

Judiciary, or any duly authorized subcommittee thereof, in connection with its study and investigation of the anti-trust and antimonopoly laws of the United States pursuant to Senate Resolution 57, 85th Congress, agreed to January 30, 1957, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132¹ and 6133,² relating to the inspection of returns by committees of the Congress, approved by me on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 17, 1957.

EXECUTIVE ORDER 10713

PROVIDING FOR ADMINISTRATION OF THE RYUKYU ISLANDS

WHEREAS under Article 3 of the Treaty of Peace with Japan the United States is exercising all and any powers of administration, legislation and jurisdiction over the territory, including territorial waters, and inhabitants of the Ryukyu Islands (the term "Ryukyu Islands," as used in this order, meaning Nansei Shoto south of 29° north latitude, excluding the islands in the Amami Oshima group with respect to which all rights and interests of the United States under the said Article of the Treaty have been relinquished to Japan):

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution, and as President of the United States and Commander-in-Chief of the armed forces of the United States, it is ordered as follows:

SECTION 1. Except as the Congress may otherwise provide by law with respect to the government of the Ryukyu Islands, all administrative, legislative, and jurisdictional powers reposed in the United States by Article 3 of the Treaty of Peace with Japan shall be exercised in accordance with this order.

SEC. 2. The said powers shall be exercised by the Secretary of Defense, subject to the direction and control of the

President of the United States. In the exercise of this authority the Secretary of Defense shall encourage the development of an effective and responsible Ryukyuan government, based on democratic principles and supported by a sound financial structure, shall make every effort to improve the welfare and well-being of the inhabitants of the Ryukyu Islands, and shall continue to promote the economic and cultural advancement of the inhabitants. The Secretary of Defense may delegate any function vested in him by this order to such officials or organizational entities of the Department of Defense as he may designate.

SEC. 3. The Secretary of State shall be responsible for the conduct of relations with foreign countries and international organizations with respect to the Ryukyu Islands.

SEC. 4. There is established, under the jurisdiction of the Secretary of Defense, a civil administration of the Ryukyu Islands, the head of which shall be known as the High Commissioner of the Ryukyu Islands (hereinafter referred to as the "High Commissioner"). The High Commissioner (a) shall be designated by the Secretary of Defense, after consultation with the Secretary of State and with the approval of the President, from among the active duty members of the armed forces of the United States, (b) shall have the powers and perform the duties assigned to him by the terms of this order, (c) may delegate any function vested in him to such officials of the civil administration as he may designate, and (d) shall carry out any powers or duties delegated or assigned to him by the Secretary of Defense pursuant to this order.

SEC. 5. There is hereby continued, subject to the provisions of this order, the now existing Ryukyuan central government (hereinafter referred to as the Government of the Ryukyu Islands).

SEC. 6. The legislative power of the Government of the Ryukyu Islands, except as otherwise provided in this order, shall be vested in a legislative body whose members are directly elected by the people of the islands. The legislature shall consist of a single house of 29 members who shall be elected biennially in even numbered years from single representative districts.

SEC. 7. The legislative body shall exercise legislative powers which extend

¹ 26 CFR 301.6103 (a)-101.

² 26 CFR (1939) 458.324.

only to all subjects of legislation of domestic application. The legislative body shall determine the procedures for judging the selection and qualification of its own members and shall choose therefrom its officers and determine its rules and procedures. Local legislative bodies, the members of which shall be elected by the inhabitants of the respective municipalities in accordance with procedures established by the legislative body of the Government of the Ryukyu Islands, shall be given and shall exercise appropriate municipal legislative powers. The High Commissioner shall report to the Secretary of Defense all laws enacted by the legislative body of the Government of the Ryukyu Islands and the said Secretary shall report the same to the Congress of the United States.

Sec. 8. The executive power of the Government of the Ryukyu Islands shall be vested in a Chief Executive who shall be a Ryukyuan, appointed by the High Commissioner after consultation with representatives of the legislative body. The Chief Executive shall have general supervision and control of all executive agencies and instrumentalities of the Government of the Ryukyu Islands and shall faithfully execute the laws and ordinances applicable to the Ryukyu Islands. The head of each municipal government shall be elected by the people of the respective municipality in accordance with procedures established by the legislative body of the Government of the Ryukyu Islands.

Sec. 9. Every bill passed by the legislative body shall, before it becomes law, be presented to the Chief Executive. If the Chief Executive approves a bill he shall sign it, but if not he shall return it, with his objections, to the legislative body within fifteen days after it shall have been presented to him. If a bill is not returned within the specified fifteen day period, it shall become law in like manner as if it had been approved by the Chief Executive, unless the legislative body by adjournment prevents its return, in which case it shall be law if approved by the Chief Executive within forty-five days after it shall have been presented to him; otherwise it shall not be law. When a bill is returned to the legislative body with objections by the Chief Executive, the legislative body may proceed to reconsider it. If, after such reconsideration two thirds of the legislative body pass it, it shall be sent to

the High Commissioner. If the High Commissioner approves it, he shall sign it. If he does not approve it, he shall return it to the legislative body so stating, and it shall not be law. If the High Commissioner neither approves nor disapproves the bill within forty-five days from the date of transmittal to him by the legislative body, it shall become law in like manner as if he had signed it. If any bill approved by the legislative body contains several items of appropriation of money, the Chief Executive may object to one or more of such items or any part or parts, portion or portions thereof, while approving the other items, or parts or portions of the bill. In such case, the Chief Executive shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, objected to, and the items, or parts or portions thereof, so objected to shall not take effect. Should the legislative body seek to over-ride such objections of the Chief Executive, the procedures set forth above will apply. In computing any period of days for the foregoing purposes, Sundays and legal holidays shall be excluded.

Sec. 10. Judicial powers in the Ryukyu Islands shall be exercised as follows:

(a) A system of courts, including the civil and criminal courts of original jurisdiction and appellate tribunals, shall be maintained by the Government of the Ryukyu Islands. These courts shall exercise jurisdiction as follows:

(1) Civil jurisdiction in all civil cases, subject to the provisions of paragraphs (b) (1) and (2), below.

(2) Criminal jurisdiction over all persons except (a) members of the United States forces or the civilian component, (b) employees of the United States Government who are United States nationals even though not subject to trial by courts-martial under the Uniform Code of Military Justice (10 U. S. C. 801 et seq.), and (c) dependents of the foregoing, provided, nevertheless, that subject to paragraph (c), below, criminal jurisdiction may be exercised by Courts of the Government of the Ryukyu Islands over dependents who are Ryukyuan. Criminal jurisdiction may be withdrawn from the courts of the Government of the Ryukyu Islands by the High Commissioner in any case which affects the security, property, or interests of the United States and which is so designated by him.

(b) A system of courts, including civil and criminal courts of original jurisdiction and appellate tribunals, shall be maintained by the civil administration. These courts shall exercise jurisdiction as follows:

(1) Civil jurisdiction over any case or controversy of particular importance affecting the security, property, or interests of the United States, as determined by the High Commissioner. Such cases instituted in a court of the Government of the Ryukyu Islands shall be transferred to the appropriate civil administration court upon order of the High Commissioner at any time in the proceedings, including final appellate process, prior to the entering of final decree, order or judgment. Cases so transferred may be subject to trial *de novo* in the discretion of the court of the civil administration.

(2) Civil jurisdiction in cases and controversies in which a member of the United States forces or the civilian component thereof, an employee of the United States Government who is a United States national, or a dependent of one of the foregoing, unless such dependent is a Ryukyuan, is a party if upon petition of one of the parties to the suit the High Commissioner deems the case to be important in its effect, direct or indirect, on the security of the islands, on foreign relations or on the security, property or interests of the United States or nationals thereof and determines that the civil administration should assume jurisdiction over the case. In this event, such cases instituted in a court of the Government of the Ryukyu Islands shall be transferred to the appropriate civil administration court by order of the High Commissioner at any time in the proceedings, including final appellate process, prior to the entering of final decree, order or judgment. Cases so transferred may be subject to trial *de novo* in the discretion of the court of the civil administration.

(3) Criminal jurisdiction over United States nationals employed by the United States or any agency thereof who are not subject to trial by courts-martial under the Uniform Code of Military Justice (10 U. S. C. 801 et seq.) and their dependents, excluding Ryukyuan.

(4) Criminal jurisdiction in specific cases of particular importance affecting

the security, property, or interests of the United States, as determined by the High Commissioner. Such cases instituted in a court of the Government of the Ryukyu Islands may be transferred to the appropriate civil administration court upon order of the High Commissioner at any time in the proceedings, including the final appellate process, prior to the entering of final decree, order or judgment. Cases so transferred may be subject to trial *de novo* in the discretion of the court of the civil administration.

(c) Criminal jurisdiction over persons subject to trial by courts-martial under the Uniform Code of Military Justice (10 U. S. C. 801 et seq.) will be exercised by courts other than courts-martial only when the military commander concerned determines not to exercise military jurisdiction under the Uniform Code of Military Justice and specifically indicates to the High Commissioner his approval of referring the case to another court.

(d) The highest appellate court of the civil administration shall have jurisdiction to review:

(1) Any case, civil or criminal, tried in the inferior courts of the civil administration, whether initiated therein or removed thereto, upon appeal by any party.

(2) Any case, civil or criminal, decided by the highest court of the Government of the Ryukyu Islands having jurisdiction thereof in which is involved

(i) a conflict of decision between the highest court of the Government of the Ryukyu Islands and the highest appellate court of the civil administration or

(ii) a question of United States, foreign or international law, including the interpretation of any treaty, Act of Congress of the United States, Executive order of the President of the United States, or of a proclamation ordinance or order of the High Commissioner

upon appeal by any party or, if no such appeal be taken, upon petition, setting forth the special grounds therefor, presented to the court by the Chief Legal Officer of the civil administration. The highest appellate court of the civil administration shall have power to affirm, modify, set aside or reverse the judgment, order or decree reviewed or to remand the case with such directions for a new trial or for entry of judgment as

may be just. In a criminal case, the appellate court may set aside the judgment of conviction, or may commute, reduce (but not increase) or suspend the execution of sentence.

(e) Nothing in this section shall be construed as extending to any court of the Government of the Ryukyu Islands or of the civil administration, jurisdiction over the United States Government or any agency thereof unless specific authority has been conferred in the premises by the Congress of the United States.

(f) For the purpose of these provisions the expression

(1) "Members of the United States Forces" shall mean the personnel on active duty belonging to the land, sea or air armed forces of the United States of America whenever in the Ryukyu Islands.

(2) "Civilian component" shall mean the civilian persons of United States nationality who are in the employ of, serving with, or accompanying the United States Forces whenever in the Ryukyu Islands.

(3) "Dependents" shall mean the spouse and any child or relative by affinity, consanguinity or adoption when dependent upon the principal for over one-half of his or her support whenever in the Ryukyu Islands.

Sec. 11. The High Commissioner may, if such action is deemed necessary for the fulfillment of his mission under this order, promulgate laws, ordinances or regulations, with due regard to the provisions of section 2 hereof. The High Commissioner, if such action is deemed by him to be important in its effect, direct or indirect, on the security of the Ryukyu Islands, or on relations with foreign countries and international organizations with respect to the Ryukyu Islands, or on the foreign relations of the United States, or on the security, property or interests of the United States or nationals thereof, may, in respect of Ryukyuan bills, laws, or officials, as the case may be, (a) veto any bill or any part or portion thereof, (b) annul any law or any part or portion thereof within 45 days after its enactment, and (c) remove any public official from office. The High Commissioner has the power of reprieve, commutation and pardon. The High Commissioner may assume in whole or in part, the exercise of full authority in the

islands, if such assumption of authority appears mandatory for security reasons. Exercise of authority conferred on the High Commissioner by this section shall be promptly reported to the Secretary of Defense who shall inform the Secretary of State.

Sec. 12. In carrying out this order, including section 11, the High Commissioner shall preserve to persons in the Ryukyu Islands the basic liberties enjoyed by people in democratic countries, including freedom of speech, assembly, petition, religion and press, and security from unreasonable searches and seizures, and from deprivation of life, liberty or property without due process of law.

Sec. 13. The Secretary of Defense may issue such further instructions as may be necessary for the carrying out of this order.

Sec. 14. Except as they may be inconsistent herewith, the proclamations, ordinances, and directives heretofore issued by the existing civil administration and its predecessor military government agencies shall continue in force and effect until modified, revoked, or superseded under the authority of this order. No proceeding, either civil or criminal, pending in any court of the Government of the Ryukyu Islands or of the civil administration of the Ryukyu Islands on the date of this order shall abate by reason of this order; and any such proceeding shall be conducted and concluded in accordance with the laws, ordinances, proclamations, and directives in effect immediately before the date of this order.

Sec. 15. This order shall become effective immediately, but until its provisions shall severally become operative as herein provided, the legislative, executive and judicial functions now vested in the civil administration and the Government of the Ryukyu Islands, shall continue to be exercised as now provided by law, ordinance, proclamation or directive, and the incumbents of all offices under the civil administration or the Government of the Ryukyu Islands shall continue in office until their successors are appointed or elected and have qualified, unless sooner removed by competent authority.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

June 5, 1957.