength to their conservative opponents and a hindrance to their plans. Recognizing that in the present state of public opinion complete abolition of the institution is impossible, they nevertheless desire him stripped of theoretical as well as practical power and his prerogatives limited to purely ceremonial functions.

Difference of view on the desirability of retaining the capitalistic system or establishing a socialistic economy follows the same party lines. While the Liberals have chosen to insert in their draft specific provisions for the protection of private property and freedom of enterprise and the Progressives make no mention of the matter, the difference is doubtless merely a matter of tactics, as there can be little question of the Progressives' equally strong support of the free private enterprise system. The Socialists and the CIA for their part explicitly provide in their respective drafts that private property rights shall be subject to limitation for the general welfare. These fundamental conflicts, on the status of the Emperor and the nature of Japan's economy, should be at least partially resolved in the coming elections.

Although, as earlier stated the Progressive, Socialist and CIA drafts can generally be considered to establish the essentials of democratic government, these drafts together with the others suffer from a number of defects of varying degrees of importance, in addition to those (mainly lack of explicitness) already mentioned:

1. They fail to stipulate expressly that the Emperor shall act in important matters only on the advice of his Cabinet;
2. They fail, with the exception of the draft prepared by the CIA, to stipulate that the House of Representatives shall be elected by adult men and women by means of equal, direct and secret ballot;
3. They fail to guarantee fundamental liberties to all persons, not merely to Japanese subjects, under Japanese jurisdiction;
4. They fail to give the House of Representatives sole power over financial bills, or to expressly provide that the Upper House shall possess only a temporary veto over constitutional amendments approved by the Lower House (this is rendered less important by the fact that all three drafts provide for the election by the various occupational groups of all or a majority of Upper House members);
5. They fail to stipulate that any future War or Navy Ministers shall be civilians, and that neither they nor high ranking military officers shall possess special privileges of direct access to the Throne (this omission is doubtless attributable to the fact that provisions respecting such matters are not found in the present Constitution, and to an understandable reluctance to raise questions of this type at the present time);

6. They

6. They fail to provide for the popular election of prefectural governors.

Partially or completely offsetting these deficiencies are a number of miscellaneous proposals, some of definite value, found in one or more of the three drafts:

1. The Progressive Party's revision plan provides that "the Supreme Court has the power to pronounce a law or ordinance unconstitutional or illegal". This provision, which finds a successful precedent in the Austrian Constitution of 1920, among others, and which is such an important extra-Constitutional feature of the American governmental system, seems a highly significant contribution. Although the traditionally reactionary character of the Japanese judiciary would be an important deterrent, judicial review might prove a valuable support of a new democratic Constitution in a country as bereft of democratic tradition and experience as Japan. (The CIA draft contains the somewhat familiar provision that "the Diet may prosecute State Ministers and officials charged with violating the Constitution or other grave offenses. A national court may be established for this purpose".)

2. The Socialist and CIA drafts provide that the people may at any time dissolve the Diet by plebiscite, and the latter draft would permit nullification of Diet decisions and amendment of the Constitution by the same means. The FBA provides for popular referenda on important issues on the initiative of the Emperor. Such methods of direct popular intervention in government, widely supported in Europe after the last war, are awkward and have seldom been used in practice, but are in the best democratic tradition and might usefully be included in the revised Constitution.

3. The CIA draft contains the provision that "a new Constitution shall be instituted by popular plebiscite within ten years after the promulgation of this Constitution". This proposal, intended to prevent freezing of Japan's political, social and economic structure at present levels of attainment, has much to recommend it. Japan may be far better able to determine its permanent form of government ten years hence, particularly as regards the Emperor institution, than now. On the other hand, there would seem to be no reason why a Constitution phrased in general terms, firmly establishing the framework of a democratic governmental system but avoiding commitment on particular social, economic or political issues, cannot be finally established as well now as later.

4. The Progressives' plan stipulates that "Japanese subjects illegally arrested or detained may petition the courts for a hearing". It would seem that the right of habeas corpus or some comparable guarantee should definitely be included in the new Constitution.

5. The

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5. The Socialist and CIA drafts contain provisions stipulating that "the State shall indemnify persons acquitted by the courts", while the FBA plan states that "the State must indemnify damages caused by the illegal acts of government officials." The Socialist and CIA proposal would seem of questionable practicability or desirability, but that advanced by the FBA, already part of the Japanese Civil Code, would seem to merit consideration.

6. The Socialist draft states that "the House of Representatives shall be composed of members elected by the system of proportional representations". There is reason to believe that this system, which is probably the most democratic that Japan could adopt, may be substituted for the existing restricted plural voting system at the next Diet. Another interesting provision in the Socialist draft stipulates that "capital punishment shall be abolished".

Robert A. Fearey.



APPENDIXComparative Positions of the Japanese Progressive, Liberal, Socialist and Communist Parties, the Constitution Investigation Association, the Federation of Bar Associations and Dr. TAKANO Iwasaburo on the Major Issues of Constitutional RevisionThe Locus of Sovereignty

Prog. Sovereignty resides in the Japanese State.  
 Lib. Sovereignty rests in the State (the national community including the Emperor).  
 Soc. Sovereignty resides in the people.  
 Comm. The sovereignty of Japan derives from the people.  
 CIA  
 FBA  
 TAKANO The sovereignty of Japan rests in the people.

Exercise of the Rights of Sovereignty

Prog. The Emperor exercises the rights of sovereignty with the assistance of his subjects according to the provisions of the present Constitution.  
 Lib. The Emperor combines in himself the rights of sovereignty.  
 Soc. Sovereignty shall be exercised in major part by the Diet and the remainder by the Emperor.  
 Comm. The Diet administers sovereignty.  
 CIA The supreme responsible party for all governmental affairs shall be the Cabinet.  
 FBA (Impliedly as in the present Constitution, i.e., the Emperor combines in himself the rights of sovereignty and exercises them according to the Constitution).  
 TAKANO Sovereignty to be exercised by the executive, legislature and judiciary in their proper fields.

Imperial Prerogatives

Prog. The legislative power is exercised with the approval of the Diet, the executive power requires the advice of the Cabinet, and judicial powers are delegated to the courts. The Emperor's prerogatives regarding supreme command and the organization and peacetime standing of the Army and Navy are abolished. Diet approval is required for declarations of war, the conclusion of peace, important treaties, and proclamation of the law of siege, while emergency ordinances require the approval of the Diet Standing Committee.

Lib.

- 2 -

- Lib. The Emperor's prerogatives regarding supreme command, organization of the Army and Navy, the law of siege, emergency ordinances, and the organization of government administration are abolished. His prerogatives regarding the sanctioning and promulgation of laws, the opening, closing, and proroguing of the Diet and dissolving of the House of Representatives, appointment and dismissal of officials, diplomacy, conferring of marks of honor, amnesty and all other national affairs conducted in the name of the Emperor, are done with the assistance of the Ministers of State. The Emperor has neither legal nor political responsibility.
- Soc. The Emperor's prerogatives are limited to purely ceremonial functions, such as the formal appointment of new Premiers recommended by the Presidents of the two Houses of the Diet and formal promulgation of laws and signing of treaties approved by the Diet. The Emperor has no political responsibility.
- Comm. (The Communists have stated that the Emperor system is to be abolished but the people may decide to retain the Imperial Family, as an object of affection without substantive power, if they wish.)
- CIA The Emperor shall by delegation of the people deal with rituals.
- FBA The Emperor's prerogatives regarding supreme command and military organization, and his power to issue emergency ordinances, are to be abolished. His diplomatic powers are to be exercised with the approval of the Diet.
- TAKANO

Privy Council

- Prog. The Privy Council is abolished.
- Lib. The Privy Councillor system is to be abolished.
- Soc. The Privy Council is abolished.
- Comm.
- CIA
- FBA Article 56 of the Constitution (providing for the Privy Council) is to be deleted.
- TAKANO The Privy Council is abolished.

The Peerage

- Prog. Among the Emperor's powers to confer decorations, the power to confer titles of nobility is abolished. (Interpreted by acting Party head SAITO to mean the immediate and complete abolition of the peerage).
- Lib.
- Soc. The peerage, noble ranks and decorations of merit are abolished. (Assumed abolished).
- Comm.
- CIA The peerage, decorations and other privileges shall be abolished.
- FBA Abolition of the peerage system.
- TAKANO Peerage, ranks and merits are abolished.

House

- 3 -

House of Peers

- Prog. Abolition of the House of Peers and establishment of a Chamber of Councillors composed of men of learning and experience, part elected by popular vote and part selected by a special Government body appointed for the purpose.
- Lib. The second House shall be the Chamber of Councillors, a political-stabilizing organ utilizing learning and experience.
- Soc. The House of Councillors shall be composed of members publicly elected by various occupational groups and shall consider legislation primarily from a technical point of view.
- Comm.  
CIA The Second House shall be composed of members over the age of 20 publicly elected from among various occupational groups.
- FBA The name "House of Peers" is to be changed. This body is to be composed of occupational representatives and those appointed for meritorious services.
- TAKANO The Second House is to consist of members elected from the various occupational groups.

Supremacy of the House of Representatives

- Prog. A bill which has passed the House of Representatives twice consecutively shall be deemed to have been enacted as law without the approval of the Chamber of Councillors. The Chamber of Councillors cannot restore items in the Budget reduced or eliminated by the House of Representatives.
- Lib. The House of Representatives may override by a two-thirds vote amendments and rejections of bills passed by the Chamber of Councillors. The time of discussion by the Chamber of Councillors of bills passed by the Lower House may be restricted. The Lower House shall have priority in budgetary discussions.
- Soc. A law approved twice by the House of Representatives binds the Chamber of Councillors.
- Comm.  
CIA Bills passed by the First House twice shall not be vetoed by the Second House. The Second House shall not veto items or the total amount of the Budget approved by the First House.
- FBA  
TAKANO Bills that have been passed twice by the First House cannot be repudiated by the Second House. The Second House cannot reject items or the total amount of the Budget approved by the First House.

Diet

- 4 -

Diet Sessions

- Prog. A session of the Diet shall last for five months. The House of Representatives may decide on the extension of a session as well as the convocation of special sessions. A Diet Standing Committee shall serve when the Diet is not in session, its acts to require the later approval of the Diet.
- Lib. When the Diet is not in session both Houses are to establish a permanent committee which when time does not permit the calling of a special session may assume certain Diet functions provisionably.
- Soc. The Diet shall not be closed. In case of recess a representative organ shall be set up.
- Comm.  
CIA The Diet shall not be closed. In the event of the Diet having a holiday a Standing Committee shall execute the function of the Diet.
- FBA A Standing Committee is to be organized by the Diet to carry on the functions of the Diet while it is not in session.
- TAKANO The President convokes, opens and closes the Diet according to the decision of the Diet.

Diet Responsibility to the People

- Prog.  
Lib.  
Soc. The Diet may be dissolved by popular plebiscite.  
Comm. The members of the Diet are responsible to the people.  
CIA The Diet may be dissolved immediately if so voted by popular plebiscite.
- TAKANO

Selection of Prime Ministers

- Prog. The Emperor consults the Presidents of both Houses when appointing the Prime Minister.
- Lib.  
Soc. The Prime Minister is appointed by the Emperor on the recommendation of the Presidents of both Houses. The Emperor must follow their recommendation.
- Comm. The Diet selects the members of the government.
- CIA The Prime Minister shall be appointed on the recommendation of the Presidents of both Houses.
- FBA  
TAKANO (The President of Japan is to be elected by the people).

Cabinet Responsibility to the Diet

- Prog. The Prime Minister and State Ministers are responsible to the Diet.
- Lib. Cabinet responsibility to the Diet is to be clarified. The provisions of the Cabinet system are to be stipulated in the Constitution.

Soc.

- 5 -

Soc. The Cabinet is responsible to the Diet.  
 Comm. The government is responsible to the Diet.  
 CIA The Cabinet shall be jointly responsible to the Diet.  
 It shall have the confidence of the Diet while it is in office.  
 FBA Cabinet responsibility to the Diet is to be stipulated.  
 TAKANO The President appoints or dismisses the State Ministers.

Rights and Duties of the People

Prog. Laws restricting freedom of speech, press, etc., can be enacted only when necessary for the maintenance of public peace and order. Japanese subjects illegally arrested or detained may petition the courts for a hearing.

Lib. Freedom of thought, speech, etc., is established by law but cannot be arbitrarily restricted.

Soc. Freedom of speech, assembly, etc., shall be secured. It shall be the duty of the State to stabilize and elevate the living of the people in accordance with the principles of justice and equality. All discriminations based on sex or personal standing shall be abolished. The people shall have the duty of labor, and shall receive protection from the State in old age. The people shall be equally eligible for public office. The State shall provide educational facilities and the people shall have the duty of acquiring learning.

Comm. The people shall possess political and social freedom. The people's right to labor and to education shall be guaranteed. Race and class discriminations shall be abolished.

CIA No law shall be promulgated restricting the people's freedom of expression, academic research, art and religion. The people shall be equal before the law and all discriminations by sex, birth and status shall be abolished. The people shall have the right and duty to work and the right of living a healthy and civilized life. The State shall institute a maximum 8 hour day and shall protect the people in old age.

FBA The social, political and economic equality of Japanese subjects shall be stipulated and the liberty of Japanese subjects shall not be restricted without provision of law. Provision is to be made in the Constitution of those rights which cannot be restricted even by law.

TAKANO The people shall have freedom of residence, removal, correspondence, speech, publication and assembly, the right of receiving education, rest and cultural enjoyment, and the duty of observing the Constitution, working, living harmoniously and paying taxes.

Economic Freedom

Prog. Freedom of enterprise and labor cannot be restricted except  
 Lib. by law. Private property and the stability of righteous living must be maintained.  
 Soc.

- 6 -

- Soc. The right of ownership shall be subject to limitation for the general welfare.
- Comm. The people shall possess economic freedom (i.e. presumably, freedom from want).
- CIA The economic life of the people shall conform to the principles of justice, progress and equality for the purpose of enabling the people to live a healthy life worthy of human beings. Private property and economic freedom shall be guaranteed within this principle. The right of possession shall have the duty of being useful at the same time. Land shall be so distributed and utilized by the people as to enable them to live healthy lives. Parasite-like possession of land shall be prohibited.
- TAKANNO Land is owned by the State. The means of production necessary for public good must be nationalized gradually in accordance with the decision of the Diet. Labor must not exceed 8 hours a day. The remuneration for labor shall not fall below the level required for the cultural life of the workers.

#### Justice

- Prog. Administrative courts are abolished and their powers placed within the competence of the courts of law. The Supreme Court has the power to pronounce a law or ordinance unconstitutional or illegal.
- Lib. Independence of the judiciary is to be strengthened. Appointment of the Chief Justice of the Supreme Court requires the approval of the Diet. A separate Office of Public Prosecutor is to be set up under the Justice Minister. The administrative court system is to be abolished and its functions placed under the jurisdiction of the judiciary courts.
- Soc. The judiciary shall be independent under judges appointed according to law. The President and the Judges of the Supreme Court and the Prosecutor-General shall be appointed by the Cabinet on the recommendation of the Presidents of both Houses. All other judges shall be appointed by the Cabinet. The State shall indemnify persons acquitted by the courts. Capital punishment shall be abolished. The administrative courts shall be abolished.
- Comm.  
CIA Court officials shall be independent subject only to law. The President of the Supreme Court, which shall supervise the lower courts, shall be publicly elected, as shall the President of the Court of Administrative Litigation and the Prosecutor General. The judges of the Supreme Court shall be appointed on the recommendation of the President of the Second House and with the approval of the Second House.
- FBA The Courts of Administrative Litigation shall be abolished and administrative suits shall come under the competence of the Courts of Law.
- TAKANNO Administrative courts may be established to handle cases where rights are violated or legitimate interests injured by decision of administrative offices.

Finance

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Finance

- Prog. When the budget has not been decided a provisional budget may be drawn up for the duration of three months, the amount for one month being within the scope of the monthly budget of the previous year. The provisional budget requires the approval of the Diet Standing Committee. The government is required to call the Diet into session for the formulation of a new budget within the three-month period.
- Lib. Appointment of the Director of the Audit Bureau shall require the approval of the Diet.
- Soc. The Director of the Audit Bureau shall be appointed by the Cabinet on the recommendation of the Presidents of both Houses.
- Comm.  
CIA The Director of the Audit Bureau shall be publicly elected. The expenditure of the Imperial Family shall be approved by the Diet every year.
- FBA  
TAKANO

Constitutional Amendments

- Prog. Constitutional amendments may be initiated by a two-thirds majority of the total membership of both Houses.
- Lib. The right of the Diet in initiating Constitutional revision is recognized.
- Soc. Constitutional amendments shall require the attendance of two-thirds of the total membership of both Houses and the consent of a majority of those present.
- Comm.  
CIA The Constitution may be amended by the legislature. Amendment shall require the presence of two-thirds of the members of both Houses and the approval of a majority of those present. When the Constitution is revised by popular plebiscite on the basis of the people's petition the agreement of a majority of the voters shall be obtained.
- TAKANO Draft Constitutional amendments must be prepared by the President or the First or the Second House and presented to the Diet for deliberation. Discussion shall require two-thirds of the members of both Houses and decision a two-thirds majority of those present.





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 MAR 12 1946  
 DEPARTMENT OF STATE

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The Minister for New Zealand presents his compliments to the Secretary of State and has the honour to inform him that Mr. W. MacMahon Ball has been appointed to represent jointly the United Kingdom, Australia, New Zealand and India on the Allied Council for Japan.

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Chungking via War

Dated March 8, 1946

Rec'd 1 p.m. 9th

11 a.m. 9th

454, March 8, 2 p.m.

Repatriation of Formosan Chinese in accordance with arrangements made by SCAP is considered very satisfactory by the Chinese Govt according to Foreign Office note dated March 6 in reply to Embassy's note based on Dept's telegram 72, Jan. 11, 1 p.m. The note further requests that repatriation be continued. This information is also being transmitted to appropriate U. S. Army authorities.   
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Chungking via War

Dated March 8, 1946

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THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

OFFICE OF THE UNITED STATES POLITICAL ADVISER

Tokyo, Japan, March 8, 1946.

FA  
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CONFIDENTIAL

No. 296

SUBJECT: Japanese Government's Draft Constitution.

Office of  
FAC EASTERN AFFAIRS  
APR 8 - 1946  
Department of State

DCL/R

The Honorable  
The Secretary of State,  
Washington.

RECEIVED  
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OFFICE OF JAPANESE AFFAIRS  
MAR 29 1946

OFFICE OF THE UNITED STATES POLITICAL ADVISER  
DEPARTMENT OF STATE  
APR 5 - 1946

DEPARTMENT OF STATE  
DIVISION OF REPORTING SERVICES  
MAR 10 1946

Sir:  
On March 5, 1946, there was issued an Imperial rescript on Constitutional reform. The Japanese Government was directed to exert its best efforts to revise the Constitution. In 1946, the Japanese Government, in compliance with the Imperial directive, made public its new draft Constitution. On the same day the Supreme Commander for the Allied Powers issued a statement in which he gave full approval to the Government's draft. I have the honor to enclose copies of these important documents. There are also enclosed copies of a press release by the Chief Secretary of the Cabinet.

There has not been time to prepare a careful analysis of the new draft, the sudden announcement of which came as a surprise. It is apparent from General MacArthur's press release and from the Imperial rescript that the Government's draft was carefully considered by Headquarters and was approved by the Supreme Commander and by the Emperor before its issuance. The draft differs radically from press and other reports of the probable nature of the Government's planned revision originally prepared by Minister Without Portfolio MATSUMOTO. Before acceptance of the present version of the Government's Constitutional proposals, we are reliably informed that there was precipitated a serious Cabinet crisis. This crisis was overcome apparently by the firm attitude of the Prime Minister who had the full backing of the Emperor and of the Supreme Commander.

There is some danger that in future the Japanese may regard this draft plan as having been prepared for them rather than as having been created by them. Should this eventuality materialize, Japan's attitude towards its new Constitution, if adopted as appears likely, might be radically altered.

It is our intention to prepare for the Department a detailed analysis of the Government's draft, a full report of the events leading to its publication, and a careful study of the reaction in Japan. In the meantime, attention may be directed especially to Chapter 2, Article IX, "Renunciation of War", as a startling and

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novel Constitutional provision. By this Article the Japanese renounce forever the "threat or use of force" and assert that the "maintenance of land, sea and air forces, as well as other war potential, will never be authorized" and that "the right of belligerency of the state will not be recognized". It remains to be seen whether this provision will stand the test of time and the stress of relations between nations. It is apparent immediately that any nation without the means to protect its security must rely upon outside sources for that protection. Unless and until the United Nations Organization demonstrably becomes an effective and authoritative international body, it is also apparent that protection furnished by one or more powers might be considered a threat by another or other powers.

Respectfully yours,

*Enc. att.  
gwm*

*Max W. Bishop*  
Max W. Bishop  
Foreign Service Officer

Enclosures: 

1. Imperial rescript of  
March 5, 1946 (in sextuplicate).
2. Draft Constitution of  
Japanese Government. ( " )
3. Statement by SCAP. ( " )
4. Press release dated  
March 6, 1946. ( " )

Original and hectograph  
to Department.

~~Copy to: General Headquarters.~~

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GENERAL HEADQUARTERS  
UNITED STATES ARMY FORCES, PACIFIC  
Public Relations Office

IMMEDIATE RELEASE:  
6 March 1946

The Emperor of Japan today issued the following Imperial Rescript:

"Consequent upon our acceptance of the Potsdam Declaration the ultimate form of Japanese government is to be determined by the freely expressed will of the Japanese people. I am fully aware of our nation's strong consciousness of justice, its aspirations to live a peaceful life and promote cultural enlightenment and its firm resolve to renounce war and to foster friendship with all the countries of the world. It is, therefore, my desire that the Constitution of our empire be revised drastically upon the basis of the general will of the people and the principle of respect for the fundamental human rights. I command hereby the competent authorities of my government to put forth in conformity with my wish their best efforts toward the accomplishment of this end."

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GENERAL HEADQUARTERS  
UNITED STATES ARMY FORCES, PACIFIC  
Public Relations Office

IMMEDIATE RELEASE:  
6 March 1946

Statement of Wataru Narahashi, Chief Secretary of the  
Japanese Cabinet:

"It goes without saying that in order to pave the way to the construction of a new Japan we must carry out a most drastic revision of the existing Constitution. The essential point is to bring into being a supreme law of the land founded upon fundamental human right, and embodying the universal principles of humanity.

"Accordingly, we must do away with all theocratic notions regarding the imperial institution, and clarify the fact that the Emperor is the symbol of the State and the unity of the nation. And this fact must be definitely affirmed by the supreme will of the people, while the governmental powers must be exercised through representatives duly elected by the nation, and in accordance with popular will.

"His Majesty was pleased to grant an Imperial Rescript yesterday, March 5, indicating clearly the principles for the national constitution, and at the same time renouncing war before all the world and pointing the way to the attainment of an everlasting peace for mankind.

"The government has accordingly drafted an outline of the proposed new constitution, and announced it to the public. I sincerely hope the nation will make known its will through the proper channel, and go forward with the task of laying the foundation stone for a new Japan."

CONSTITUTION OF JAPAN

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim the sovereignty of the people's will and do ordain and establish this Constitution, founded upon the universal principle that government is a sacred trust the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people; and we reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith.

Desiring peace for all time and fully conscious of the high ideals controlling human relationship now stirring mankind, we have determined to rely for our security and survival upon the justice and good faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society designed and dedicated to the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance, for all time from the earth. We recognize and acknowledge that all peoples have the right to live in peace, free from fear and want.

We hold that no people is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all peoples who would sustain their own sovereignty and justify their sovereign relationship with other peoples.

To these high principles and purposes we, the Japanese People, pledge our national honor, determined will and full resources.

## CHAPTER I

## THE EMPEROR

Article I. The Emperor shall be the symbol of the state and of the unity of the people, deriving his position from the sovereign will of the people.

Article II. The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

Article III. The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor.

Article IV. The Emperor shall perform only such state functions as are provided for in this constitution. Never shall he have powers related to government.

The Emperor may delegate his functions as may be provided by law.

Article V. When, in accordance with the Imperial House Law, a regency is established, the Regent shall exercise his functions in the Emperor's name. In this case, paragraph one of the preceding article will be applicable.

Article VI. The Emperor shall appoint the Prime Minister as designated by the Diet.

Article VII. The Emperor, with the advice and approval of the Cabinet, shall perform the following functions of state on behalf of the people:

Promulgation of amendments of the constitution, laws, cabinet orders and treaties.

Convocation of the Diet.

Dissolution of the House of Representatives.

Proclamation of general elections.

Attestation of the appointment and dismissal of Ministers of State, Ambassadors, and other officials as provided for by law.

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.

Awarding of honors.

Receiving foreign ambassadors and ministers.

Performance of ceremonial functions.

Article VIII. No property can be given to, or received by, the Imperial House, and no receipts and disbursements can be made thereby, without the authorization of the Diet.

## CHAPTER 2

### RENUNCIATION OF WAR

Article IX. War, as a sovereign right of the nation, and the threat or use of force, is forever renounced as a means of settling disputes with other nations.

The maintenance of land, sea, and air forces, as well as other war potential, will never be authorized. The right of belligerency of the state will not be recognized.

## CHAPTER 3

### RIGHTS AND DUTIES OF THE PEOPLE

Article X. The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

Article XI. The enjoyment of the freedoms and rights guaranteed to the people by this constitution shall be maintained by the eternal vigilance of the people, and the people shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Article XII. All of the people shall be respected as individuals, and their right to life, liberty, and the pursuit of happiness shall, within the limits of the public welfare, be the supreme consideration in legislation and in governmental affairs.

Article XIII. All natural persons are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin. No right of peerage shall from this time forth embody within itself any national or civic power of government, nor shall peerage extend beyond the lives of those now in being. No privilege shall accompany any award of honor, decoration or any distinction; nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

Article XIV. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any special group.

In all elections, secrecy of the ballot shall be preserved inviolate, nor shall any voter be answerable, publicly or privately, for the choice he has made.

Article XV. Every person has the right of peaceful petition for the redress of damage and other matters, for the removal of public officials and for the enactment, repeal or amendment of laws, ordinances or regulations; nor shall any person be in any way discriminated against for sponsoring such a petition.

Article XVI. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article XVII. Freedom of thought and conscience shall be held inviolable.

Article XVIII. Freedom of religion is guaranteed to all. No religious organization shall receive any privilege from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite, or practice.

The State and its organs shall refrain from religious education or any other religious activity.

Article XIX. Freedom of assembly, association, speech, and press and all other forms of expression are guaranteed. No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Article XX. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

Article XXI. Academic freedom is guaranteed.

Article XXII. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation, with the equal rights of husband and wife as a basis. Laws shall be enacted considering choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family from the standpoint of individual dignity and the essential equality of the sexes.

Article XXIII. In all spheres of life, laws shall be designed for the promotion and extension of social welfare and security, and of public health, freedom, justice and democracy.

Article XXIV. Every person shall have the right to receive an equal education corresponding to his ability, as provided by law.

Every person shall be obligated to insure that all of the children under his protection receive elementary education. Such education shall be free.

Article XXV. All persons have the right to work. Standards for working conditions, wages and hours shall be fixed by law. The exploitation of children shall be prohibited.

Article XXVI. The right of workers to organize and to bargain and act collectively is guaranteed.

Article XXVII. The right to own property is inviolable, but property rights shall be defined by law, in conformity with the public welfare. Private property may be taken for public use upon just compensation therefor.

Article XXVIII. No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offense with which the person is charged, unless he is apprehended while committing a crime.

Article XXIX. No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; he shall not be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

Article XXX. No person shall be deprived of life or liberty, nor shall any criminal penalty be imposed, except according to procedure established by the Diet, nor shall any person be denied the right of access to the courts.

Article XXXI. The right of the people to be secure in their persons, homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued only for probable cause, and particularly describing the place to be searched and the person or things to be seized.

Each search or seizure shall be made upon separate warrant issued for the purpose by a competent judicial officer.

Article XXXII. The infliction of torture by any public officer and cruel punishments are absolutely forbidden.

Article XXXIII. In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.

He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense.

At all times the accused shall have the assistance of competent counsel who shall, if the accused be unable to secure the same by his own efforts, be assigned to his use by the government. No person shall be placed in double jeopardy for the same crime.

Article XXXIV. No person shall be compelled to testify against himself.

No confession shall be admitted in evidence if made under compulsion, torture or threat, or after prolonged arrest or detention.

No person shall be convicted or punished in cases where the only proof against him is his own confession.

Article XXXV. No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted.

## CHAPTER 4

## THE DIET

Article XXXVI. The Diet shall be the highest organ of state power, and shall be the sole law-making authority of the State.

Article XXXVII. The Diet shall consist of two houses, namely the House of Representatives and the House of Councillors.

Article XXXVIII. Both Houses shall consist of elected members, representative of all the people.

The number of the members of each House shall be fixed by law.

Article XXXIX. The qualifications of electors and members for both Houses shall be fixed by law. However, there shall be no discrimination because of sex, race, religion, or social status.

Article XL. The term of office of members of the House of Representatives shall be 4 years. However, the term may be terminated before the full term is up, by dissolution of the House of Representatives.

Article XLI. Matters pertaining to the method of election of members of both Houses, electoral districts, and method of voting, shall be fixed by law.

Article XLII. The term of office of the members of the House of Councillors shall be six years, except for half the members serving in the first term. Election for half the members shall take place every three years.

Article XLIII. No person shall be permitted to be a member of both Houses simultaneously.

Article XLIV. Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with the law.

Article XLV. Except in cases provided by law, members of both Houses shall be exempt from arrest while the Diet is in session. Any member arrested before the opening of the session shall be freed during the term of the session upon demand of his House.

Article XLVI. Members of both Houses shall not be held liable outside the House for speeches, debates, or votes cast inside the House.

Article XLVII. The Diet shall be convoked at least once per year.



Article XLVIII. The Cabinet may call extraordinary sessions of the Diet. When a quarter or more of the total members of either House makes the demand, the Diet must be called into session.

Article XLIX. When the House of Representatives is ordered dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convened within thirty (30) days from the date of the election. When the House of Representatives is ordered dissolved, the House of Councillors must, at the same time, be closed.

Article L. Each House shall judge disputes related to qualifications and elections of its members.

In order to deny a seat to anyone certified to have been elected, it is necessary to pass a resolution by a majority of two-thirds or more of the members present.

Article LI. Business cannot be transacted in either House unless at least one-third of the total membership is present.

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution. In case of a tie, the presiding officer shall decide the issue.

Article LII. Deliberation in each House shall be public. No secret meetings shall be held.

Each House shall keep a record of proceedings. This record shall be published and distributed to the public.

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be recorded in the minutes.

Article LIII. Each House shall select its own president and other officials.

Each House shall establish its rules and regulations pertaining to meetings and proceedings, and may punish members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more of those members present must pass a resolution thereon.

Article LIV. A bill becomes a law on passage by both Houses, except as otherwise provided by this Constitution.

A bill which is passed by the House of Representatives, and rejected

by the House of Councillors, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection.

Article LV. The budget must first be submitted to the House of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when a joint committee of both Houses, provided for by law, cannot come to an agreement, the decision of the House of Representatives will be considered the decision of the Diet.

Article LVI. The second paragraph of the preceding article applies also to Diet approval required for the conclusion of treaties, and international conventions and agreements.

Article LVII. Each House may conduct investigations in relation to national affairs, and may compel the presence and testimony of witnesses, and the production of records. In such cases, each House can punish, in accordance with law, those who do not comply with the demands.

Article LVIII. The Prime Minister, and the Ministers of State, may, at any time, appear in either House for the purpose of debating on bills, regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

Article LVIX. The Diet shall set up an impeachment court from the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted.

Matters relating to impeachment shall be provided by law.

Article LX. The House of Representatives shall sit as the National Diet immediately upon the effective date of this Constitution and until such time as the House of Councillors shall regularly be constituted.

## CHAPTER 5

## THE CABINET

Article LXI. Executive power shall be vested in the Cabinet.

Article LXII. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State as provided for by law.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

Article LXIII. The Prime Minister shall be designated by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Councillors disagree and if a joint committee of both houses, provided for by law, cannot reach an agreement, the decision of the House of Representatives shall be the decision of the Diet.

Article LXIV. The Prime Minister shall, with the approval of the Diet, designate the Ministers of State. The second paragraph of the preceding article shall apply to this approval.

The Prime Minister may decide on the removal of Ministers of State as he chooses.

Article LXV. If the House of Representatives passes a no-confidence resolution, or fails to pass a confidence resolution, the Cabinet shall resign en masse, unless it dissolves the House of Representatives within ten days.

Article LXVI. When there is a vacancy in the post of Prime Minister, or upon the convocation of the Diet after a general election, the Cabinet shall resign en masse.

Article LXVII. In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

Article LXVIII. The Prime Minister, representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet, and exercises supervision and control over various administrative branches.

Article LXIX. The Cabinet, in addition to other general administrative functions, shall:

Administer the law faithfully; conduct affairs of State.

Manage foreign affairs.

Conclude treaties, international conventions and agreements. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

In accordance with standards established by the Diet, administer the civil service.

Prepare the budget, and present it to the Diet.

Enact and promulgate orders and regulations in order to carry out the provisions of this Constitution and of the law. However, it cannot include penal provisions in such orders and regulations unless authorized by such law.

Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

Article LXX. All laws and orders shall be signed by the competent Minister of State, and countersigned by the Prime Minister.

Article LXXI. The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister, but the right to take that action is not impaired hereby.

## CHAPTER 6

## JUDICIARY

Article LXXII. The whole judicial power is vested in a Supreme Court and in such inferior courts as the Diet shall establish.

No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power.

All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws enacted pursuant thereto.

Article LXXIII. The Supreme Court is vested with the rule-making power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts, the administration of judicial affairs, and such other matters as may properly effect the free exercise of the judicial power.

Public procurators shall be subject to the rule-making power of the Supreme Court.

The Supreme Court may delegate the power to make rules for inferior courts to such courts.

Article LXXIV. Removals of judges shall be accomplished by public impeachment only unless judicially declared mentally or physically incompetent. No disciplinary action shall be administered by any executive organ or agency.

Article LXXV. The Supreme Court shall consist of such number of judges as may be determined by law; all such judges shall be appointed by the Cabinet and shall be retired upon the attainment of the age of 70 years.

The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of the House of Representatives following their appointment, and shall be reviewed again at the first general election of the House of Representatives after a lapse of ten years, and in the same manner thereafter.

In cases mentioned in the foregoing paragraph, when the majority of the voters show that they favor the dismissal of a judge concerned, he shall be dismissed.

Matters pertaining to the review mentioned in the foregoing paragraphs shall be prescribed by law.

All such judges shall receive, at regular, stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article LXXVI. The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court. All such judges shall hold office for a term of ten years with privilege of reappointment and shall receive, at regular, stated intervals, adequate compensation which shall not be decreased during their terms of office. No judge shall hold office after attaining the age of 70 years.

Article LXXVII. The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act.

Article LXXVIII. Trials shall be conducted and judgment declared publicly. Where, however, a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press, and cases wherein the rights of the people as reserved in Chapter 3 of this Constitution are in question, shall be conducted publicly without exception.

## CHAPTER 7

## FINANCE

Article LXXIX. The power to administer national finances shall be exercised as the Diet shall determine.

Article LXXX. No new taxes shall be imposed or existing ones modified except by action of the Diet or under such conditions as the Diet may prescribe.

All taxes in effect at the time this Constitution is promulgated shall continue to be collected under existing regulations until changed or modified by the Diet.

Article LXXXI. No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

Article LXXXII. The Cabinet shall prepare and submit to the Diet for its consideration and decision an annual budget for each fiscal year.

Article LXXXIII. In order to provide for unforeseen deficiencies in the budget a reserve fund may be authorized to be expended upon the responsibility of the Cabinet.

The Cabinet shall be held accountable to the Diet for all payments from the reserve fund.

Article LXXXIV. All property of the Imperial Household, other than the hereditary estates, shall belong to the State. The income from all Imperial properties shall be paid into the national treasury, and allowances and expenses of the Imperial Household, as defined by law, shall be appropriated by the Diet in the annual budget.

Article LXXXV. No public money or property shall be appropriated for the use, benefit or support of any system of religion, or religious institution or association, or for any charitable, educational or benevolent purposes not under the control of the State.

Article LXXXVI. A final audit of all expenditures and revenues of the State shall be made annually by a board of audit and submitted by the Cabinet to the Diet during the fiscal year immediately following the period covered.

The organization and competency of the board of audit shall be determined by the Diet.

Article LXXXVII. At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.

#### CHAPTER 8

##### LOCAL SELF GOVERNMENT

Article LXXXVIII. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

Article LXXXIX. The local public entities shall establish assemblies as their deliberative organs, in accordance with law.

The chief executive officers of all local public entities, the members of their legislative assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

Article XC. Local public entities shall have the right to manage their property, affairs and government and to frame their own charters within such laws as the Diet may enact.

Article XCI. A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.



## CHAPTER 9

## AMENDMENTS

Article XCII. Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon at such election as the Diet shall specify.

Amendments when so ratified shall immediately be proclaimed by the Emperor, in the name of the People, as an integral part of this Constitution.

## CHAPTER 10

## SUPREME LAW

Article XCIII. This Constitution and the laws and treaties made in pursuance hereof shall be the supreme law of the state and no public law or ordinance and no imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

Article XCIV. The fundamental human rights by this Constitution guaranteed to the people of Japan result from the age-old struggle of man to be free. They have survived the exacting test for durability in the crucible of time and experience, and are conferred upon this and future generations in sacred trust, to be held for all time inviolate.

The Emperor or the Regent, the Ministers of State, the members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

## CHAPTER 11

## SUPPLEMENTARY PROVISIONS

Article XCV. The Ministers of State, members of the Diet, judges and all other public officials in office at the time of the enactment of this Constitution, shall remain at their posts in accordance with existing provisions of law regardless of the provisions of this Constitution, until their successors are elected or appointed.

DIVISION OF EUR  
CENTRAL SERVICES  
TELEGRAPH SECTION

ACTION COPY

DEPARTMENT OF STATE 2803

INCOMING TELEGRAM PLAIN

Moscow via War

Dated March 8, 1946

Rec'd 9:45 a.m., 8th



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712, Eighth

Summary follows of 43-inch article "Fight for Establishment of United Democratic Front in Japan" by I. Plyshevski in RED STAR March 7:

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After defeat Japanese ruling classes made every effort not to permit democratic changes. Policy Shidehar, as cabinet, like that of predecessor Higashi Kuni, is to preserve monarchist system, land estate ownership, economic power of large concerns and if possible former bureaucratic state apparatus. MacArthur's directives either have not been carried out or have been carried out in a weak form thus Japanese 1889 constitution as well as reactionary electoral law on elections to lower house continue to exist. Semi-feudal estate system remains in force as well as rent system and enormous peasant indebtedness and peasants remain landless. MacArthur's January 4 directive on purge of state and social organizations of those who have assisted Japanese militarists has not been carried out. His directive on liquidation of main Japanese concerns has been carried out in theory but Far Eastern Specialist John Morris comments that Mitsui, Mitsubishi, and other monopolies still control business interests. Japanese Govt has issued series reactionary laws against workers and peasants. Under these conditions union of all Japanese forces in struggle against reaction which opposed carrying out democratic changes outlined at Potsdam is of primary importance.

Japanese Communist Party took initiative on unity question October 1945 by sponsoring Communists' and Socialists' collaboration but Socialists refused. Reiterated appeals to Socialist Party leadership were unsuccessful and CP therefore openly criticizes Socialist leaders for maintaining bourgeois and reactionary views. Agreement in January between Socialists and Liberals aroused wave of protest in Socialist rank and file. Consequently, left group of Socialists began more active agitation for united democratic front but Socialist leaders continue to reject proposal. Despite tendency of masses towards unity, great obstacles to creation democratic front

are met in

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PERMANENT RECORD COPY: THIS COPY MUST BE RETURNED TO DC/R WITH NOTATION OF ACTION TAKEN

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MAR 15 1946  
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-2- #712, Eighth, from Moscow via War

are met in reactionary forces which have preserved political and economic strength despite defeat. These are represented by "Nippon Simoto" and liberal "Nippon Daiyeten" parties, by smaller right parties not dissolved by January 4 directive and by right Socialist leaders. These are forces supporting Shidehara's reactionary Govt while CP maintains bitter struggle for united democratic front.

Sent Dept 712, repeated Tokyo for acting polad as number 1 and Frankfurt.

MESSAGE UNSIGNED

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THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

OFFICE OF THE UNITED STATES POLITICAL ADVISER

Tokyo, Japan, March 8, 1946.

Office of  
EASTERN AFFAIRS  
APR 25 1946  
DIRECTOR  
Department of State

Handwritten initials and numbers: JA, 131, DC/R

No. 293

SUBJECT: Outline of Procedure of the Communist Party of Japan.

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DEPARTMENT OF STATE  
4  
1946 MAR 16 AM 9

The Honorable  
The Secretary of State,  
Washington.

Sir:

I have the honor to refer to this Office's despatch no. 262 February 18, 1946, subject "Statutes of Japan Communist Party", and to enclose a copy of a memorandum prepared in General Headquarters, U.S. Army Forces, Pacific, on March 4, 1946, consisting of a translation of an outline of procedure of the Communist Party of Japan, January 25, 1946.

In the preamble to the "Outline", which follows customary Communist Party doctrine, an attempt is made to demonstrate the guiltlessness of the Party in Japan during the past 25 years, the fortuitousness of current occupation policies, and to blame the "Emperor system government" by attributing to it all the evils which have fallen upon Japan during the war. In the "Outline" it is announced that "the establishment of world peace" necessitates "the overthrow of the chief war criminal, the Emperor system".

As stated in the enclosure to this Office's despatch no. 287, March 5, 1946, subject "Political Parties of Japan", upon the instance of NOSAKA Sanzo at the fifth All-Japan Communist Party convention, convened February 24, 1946, the Party line has since been somewhat modified to provide for "the abolition of feudalistic and totalitarian characteristics" but not for the immediate abolition of the Emperor system itself.

Among the significant items of the "Outline" are a demand for the "complete independence of Korea", "international cooperation of labor unions", "the establishment of a popular front based on the coordinated efforts of all the people", detailed provisions for the protection of women workers, and the confiscation of land without compensation from all "parasitic" landowners. The "Outline" ends on the note that "It is demanded that every member of the Communist Party work for firm political and ideological progress as laid down in the principles of Marx and Lenin..."

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Office of Japanese Affairs  
APR 11 1946  
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DIVISION OF JAPANESE AND KOREAN  
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- 2 -

A comparison of the "Outline" with the declaration adopted at the recent Communist Party convention (enclosed as an appendix to this Office's despatch no. 287, March 5, 1946) indicates the exercise of more moderation in the current Communist Party line. The declaration, however, contains the first inkling that the Japan Communist Party proposes the establishment of collective farming in Japan, presumably in conformity with the Soviet pattern.

Respectfully yours,

*Max W. Bishop*  
Max W. Bishop  
Foreign Service Officer

Enclosure: *att*

Translation of "Outline of  
Procedure of the Communist  
Party of Japan."

Original and hectograph to  
Department.

800 Parties  
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Enclosure to despatch no. 293 of March 8, 1946, from the Office of the United States Political Adviser, Tokyo, Japan, on the subject "Outline of Procedure of the Communist Party of Japan".

Outline of Procedure of the Communist Party of Japan  
and Rules and Regulations Therefor

25 January 1946

I. Outline of Procedure

The war of aggression, forced by the police-like power of the Emperor System, cost several million lives, and gave rise to maimed and other war victims to the number of ten million. The present poverty, famine and unemployment, unsurpassed in history, affect our farmers, workers and all of the wage-earning masses.

Our Communist Party has thoroughly resisted the criminal, imperialistic war of the Emperor System for the last 25 years. For this very reason many party leaders were oppressed, their human rights trampled upon, for more than ten years, through the savage abuse of power. But at last the day of destruction of the savage, militaristic, police-like, imperialistic power is at hand. The Allied Forces occupy Japan as the emancipators of the world from despotic and militaristic countries. Because of the Allied Forces, the democratic revolution in Japan has begun. The development of the United Nations Charter and of world labor unions is a sign of world democratic and peaceful organization. However, this Emperor System government is constantly striving to keep its old elements intact, obeying the Allies superficially, but actually opposing them. Such a government cannot carry out any kind of democratic policy calculated to fulfill the needs of the masses. On the contrary, it will try to dominate the workers as before and revive militarism, trampling on any people's movement. The problems of famine, poverty and homelessness cannot be solved if we depend on the bureaucrats within the Emperor System, with their imperialistic government, or on their representatives. The establishment of world peace and a thorough housecleaning of militaristic and imperialistic elements, a housecleaning necessitating the overthrow of the chief war criminal, the Emperor system, are basic prerequisites for the protection of democratic freedom and for the emancipation of the Japanese masses.

The following practical demands, drawn up by the Communist Party of Japan, are calculated to end the oppression and torture of the people by the Emperor System, and to emancipate the workers, farmers and other wage-earners:---

1. Abolition of the Emperor System and establishment of a people's republic.
2. Faithful implementation of the Potsdam Declaration and support of the peaceful policies of the various democratic nations. Complete independence for Korea. International cooperation of labor unions.
3. Dissolution of all anti-democratic organizations and the circumvention of all reactionary underground forces and "White terror" plans. Strict punishment for war criminals and those who have violated human rights. Exclusion of parties supporting the anti-democratic Emperor System.

4. Abolition

- 2 -

4. Abolition of the Emperor's constitution and establishment of a people's constitution. Abolition of the Privy Council, the House of Peers and the House of Representatives and the establishment of a uni-cameral democratic Diet. Abolition of the peerage and all other semi-feudal and special-privilege institutions.
5. Immediate freedom and restoration of rights for all political prisoners and victims of police suppression. Indemnities for all persons suffering damages at the hands of the government.
6. Abolition of all laws oppressing the people and all criminal laws based on lese majeste. Opposition to any suppression of people's movements. Opposition to any discrimination based on color, race or nationality. Abolition of discrimination against any particular individual.
7. Complete freedom of picketing, striking, organizing, speaking, assembling, and worshipping. Separation of church and state.
8. All people above the age of 18 may vote and hold office, regardless of residence, property or race. Opposition to bureaucratic control of elections.
9. Opposition to the militaristic and imperialistic legal development and educational system. Support for the spread and development of progressive culture to emancipate the people.
10. The establishment of a popular front based on the coordinated efforts of all the people.
11. Shortening of working hours - 7 hours a day or less as a standard, with 8 hours as the maximum. Working conditions must be basically reformed. Shortening of the working hours will give full employment. Freedom in change of labor union organization. Establishment of collective bargaining.
12. Opposition to semi-feudal employment practices and semi-slavelike working conditions. Heavy and dangerous work for women and children to be abolished. Opposition to exploitation of women and children. Abolition of the apprentice system. Equal pay for equal work.
13. General rise in pay. Establishment of minimum wages. Opposition to capitalist industrial rationalization. Children of 14 or less may not work. There must be one day a week off, with pay, and at least 2 weeks per year off, with pay.
14. Women workers must be allowed ample vacations with pay for pregnancy. Maternity hospitals and nurseries are to be established in each area. There must be special attention and care based on the special characteristics of the female bodily makeup. Abolition of labor contracts which buy and sell women and children. Abolition of the semi-feudal family system in which the woman has no rights.
15. Accident, unemployment, and health insurance will be established, with the cost to be borne by the capitalist. Social security funds to be controlled by the workers and unemployed.
16. All parasitic land holders -- the emperor, shrines, landlords -- are to be deprived of their land without compensation, and

the land



- 3 -

the land is to be gratuitously distributed to the landless farmers. High-interest loans, and debts owed to banks by farmers to be cancelled. Abolition of the semi-feudal exploitation of fishermen.

17. Reduction of and exemption from farm rent for tenant farmers. Opposition to land transactions being controlled by landlords. Establishment of the right to enter unused fields and woodlands.

18. Opposition to forceful confiscation of rice by bureaucratic government. Coordination of democratic rice delivery and distribution of necessities to farm areas based on farmer's committees. Crushing of all agricultural societies and similar bureaucratic organizations and the establishment of independent farmers' groups.

19. All banks to be put under one national bank which will be controlled by the people.

20. Control of important enterprises to be vested in the workers and the republican government. Control by the Gumbatsu, bureaucrats, or monopolists to be done away with. Freedom for medium and small enterprises. Opposition to indemnities for munitions manufacturers.

21. Opposition to the inflationary policy oppressing the workers. Solution of the public debt problem by placing the burden on the Emperor, the capitalists and the landlords. Suspension of subsidies to capitalists and landlords. Savings to be realized by suspension of spending by the Imperial Household. High taxes levied on the Zaibatsu, confiscation of war-time profits and allocation thereof toward the relief of war sufferers and the unemployed. Lowering of and exemption from taxes for the poor in the cities, for the workers, and for the small and medium farmers. Consumers' taxes and other taxes on the masses to be abolished. Reduction of price of rent, electricity and gas for workers and exemption from payment thereof for the unemployed. Committees of unemployed and tenant leagues should be established and enlarged.

22. Economic aid to be given to war victims, wounded soldiers, demobilized soldiers and the families of our compatriots abroad and of soldiers killed in the war.

23. Transportation and communications to be reformed by removal from bureaucratic control, and to be placed under worker's control.

24. Food and other daily necessities to be under people's control. The supply of food and other necessities will be increased when trade is under control of a People's republican government and when the land problem is settled democratically.

25. Homes are to be guaranteed to all homeless wage earners. The realization of the demand to open such unoccupied buildings as the Imperial Palaces, residences and mansions of high officials, capitalists and landlords, cannot be hoped for without the national unity of revolutionary and democratic forces of all the oppressed people. The governing class has for many years sought to disorganize the working class. All of the oppressed people must publicly take political and economic action at all places of employment without being misled by the disorganization policies of the governing class. However, it is not possible to

gain ultimate

- 4 -

gain ultimate victory without the guidance of the Communist Party, which is the vanguard and the highest organization of the working class. The organizational duties of the most advanced party, our party, are as follows:

1. To strengthen the party completely and solidify the union between the working class and the party.
2. To develop economic action to meet the daily demands of the working man and all wage earners. To revolt against the anti-working class and anti-democratic organizations. To assume the guiding authority and to strengthen the movement of the industrial workers.
3. To change the organizational structure of the farmers' groups in their fight against the landlords and to increase the ferocity of the struggle.
4. To channel politically the dissatisfaction and protests of the masses toward the eradication of militarism and the Emperor System.

It is demanded that every member of the Communist Party work for firm political and ideological progress as laid down in the principles of Marx and Lenin in performing these organizational duties and strive to overcome all trends toward opportunism, observing party regulations strictly and strengthening daily public action against the maneuvers of spies and provocateurs.

Because of the activity of more than twenty years of party campaigns, there is a countless number of people who have trust in and expectations of our party. These people are awakening because of poverty caused by the war. In cooperation with all groups and forces, we are establishing a uniform line of action toward a just and practical objective in order to unite all of the democratic forces, and we are attempting to set up a government for the people. For this reason we will probably be the final victors in the action to sweep away despotism over the working men, farmers and all wage earners, and to establish world peace and freedom.

*Pl. Miss. Lockman*

# Woman's Society of Christian Service

## SOUTH CENTRAL JURISDICTION METHODIST CHURCH



MRS. PETER KITTEL  
MISSIONARY EDUCATION AND SERVICE  
FORREST CITY, ARKANSAS

DR. MARY E. SHANNON  
FOREIGN WORK  
314 GREENWOOD ST., TOPEKA, KANSAS

MRS. FRANK L. DAVIS  
HOME WORK  
6123 WESTMINSTER PLACE, ST. LOUIS 12, MO.

MRS. C. M. GRAY  
LITERATURE AND PUBLICATIONS  
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MRS. MELL PALLETTE  
CHRISTIAN SOCIAL RELATIONS AND  
LOCAL CHURCH ACTIVITIES  
130 EAST RUBY ST., INDEPENDENCE, MO.

MRS. B. B. WEDEMEYER  
CHILDREN'S WORK  
1304 N. 15TH ST., WACO, TEXAS

MRS. L. E. HOOVER  
YOUNG WOMEN'S AND GIRLS' WORK  
1319 N. 38TH ST., LINCOLN 3, NEBRASKA

MRS. GEORGE S. SEXTON, JR.  
PRESIDENT  
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VICE PRESIDENT  
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TREASURER  
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1700 PINE ST., PINE BLUFF, ARK.

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PROMOTION  
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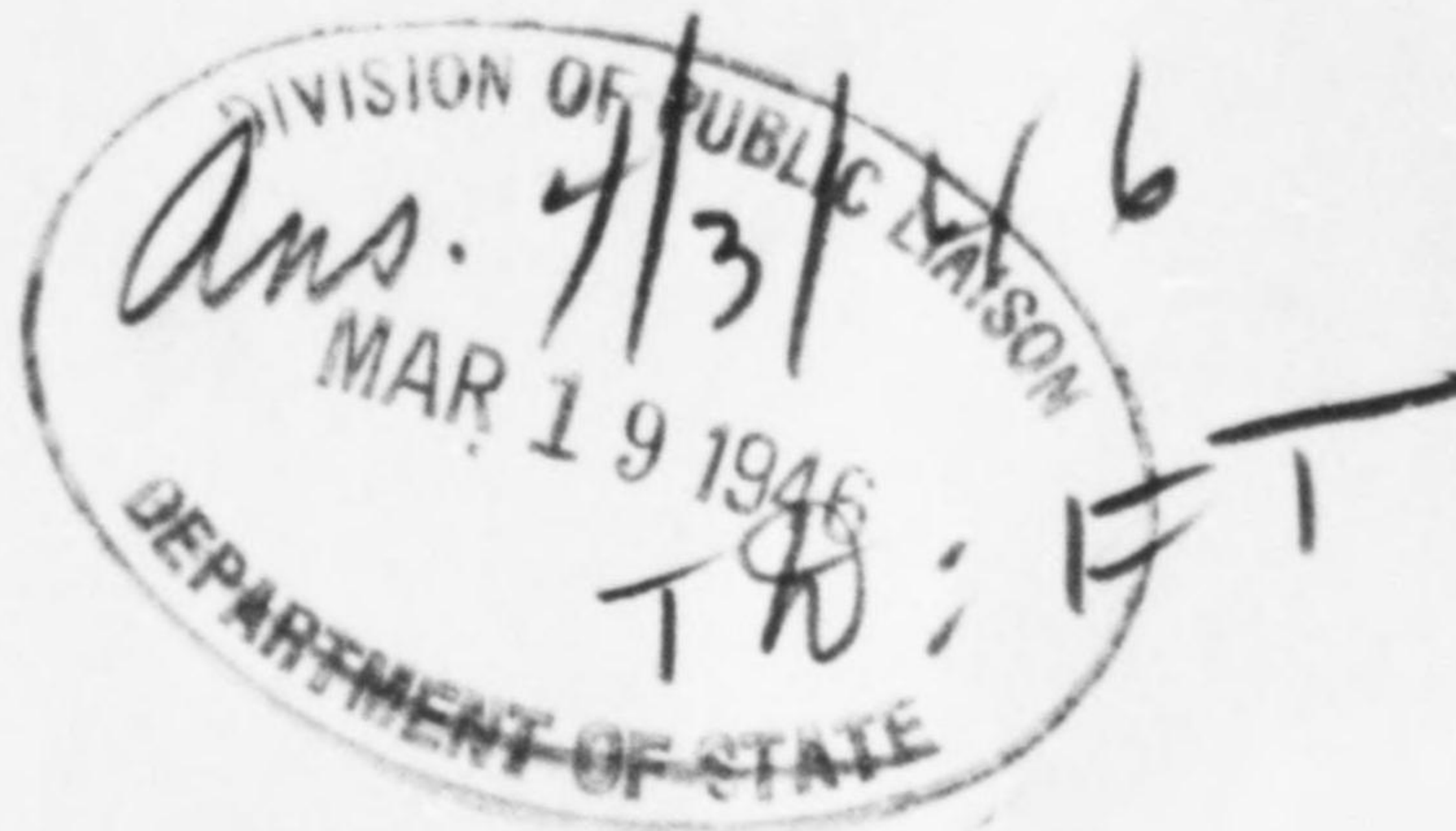
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MRS. VIRGIL WALKER  
STATUS OF WOMEN  
6145 BRYAN PARKWAY, DALLAS, TEXAS

MRS. FRANK L. WRIGHT  
RESEARCH  
707 N. FOREST, WEBSTER GROVES, MO.

110 Sexton Road  
Shreveport, Louisiana  
March 9, 1946

The Honorable James E. Byrnes  
Secretary of State  
The Capitol  
Washington, D. C.



Dear Sir:

At the recent Annual Meeting of the South Central Jurisdiction Woman's Society of Christian Service of The Methodist Church, the following resolution was adopted:

"BE IT RESOLVED that the South Central Jurisdiction Woman's Society of Christian Service of The Methodist Church, in session at St. Louis, Missouri, February 22, 1946, request the Government of the United States to open the channels for correspondence with Japan, Korea, and other former enemy countries."

We are forwarding this resolution to you, Sir, with the request that you will please take the necessary steps to insure action in this matter.

Very sincerely yours,

Mrs. George Sexton Jr.  
President

Mrs. C. T. Schaedel  
Secretary

DCR NE Unit  
Dist. *file*

TELECOMMUNICATIONS DIVISION  
Let Mrs. G. Sexton Jr.  
APR 1 1946  
4/2/46 FI cc: our reply to  
PL - Miss Davis  
DEPARTMENT OF STATE

APR 10 1946

740.00119 CONTROL (JAPAN) 3-946 CS/A 3-946

APR 5 1946

In reply refer to  
TD

My dear Mrs. Sexton:

The Department has received your letter of March 9, 1946, signed also by Mrs. C. T. Schaedel, submitting a resolution of the South Central Jurisdiction Woman's Society of Christian Service of The Methodist Church regarding the opening of communication channels with Japan, Korea, and other former enemy countries.

At the present time, at least some limited communication service is open with every country of the world, with the exception of Korea and Japan. The matter of the resumption of service with Korea and Japan is under active consideration at the present time, and as soon as it is practicable to reestablish channels of correspondence, a public announcement to that effect will be made.

Sincerely yours,

For the Secretary of State:

Helen G. Kelly  
Chief, Operations Section  
Telecommunications Division

DCB NE Unit
na. <i>mrd</i>
cc. <i>W</i>
Dist.

Mrs. George Sexton, Jr., President,  
Woman's Society of Christian Service,  
110 Sexton Road,  
Shreveport, Louisiana.

*me*  
APR 5 1946

APR 5 1946

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THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

OFFICE OF THE UNITED STATES POLITICAL ADVISER

Tokyo, Japan, March 12, 1946

CONFIDENTIAL

No. 302

SUBJECT: Political Parties in Japan: Developments  
During the Week Ending March 9, 1946.

RECEIVED  
DEPARTMENT OF STATE

1946 MAR 25 AM 9 00

The Honorable  
The Secretary of State,  
Washington.

Sir:

I have the honor to refer to this Mission's despatch  
No. 287, March 5, 1946, and previous, transmitting weekly  
reports on political parties in Japan, and to transmit  
copy of this Mission's latest report "Political Parties  
in Japan: Developments During the Week Ending March 9, 1946".

Respectfully yours,

*Max W. Bishop*  
Max W. Bishop  
Foreign Service Officer

Enclosure:

Copy of report dated  
March 12, 1946.

Original and hectograph to Department .

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WJSebald:jwb

DEPARTMENT OF STATE  
DIVISION OF  
REPORTING SERVICES  
*W. W. ...*

DEPARTMENT OF JAPANESE AFFAIRS  
MAR 29 1946  
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Enclosure to despatch No. 302 dated March 12, 1946, from the Office of the United States Political Adviser, Tokyo, Japan, on the subject "Political Parties in Japan: Developments During the Week Ending March 9, 1946".

OFFICE OF THE UNITED STATES POLITICAL ADVISER

Tokyo, Japan, March 12, 1946

CONFIDENTIAL

POLITICAL PARTIES IN JAPAN: DEVELOPMENTS  
DURING THE WEEK ENDING MARCH 9, 1946

Summary. The bickerings of the political parties were almost entirely overshadowed by the publication of the Government's draft Constitution, strongly supported by simultaneous statements issued by the Supreme Commander, the Emperor, and the Cabinet. With the exception of the Communist Party, all major parties have announced their approval of the new Constitution, despite difference of opinion on minor points. It appears safe to anticipate a whole-hearted support for the document, irrespective of which major party may gain preponderant influence in the coming election. The Communist Party, on the other hand, demands a thorough revision; but its statement voicing disagreement with the new Constitution relies more on communistic cliches following the party line than upon objective criticism. (Comments made by the political parties concerning the new Constitution are contained in an Appendix.) The position of the Emperor and constitutional revision plans appear to be no longer live issues in the election campaign, but numerous important problems might well be debated by the candidates in preparation for consideration in the next Diet. If Japanese political behavior in the past is taken as a guide for the probable pattern of Japanese democracy in the immediate future, there appears some doubt that competent leadership will emerge from the Diet. The difficulties to be faced by the new Diet, must largely depend for their solution upon party leadership, discipline, and organization. As yet, no political party has demonstrated an awareness of the responsibilities with which it would be faced were it to obtain a majority, nor has any clue been furnished concerning their probable procedure in that event. The political parties must find the necessary leadership to initiate Japan along the road to a democratic state, and to fill the vacuum left by the elimination of many experienced leaders from the political scene and from Government. As of March 9, the Progressive Party announced that more than 300 candidates cleared by the Government will run under the Party's banner; the Social Democratic Party presently has 264 such candidates; and the Liberal Party expects to have some 300, including HATOYAMA Ichiro, its president. End of Summary

New Constitution and the Parties

The publication of the Government's draft Constitution, strongly supported by simultaneous statements issued by the Supreme Commander, the Emperor, and Minister Without Portfolio NARAHASHI Wataru on behalf of the Cabinet, has momentarily overshadowed all other considerations on the political scene. In the draft constitution there are such novel and important pronouncements as "the sovereignty of the people's will," and the reliance for "security and survival upon the justice

and good

and good faith of the peace-loving peoples of the world," and provisions such as the statement that the Emperor derives his position "from the sovereign will of the people," the renunciation of war as a means of settling disputes with other nations, and an absolute prohibition of the right to maintain an army, navy, air force, and other war potential. In the face of these revolutionary proposals, the campaign bickerings of political parties had the appearance of relatively unimportant verbiage.

The impact of the new draft constitution upon the political parties was indicated by their obvious flurry of activity immediately following its release to the people. With the exception of the Communist Party, all major parties were unanimous in their general approval given the following day, although some minor revisions were declared necessary upon specific points.

Mr. SAITO Takao, leader of the Progressives, stated flatly that the new Constitution is further advanced than any of the revision plans of the Progressive, Liberal, or Social Democratic parties. The Liberal Party, while approving, could find nothing more specific to recommend than an ambiguous hope that the plan could be revised in conformity with the situation of the State. The Social Democratic Party sees in the new Constitution similarity with its own draft plan and, with the exception of several specific points mentioned for reexamination, approves of the document as a whole. A similar attitude was expressed by the Cooperative Party.

Only the Communist Party takes almost whole-hearted exception to the new Constitution and demands a thorough revision, following Communist principles. On the whole, the criticisms of the Communists appear hurriedly prepared, lack objectivity, and are almost entirely based upon the familiar arguments of the "party line". Briefly, the Government is accused of deceiving the public; the Emperor and Government are said to be "attempting to force the Constitution upon the people"; and the draft is declared as "pervaded throughout by the spirit of insisting on the sovereignty of the Emperor." Exception is taken to the renunciation of war, and criticism is voiced of the alleged lack of clear stipulations regarding the rights of the people. A unicameral Diet is demanded, and the chapter governing the judiciary severely criticized. In conclusion, the Communists deny that the draft Constitution is a modern document, despite the claim of its sponsors to the contrary. (Comments made by the political parties concerning the new Constitution are set forth in more detail in an Appendix.)

#### Political Leadership and the Parties

With the almost unanimous approval given by the political parties to the new draft Constitution, the position of the Emperor and constitutional revision plans no longer are live issues as campaign topics. No party, other than the Communist Party, has hitherto clearly declared its position concerning the Emperor in succinct, unequivocal terms. (Almost all parties have, as previously reported, indicated support of the Imperial Institution in general or indirectly.) Nor is it likely that constitutional drafts within the contemplation of any of the major parties would have used language beyond mere generalizations, subject to construction in accordance with the political philosophy prevailing at any given time. For practical purposes, therefore, these two major problems have been largely removed from the minds of Japanese political leaders as debatable political issues.

There are

There are, nevertheless, numerous important problems which can provide substantial ammunition for campaign oratory. The difficulty in this regard lies, not in lack of campaign issues, but rather in the stature of the candidates, 468 of whom will be called upon to decide how and when these problems are to be solved. The questions which the parties should weave into their platforms include such important matters as the stimulation of production, inflation control, education, procedural guides to the enforcement of the Farm Land Reform Law, and a reorganization of economic controls and distribution. In addition, the parties might well take a position on far-reaching reforms, such as drafting revised Civil and Criminal Codes, Codes of Civil and Criminal procedure, and reforms of basic laws predicated thereon.

Japanese political behavior during the period of the existing Constitution may be used with profit as a guide to the probable pattern of a Japanese democracy in the immediate future. In the main, Japanese policy, domestic and international, has been conceived and implemented by statesmen outside the Diet--by bureaucrats, militarists, expansionists, and by professional statesmen gathered about the throne. For practical purposes, the Diet has merely been called upon to give its stamp of approval in the form of enabling acts and financial support. Rarely has an important policy measure been originated within the Diet or reoriented in conformity with the Diet's wishes. With few notable exceptions, succeeding Diets over a period of almost fifty years have been sterile of political party members who possessed and exercised statesmanlike and constructive leadership. Even during the heyday of party predominance in the twenties, events outside the Diet (engineered by military or ultra-nationalist organizations) far over-shadowed narrow and restricted party activities. Political leadership, as exemplified by the Diet and political parties, proved incapable of meeting the challenge. As a result, rapid deterioration of political morality followed closely upon the heels of apparent and short-lived party ascendancy. The parties had their opportunity but proved themselves inept, corrupt, and lacking in stamina, statesmanship, and ability.

In the light of past political experience in Japan and without knowledge of the caliber of future Diet members, competent observers are not sanguine that the Diet will exhibit immediately the degree of competent statesmanship called for under present circumstances. The masses in Japan prefer to be led, and the roots of feudalism, bureaucracy, and militarism are deep. The struggle of the immediate future will be between the old, which failed, and the new, which is untried. How the Diet will meet the difficulties to be faced will largely depend upon party leadership, discipline, and organization, all three of which factors are as yet obscure.

No major political party has demonstrated an awareness of the serious responsibility with which a majority party would be burdened. In presenting their campaign platforms the parties have failed to meet clearly and unequivocally basic problems and characteristically have devoted themselves largely to superficial treatment of generalities. All parties agree that something must be done, but no party has stated clearly how, with a majority, it would proceed.

Education will play an important role in determining Japan's future success as a democracy, but in the immediate future it is through the political parties that the necessary leadership must act to initiate Japan along the road to a peace-loving democratic state worthy of re-admission into the family of nations.

#### Party Candidates

As of March 9, the Progressive Party announced that more than 300 candidates



-4-

300 candidates will shortly be proclaimed as candidates of the party. Party quarters indicated that most of its candidates will be local political leaders who have held posts as chairmen of prefectural or municipal assemblies, although some influential leaders of national political circles are included. The Social Democratic Party announced a list of 264 Government-approved candidates who will run on its ticket, with the possibility of 11 more being added to the list. Ten out of seventeen ex-Diet members belonging to the Party failed to qualify under the Cabinet's formula. They are: KAWAKAMI Jotaro, SUGIYAMA Motojiro, TAMAN Kiyomi, SAKAMOTO Katsu, WATANABE Yasukuni, KINOSHITA Iku, KAWAMATA Seion, MIYAKE Shoichi, MAEKAWA Shoichi, and MATSUMOTO Jiichiro. The majority of the foregoing represent the "right-wing" elements of the Social Democratic Party and their elimination tends to destroy party balance and to increase the influence of the left-wing which favors close alliance with the Communists. In addition, a number of labor leaders are expected to run as "neutral" candidates. The Liberal Party also expects to run some 300 "approved" candidates, including HATUYAMA Ichiro, president of the Party.

William J. Sebald

800

WJSebald:jwb

## APPENDIX

Government's Constitutional Reform in  
Conformity with Reality, Comments Saito

(Asahi Shimbun, March 8.)

Asked to comment on the Government's draft for the revision of the Imperial Constitution, Takao Saito, Chief Manager of the Progressive Party, yesterday spoke as follows:

"To speak frankly, Article 1 has given our party a favorable impression, because it refers to the fundamental problem of the national polity. With regard to sovereignty, the successive emperors have never ruled this country personally as is clear in the light of our history. The direct Imperial rule has been only nominal. The fact is that a group of the so-called influential vassals, which may be compared to a sort of Shogunate, has governed this land. Reality has departed from theory. It may be claimed that the present draft plan has changed the national polity in expression. The reform is in conformity with the reality.

"It provides the people's rights and duties more elaborately than the existing Constitution. We are much satisfied. And its idea about the Diet organization leaves nothing to be commented upon.

"Much reference seems to have been drawn from the British Constitution in the formation of the present reform plan. This plan is more progressive than any of the revision plans of the Progressive, Liberal and Socialist Parties.

"For Japan to become Democratic in the true sense of the word, things should be clearly provided in the law on the basis of reality, free from all the past conventionalities, as practised by the Government in the framing of this plan. In this way, Japan's national structure will become bright."

Government's Reform Plan Needs Re-  
vision at Some Points, Liberals Say

(Asahi Shimbun, March 8.)

The Liberal Party yesterday commented on the Government's draft Imperial Constitution as follows:

"We support in principle the Government's plan for the revision of the Imperial Constitution. In the first place, the plan maintains the Emperor System. Second, it respects the basic human rights and is completely Democratic in the definition of political structure, etc. Third, it reveals the determination to recognize no right of belligerency of the State and create a peaceful country. These points are in complete accord with the principle of the Constitutional revision plan which we made public some time ago.

"However, to make this plan conform to the situation of the State and also to democratize Japan completely, the present plan demands some revision. So our party will immediately begin the study of the proposed revision of the Constitution at our special committee for revision of

the Constitution

-2-

the Constitution and make public the results of our study. And by this means, we intend to see a final decision given to the proposed revision of the Constitution, on the basis of the will of the Japanese nation to be freely expressed at the Diet session scheduled to be held after the forthcoming general election."

#### Social Democratic Party

(Asahi Shimbun, March 8.)

Contrary to what was published, the Government draft plan of a new Constitution is progressive, close to our plan. Our Party supports the draft, as it expresses the faithful execution of the terms of the Potsdam Declaration and zeal for the adoption of democratic government. Our Party agrees with an immediate examination of the draft at a special session of the Diet. The following points, however, should be re-examined:

1. In spite of the fact that the Emperor's non-political responsibility is assured, there are too many provisions concerning the Emperor's prerogatives.
2. The period of the session of the Diet is not clearly stated: The Diet should not be closed throughout the year.
3. The character and the composition of the House of Councillors are not clear.
4. The maintenance of the peerage for one generation is a remnant of old customs.

The assurance of a democratic government, however, lies in the operation of the Constitution, which can be made possible only by strengthening the power of the democratic parties. In this sense, the political training of the people should be urgently carried out. The general election has gained in importance, and the responsibility of our Party is all the greater.

#### Cooperative Party

(Asahi Shimbun, March 8.)

The Cooperative Party agrees with the Government draft, as its principles are along the same lines as its own. The Party, however, made its stand clear by expressing the following hopes:

1. The House of Councillors should be composed on the basis of occupational representation.
2. When a majority party obtains power, the Diet or that party may go too far in disregarding the will of the people. To check this tendency, the power of veto or calling a people's plebiscite must be given to the Emperor.
3. To protect the independence of the judiciary, judicial officials should be appointed in a special way.

Communist Party Alone Critical of Present Draft Constitution; Progressive Only in Outside Form, Communists Charge

(Asahi Shimbun, March 8.)

The Communist Party yesterday issued a statement opposing the Government's draft Constitution. The statement follows:

1. Examining

-3-

1. Examining the Government's draft Constitution, we easily understand the circumstances in which the Emperor system Government obstinately endeavored to preserve the sovereignty of the Emperor and the despotic Emperor-system Government, but directly confronted by the tightened attitude of the public in Japan and abroad regarding the Emperor system, the Government was compelled to adopt an outward form which appears to be comparatively progressive against its own will. Accordingly, the result has been that the Government deceives the public opinion of the world and distorts the reform of democratization of the people.

2. In case a Constitution is enacted at a time when new political, economic and social changes are attained in a country, its contents are found in accord with the foundations of the realities and it guarantees a further development of society. But in Japan democratization has just begun. Moreover, it is still being interfered with by the Bureaucrats under the Emperor system.

3. Essentially the present draft is a Constitution granted by the Emperor. The Emperor and the Government under him are attempting to force the constitution upon the people. In a Democratic society the people themselves should determine the enactment of the Constitution. A committee elected by the people should draft the Constitution. How are the present Emperor, a war criminal, and all the members of the present Cabinet who either took part in the criminal war or prepared it capable of having the efficiency and assuming the responsibility for the drafting of a Democratic Constitution?

4. The present draft is not based on the will of the people. The Emperor and his Government are attempting to make a Constitution in haste before the awakening of the people is not fully developed.

5. A Democratic Constitution should naturally stipulate that sovereignty lies in the people, but the draft in Article 1 stipulates the status and power of the Emperor. In the preamble nothing is clearly mentioned regarding the sovereignty of the people. This is because this draft Constitution is pervaded throughout by the spirit to insist on the sovereignty of the Emperor in actual practice.

6. The reference to the Emperor as a symbol of Japan and the unity of the people is an insistence on the sanctity of the Emperor of an unbroken line which the militarists took advantage of and is against the Democratic principle of the Potsdam Declaration. When we examine the various clauses concerning the Emperor, it becomes clear that sovereignty lies in the Emperor and his Cabinet, especially the Prime Minister, but not in the people.

7. It is historically unprecedented that the renouncement of war is inserted in the provisions of a Constitution, but such a provision alone does not guarantee the prevention of war. The Versailles Pact prohibited the warlike acts of Germany but Hitler unconcernedly violated it and caused the criminal war. The Japan Communist Party, alike the public opinion of the world, has pointed out that the latest criminal war was brought about under the Emperor system. The militarists and Bureaucrats are planning a new war a few years hence and expecting aggression and restoration. So long as the status of the Emperor is guaranteed, another war of aggression will be unavoidable.

8. The rights of the people should be stipulated clearly and concretely and in detail. The rights of the people have always been violated, as history shows. In spite of the fact that Article 14 provides that the people have the right of electing and dismissing public officials, Article 3 provides that the Cabinet is responsible to the Emperor. Though Article 27 provides that the right of ownership is inviolable, there is no provision concerning the monopoly-like property which caused the war and the privation of the people, and the dissolution

of which

-4-

of which is demanded internationally and by the people. Nothing is mentioned concerning taxation. Though Article 13 recognizes the equality of the people, the Emperor's privileges are allowed. As the inheritance property of the Imperial Family is taken from the people, it should be used for the welfare of the people. The peerage system should be completely abolished.

9. The two House system must be abolished. The House of Councillors is a changed form of the House of Peers, and will become the citadel of the conservative forces. Its reactionary nature is proved by the term of six years. Nothing is mentioned about the right of voting: men and women over the age of 18 should be allowed to vote. Provisions should be inserted concerning the war criminals whose rights should be deprived. Dismissal of Members of the Diet who acted against the will of the voters should be provided.

10. The Prime Minister is designed to be appointed by the Emperor upon the nomination by the Diet. This means that sovereignty lies in the Emperor. Moreover, the other members of the Cabinet are to be chosen by the Prime Minister instead of by the Diet. This would cause little difference to the system heretofore in force under which the succeeding cabinets were manipulated by bureaucrats and zaibatsu. Little is mentioned also regarding the dismissal of a member of the Cabinet in case he has acted against the interests and will of the people.

11. Judicial officials must be publicly elected. As the prosecutor-general is an administrative official, he must be appointed by the Diet. The term of ten years is too long. No provision exists concerning the jury system. He who has been acquitted must be indemnified by the State. If the rights of the people are violated, the policemen, prosecutors, judges, or prison officers must take responsibility immediately.

12. In conclusion, the draft Constitution may appear to be modern in outward form but as a whole the modernity is denied. The Communist Party, accordingly, demands the following provisions in a clear-cut way:

1. The Emperor's system is thoroughly abolished.
2. The rights of the people should be stipulated clearly, and a republican government with a Democratic Diet of a single unit as the nucleus is established.
3. The right of dismissal of the exerciser of sovereignty.
4. The rights of the laborers, farmers and other people should be concretely and clearly mentioned in detail.
5. The violators of these rights should be strictly punished and tried by the people.



THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA  
OFFICE OF THE UNITED STATES POLITICAL ADVISER

Tokyo, Japan, March 12, 1946.

No. 301

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Accompaniments:

- 1. SCAP Directives in six volumes, with index.
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OFFICE OF THE UNITED STATES POLITICAL ADVISER

Tokyo, Japan, March 12, 1946.

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MAR 12 1946

Charge to

Supreme Commander for Allied Powers, Tokyo please pass to  
Advance Echelon GHQ, Civil Information and Education Section,  
Plans and Operations Division

Tokyo

191

~~TWELFTH~~

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ready for shipment, weight 137 pounds, cube 89 inches  
repeat inches by 52 inches by 49 inches. Try arrange  
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 S. D. Moore

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Government Agency.  
RESTRICTED

Charge to CHARGE DEPT

MAR 13 1946  
*62*

US URGENT

AMEMBASSY,

CHUNGKING (CHINA).

*454*

MacArthur ~~states he~~ plans ~~to~~ convoke Allied Council  
for Japan MAR 21 or shortly thereafter and asks ~~that~~  
his invitation be transmitted ~~to~~ Chinese GOVT. *Communist*  
FONOFF and inform DEPT urgently how soon General Chu *Inquire*  
Shih-ming expects arrive Tokyo also size and composition  
~~of staff accompanying him.~~

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MAR 13 1946 P.M.

STANDARD FORM NO. 64

*Office Memorandum* • UNITED STATES GOVERNMENT

*HB*  
*JCV*

TO : ~~W~~ - Mr. Acheson  
S - Mr. Secretary

FROM : FE- Mr. Vincent

SUBJECT: Japan

DATE: 3-25-46

DEPARTMENT OF STATE  
UNDER SECRETARY  
35 1  
MAR 26 1946  
DEPARTMENT OF STATE

*3317*

There is attached a letter addressed to me by Mr. Johnson, Secretary General for the Far Eastern Commission, enclosing a memorandum prepared by Mr. Johnson as a result of the Commission's meeting and discussion with General MacArthur. Mr. Johnson suggests that I send the memorandum to you.

I doubt that it contains information that has not already been brought to your attention by General McCoy or in some other manner. Briefly, it reports General MacArthur as having the following views:

- (1) Early decision should be made with regard to reparations in order that there could be some resumption of Japan's industrial activities. Pauley had set too high a value on machinery now in Japan. Furthermore, the removal of factories from Japan would present a serious problem.
- (2) Constitutional reform should be undertaken by the Japanese themselves if we expect any lasting results. The Japanese themselves would take from the Emperor institution spiritual and temporal power and it would be a mistake to treat the Emperor as a war criminal.
- (3) Every effort should be made to revive Japanese trade in order to give the Japanese an economy from which they can build.
- (4) Length of military occupation might be anything between 3 and 5 years.
- (5) The Far Eastern Commission should quickly get to work to consider the terms of a peace treaty with Japan.

I should appreciate your returning the memorandum to me.

FE:JCVincent:ALM

DCR - NE Unit  
*BT*  
*mm*

*JCV.*  
*The President is going to send Pauley back to Manchuria & Korea to inquire as to reparations.*

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APR 10 1946

STANDARD FORM NO. 64

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*FE*  
*DCR*

*Most interesting part*  
*see Mr. Vincent's copy*  
*1976*  
*AG.*

**Office Memorandum** • UNITED STATES GOVERNMENT

DATE: 3-25-46

TO : U - Mr. Acheson  
S - Mr. Secretary  
FROM : *FE* - Mr. Vincent  
SUBJECT: Japan

UNDER SECRETARY  
MAR 26 1946  
DEPARTMENT OF STATE

There is attached a memorandum prepared for the Secretary by General McCoy which I received several days ago. General McCoy attaches to his memorandum a number of memoranda prepared as a result of the Far Eastern Commission's recent visit to Japan.

The first of these, prepared by Mr. Nelson Johnson, is interesting. If you do not have time to read through it, I suggest that you glance at the marked passages on pages 4, 6 and 7.

The second memorandum, prepared by Colonel Babcock, I found extremely enlightening. It is not long and I suggest that if you have the time you read it.

The last memorandum, prepared by Dr. Blakeslee, is quite long. I suggest that you glance at the final section, entitled "The Future", beginning on page 24.

I should appreciate your returning the memoranda to me.

*JcV.*

FE:JCVincent:AIM

*File 740.00119 Central (9/19/46) 3-1346*

DCR

FAR EASTERN COMMISSION  
2516 MASSACHUSETTS AVENUE, N. W.  
WASHINGTON 8, D. C.

March 13, 1946



Dear Mr. Vincent:

I enclose a memorandum for the Secretary of State, concerning the trip of the Far Eastern Advisory Commission to Japan, prepared by General McCoy. As attachments to this memorandum there are enclosed a memorandum by myself entitled "The Occupation of Japan as an Allied Problem," a memorandum entitled "Impressions Gained During Visit to Japan" by Colonel Babcock, and "Report on the Far Eastern Commission's Trip to Japan" by Dr. Blakeslee. It was General McCoy's thought that this material would be of interest to the Department.

You will notice at the end of the paragraph completed at the top of page two of Dr. Blakeslee's report mention of a summary of a talk by General MacArthur. I have not included that paper with this document because the conversation was highly confidential and should be given extremely limited distribution in the Department. Personally, I think that it should go only to you and to the Secretary and to the Undersecretary, but I would leave that to you. I am sending that along under a separate cover, in order that it may be given "Top Secret" distribution.

Very truly yours,

*Nelson T. Johnson*

Nelson T. Johnson  
Secretary General

Enclosures

Mr. John Carter Vincent  
Office of Far Eastern Affairs  
Department of State

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FAR EASTERN COMMISSION  
2516 MASSACHUSETTS AVENUE, N. W.  
WASHINGTON 8, D. C.

4 March 1946

MEMORANDUM FOR The Secretary of State

Subject: Trip to Japan

The purpose of this report is to present to the Secretary of State the primary accomplishments of the Far Eastern Advisory Commission during its recent visit to Japan and to make brief recommendations as to the stand which I believe the United States should take in regard to the future early decisions of the newly constituted Far Eastern Commission. There are attached hereto the reports of various members of my staff and of the Secretary General which cover in detail the activities and investigations of the Commission and which outline the impressions these gentlemen received as a result of their observations and contacts. I forward them for such distribution and use as you may deem desirable.

The most satisfactory result of the Commission's visit, from the point of view of the United States was the feeling of confidence in the Supreme Commander engendered in the minds of the foreign representatives. Regardless of their views concerning the policies established by the United States for the control of Japan, all delegates are convinced that those policies are being carried out effectively and with the utmost wisdom by the Supreme Commander and his staff. They were all impressed by General MacArthur's grasp of the problems which face him and by the statesmanship he has shown in performing his difficult task. They were particularly

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gratified by his consciousness of the international character of his position and the attendant responsibilities.

Of equal importance was the ability of the Commission to erase from the minds of General MacArthur and his staff the natural suspicion which they harbored before they were able to establish personal contact with the representatives. There has now been established a mutual confidence and respect, a cognizance of each others' problems which will aid materially in furthering United States objectives not only in the control of Japan but in the general field of international cooperation.

I feel that certain subjects stand out as being in need of policy guidance in the very near future. Such subjects include Reparations, (on which depends the restoration of Japanese economy,) an export-import program closely integrated with the production and provision of the food required to maintain a viable economy and a definite decision on the part of the United States to support the Supreme Commander's views in regard to the Emperor.

It is my intention to press for consideration of these matters in the Commission not only because of their intrinsic importance but because they offer an opportunity for the Commission to take the initiative in areas where policy is as yet undecided rather than to concern itself with academic discussions of well established policies whose change or modification at this late date is virtually impossible.

*Frank McCoy*

Frank R. McCoy

22

THE OCCUPATION OF JAPAN  
AS AN ALLIED PROBLEM

Someone has said that a country is what its people believe it to be, and that a people are what they believe themselves to be.

The Japanese believed their country to be sacred soil. They believed themselves to be descendants of the divinities that were chosen to inhabit the divine land, and that they were ruled over by an Emperor directly descended from the divine being who created the land and sent their divine ancestors to subdue and use it. This commonly-held belief made the Japanese people peculiarly united as a people set apart from other people.

Although deeply rooted in the mythology of the Japanese people, it was not until the Japanese Emperor was lifted out of his hermit retreat in Kyoto and restored to the throne in the newly-established capital at Tokyo in 1868, and during the two decades that followed that incident, that this dogma of the divinity of their origins was made an article of faith, uniting people and Emperor into the single divine family we find today.

Up until 1868, when the last shogun or ruler war-lord was deposed, the Japanese people were separated into a number of independent clans, each headed by a Daimio or clan lord. Each lord ruled over a designated area, protected by a group of warrior Samurai, bound to him by ties of loyalty and supported by peasant serfs bound to the land they cultivated.

Each feudal clan trafficked with the others in the products of the clan, and the great city of Osaka was a kind of neutral place to trade. Merchant families attached to the clans carried on this domestic trade, and supported their overlords with their wealth in return for the monopoly of the clan business which they enjoyed.

The transition from disparate clan loyalties to the single loyalty to the Emperor was rapid. The leaders who engineered and directed this transition were a group of able, bureaucratic and warrior Samurai of the Satsuma and Choshu clans, who were determined to preserve in the new order they were creating the feudal relationships and privileges of the old. There was to be a transition from a group of clans with conflicting loyalties to a single clan headed by the Emperor, whose claim to their undivided loyalty was based on the Shinto dogma of the divine origin of the Imperial Family and the equally divine origin of the vassal relationships of the people to their Emperor and clan head. The means used to inculcate this conception of themselves and their relationship to the Emperor were (a) a national school system, which took every child in hand from primary to the end of the high school; (b) Shinto, which was the basis of the



- 2 -

ethical training in the schools; and (c) a national army, through which every young man had to pass and in which great stress was laid on moral training. In school and in the army for two generations the youth of Japan were taught that because of their divine origin the Japanese possessed the spirit of Yamoto, which was unique and which distinguished the Japanese from all other peoples.

By these means was accomplished the transition to the one clan. In this single clan headed by the Emperor were repeated all of the phenomena of the strongest of the old clans of the feudal system. The national army became the modern Samurai, wearing the livery and crest of the clan's lord, separated from the common people by law of the army in the same way that the old clan law distinguished Samurai from commoner. The wealthy trading families which had monopolized the business of the old clans now became the Zaibatsu, and in return for their support were given monopolies, subsidies, bonuses, and subscriptions to their working capital were made by the Emperor as head of the clan.

And, just as in the old feudal days each lord controlled his people through secret police or agents and by encouraging his people to spy upon one another, so the new clan organized and maintained a police force whose duty it was to protect the system against dangerous thoughts and the industrial structure of the Zaibatsu against industrial strife.

From within, the problem was to preserve the feudal loyalties of the single clan; from without, the problem was to build up the national power to protect the clan from the destructive forces that the Japanese leaders saw all about them.

In whatever direction the Japanese leaders looked they saw conditions developing in the world which, if permitted to enter Japan, would destroy the feudal relationships upon which the single clan relied for its existence.

A revolution in China threatened to unite that country on a democratic basis. It had discarded the old feudal Confucian ideals which were the essence of the feudal loyalty in Japan.

A revolution in Russia had destroyed the feudal relationships, emancipating the people and destroying the feudal capitalism and the religious structure upon which the power of the Romanoffs had been built. This threatened the relationship of the Emperor to the Zaibatsu in Japan and the Shinto basis of the Japanese one-clan system.

The leaders in the Japanese army saw Japan dependent upon areas outside of and beyond the political control of Japan, for the raw products

- 3 -

so necessary to the building up of Japanese clan or national power: tin, rubber, iron, chrome, cotton, wool, and even the food necessary to the growing number of workers in the expanding industries necessary to that national power.

An overseas trade was necessary to supply the credits and a reserve against the day when those leaders could move (a) to advance Japanese lines on the mainland to protect the inner feudal citadel against attack by the new ideas of democracy and capitalism; and (b) to control within those lines the resources in raw materials--cotton from North China; wool, iron and coal from Manchuria; rice, tin, rubber and iron from the south--that would give stability to the Japanese clan and make for security.

This was no aping of something conceived by a half-crazed sign painter in Germany; it was the planned program of Japanese leaders, hinted at by Hidyoshi at the beginning of the Tokugawa era when he attempted to invade Korea, and preached by Yoshida Shoin, the teacher of Ito, Okubo and other leaders of the restoration. The move began in 1894, when Japan fought and defeated China, rid Japan of the shackles of extraterritoriality, and obtained recognition in the world as a state enjoying equal rights with others. In 1904 the Japanese successfully denied Russia access to the Pacific. In 1914-18 Japan nearly succeeded in reducing China to the position of a vassal and occupying eastern Siberia. In 1931, with the seizure of Manchuria, the advance toward the accomplishment of the ends preached by Yoshida Shoin was begun in earnest.

In a world torn by strife, Japan very nearly succeeded in its purpose. It has failed miserably. Japan has been defeated on land and on sea, and for the first time in history the divine land has been invaded and occupied by an alien people who, according to Japanese beliefs, were beyond the divine pale. The Emperor, the divine lord of the single clan, carries on his functions as a vassal under the orders and control of an alien conqueror.

We are now destroying the means whereby Japanese belief in the divinity of their origins was inculcated.

The Japanese army and navy, the Samurai of the clan, have been abolished and dispersed; officers and men are now ronin or "masterless men." It seems to me that there may be a lesson here in the story of the 47 ronin who waited for years to wreak final vengeance upon the lord who shamed and brought about the downfall of their lord and master.

The police have been deprived of their power to control the thoughts, utterances and activities of the people.

- 4 -

Education of the children of Japan has been freed from clan control of thought and teaching. Shinto has been disestablished, and the Emperor has denied any claim to divine descent.

The Zaibatsu have been deprived of the support which they formerly enjoyed at the hands of the clan in the form of monopoly, bonus and subsidy. The clan-held shares in these clan-supported business organizations have become the property of the conqueror. Labor has been freed to organize and to strike. No longer may the Zaibatsu-owned industries enjoy the support of the police in their control of the labor in their factories, ships and mines.

Women have been emancipated and given equal rights with men in education and at the ballot box.

Japan has been cut off from its sources of supply of the raw materials necessary to the maintenance of its national power. It has no adequate quantities of tin, rubber, cotton, oil, wool, fertilizer, food. Japanese industry is at a standstill.

The Japanese Government carries on as the instrument of alien control, facing the future with fear and uncertainty. The Emperor is surrounded as of old by aged advisers: Makino, Kabayama, Prince Takamatsu, Kido, and Admirals Yonai, Suzuki and Toyoda. These are the senior statesmen upon whose advice the Emperor now acts in carrying out the orders that he received from the Supreme Commander. They are products of the peace; their only distinction is that they fought the party in the Government that wanted war, and they failed in that fight.

By the directives of January 4, we are attempting through the Supreme Commander to drive out of office all of those public men who were identified with the war party. A query intrudes itself here: Will these men, driven out of office and debarred by their past from holding appointive or elective office, produce among themselves the senior and elder statesmen of tomorrow? It will be necessary to watch these men and the ronin and see how completely they and the past with which they were identified may have been discredited among the people.

Japan's great cities have been destroyed. There is no food for the wandering city populations who have now to a certain extent become merged with the country population. But if these city dwellers return to their ruined homes and until they can once more make the necessities which the farmer wants, namely, piece goods and farm implements, there will be conflict between the country people and the city dwellers, for the farmers have what food there is and are becoming rich at the expense of the cities. This conflict between rural and urban areas threatens to become more serious.

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There is a crime wave in Japan; there is nothing strange about this: it is a phenomenon that seems to follow every war with the return of the young men from the lawless life of the battlefield. But in Japan it is accentuated by the fact that not only does it involve Japan's returned disillusioned soldiers but also Koreans and Chinese, formerly the slave labor of Japan, now emancipated, seeking vengeance on a population that formerly handled them with slight respect for their lives or their property.

And then there is inflation. Japanese finance was handled with singular disregard for the future. The printing press was freely used; and today, with the cost of occupation and the scarcity of food and the rising costs of labor due to these factors and to the emancipation, inflation has set in and will bring the currency of the country down to destruction unless something is done.

The question is, when we have destroyed Japanese belief in the divinity of their land and their own divine origin as the vassals of a divinely descended Emperor, will the human Emperor emerge and survive as a symbol of government--as the English King has survived--as the leader of a democratically-organized Japanese society. This should be our hope in planning for a Japan thirty years from now if we are to have stability and security in the Pacific. To accomplish this will require careful handling, for fate has given to us the responsibility for controlling the destiny of Japan during this period of transition. If we can by manipulation and encouragement bring it about that these changes will be accepted by the Japanese as Japanese conceived and brought to accomplishment, then our chances of success through the permanency of the change will be great. But if we use force, then we may be certain that when we withdraw the force the Japanese themselves will reverse the situation as evidence of their independence of action.

I took advantage of opportunities to meet and talk with a number of people, both Japanese and Americans, during the visit of the Commission in Tokyo. Dr. Leebrick, who is attached to the Office of the American Political Adviser, told me that there was beginning a ferment in the field of Japanese education. The question of writing Japanese is once more being hotly discussed. It is said that Japanese students during the past seven years have lacked sufficient training in the knowledge of Chinese characters and classical writing to be able to express themselves clearly and with facility. And there is some question as to whether these boys and girls will now be able to give the time to the mastery of that complicated method of expression to make up for the time lost. The whole question of the method of teaching and the subject matter to be taught is

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being discussed, and this fact offers hope that Japanese youth will compel a liberalization of the subject matter and the methods used in Japanese schools and universities. This will take time, for habits of thought are not easily changed, and it seems to me to be a human trait to shirk the responsibilities attendant upon making decisions.

From a number of Japanese to whom I talked, I gathered that there was a general feeling among the Japanese that the American soldier had been a good missionary of democracy. The Japanese generally were surprised to find that the American soldier was not arrogant in victory. It is difficult for the Japanese to understand that the average American is a man of peace and that with the order to cease fire he feels that his job is finished and he wants to get on with the business of living peacefully with his neighbors. There is danger in this inability of the Japanese mind to understand this attitude of the American soldier. In the mass, human memory is short and the fear of today produced by the violence of yesterday may be followed by the contempt of tomorrow. I talked with the head of a large Japanese cement and steel company, who stated that Japanese industry was at a standstill--first, because of the uncertainty in the field of reparations as to which plants might be taken over; more important still to industry was the fact that there was neither food nor housing for the workers adjacent to the plants; and, finally, industry could no longer depend on the police to protect it against the violence of the workmen who were organizing into unions, engaging in strikes, and in some cases attempting by violence to take over control of the plants. I talked with a leading liberal-conservative politician, who is actively getting his supporters organized for the coming elections, and found him hopeful that the elections would result in a more conservative membership of the Diet than would seem to be indicated by the discussions in the public press. I talked with two professors of the Imperial University and with one former Minister of Education. They were hopeful for the future, but emphasized that the critical period for Japan would come after the planting of the rice crop at the end of April or the middle of May and during the three months that would elapse until the first harvest. This question of food seemed to be an obsession, for it was mentioned everywhere. I talked with Japanese near the court; without exception, these are a group of ancients, performing the functions of the genro and senior statesmen of the past in relieving the Emperor of the necessity of making personal decisions. I was told that the men upon whom the Emperor relied constantly for help of this kind were Baron Makino, Mr. Matsudaira, Prince Takamatsu, and Admirals Suzuki, Okada and Yonai. Behind all these, of course, is the dowager Empress, a woman of strength of character and will, who began opposition to the Choshu-controlled army war party when she brought about the marriage of her son, the present Emperor, to a Satsuma girl. I talked with Miss Kawai, head of a girls' school in Tokyo, whom I found enthusiastic over the new opportunities open to women in the fields

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of education, agriculture, politics and civics. Among all these people, I found a fear of Russia and the hope that our occupation would continue until stability was restored in Japan. I obtained no clear idea as to what was meant by stability, but I suspect that among those oldsters who surround the court and industrial leaders that stability meant the survival of something that would look like the privileges of the past; while, among teachers and politicians, that stability would represent something between that past and the socialistic state that appeared to be the ideal of the more advanced radical leaders.

I had opportunity to see something of the terrific destruction caused by fire in the cities of Tokyo, Yokohama, Odera, Osaka, Kobe and Hiroshima; and I observed that in all these cities people were returning to rebuild upon their lots and to begin once more to traffic in the products of the household industries. The street fairs were being resumed, and I would expect that in another six months city life as regards the little people, merchants and handicraftsmen, would be well on its way to revival. I had opportunity to see the countryside and to observe that life on farm and in village was going on undisturbed; winter wheat was in and above ground. The traffic in the country villages was proceeding normally. The city of Kyoto, untouched by bomb or fire, is crowded with refugees, its shops well supplied with the small household necessities but practically denuded of the fine products of their silk, damascheen and cloisonne handicraftsmen, due to lack of materials. The city of Hiroshima presented the same appearance of utter and complete devastation that was presented by Tokyo and Yokohama; the only difference was that this destruction was the work of one bomb which exploded high in the air above the city and destroyed life and property by concussion, radiated heat and the subsequent effects of radiation. There was no truth in the stories of radiation in the ground. Survivors of concussion, heat and radiation will recover. The great loss of life was due to lack of warning; only a fourth of the city's population, estimated at 400,000, had evacuated the city at the time of the explosion. The effects of concussion and radiated heat were so great that little or nothing inside or outside the buildings close to the center of concussion survived. Entering the city by motor car, the first effects visible were from concussion, evidenced by the disturbance of the tiles on the houses at least two miles from the center. A remarkable phenomenon indicating that the heat was radiated heat was the fact that surfaces of asphalt and the faces of the people where protected by shadow were unburned. The fact that dark colors absorbed the heat rays was another interesting phenomenon indicating that bright colors, which reflected the rays, were something of a protection. To me, the only significance of the atomic bomb lies in the fact that man

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has been able to concentrate within one portable container the destructive effects formerly contained in hundreds, and I should expect that if this fact has any influence whatever on future living conditions its effect will be to reduce the size of the city.

NTJohnson  
2-7-46

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CSB/evc

10 February 1946

MEMORANDUM FOR General McCoy

Subject: Impressions Gained During our Visit to Japan

Introduction:

The notes which follow hereafter represent an attempt to record my impressions after numerous interviews with Staff Officers in G.H.Q., officers on duty with the troops occupying the Tokyo district, and a number of Japanese with whom I came in contact. None of the personnel, either American or Japanese, were senior in rank or acknowledged leaders in their groups. Knowing that others in our group would have more opportunity and be better qualified to talk to the better known figures, I tried to meet younger and less prominent persons. Japanese with whom I came in contact represented the Army, the Navy, the Protestant Church, the Imperial Household, the Foreign Office, the fringes of big business, minor Communists, farmers and fishermen. Some were men and some were women. Most were in the age group between 30 and 45.

General:

There seem as yet to be no clearly defined patterns of thought in Japan strong enough to break through class or occupational barriers. The defeat, the resultant depressed conditions and the occupation do not yet seem to have been brought home to the Japanese as national problems. Each individual, or class of individuals, thinks of these matters solely in terms of how they will affect him or his group. The attempt to adjust to strange and unpleasant conditions of life, the uncertainties of the immediate future as they affect



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the individual's livelihood are taking up so much of the energy and thought of the people that the problem of Japan and the nation's future is shoved into the background or relegated to "Makasa."

As yet there have arisen no leaders, there have emerged no political or economic philosophies virile enough to arouse in the people any enthusiasm. This is natural under present conditions, but those with whom I talked felt that Communism, with its positive policy and organized pressure, would take enormous strides unless a strong new movement completely divorced from association with older political movements could emerge and capture the imagination of that great mass of people who are disillusioned by the leadership of the past. Communism they fear and distrust at present, but its potentialities are great when measured against the purely defensive attitude of the other political groups. Moreover, there is a feeling, (particularly strong among discharged service men), that militarism alone is not responsible for Japan's ills, but that much of the blame must be shouldered by the oligarchic system out of which militarism arose. Discharged soldiers and sailors may feel that the generals and admirals led them into a hopeless war, but they do not forget the paternalistic interest that the services took in conditions among the poorer classes, particularly the farmers and fishermen. No leaders who fail to champion the cause of the underprivileged can count long on the support of the former soldiers and sailors and those whom these latter influence.

#### Army and Navy:

The Services probably more than any other groups in Japan are living in the present. Exterminated as entities and faced with the most difficult

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reorientation problem of any groups in Japan, they seem to have concentrated on the tremendous job of demobilization as a means of shutting the future out of their thoughts. There are no signs yet of any organized underground movement and the well-known cooperation continues unabated. Day by day, however, more and more men are being cast adrift from an organization which up until now has exercised a powerful, and in certain respects, a beneficent influence on their lives both in and out of service. They miss that influence and such feeling of security as it could give them, and they are waiting for something to take its place.

Japanese officers often said that if no leadership arises these men will go Communist. A more likely result, in the opinion of American observers, is that there will be a split in the ranks of ex-servicemen. A substantial portion of the enlisted men and a few young officers will go Communist while the rest, under the leadership of the older officers, may go underground and attempt to gain a behind-the-scenes control of the right wing element in Japan. Bear in mind that these trends have not yet started. These thoughts are merely educated guesses as to what may take place if no positive force arises to cause otherwise.

One of the most interesting expressions of opinion that I heard was the constantly expressed hope among Japanese officers that the occupation would be a long one. This was prompted in part, of course, by the fear of being left helpless in the face of Russia, but also by the feeling that their way of life had been destroyed and that we must stay long enough to train a new generation which really understood our way of life. These men made no attempt to make me think that they approved of our way of life, but they felt that

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Japan's future was hopeless if we merely destroyed the old and then pulled out before establishing the basis for a new and stable form of existence. Democracy may be unpalatable but it is better than chaos.

The feeling toward the war was fairly uniform. There was no feeling of guilt; not even that they had made a mistake. The attitude was that of men who had taken a desperate but necessary gamble, done everything possible to ensure success, but had lost. To accomplish their objective of a Japan supreme in East Asia, they had had to go to war. They knew that their only chance lay in prolonging the war to the point where we would tire and give up. They failed, and admit their failure and the end of their hopes and ambitions, but they still think they took the only course open to them.

#### The Imperial Household:

This is the only group in Japan which has not been materially affected by the defeat and the occupation, and over which G.H.Q. has exercised no real influence. The impression I got was of a selfish group intent on preserving their special privileges, indifferent to events except as they would affect their own privileged positions. They are fearful of any outside influence reaching the Emperor, and are particularly worried lest American influences cause them to lose their hold over the Crown Prince. They pin their hopes on the British and, (perhaps as a result of wishful thinking), are fairly confident of success.

There seems to be some feeling among those interested in preserving the status quo that the Imperial Household may furnish a nucleus around which they can all gather. No steps seem to have been taken in this direction as yet and the jealousy of the *Munai* towards those without the pale may prove a serious barrier if, and when, such a movement starts. The idea is there,

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however, and events may force this small group of reactionaries to assume such a leadership for their own preservation.

#### The Protestant Church:

Christians throughout Japan had a terrible time just prior to and during the war. They were persecuted (on grounds of pacifism), hindered in their work and suffered their full share of the material damage caused by bombing. Their leaders, however, are full of hope and confidence and state that the occupation has caused a tremendous increase in converts.

The leaders of the Unified Protestant Church seem most anxious to preserve the unification which they have achieved. They admit that the Government encouraged and even required this amalgamation as a war-time measure, but insist that the movement had its inception in the Church more than twenty years ago and that it has been growing in strength ever since.

They will welcome missionaries but want to insure that those who come are cognizant of and sympathetic with conditions in the Protestant Churches of Japan and will not attempt to break the Union up again into denominations based on western theological thought. They point out that when the Scriptures and theological works are translated into Japanese and absorbed by oriental minds the differences in dogma are not so apparent as when they are written in a western tongue.

They appreciate the offers of help which they have received from churches abroad but feel that as long as the entire nation is in such an unhappy condition that it would be un-Christian and unwise for them to accept help which could only be used for themselves. These men were the most far-seeing, unselfish and devoted group with whom I came in contact.

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Women:

Ideas concerning the role which women will play in the New Japan were as varied and, generally speaking, as ill-considered as any I came in contact with. They ranged all the way from the belief that women's new freedom would spell the breakdown of the Japanese home to the hope that a Joan of Arc would arise and lead her country back to glory.

Clearly there has not yet been time or opportunity for thought on this subject to crystalize. Those few who were interested in the subject, however, felt that the most important role women could play in public life, at least initially, was in the field of education. Apparently there is a fear that the purge now in progress throughout educational institutions may result in the elimination of all real Japanese influence, tradition and culture. There is a hope that women can restore the best of such influences in Japanese education without undue emphasis on the militaristic side of Japanese tradition.

There is indeed a great opportunity for women here for Japan must retain a culture and a belief in those Japanese ideals which are essentially noble if she is to become a self-respecting nation. Japanese women, who have always been the guardians of that part of the national spirit would seem well qualified for this new task.

Conclusion:

I desire to stress once more that these are personal impressions gained as a result of conversations with a group of unimportant people whose only claim on my attention was that, in a confused and bewildered land, they had been thinking.

C. Stanton Babcock  
Colonel, GSC

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CONFIDENTIAL

REPORT ON  
THE FAR EASTERN COMMISSION'S  
TRIP TO JAPAN  
December 26, 1945 - February 13, 1946

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REPORT ON THE FAR EASTERN COMMISSION'S  
TRIP TO JAPAN, December 26, 1945 - February 13, 1946

I THE TRIP

The Far Eastern Commission visited Japan in order to consult with the Supreme Commander for the Allied Powers and to study conditions. Three full weeks were spent in Japan, most of the time in Tokyo, with week-end trips to Nikko-Sendai, and Kyoto-Nara-Kure-Hiroshima-Osaka. These side trips enabled the Commission to see the areas of Japan not damaged by the war and to realize the destruction in the cities which had been severely bombed. On the last day a visit was made to the 8th Army Headquarters at Yokohama and to the Yokosuka Naval Base. In Tokyo Army officers from the staff of SCAP usually met with <sup>the</sup> Commission daily, both mornings and afternoons, to describe the work of the occupation authorities. In addition the members of the Commission and the assistants had conversations with many Japanese and gained a good idea of the Japanese points of view.

A summary of the personnel of the Commission and of its daily activities has been prepared by the Secretary General and is attached.

II THE SUPREME COMMANDER FOR THE ALLIED POWERS

General MacArthur welcomed the Commission to Japan and facilitated its work in every way, especially by directing his officers in charge of the several sections of the Occupation Administration to appear before the Commission,

explain



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explain their work, furnish all requested material, and answer all inquiries. General MacArthur spoke to the Commission shortly before it left Tokyo and in strict confidence explained frankly his policies in regard to the treatment of Japan, his evaluation of conditions and his forecast of future developments and problems. A summary of General MacArthur's talk, which is to be regarded as secret, is attached.

### III REPORTS OF THE OCCUPATION OFFICIALS

At each session with the Commission, Army officers under SCAP described the work of their section and usually presented full mimeographed reports of the conditions which they faced and of their methods of meeting the resulting problems. After the formal presentation of their material they were usually questioned for some time by the members of the Commission. These Army officers were in the majority of cases civilian experts in their respective fields of administration, who were temporarily in military service.

Subjects which were presented included: organization of the Occupation Government, relations with the Japanese Government, public health and welfare, price control and rationing, natural resources of Japan, industry and the Zaibatsu, foreign trade, finance and the currency, the educational system, labor development, Japanese politics and political parties, the removal and exclusion of undesirable personnel from public office, war criminals, the Emperor

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the Emperor, and progress and problems in democratizing Japan.

An outstanding fact is that the Occupation authorities are the real government of Japan. They permit the Japanese Government a measure of initiative and action, but only within the framework of Occupation policy. SCAP issues many directives to the Japanese Government and watches to see that they are properly executed. The Report of the Government Section of SCAP states, "Government in Japan has become increasingly a matter of directive from the Supreme Commander rather than acts initiated by the Japanese Cabinet or Diet." The Office of SCAP, further, makes suggestions to the Japanese Government, as in the case of women's suffrage, which are dutifully carried out as if on the initiative of the Japanese. An illuminating instance of the close control of government by the Occupation authorities was shown during the recent sessions of the Diet, from November 26 to December 18, 1945. Most of the bills presented were Japanese Government bills. Each bill, however, was submitted to the Office of SCAP before it was presented. The U. S. Army officers watched the progress of the bill through the Diet, and when it was passed it was referred to SCAP for approval before it received Imperial sanction and was promulgated.

#### IV VIEWS OF THE JAPANESE

The Commission, through the individual contacts with

Japanese

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Japanese of its members and of the staff, obtained a good cross section of Japanese opinion, especially of the diplomatic, professional, educational and business elements.

The Japanese as a whole approve the personnel and the measures of the Occupation Government. The U. S. soldiers have made an excellent impression and General MacArthur is widely popular. The natural resentment of the Japanese against their former enemies has largely been turned against their own military leaders, for whose punishment there is a considerable demand.

The dominant interest of all classes is food, shelter, clothes and jobs. The problem of food is foremost, especially the difficulty of obtaining it in the cities and the haunting fear of starvation in the late spring when the present stocks will have been exhausted. The Japanese attributed the noticeable increase in crime in large part to efforts of the criminals to obtain food or the means by which to buy it. The Japanese desire to restore their industries and their export trade in order to obtain food from abroad, to prevent threatening mass unemployment, and to restore normal economic life. They frequently discussed the obstacles to be overcome and expressed the hope that ECAP would give them necessary assistance. They often pointed out that one pre-requisite for the revival of industry and foreign trade is a decision as to which Japanese factories the Allies will take for reparations.

Improvement

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Improvement in economic conditions, the Japanese stated, is essential not only to meet their basic physical needs, but as a necessary foundation on which a democratic state may be constructed. Democracy will not be accepted if it is regarded as synonymous with hunger and unemployment. The majority of Japanese are willing and often anxious to accept democratic institutions and a democratic way of life, with the implied condition that it will not lower and will probably improve their economic status.

In politics the interest of the Japanese is much less than it is in solving their economic problems. The danger of a return to power of the militarists was sometimes referred to, but it was generally regarded as slight, especially in any near future. There was an almost universal and deep fear, among the upper and middle classes, of Communism and of the Soviet Union. Many were under the apprehension that SCAP was favoring the Communists and left-wing Socialists, an impression doubtless due to SCAP's insistence on freedom of the press, assembly and discussion, which resulted to the advantage of the formerly proscribed parties and organizations. There was much discussion of a SCAP directive issued on January 4, 1946, which is popularly termed the Purge Directive. It bars from public office and from public life all men who had held in the past a designated list of public offices in the Government or in certain parties. This purge of those assumed to be militarists or prominent totalitarian leaders was generally

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was generally approved, but there was an almost equally strong feeling among the upper and middle classes that the directive was unjust in its application in certain cases, and purged men who were essentially liberal and anti-military, but who had at some time held one of the proscribed positions. No point was stressed more strongly by many Japanese than the advisability of a just, reasonable and fair-minded interpretation and application of this directive.

The future of the Emperor was discussed by every Japanese. Most of them felt strongly that the institution of the Emperor should be retained, but that it should be modified so that it would come to be similar to that of the British crown.

A surprising manifestation was the desire of many Japanese of the upper and middle classes that the Occupation should last a number of years. The reasons for this desire were that the Occupation would give stability, security against radical movements of Communists and socialists, time to enable the democratic changes to become firmly established, and protection for the democratic Japanese in the Government who might be regarded as Quislings if the Occupation were brief and its reforms had not taken root.

Several of those interviewed spoke of the confusion of thought among the Japanese, which resulted from the apparently sudden collapse of their Empire, the necessity  
of re-orienting

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of re-orienting their whole philosophy of life and the uncertainty of the future. This confusion of thought characterized even the Universities, notwithstanding the strong democratic trend manifested by the students.

As to the future, the opinion was earnestly expressed by some that the Occupation authorities and the Far Eastern Commission should direct and carry out reforms in Japan with moderation so that the reforms would last and democracy would be firmly established in Japan and not be cast off with the withdrawal of the Occupation forces.

Even more earnestly they stated that they would loyally carry out the directives issued by SCAP, but that they needed some assurance of hope to enable them to face the uncertainty of their future.

## V CONCLUSIONS AND PROBLEMS

### 1. Material Results of the War

Japan is a prostrate country. Its leading cities are largely in ruins. Its Empire with most of its essential raw materials is lost. Its foreign trade is non-existent. Its industries are demoralized. Its stockpiles of materials for manufacturing are meager. Its currency is inflated. Its stores and shops are largely empty. The low prewar standard of living has been reduced by one half; food is hard to obtain and clothes are shabby and poor.

The built-up area of Tokyo, by a careful estimate, has been 72% destroyed, although some of the largest buildings  
and hotels

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and hotels in the center of the city are intact. Between Tokyo and Yokohama, after leaving the suburbs of Tokyo, all buildings for some distance on both sides of the main thoroughfare are in ruins. Most of the other leading cities, including Yokohama, Kobe, Osaka, Nagoya, Kure, Hiroshima, and Nagasaki, are destroyed to such the same extent as Tokyo. Kyoto, however, is uninjured. Throughout rural Japan, towns, villages and the country-side have been generally undamaged.

One of the earliest and strongest impressions on one who has known Japan in the pre-war days is the comparative absence of goods of all kinds and the poor appearance of the clothes of both men and women.

According to an estimate by Professor Shiroshi Nasu of the Tokyo Imperial University, now a consultant on one of SCAP's sections and a recognized authority, Japan has lost one-third of its total wealth and from one-third to one-half of its total potential income. The actual present income is less than one-half of the pre-war level. The rural population in Japan, comprising 40% of the population, has a present standard of living about 55% of the pre-war level; the non-rural, about 35% of its pre-war level; and the nation as a whole, about one-half of the pre-war level.

## 2. The Administration of SCAP

One of the outstanding impressions of the visit to Japan was the excellence of the Supreme Commander's

administration

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administration of Japan. The Japanese generally approved the administration strongly. One of them, Mr. Saito, the head of the Japanese Y.M.C.A., voiced a widespread sentiment when he said: "The Japanese would elect General MacArthur Prime Minister of they had the opportunity." The members of the Commission often expressed their admiration for the work of the Occupation. One of them said that the high standards and achievements of General MacArthur's administration constituted the most impressive fact of the trip to Japan. The Army officers who were in charge of the several sections of the Occupation Government made reports to the Commission which were almost models of clarity, precision and mastery of their fields. The directives to the Japanese Government, based upon the directives from the JCS to SCAP, were generally regarded by the Commission and by the Japanese as wise, properly timed and well calculated to begin the elimination from Japanese Government and life of militarism and feudalism and <sup>to start</sup> the inculeation of the principles of democracy. Among the steps taken which were generally approved were the purging from Japanese public life of militarists and imperialists, the revision of the Japanese educational system, the beginning of the dissolution of the *shibatsu* and of the reform of rural landholding, and, at the same time, respect for the Japanese national sentiment by avoiding any action to depose or punish the Emperor.

Notwithstanding



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Notwithstanding this general approval of General MacArthur and his administration, Japanese occasionally presented suggestions and criticisms. They frequently said that SCAP should consult the Japanese before the issuance of directives, and that reforms should not go too fast nor too far to the left.

### 3. The Attitude of the Japanese

After the surrender both Americans and Japanese were surprised. The Japanese were surprised at the good conduct of the U. S. soldiers and the Americans at the cooperative attitude of the Japanese. The frequent prophecies regarding the conduct of the Japanese were not realized; there were no mass murders, no assassinations, no guerrilla warfare, no passive resistance. The Japanese accepted the defeat and carried out the directives of the Supreme Commander. Their attitude and conduct on the whole have been excellent, although the Occupation authorities feel that the Japanese Government has shown too little initiative and at times has delayed in executing orders. There are at least three factors which may explain in part the conduct of the Japanese: (1) they are habituated to obey the orders of the Government, and the Emperor ordered them to surrender and to carry out the directives of SCAP; (2) they were disillusioned with their own Government and military leadership, and turned to the U. S. authorities for a new and better leadership; and (3) throughout their history they have shown the ability to recognize a new situation and to adjust themselves to it.

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The Japanese have not shown hostility to U. S. soldiers or to other foreigners. Neither by looks nor actions have Japanese on the streets or in railroad stations manifested resentment against the Occupation forces or authorities. The convoy of cars carrying the members of the Commission was usually watched by crowds of Japanese with interest and curiosity, but never with signs of animosity. Children sometimes waved at those in the cars, and practically always responded with smiles and waving of hands when those in the cars took the initiative.

The mass of the Japanese have apparently accepted the idea that Japan is to become a non-militaristic, democratic state, and many are looking forward with anticipation to the introduction of democracy as a superior system which the United States is helping to establish. Thoughtful persons often refer to Japan's future role in the Far East as similar to that of Sweden in Europe and to Japan's leadership as limited to the fields of culture.

There is, however, as already pointed out, much confusion of thought in Japan as a result of the collapse of their militaristic-authoritarian system of government. The permanence of their conversion to democracy may depend on its ability to produce an acceptable standard of living and a respected position for Japan within the family of nations.

#### 4. Food

#### 4. Food

Food is the foremost topic of conversation and the most acute problem in Japan. Although there is at present an adequate supply in the rural sections, many in the cities find it difficult to obtain sufficient food. The Chief of the Price Control and Rationing Division of SCAP reported to the Commission that "there exists a definite food shortage in Japan today," and "a serious mal-distribution of the available supply of food."

Certain statistics of food consumption, based on averages, give the impression that the city people enjoy a sufficient minimum subsistence. The Chief of the Public Health and Welfare Section of SCAP reported that on the basis of an examination of 33,000 persons in the Tokyo area the average daily caloric intake of the population in December, 1945, - January, 1946, amounted to 1,971 calories. It was recommended by the same authority that 1800 calories daily was necessary "to maintain the Japanese in a minimum nutritional state;" that on 1500 calories a day they can exist for two or three months, but after that "you will begin to fill up the hospitals with individuals suffering from mal-nutrition and you will have large groups who will actually starve to death." If all persons in Tokyo could actually obtain a daily intake of 1,971 calories, it would be adequate for a minimum subsistence, although Americans average some 3500 calories each day. But many persons in Tokyo do not receive even a minimum subsistence.

The official

The official daily ration, which may be bought by those who have ration cards and the necessary money, must be supplemented by food from the black market. The Chief of the Price Control and Rationing Division stated to the Commission, "It is therefore necessary for people to resort to the black market in order to exist." Additional food is also obtained from the country by those fortunate enough to obtain it there. Prices in the black market are excessively high. Rice, the staple, sells in the black market for 100 times the official food price; various kinds of fish for 10, 14 and 19 times the official price. A large proportion of the population of Tokyo cannot pay these prices from their regular incomes. A school teacher who receives a salary of ¥100 or ¥120 a month cannot pay ¥150 for half a dozen sardines or ¥84 for a dozen eggs. They use their savings, separation allowances, and sell their homes and possessions.

But savings, possessions and food are all being exhausted. In Tokyo people form long lines leading to the railroad station daily to take trains to the country in search of food; sometimes they stand for three days before getting on board, each night returning home and in the morning resuming the positions they occupied the evening before. Many students cannot leave the country for the universities since they cannot obtain food in the cities. The Industrial Division, Economic and Scientific Section, SCAP, reported food as the first shortage which resulted in the stagnation of industry in Japan.