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substance of our talk in the way that you have presented it. However, it does give his general opinion (MI 002) and I'd like you to look it over while we are discussing it.

I know through his statement that the past Diet is completely unsatisfactory and it is imperative that the more representative body be organized at the earliest possible date. That's one point that he makes that you should note.

SIR FREDERIC EGGLESTON: This Diet was elected during the war or before the war?

SECRETARY-General: In 1942.

CHAIRMAN: I think there is no doubt about the statement there that the present Diet is completely unsatisfactory. The Japanese Diet elected in 1942 was resolved in December 1945 and general elections for the new Diet were scheduled for the end of January. That has been postponed from January 1 to March 31 and then to April.

SIR FREDERIC EGGLESTON: There's another point and that is under the present Japanese constitution a new Diet must be elected within five months, or convened. Less than five months.

MR. NOVIKOV: Mr. Chairman, may I ask you when the decision of postponing the elections was taken.

SECRETARY-General: On February 25 the Japanese Government decided to postpone it.

MR. NOVIKOV: The first one from January?

CHAIRMAN: They were scheduled for the end of January. That was the original time.

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They were postponed and then SCAP under its authority directed the Japanese Government to postpone the elections until sometime after March 15 and they selected March 31. Then more recently than since we were out there they have been postponed again to February 25, and then April 10.

MR. NOVIKOV: Whose decision was it to postpone the elections?

CHAIRMAN: The Japanese Government.

MR. NOVIKOV: The decision of the Supreme Commander.

SIR FREDERIC EGGLESTON: If you postpone the elections are you going to have a continuance of the situation? Of course, its authority to carry out any legislation during that period is very slender.

MR. NAGGIAR: Mr. Chairman, the question raised by our Secretary-General and supported by Sir Carl seems to me quite within the power of the Commission. The Commission had the power to ask for the terms of reference in the Moscow Conference.

(Mr. Naggiar read from page 11 of "Moscow Meeting of Foreign Ministers, December 16-26, 1945" as follows:)

"The functions of the Far Eastern Commission shall be:

"1. To formulate the policies, principles, and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished.

"2. To review, on the request of any member, any directive issued to the Supreme Commander for the Allied

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Powers or any action taken by the Supreme Commander involving policy decisions within the jurisdiction of the Commission."

I think on the opinion the Commission has the right to make a study of the question raised about the election in Japan, but I wonder if the Commission would go so far as to express an opinion about the date of the election.

Would it not be better for us, while agreeing on the point that the elections have to be made under such circumstance that all democratic parties have a fair chance to express a view, to express our opinion on that principle and let the Supreme Commander know that the general opinion of the Commission is that the election be made under such circumstances that all democratic parties have a fair chance; so we won't take sides about the date -- either postponement or no postponement of the election. But we will share no responsibility about expressing a view on the date, but we will take our responsibility on expressing the view on the principle that the elections are to be made in such a way that all democratic parties in Japan have a fair chance to be represented. We can express that view on the elections so the Supreme Commander will have his full responsibility, but at the same time he will know our express wishes in regard to the fact that the elections are to be made in such a way that all democratic parties have a

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fair chance to represent themselves.

DR. WEI: Mr. Chairman, I agree with the view expressed by Mr. Naggiar the delegate of France. I think this question of the date of the election is rather a question of execution of policy rather than a question of policy itself. If that is true, it seems to me that it would be better to leave this question to the Allied Council which is in charge of the execution of the policy of the Commission.

CHAIRMAN: (Looking at Doc. MI-002) It states that the election laws are now sufficiently democratic enough to provide an opportunity for the expression of the popular view. Therefore, it will be probable that the new Diet will be the most truly responsible Diet of the will of the people in Japan. In any case it will be a great improvement along democratic lines over the last Diet. If it does not prove to be it is always within the power of the Supreme Commander to require dissolution of the Diet and the holding of a new election at a later date.

Let us suppose for a moment that the Supreme Commander did agree with Sir Carl and set another date. Under the Japanese law it would probably have to be within a limited time. April 10 or June 10, or July or August wouldn't make much difference possibly in this particular thing. Now, for instance, take the point Sir Carl made about the repatriated soldiers -- possibly a million and a half more to come back,

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to return to their homes. I think there have been about four million already returned to their homes from the forces in Japan and those that have been already repatriated are in Korea and China. I got the impression that that was unfortunate from a liberal point-of-view. I think the returned soldiers will be the ones who will vote for the old regime. I was hoping the election could be held before the other million and a half or two million get back and support what might be called the "old regime."

I think we are under great difficulties there if we try at this distance to set a date or influence the date excepting that it is a matter of opinion. It seems to me that those will consider all these points very carefully and the great differences of opinion as to a date, but the dates range within a comparatively short time, I am informed, and I think the points you make wouldn't be covered by any date that was considered feasible.

If General MacArthur finally had to make the decision to get a better Diet than the one he's got now and one more subject to what might be called public opinion and democratic processes or tendencies, I'm very much impressed the more I think of it as to the points of all, and especially that new point which we didn't consider on board ship, that's the fact that this new Diet will also pass possibly on the constitution.

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However, I think we will discuss that later on and I think we have a check there that would prevent and where we very properly should come in on broad policy to make sure that the conservative or reactionary government did not change that constitution as it now is.

I haven't read the constitution, but I have just had the analysis of it from the newspapers and from the personal approval of the Supreme Commander, and I would judge that there was a remarkable change on the part of the Japanese Government, at the head of whom is Mr. Shidehara who must have a good deal of influence in this affair and who himself is certainly the outstanding liberal in Japan; has been through all the years he has been in public life. He is one man who has been consistently not only against the aggression of Japan on the Continent but against the whole policy of the military dictatorship there through the last ten years. In fact, they twice attempted to assassinate him and my remembrance goes back to the fact that the whole Japanese Government was perfectly willing to commit aggressions on their neighbors. There was quite a group around the Emperor that were against going to war with the United States and Great Britain, and other neighbors, but Shidehara was one of the few who stood out against any kind of aggression. He was against the conception of military aggrandizement on the Continent and particularly

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against Great Britain and the United States.

With that background and the feeling that Mr. Shidehara probably had a good deal of influence on this new constitution, I would think it possible in that sense, even though the Diet is reactionary, that there is still a leadership there on the part of the Premier and possibly a few others that I don't know, that would be very willing to be guided by the SCAP in consideration of this constitution for the Diet. In any case, no Diet can adopt the constitution without being passed on by this Commission so that that point I think will be covered. But I do think that we should have had some very good points there for us all to consider in the light of the opinion of Mr. Naggier and the Ambassador from China.

On the point that needs careful consideration, I have some facts on the case that I will also lay before you in the way of certain information that has not been put before you.

(The Chairman read as follows:)

"DATE OF ELECTION IN JAPAN

"The Authority Respectively of
"The SCAP and of the Far Eastern Commission

"I. Facts in the Case.

- "1. The Japanese Diet elected in 1942 was dissolved in December, 1945 and general elections for the new Diet were scheduled for the end of January, 1946.

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- "2. SCAP, acting under his recognized authority, directed the Japanese Government to postpone the elections until some time after March 15. The Japanese Government designated March 31 as election day.
- "3. The Japanese Government, on February 25, postponed the elections to April 10.
- "II. Fixing the date of an election is essentially an executive act and not a policy decision. It falls, therefore, within the competence of the SCAP and not of the Far Eastern Commission.
- "III. Authority of SCAP.
- "1. The Allied Reply to Japan, on August 11, 1945, sent on behalf of the U. S., the U. K., the U. S. S. R. and China, stated: 'From the moment of surrender the authority of the Emperor and the Japanese Government to rule the state shall be subject to the Supreme Commander of the Allied Powers who will take such steps as he deems proper to effectuate the surrender terms! (The surrender terms include the Potsdam Declaration.)
- "2. The Terms of Reference for the Allied Council, December 27, 1945, state: 'The Supreme Commander shall issue all orders for the implementation of the Terms of Surrender, the occupation and control of Japan, and directives supplementary thereto.'
- "IV. The Far Eastern Commission is not an executive body. Its functions are practically limited to formulating policies, which SCAP is to implement, and to review, at the request of any member, any directive issued to the SCAP or any action taken by the SCAP involving policy decisions within the jurisdiction of the Commission.
- "V. Since the holding of an election for a new Diet is a normal method of carrying out the Allied policies stated in the Potsdam Declaration, the fixing of the date for election is merely an implementation of these general policies and falls within the competence of SCAP."

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Now that's just what might be called the bare process of policy and implementation.

I doubt if any date that could be fixed either by him and by his staff or by us, if we had the power to do it, would meet your statement (To Sir Carl). I mean the time is a mere matter of opinion after everybody has been heard.

I feel that just from the different postponements already made that the Supreme Commander has given full consideration to the varied opinions that have been presented on the time of holding the election. There is one hope that I might have.

Is Mr. Norman here this morning from Canada?

MR. NORMAN: Yes, I am here.

CHAIRMAN: Good morning. Mr. Norman knows more about the background than any of us, having served on that group that has consulted and advised the Supreme Commander and presumably they had a good many differences of opinion. Possibly, just for our enlightenment as to what occurred out there up to the time we left Mr. Norman might give us a little background. I would be very glad myself to have him do it. Would that be agreeable to you, Mr. Ambassador?

MR. PEARSON: Quite.

MR. NORMAN: General McCoy, as I recall the question of the election was first raised by the Japanese Government itself without any sanction from SCAP some time late in '45, and the assumption was that elections would take place in January.

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Shortly before the time when it was legally required for candidates to fill their candidacy SCAP intervened and requested a postponement of the election from January 15.

CHAIRMAN: Do you remember what caused that postponement? What were the reasons given?

MR. NORMAN: The Japanese Government had no authority on its own account to hold an election. It had to be sanctioned by SCAP and as I understand it such sanction had never been received. They had simply gone on the assumption that they could hold an election and at no time -- maybe I am entirely incorrect -- did they receive that sanction from SCAP and I think that was pointed out too, and they had to postpone the elections.

CHAIRMAN: Were these points that have been raised here considered from your remembrance?

MR. NORMAN: Yes. They regarded it as premature in January to have elections. Then, of course, what was not known to the Japanese Government then was that the purge directive of January 4 was being prepared and it would have been quite chaotic to have held an election a few days after that had been issued. Therefore, SCAP in order to have the effect of that purge permeate through the country had to postpone the election for reasons of its own smoothness of control. There were, as you point out, sir, various considerations on both sides as to how far the election should be postponed. There was some opinion expressed

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within the headquarters that it might start with local elections as a sampling process and then the other consideration, which I am sure bore considerable weight, was that to prolong the holding of elections too long would make it difficult to carry on the normal functions of government, the argument that the Supreme Commander has set forth in that communication, and obviously it had to be a balance between two evils as it were. There's much to be said on both sides. There was at the time I left I think considerable feeling amongst the staff officers that March 31 was somewhat early for the democratic forces to have mustered their full strength. What has happened since then within Japan I'm in no position to say. I haven't heard any detailed news. Political currents move very rapidly there and obviously SCAP is in the position to be much better informed on that point than we are.

MR. BAJPAI: I naturally find it difficult to rush in when some of my betters have so far refused to tread, but it is a question of considerable importance. I quite agree with what the Ambassador from France and the Ambassador from China have said; namely, that the fixation of a date is not a question of policy; undoubtedly, the fixation of the date is a question of detail. But the question whether the circumstances are ripe for an election which will produce the fullest possible mobilization of democratic opinion in Japan -- that question does

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not seem to me to be a question of detail. I think it is more than a question of detail because the very basis of an approach of this problem of framing a new constitution is whether or not the psychology of the people is ripe for certain consideration. It's perfectly true it must be a matter of judgement as to whether the Supreme Commander's judgment of the local situation is best or whether some gentlemen who have been more recently to Japan -- whether that is to be the judgment trusted. I wouldn't give to myself the insidious position of deciding. I am in that unfortunate position of not having been to Japan and even if I had been I couldn't help very much in the rather hurried visit we paid to those islands.

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But it seems to me when you do have a fundamental difference of opinion in this atmosphere as to whether the decision is appropriate or not the least we can do here in fairness to our colleagues here is that we put it to the Supreme Commander that the conditions there for holding an election are not right. That's one point I wish to make, Mr. Chairman. The other point I wish to make is that may be in the last resort the judgment of the Supreme Commander as to the appropriateness of the moment will overcome those who have not had the opportunities for observing that for themselves. But there is a new factor and that new factor is the promulgation of a constitution, the consideration of which must be the task of the new Diet and before the new Diet comes into being it must be the task of the people, I mean, after all, the new Diet must have a mandate from the people. Now is it conceivable that between the tenth or twelfth of March, whenever this constitution is promulgated, and the tenth of April a country disorganized, disrupted in a variety of ways, in a psychological and economic chaos, would be in a position to say "This is the right constitution for us." Those, Mr. Chairman, to my mind, are considerations which are very very important, and while I do not presume to question either the authority or the judgment of the Supreme Commander and although I recognize that it may be impossible for us to

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get unanimity around this table on all the arguments which Sir Carl Berendsen put forward, I think the matter is of sufficient importance to justify our communicating to the Supreme Commander that these are the considerations which have come to the minds, if we have the right to put it impersonally, of some of those who are interested in this question. Personally, I wouldn't mind saying they are the opinions of some of the members of the Commission and, therefore, the Commission would be glad to have its comments on this point. Maybe when we receive the reply we will all decide with the Supreme Commander and pronounce in favor of the tenth of April.

But for the reasons I have ventured to put forward, maybe with feeble clarity and not adequate force, I feel strongly on the subject. It seems to me that those reasons are sufficiently valid to justify in substance the course which Sir Carl Berendsen represents. I would like to say in conclusion, Mr. Chairman, that I don't wish anybody around this table to feel that there is a conspiracy of the British Commonwealth to support a certain point-of-view. More often the representatives of the British Commonwealth speak with different points-of view.

MR. PEARSON: Mr. Chairman, following up what Sir Girja has said and in an effort to focus the discussion on a resolution, I wonder whether the Commission could agree and pass a resolution to this effect:

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That it should call the attention of the Supreme Commander to the essential requirement that all democratic parties have a full opportunity to express their views in any election that might be held and the effect on this requirement of the issue of a new constitution. Then, ask the Supreme Commander whether in his view this requirement can be satisfactorily met if the elections are held on the date suggested. If his answer is in the affirmative tell him that the Commission would be most grateful if he could refer to it the information and evidence on which this conclusion was based.

CHAIRMAN: We have two motions now essentially the same but a little bit more based not so much on the date or upon the postponement as upon the information and consideration that influenced fixing that particular time. Possibly these might be referred back to the committee that has brought forth to prepare for our consideration a statement to the Supreme Commander covering the discussion here and requesting a form of explanation of his attitude and contention, something of that sort. Is that agreeable?

SIR FREDERIC EGGLESTON: Mr. Chairman, there are one or two questions that I would like to bring before the Commission. I think there are legal and constitutional issues which we can't ignore even though we may have the right to interfere in any way you like in the legal setup in Japan. As I understand it the Diet was elected in 1942 and this government of Shidehara

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was responsible to that Diet. The government of Shidehara dissolved the Diet in December and is now acting without a Diet, without any parliamentary majority to support and, therefore, its power is exceedingly weaker than it would be if it did have a Diet. Now under the Japanese law the Emperor has the right to legislate in cases of urgency or when the Diet is not sitting. That's set out in the Japanese constitution. The Japanese constitution also provides that the new Diet shall be convoked in five months of the dissolution of the old Diet.

Now if we postpone the election -- and I haven't made up my mind and my government has not made up its mind as to whether it should be postponed or not -- we will run into two difficulties. First, that the present government is only a government without a parliament, without a Diet; and, secondly, that the new Diet must be convoked within five months and, therefore, the election must be held at least three weeks, I should say, or a month before the expiration of the five months. Now we are, I understand, acting through the Japanese state and the question is whether it is wise to take a course which is not authorized by the legal and constitutional framework of the Japanese state.

Now there is another point which is important and that is General MacArthur believes, as he said I understand, that

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it is essential that the government should be in operation which is responsible to a Diet. Anybody who knows anything about constitutional work knows that the ministry's authority, when the Diet is not sitting and when it has not got the support of the majority in the Diet, is exceedingly weak and he thinks we should have a new Diet. The question is whether if he has a new Diet and it doesn't sit satisfactorily he will be in the sufficiently powerful position to order the discussion of that Diet at any time he thinks. There is no doubt that he has legal authority to do so, but what reaction would it create with the Japanese people. Those things, I think, ought to be considered. I feel a little bit dubious as to whether we would get as good a Diet as possible, and as we can, on the tenth of April, and how it should act would be a matter for consideration and election. That's all I can say at present. I don't know whether it is possible to postpone this discussion or whether we should take a vote today. I would be prepared, I think, and I think it is consistent with what I have said, to refer the matter back to the Supreme Commander. But I do think it is desirable to act legally. The Japanese are themselves a legalistic people and if we had a Diet it would have a considerable affect on the respect with which the Japanese people pass their legislation. I should have thought also that in the present state of disorganization of Japan the old authorities are completely

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discredited and what I am most afraid of is that if things go on the old Japanese pattern will reassert itself and we may not gain by a postponement.

CHAIRMAN: There is one thing to add to that that General MacArthur is conscious of and which he expressed in a statement to me and that is that this directive of his which purged the political leaders of the old regime does give hope that at least none of the old leaders will be in the new Diet. It will be a completely new Diet of leaders who have not taken part in this aggressive action of Japan either on the Continent or in the present war. So that that has had his consideration in getting what might be called a better Diet -- "One not tainted" I think he expresses it, by this election. Of course, as Sir Frederic notes, if the Diet is not satisfactory he can hold another election and get one that is satisfactory. You can see from the discussion around the table that it is a very complicated thing and it seems to me that we are not in a position to discuss it without due consideration of all the problems which confront him. However, I would feel that if the Commission wishes to pursue the matter that it ought to go to the Steering Committee to consider this constitutional phase, which is new to me, and also the discussion around the table and the very interesting opinions that have been presented.

The Secretary-General informs me that the latest date

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would be in May so that therefore it wouldn't be more than a month.

SIR GEORGE SANSOM: Mr. Chairman, isn't that on the assumption that we maintain the present Japanese constitution?

SECRETARY-GENERAL: We are acting under it. They are now acting under the present constitution.

SIR CARL BERENDSEN: For this particular purpose you are considering the present constitution and I am all for it, but for any other occasion we can ignore it. What's the good of entry if you are going to be bound by their silly rules. But in ignoring it we want to be sure that we are right and that's what concerns me. In a question of this sort we know that in our own country on the date of an election every political party pulls for either an earlier date or a later date and somebody has to make a decision and General MacArthur has done that now three times and it seems to me he is quite within his rights to do it and that he is safeguarded by his ultimate power to hold other elections when he feels that the time is ripe. Certainly, we couldn't tell him here when that time is.

CHAIRMAN: Are there any other comments on this point?

MR. NAGGIAR: Mr. Chairman, I have heard with interest the proposal made by the Canadian Ambassador. The proposal of Mr. Pearson is more or less along the line of the Commission's given sometime ago and I wish to know if we are going to take

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a decision on the Canadian proposal now. You just spoke of two motions.

CHAIRMAN: Sir Carl made a prior motion which I will read to you.

SIR CARL BERENDSEN: Which, sir, I have the painful recollection that no one has seconded.

CHAIRMAN: No, nor has anybody seconded that of Canada. We are still in the process of proper discussion around the table. The first motion was: "In existing circumstances the Far Eastern Commission is of the opinion that there should be a further postponement of the Japanese elections, but before further considering the matter requests that a very early expression of the Supreme Commander's views be obtained through the proper channel."

I would feel that the early part of this motion was not the sentiment of the Commission; that there should be a further postponement right off the bat before we get this opinion of the Supreme Commander. It seems to me that the Canadian motion might be proposed again.

MR. PEARSON: I can give you the substance of it, though not in the same words. It was merely that the Commission differs from Sir Carl Berendsen's motion that he go on record against the present proposed date of an election. Mine doesn't

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go on record at all. It merely suggests that the Commission call the attention of the Supreme Commander to the requirement in any election that there should be a possibility for a free exercise of opinion on the part of all democratic elements, and also calls attention to the affect on this requirement of the issue of a new constitution and in the light of these two considerations asks the Supreme Commander whether he feels that this agreement, the full and free expression of democratic parties, could be met if the election was held on the date proposed and, if so, the Commission would be grateful if he could send information and evidence on which this opinion was based. That is merely in the light of certain requirements laid down by the Commission.

CHAIRMAN: (To Sir Carl) Does that cover your points? After all of the talk I would feel that it had better be referred back to the committee to prepare the dispatch on those lines rather than on your lines because I feel yours commits the Commission before it gets the opinion.

SIR CARL BERENDSEN: I am completely used to finding myself alone, sir, and thought lonely I am still undaunted.

SIR FREDERIC EGGLESTON: You are more convinced than ever.

CHAIRMAN: We will refer the whole subject to the committee that has brought it up, of which Mr. Novikov is Chairman, to consider the remarks of all concerned, and the particular

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phrasing of the Ambassador from Canada.

MR. NOVIKOV: Mr. Chairman, I am in favor of considering this subject in our committee, but I don't feel that we may limit ourselves only by the motion just made by Mr. Pearson. I am in favor of the motion made by Mr. Berendsen with some modifications and so my understanding of our committee is that we shall not be limited in our discussion and in our draft resolutions by only this one motion which we have presented now.

CHAIRMAN: Will somebody make a motion in the reference to the committee that will cover the remarks of the chairman of that committee?

MR. NAGGIAR: Is it the Steering Committee or Committee No. 4?

CHAIRMAN: Committee No. 4 brought it up. I suggest that we refer it back to them. If anybody has any reason for referring it to the Steering Committee I would like to consider that. I'm trying to give every opportunity to have this fairly ventilated and a proper attitude on the part of the Commission. Is there any other motion before the House then?

We will clear the board by assuming then that the motions have not been seconded and that Sir George proposes that the whole matter with the discussion available be referred back to the committee without any instructions. If there is no

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objection, we will do that.

SIR CARL BERENDSEN: Might I say that tempus is fugiting very fast.

SIR FREDERIC EGGLESTON: When will this committee meet -- Thursday of next week?

CHAIRMAN: Now that brings up another complication -- the question of time. A setup for an election cannot just be changed overnight without the consideration of the law and the time for studying the election, and I don't know but we would have to look that up. It is a question of time, of course.

SIR FREDERIC EGGLESTON: Why not have it this afternoon?

SIR CARL BERENDSEN: I was going to suggest that Mr. Novikov might consider calling a special meeting of his committee in order to save time.

MR. NOVIKOV: Yes, but not today. Friday perhaps.

MR. PEARSON: Would it be possible to exchange meetings which meet tomorrow and this committee which meets next week?

SIR FREDERIC EGGLESTON: The normal meeting of Constitutional and Legal Reform is not until Thursday of next week.

CHAIRMAN: It can meet at the call of the Chairman, however.

MR. NAGGIAR: Mr. Chairman, must I understand that the matter will be referred to Committee No. 4 for study and suggestion and will come again to the Commission?

CHAIRMAN: Yes.

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MR. NAGGIAR: I think there will be a loss of time because we have already had a lengthy discussion of the matter here. Would it be improper for us to give full power to Committee No. 4 so that the matter will not come again to the Commission?

SIR FREDERIC EGGLESTON: It could be referred back to the committee, but the question is what date the committee will meet.

SECRETARY-GENERAL: The committee is scheduled to meet on Tuesday morning.

SIR FREDERIC EGGLESTON: It has to come back to this Commission, which will be next Wednesday.

CHAIRMAN: The Chairman will call a meeting Friday afternoon at three o'clock.

ITEM 3 - THE JAPANESE CONSTITUTION (PEC-023)

Now No. 3 on the agenda is "The Japanese Constitution." Mr. Norman, I believe you acted as Chairman of that committee. Will you make a statement along the broad lines of the Japanese Constitution.

MR. NORMAN: Mr. Chairman at the meeting of the Constitutional and Legal Reform Committee which met yesterday the question was raised by a representative whether the announcement by SCAP which accompanied the draft constitution promulgated by the Japanese Government was in accordance with the Moscow Declaration. It was then pointed out that SCAP had

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taken no action; they had simply commented on it. Then a further remark was made that this approval might nevertheless be of a certain political effect and, therefore, a request was made through me, as Chairman of the Committee, to have the matter referred to the full Commission for clarification on the question of the Commission's status in regard to finally approving a Japanese Constitution.

CHAIRMAN: That is on the part of the final approval being by this Commission.

MR. NORMAN: Yes.

SIR FREDERIC EGGLESTON: I think there are two points to be considered. First, the assertion of the position that this Commission is the body to pronounce opinion on the Japanese Constitution. It is a matter of policy which has to be determined by this Commission. Approval was given by the Supreme Commander to this Constitution as being a fit Constitution for the Japanese people, an approval which was given, as far as we know, without considering any other alternative constitutions. I think we are bound as a Commission to make the assertion -- and I don't want to do it in any way affecting the authority or prestige of the Supreme Commander because I imagine this is his own view and although he has given approval to the proposed constitution it doesn't mean that another might not be brought forward better than it. So I think the Commission wants to have something along the following

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lines: "The Far Eastern Commission desires that the Supreme Commander inform the Japanese people that his approval of the proposed constitution put forward by Cabinet does not mean that any other acceptable draft would not meet with similar approval and that it is hoped that the work of constitutional administration will proceed under democratic conditions of the fullest and most free discussions both among the people and among the Diet."

It's a rather long one, but I am prepared to move that.

CHAIRMAN: May I have your copy of it, sir.

(A copy of Sir Frederic Eggleston's motion was passed to the Chairman).

SIR FREDERIC EGGLESTON: I may say that having looked through the Constitution I am rather surprised at the approval of it because it is my opinion, sir, that it is a headline. It doesn't mean ver much. You've got to be very careful that the Japanes people don't put over a constitution which can't be implemented. For instance, it contains a Bill of Rights and a Bill of Rights to them may be a habeas corpus of no use to them whatever. You can't guarantee human rights and human equality. You have got to have a social and economic system which insures that the people will have those rights and it seems to me to be one of the most sketchy documents that has ever been put forward.

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CHAIRMAN: The Supreme Commander announced his approval of the draft constitution. That approval has no legal or binding affect. The first sentence of his statement reads: "It is with a sense of deep satisfaction that I am today able to announce a decision of the Emperor and Government of Japan and to submit to the Japanese people a new and enlightened constitution." His statement was, therefore, in the legal sense an expression of personal approval of the draft which must later be considered by the Diet. That is true in a sense, but it has also got to be considered by this Commission. It is of the highest policy, I would say. I don't think there is any doubt in the minds of any of us.

Now whether we will avail ourselves of our right to consider the constitution; whether we are going to act for the Diet to act on it or whether we are going to take some prior action or consideration is a question. It is a matter of very vital importance. I agree with Sir Frederic that we ought to have in some way a line out to see that it is thoroughly understood what we feel about it. It's just a question in my mind as to how it can best be done. There, again, we had better have the proper committee study it with all the implications and produce something that will insure our participation at the right time, and at the same time not take a point-of-view right

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off the bat of questioning the way it should be done until we know something more about it.

SIR FREDERIC EGGLESTON: Well, the Constitutional and Legal Reform Committee is at present considering all these constitutional questions and it is embarked on a course of study of them.

CHAIRMAN: I think we should inform the General on that subject and get some consideration by him and some procedure by which that will be referred to us for our continued interest and study so that we will be ready at the right time and we might even request the right time from his point-of-view.

I am still up in the air about it and for that reason I would think that our committee, formed for just such major purposes, should give it consideration and prepare a communication to the Supreme Commander which we can send, and then bring back procedure for the proper consideration.

SIR FREDERIC EGGLESTON: It would like to draw your attention to the fact that this committee has considered this and has referred it to this Commission.

CHAIRMAN: They didn't consider it. The subject was simply brought up. I think as Mr. Norman stated, it was not given full consideration from the point-of-view of doing something -- it was more wishing to put it before this commission for consideration and comment, if I got that point.

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MR. NORMAN: Views were expressed by the committee, of course, but no action was taken -- everything was referred.

CHAIRMAN: It's before us now for any comment or consideration, as has already been given it by Sir Frederic. I take it that the committee wanted a little guidance after it had been considered by the Commission in this preliminary way and I am now suggesting that the members give their thought on the subject with the idea that it will be this thought and the ideas expressed that will be referred to the committee.

SIR FREDERIC EGGLESTON: That's Committee No. 3: Constitutional and Legal Reform.

MR. NAGGIAR: Mr. Chairman, may I ask what will become of the Constitution, as drafted and as approved, while we are discussing the matter here. Will the Constitution remain as a draft approved by the Supreme Commander and will the Diet vote on his draft, which we are discussing, or will the postponement of the Diet be ours?

CHAIRMAN: Of course it won't be referred to the present Diet, it will be referred to the new Diet which will be elected at this coming election.

There is haste in the last subject, but there is no haste here. It is only a question of our discussing it and guiding the Steering Committee and preparing a communication to the

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Supreme Commander that will bring out the procedure which I would take if the Far Eastern Commission has an opportunity to exercise.

MR. NAGGIAR: Will the Japanese people know that we are discussing the matter or will they still be under the other impression?

SIR FREDERIC EGGLESTON: That was my suggestion: that we should inform them, first, that the Far Eastern Commission has the right to pronounce on the Constitution. Second, the Japanese people ought to be informed through the Supreme Commander that all other draft constitutions will be given equal consideration. If that is the sense of the meeting, I have no objection to going back to the committee to put that into formal terms, because we have got a lot of business yet.

CHAIRMAN: It's a new subject. I think already it has brought forth some points which will help Committee No. 3 to give it proper consideration.

Are there any other comments before we proceed?

SIR GIRJA BAJPAI: Mr. Chairman, it so happens that I am formally the Chairman of this committee (Committee No. 3) so perhaps you will forgive me if I seek amended and clear terms as to what my committee is supposed to do. Of course, so far as our studying this or any alternative constitutions that is clearly within our purview. We don't need a mandate

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from the Commission because that mandate has been given already. But the other question, and it seems to me more important that the Commission inform the committee, the one raised by Sir Frederic Eggleston, namely: How are we to make it clear to the Japanese people that the approval of the Supreme Commander doesn't carry with it the approval of the Commission? Now that seems to me to be a matter for the decisions of the Commission rather than for a decision by the committee.

If it is the wish of the Commission that we should prepare a text for the consideration of the Commission at its next meeting -- the text of a communication which would embody or set forth this idea -- well, then, that's a mandate and we will try our very best to do it. But it seems to me that actually the issue we are considering at the moment is how best to let those who are likely to be governed by this Constitution and who constitutionally will be called upon to pronounce to this Commission know that the approval of the Supreme Commander is not necessarily the approval of the Commission.

CHAIRMAN: These are all very good points. Now I'd like to see if there are any more before we refer it to the committee. Are there any other points that occur to anybody that would help the committee in its consideration and preparation of a dispatch on the subject?

MR. NAGGIAR: Mr. Chairman, I have another point. What

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will be the power of the Commission or the committee on the Constitution? Are we to prepare a set of principles, or are we going to go into detail on the Diet and share any responsibility in the drafting or in the kind of draft, or are we only going to present our views and principles on democracy or democratic principles, which I believe is within the power of the Commission? Are we going to take a detailed responsibility in any draft?

CHAIRMAN: That's what I want to find out first and not commit ourselves. Find out the procedure for us to consider this Constitution and bring out the points brought out by Sir Frederic to the Supreme Commander, so that we can have a proper way of considering this Constitution or any other Constitution that comes up.

SIR GIRJA BAJPAI: I'd venture to say, Mr. Chairman, that this question of procedure mentioned just now, and which is implicit in what the French Ambassador has just said, can very well be considered by the committee. I don't think we need guidance by the Commission, whether we are going to examine this or any other constitution that may be put before us, from the point-of-view of making sure that it does give effect to the spirit and the principle of democracy. I think that is a matter more really for us in the committee to consider; to put the result of our labors before the Commission, and we

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can agree or disagree, accept, or modify, or tear up, anything that we want.

CHAIRMAN: If there are no other comments, I will refer the remarks and the draft prepared by the Minister from Australia for the consideration of Committee No. 3 to prepare a dispatch.

SIR FREDERIC EGGLESTON: -- a public statement. The committee might decide that it would be a dispatch but it would not decide that it would be made in the form of a public statement.

CHAIRMAN: I was leaving it as we did in the other committee. After this discussion and these statements to prepare the proper dispatch for the Supreme Commander covering these various points.

ITEM 4 - VICE CHAIRMEN OF THE COMMISSION (FEC-018)

The next item on the agenda is Item 4, a report from the Steering Committee (FEC-018) on the subject of "Vice Chairmen of the Commission." Mr. Secretary-General, will you present that for the Steering Committee?

SECRETARY-GENERAL: (The Secretary-General read Doc. FEC-018 as follows:)

"VICE CHAIRMEN OF THE FAR EASTERN COMMISSION

"At the fourth meeting of the Steering Committee it was agreed that the three Vice Chairmen of the Commission should be:

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"Mr. Andrei A. Gromyko (U.S.S.R.)

"Dr. Wei Tao-ming (China)

"Lord Halifax (United Kingdom)

"The order in which the Vice Chairmen should serve should be decided among them in consultation with the Chairman of the Far Eastern Commission."

CHAIRMAN: Are there any comments on the report of the Steering Committee?

MR. PEARSON: I have just one small comment, Mr. Chairman. I am just wondering why this interesting report should be marked "Secret." Not only is it marked "Secret" but our attention is called to the fact we mustn't disclose it to anybody.

SECRETARY-GENERAL: Until it has been approved.

CHAIRMAN: It will not be secret long. We have a handout for the press which we will consider at the end of the meeting. If there are no objections, the report of the Steering Committee will be accepted. Are there any objections? There seem to be none.

ITEM 5 - SCHEDULE OF COMMITTEE MEETINGS (PEC-004/2)

We proceed to "Item 5 - Schedule of Committee Meetings." Will you present that Mr. Secretary-General and explain the elasticity of it.

SECRETARY-GENERAL: I think you all have before you PEC-004/2, which is a Schedule of Committee Meetings approved

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by the Steering Committee at its fourth meeting. Here again this is a schedule to be followed but, of course, with the understanding that the Chairman of any Committee can change the date or call a meeting of his Committee at any time that the Committee and the Chairman deem appropriate. The schedule is merely set down for the purpose of guidance.

Now I think that in the Steering Committee it was agreed that Committee No. 5: War Criminals should meet at three o'clock instead of 2:30 p.m. I might say that the Secretariat is prepared to publish each Monday a schedule of meetings for the week with changes, if changes are made.

CHAIRMAN: Is there any comment on the report of the Steering Committee?

SIR FREDERIC EGGLESTON: On Thursday those two committees were switched to Reparations in the morning and Constitutional and Legal Reform in the afternoon because some people had to come here from New York for the former one.

CHAIRMAN: Are there any other comments? Sir George.

SIR GEORGE SANSOM: Mr. Chairman, I have a brief comment to make and I don't wish to take up the time of the meeting. I do think, as I said before, you have rather a long gap between the Steering Committee meeting and the meeting of the Commission. You have the Steering Committee meeting on Friday,

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and then you have Saturday, Sunday, Monday, Tuesday, and then the Commission meeting on Wednesday. It is a rather long gap. I suggest now that the gap is too long and we should shift it so that you have the Steering Committee on Monday and the Commission meeting on Thursday. I would just like to put that in now to be determined.

CHAIRMAN: That will be given due consideration. Sir Carl will you give it due consideration because you can call the meeting at any time.

MR. NAGGIAR: Mr. Chairman, Mr. Lacoste expressed the wish that Committee No. 6 instead of meeting Saturday afternoon if possible meet on Wednesday in the afternoon. Would that be possible? Mr. Lacoste is Chairman of that Committee.

CHAIRMAN: What was the consideration given that in the Steering Committee, Sir Carl, do you remember?

SIR CARL BERENDSEN: The point was raised and M. Lacoste's attention was called to the fact that he would have a rather full day and my understanding was that it would be a full day and he preferred it as shown in the schedule.

MR. LACOSTE: I understand that most members of that committee would rather not have anything on Saturday morning.

SIR CARL BERENDSEN: Religious objections? (Laughter). I think it is entirely a matter for the convenience of the

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committee itself, Sir.

CHAIRMAN: Before we take any action on referring it back to the Steering Committee, I will just charge the Chairman to call the meeting at his convenience and that of his members, but later on we might reconsider the schedule.

MR. NAGGIAR: Another remark is about the afternoon meetings at half past two. My assistant expresses the wish to have the meetings in the afternoon at three o'clock.

SIR GIRJA BAJPAI: As he wants longer for lunch?

MR. NAGGIAR: He is a member of the committees not Chairman.

CHAIRMAN: That general proposition can be considered by the Commission in a moment. We will ask your wishes as to 2:30 or three o'clock in the afternoon for all.

MR. PEARSON: Two-thirty, Mr. Chairman, would be in the interests of food conservation.

CHAIRMAN: Suppose I ask the Secretary-General to consult the various Chairmen as to that point and leave it to their consensus.

ITEM 6 - PROPOSED SUBJECT MATTER OF REPARATIONS COMMITTEE
FEC-004/3)

Item 6, I believe the representative from Russia has submitted a paper on that subject.

MR. NOVIKOV: Mr. Chairman, the Soviet Delegation proposed

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the general revision of the agenda of the Commission, and the subjects now contained in this document on Item 6 are generally reflected in our document. So I propose not to discuss it now separately, and if the delegate of Great Britain doesn't mind the remarks of the British delegate may be discussed at the same time as our proposal about the revision.

CHAIRMAN: At what committee would you feel that question should come?

MR. NOVIKOV: It is purely the sense of the Commission to discuss it here or in the Steering Committee.

CHAIRMAN: I would think that that subject of the agenda would naturally go to the Steering Committee Chairman. That, I take it, is a point covered in your paper.

MR. NOVIKOV: My proposal is covered. But there is the proposal of the British delegate in the committee, but it is not covered by mine; still I propose to discuss it together with my proposal.

CHAIRMAN: That would be agreeable to me. If there is no objection I refer these two subjects then to the Steering Committee and the representatives of the Soviet Union and of the United Kingdom will bring their points before that committee for a change in the wording of the agenda.

MR. NAGGIAR: That would go to the Steering Committee?

CHAIRMAN: To the Steering Committee, yes.

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ITEM 7 - PROPOSED VOTING PROCEDURE IN COMMITTEES (FEC-022)

The item covering the proposed voting procedure in committees has been passed on by the Steering Committee and their recommendation will now be put before you by the Secretary-General.

SECRETARY-GENERAL: This is covered by FEC-022.

(The Secretary-General read as follows from Doc. FEC-022).

"PROPOSED VOTING PROCEDURE IN COMMITTEES

"The Steering Committee, at its Fourth Meeting, 8 March 1946, unanimously agreed that voting in all committees should be by simple majority indicated by a show of hands."

CHAIRMAN: If there is no objection, the report of the committee will be accepted. There seems to be none.

ITEM 8 - TITLE OF COMMITTEE NO. 4 (FEC-004/4)

The next item is the title of Committee No. 4.

SECRETARY-GENERAL: (The Secretary-General read Doc. FEC-004/4 as follows:)

"1. The name of COMMITTEE NO. 4 shall be

STRENGTHENING OF DEMOCRATIC TENDENCIES.

"2. Titles and officers of the committees shall be released to the press together with a summary statement of the subject matter of each committee."

ITEM 9 - PROPOSED PRESS RELEASE (FEC-005/1)

The summary is contained in the next item.

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CHAIRMAN: If there is no objection the report of the committee will be accepted and will be also considered in Item 9 on the proposed press release, which tends to incorporate the enclosure 005/1 in the press release covering this meeting.

SIR CARL BERENDSEN: If I may use that very happy word, there seems to be some "reorganization" in here. As I understood it the idea was to publish the Chairmen and the Vice Chairmen of all these committees as well as the titles of the committees and the short summary of their occupation, but I notice that that has not been included in the press release.

SECRETARY-GENERAL: This is just the text. To this text will be added the title, the Chairmen, the Deputy Chairmen, and then this short summary follows. All that has to be added is the Chairmen and Executive Chairmen.

MR. NOVIKOV: I have only one objection. In the assignment of Committee No. 1 Reparations there is an item: "seizure and disposition of Japanese overseas property and investments." One of the points against which the Soviet Delegation objects in its memorandum proposed to the Commission was continuing now with the --

SIR FREDERIC EGGLESTON: I think we can just leave out the word "overseas."

CHAIRMAN: I think we can just leave out this whole item

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in view of the fact that it is going to be considered before the committee.

SIR GEORGE SANSON: Mr. Chairman, as a press release I haven't any objection to it, but as a description of the work of the committees I don't think it is adequate.

SECRETARY-GENERAL: This is merely for press purposes. It is not intended to be all inclusive.

SIR FREDERIC EGGLESTON: What has been done with number 1? You are not leaving it out altogether?

SIR CARL BERENDSEN: Mr. Novikov's views would be met if "overseas" were omitted.

SIR FREDERIC EGGLESTON: I suggest that the first sentence be left out up to the word "Japan" and instead of that "reparations of goods and materials, restitution of looted property, and related topics."

In regard to 6 "enemy nationals other than Japanese" shouldn't we have "neutrals and enemy nationals other than Japanese."

SIR GIRJA BAJPAI: Is it very complimentary to the neutrals to put it that way?

SIR FREDERIC EGGLESTON: What?

SIR GIRJA BAJPAI: To couple them with the enemy nationals? I don't know; it may be.

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SIR FREDERIC EGGLESTON: We are not coupling them, they are not being married.

SIR CARL BERENDSEN: "Friendly aliens; neutrals; and enemy nationals other than Japanese."

CHAIRMAN: The Secretary-General will take cognizance of the suggestions for the newspaper release.

ITEM 11 - OTHER BUSINESS

If there are no other comments on that, we will go on to Item 11, other business. Is there any new business to be brought before the Commission this morning other than that already.

SIR FREDERIC EGGLESTON: I just wanted to say that I will be leaving on Saturday and Gen. Lavarack will be taking my place on the Commission.

CHAIRMAN: We will miss you very much and hope that you will come back sometime.

SIR CARL BERENDSEN: We shall all miss Sir Frederic very much indeed; not only in this line of endeavor.

CHAIRMAN: If there is no other business, the discussion is closed for the day and we will meet next week on Wednesday at 10:30 a.m.

(Whereupon at 12:30 p. m. the meeting rose).

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FAR EASTERN COMMISSIONTranscript of Fourth Meeting

Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.
Wednesday, March 20, 1946

REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman	(United States)
Lieut. General Lavarack	(Australia)
Mr. E. Herbert Norman	(Canada)
Dr. Wei Tao-ming	(China)
Mr. Paul E. Naggiar	(France)
Mr. J. Vesugar	(India)
Dr. A. D. A. de Kat Angelino	(Netherlands)
Colonel G. P. Powles	(New Zealand)
Dr. Melquiades Canboa	(Philippines)
Mr. Nickolai V. Novikov	(U. S. S. R.)
Sir George Sansom	(U. K.)

SECRETARY-GENERAL

Mr. Nelson T. Johnson

OTHERS

Brig. Gen. Gen. R. Dyke

Reporter: Edna C. Moyer, Department of State

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(The meeting convened at 10:35 a.m.)

CHAIRMAN: Good morning, Gentlemen. The session is now opened. I ask your approval of the minutes of the previous meeting now before us. Are there any comments or objections? We will be glad if you will give them. Are there any comments or objections? There seem to be none. The minutes stand approved.

While we were in Japan as the former Advisory Commission, it was our custom to sit in with different groups of the SCAP Staff, and those conferences were of great interest and benefit. One of those who appeared before us was Chief of the Group on Information and Education--is that right?

GENERAL DYKE: Right.

CHAIRMAN: --General Dyke, who is here this morning. He might bring us up to date with what has happened since we left, or make any other remarks that he may feel of interest to the Commission. You remember that we had a "Who's Who" before us at the time of those conferences in Tokyo, and I have the one that we had at that time when General Dyke appeared before us. I will read it, just to give you again his background. It is perfectly plain to see why General MacArthur selected him for that section.

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He was educated at the Speyer School and Ethical Culture School in New York, University of Pittsburgh, and Columbia University. He also had service in World War I, and with the Occupation Forces in Germany from 1917 to 1919. As a businessman, he was Assistant Advertising Manager of the U. S. Rubber Company for some years, Executive Vice President in charge of Promotion of Johns-Manville Corporation, for succeeding years Director of Advertising for Colgate-Palmolive-Peet Company, Sales Manager and Director of Promotion and Research of National Broadcasting Company, National President of Alpha Delta Sigma Fraternity, traveled throughout the world in 1936 and 1937, visiting Japan, Manchuria, China, Dutch East Indies, Philippine Islands, Malaya, India, Afghanistan, Egypt, North Africa, and Europe, author of numerous articles in professional magazines, also fiction and prose.

I do not want to cause my friend to blush, but it seems to me he speaks from experience, both in the service and in our community as a citizen. General Dyke, we welcome you home for a change. How long is it since you have been here?

GENERAL DYKE: I was back about a week about a year and a half ago, but I have not really been home this long for nearly three years.

CHAIRMAN: Have you been all the time connected with

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General MacArthur's campaign in Australia and north?

GENERAL DYKE: That is right, Sir.

CHAIRMAN: We would be very glad if you would bring us up to date, and do it informally as you did in Tokio.

GENERAL DYKE: It is a great pleasure for me to meet many of you gentlemen again, and some for the first time. I remember at the occasion of the first session, I approached it in trembling and fear, and found it was only about as bad as a one-hour dentist session.

The situation, how it now is, as compared with what it was when many of you gentlemen were out there, has not changed substantially in many ways, but it has progressed, as those things do, rapidly from the early stages of the so-called primitive and original work into what has become known as the "Era of Directives" stage, and into what is now becoming the "Pick and Shovel" stage. I think we will all agree that what we have done to date has been merely to plot out the pattern of things to come and to draw, if you will, on the blackboard for the benefit of the Japanese and for the world what the Allied Powers expect of the Japanese.

That was the purpose of the issuance of the Directives. The rapidity with which the Directives were issued, I would say might be well compared to the strategy that you employ

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in any combat, and this is still combat. I mean that we are still engaged in a war of sorts over there, and it is not just a peaceful operation. That is, in combat you try to keep the other fellow off-balance, and after you deliver a good right jab, the idea is to deliver a left jab before he is completely recovered. We have no intention of allowing the Japanese to thoroughly absorb a Directive before they get another presented for their education.

Now the pattern has been laid broadly. Certainly no one can say that all the Directives have been issued, but all the basic Directives, I believe, have been issued and from here on out we will have not so many Directives. But the basic job, and this is for you and for us, is to make the Directives work and to see that the understanding of the people in the cities and villages becomes at least as adequate as we hope the Japanese Government officials, or many of them, in Tokio.

The occupation obviously from here on out is not going to be as spectacular except in rooms, I hope, like this where you will recognize that things are much more important are now going on than went on when the newspapers were getting the headlines.

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As to the Japanese people, I would say that at the present time there is not any of the Japanese leaders who knows exactly what the status of the Japanese average citizen's mind is. I would compare it to, say, a bar of steel that has been exposed to an atomic bomb, or some other outside influence. Outwardly it looks the same. Inside, until it is pretty closely examined, nobody knows what has happened in the structure of that particular steel bar. Even the old Japanese hands admit that the Japanese mind today, having gone through all the frustrations of war, the changes, things such as the statements the Emperor made on New Year's Day, a complete and rather vital and important change has taken place.

I stress that not merely because I am engaged in it, but it seems to me that the fundamental, long-time job, to which all these other things contribute, is: What is the Japanese going to think about in two or three years? What are his mental processes going to be? And unless we know more about them and study them constantly, we will not be able to put the cocktail together correctly, either out there nor will you gentlemen be able to give us the guidance that we need.

I think I mentioned this at the meeting out there, General, that there are two questions which almost every

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Japanese asks you, and they do it in the order and in this manner in which you are asked. The first is: "Dyke, how long you stay in Japan?" It started out with, "20 years? 10 years?" and now there has been a slight change. Now it is: "Dyke, how long you stay in Japan--10 years, 5 years, 2 years?" The second question is, "What is democracy?" Both of those questions are almost impossible to answer in a very glib phrase. The answer to the first one, of course, is going to be one we have been giving; namely, until the mission is accomplished. The best definition of when is the mission accomplished, let us say, is when Japan, in the opinion of the Allied Powers, is fit to be accepted back into the so-called "Family of Nations".

The answer to "What is Democracy?"--if you gentlemen have not tried it lately, I suggest it as a fine after-dinner sport. Try to define democracy in 15 or 20 well-chosen words that someone like a Japanese, who has not lived in a democracy, will understand. That of course gets us down to our problem of taking democracy from Webster and making it a working thing and a living thing and something that people can understand.

That gets us down to the thing, I think, that is so true of all this type of work. It is not so much what

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you say; it is not so much what is written in beautiful Atlantic-Charter language; it is how you do it. It is the manner in which this job is done that is as important, if not more important, than the very tenets of the mission itself. That is the only way, in my opinion, that we can encourage democratic tendencies and that we can convince these people to take specific things, whatever it is, and try to work with them to show them this is the manner and way in which it is done, this is the manner and the way in which the rights of individuals can be done, in a way that is sound and practical.

I do not know whether you gentlemen are going to be able to answer today or ever the first question, but I throw it out at this time as the problem of an operator. You cannot plan things, or very few things, without evaluating the factor of time. You do things a certain way if you are going to do them in two years, and another way if you are going to do them in five years. We are, of course, having merely to assume a time, and for our own work we are assuming several times. All right, if we are going to be permitted to stay there for two years, that is one thing. We have got to accomplish certain basic things then in that time. Five years or twenty years? If you want my honest opinion--and I think most of

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you would share it--as to how long it is going to take to make basic changes in the Japanese method of thinking and of the attitude towards Government, and their attitude towards other matters, certainly seems to me a guess of a generation or twenty years, or however you want to evaluate in that area, is my guess and my very sincere feeling.

I have not been back here very long--just long enough perhaps to get the impact of the newspapers and the magazines and the reactions of my own particular friends and acquaintances. I am disturbed naturally with their wanting everyone to come back. It seems to me a perfectly normal aftermath of the war, psychologically, but people just aren't interested in such problems as the occupation of Japan. After they have asked you, "How did General MacArthur look the last time you saw him?" and "What is he really like?" the hours of conversation they want to have with you generally gets down to their telling you about Joe's latest baby or who beat the boys from home. It is very disturbing.

It seems to me one of the problems you gentlemen have, and we have, is the importance of this picture. It has got to be kept in front of the peoples of the world. If it is not, then your constituencies are

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certainly going to lose interest. I think that the public relations job and the interpretation job is one which this body certainly can well consider and concern itself with. It will help us, obviously.

Well, that is a very broad general picture of the show. The educational activity is progressing. It is a long, tough job as you all know. We are dealing in factors of 40,000 schools, 400,000 teachers, 16,000,000 students, and again, as I said in Tokio, it is like trying to perform an appendix operation when the body is running around on the table. The schools are running, the kids are going to school, the teachers are teaching, and we are trying to perform an operation which most authorities would certainly agree would take about three or four years to plan in some quiet spot in a desert where you are not bothered with the screams of the children and the protests of the teachers. But it is progressing.

Many of the teachers have resigned because of the fear of what was to come. We have tried to work out both with the Japanese Government and by ourselves a proper and practical plan of screening these 400,000 teachers, and we have not finished it yet.

We have now decided this: If we make the wrong move, we will put ourselves back many years. If you will

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be patient with us, we will get there. We are going to try out a test area plan in a pre-picture. We are going to get the bugs out of this. If the plan is wrong, we will find it out and we will only jeopardize one area. If at the end of 90 days the plan seems practical, and we hope it will, we will extend it of course to Japan. That is good, sound business practice, and it is good, sound practice in almost anything. The results will be slow, but we would rather, and we believe you will agree, be sure of what we are doing. If you make the wrong move, it will take literally months and years to undo that part of the job.

The textbook situation again is progressing. As you know, we have suspended three subjects, history, that is Japanese history, geography and so-called ethics and morals from the schools until proper textbooks can be written and provided. I noticed that some of the papers picked this up and wrote editorials on the fact that MacArthur was burning the books. "What kind of mumble-jumble is this? The old Nazi way. You can't kill ideas by burning the books." We are not burning the books. We are pulping the books because we have a paper shortage. We are taking the books out of the schools that can no longer be used. We are tearing them

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into paper pulp so we can make more textbooks. It seems to us sensible and practical. We are not burning books. We are not tearing them out of the libraries where adult minds can sit down and do all the comparative reading they want to do. We believe that is sound and sensible. That phase is in hand or about there.

The Educational Mission has now arrived in Japan. It is only one of a series of such missions that we hope will come over there. We hope again to learn a lot out of the first visit of this mission. We have split it up into four committees and have selected paralleling committees from the Japanese side, and those two committees will work with each other on certain broad basic things, and will come up with recommendations which we hope will be helpful to us.

On the information end, the media of newspapers, magazines, motion pictures, radio are all still in process of being unscrambled. We just get rid of one set of controls and find another set of wires all arranged on the bottom, and we have to scratch those off, but I think the press is coming along. There seems to be much more satisfactory handling of world news. One point which I am sure you are all familiar with and which I do want to stress, because particularly in your thinking on

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education and information it is so important, and I believe I stressed it at your meeting in Tokio, and that is, let us get out of our idea ... we want 99.6% literacy of Japanese. That is true that 99.6% literacy means they can read, but the \$64 question is not can they read, but how much can they read, and how do they read. If you forget that, you will visualize beautiful documents reprinted in the papers, in the magazines, and you will assume the job is done, and that is just not true. Out of the 15,000 characters that the Japanese took over from the Chinese to form their written language, the average Japanese cannot today understand at the top, for the average Japanese, more than 2000.

When you run into such startling facts as these, that the pilots of the Japanese Army Air Force, only 25% of them could read their own technical manuals on their own planes; when an associate editor of one of the big Tokio newspapers today admitted to me he could not write a single editorial without referring to the dictionary; then you start to get a picture that the language barrier is not only a barrier between us and the Japanese, but a barrier between the Japanese and the Japanese. That is where you will find that such things as radio, such things as the encouragement of discussion groups, are vitally important

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at this stage of the game. The newspapers who agreed, as I think Mr. Norman will remember, to hold their number of characters down to around 2500, slipped up during the war to 45,000 characters. Over and above that, they usually used the side writing, phonetic side writing, so if the man did not remember the character, he could use the side writing. That was dropped out. During the early days of the occupation it was dropped out on the things we wanted them to read, the directives, and the reports of legislation. The very things that were important for the people to know were the things they were hardly able to read. Whether the answer is going to be Romaji, the use of phonetic Romanized alphabet, I do not know, I am not in a position to say, but we will certainly explore it and experiment with it.

There are certain figures that do come up, things that have been tried since we have been there, that seem to indicate a child can perhaps remember as much of reading by the use of Romaji in six weeks as he can learn through the conventional Japanese characters in two years. If those things are true, we are on the road for doing something that is most important, and it may have a very far-reaching effect. In itself it does not appear in any tenets of democracy or democratic principles or anything

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else. It is a basic, fundamental thing. If we can uncork a few of those things maybe we will make tremendous progress.

Well, General, that is about all I have on my mind. I will be glad to answer any questions that you Gentlemen may have.

CHAIRMAN: Gentlemen, the table is a round table and we will be glad to have you ask General Dyke, while he is here, any questions that interest you.

SIR GEORGE SANSON: May I ask what the actual method of control of radio broadcasting is, both domestic and foreign?

GENERAL DYKE: There isn't any international broadcasting of any significance at all. The controls are these. In the domestic set-up there is no local broadcasting permitted at the present time. That will be coming into the picture shortly when we have set up the facilities across Japan for proper censorship before the programs go on the air. Right now everything is broadcast out of Radio Tokio in Tokio. There is censorship which is one control, but on all the programs that are dramatic, on news or other than the just pure entertainment, which are taken care of by censorship, all those programs are reviewed by the CLE staff, and in addition to reviewing the programs that the

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Japanese themselves were doing, we have rescheduled the entire broadcasting set-up and tried to give it a better balance on the two networks we are using. We scheduled seven news broadcasts a day. We have instituted a farm program. We have instituted a daily political forum program. We have instituted women's programs. They are basic vehicles, which can become for the particular groups the platforms where political ideas or whatever the mission of the occupation calls for, to build up the audience on those programs, so that we have a spot to speak our piece.

SIR GEORGE SANSOM: What is the arrangement, if any, for the Japanese people to learn what is going on in the outside world? Do you contemplate any relay?

GENERAL DYKE: You mean in addition to the news?

SIR GEORGE SANSOM: Yes.

GENERAL DYKE: Yes, we do. That is one of the things I have talked to the War and State Departments about since I have been here. There is no reason why, assuming proper atmospheric conditions, that we cannot pick up a shortwave program from whatever sources there are proper shortwave programs and which fit our pictures. More and more--and I have told the State Department this--we feel that we must and should know and have control of, and have the decision of all programs coming in and when. Otherwise,

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the situation gets out of our hands. That does not mean we would take an arbitrary attitude, but a good program coming in, let us say, from San Francisco, or from Australia, or from any spot, we should know about it, know its content, and if it is o.k., that is fine, and we would like it now, because a good program may be 50% more effective put on April 1 than perhaps put on February 1. We are anxious to get that.

I am sure that the Japanese are going to get a good deal out of it, but due to the vagaries of shortwave broadcasting, particularly out there, it seems to us a much sounder thing if these proposed broadcasts, after being approved, can be transcribed and then recorded, and sent out. In that way--why waste time having a marvelous program with the great leaders of the world and some of the great symphony orchestras, and have the reception such that you tune it off and leave. If these programs are worthwhile, let us be sure they are right, send the recordings over and we will put them on the network that way. That can be done.

SIR GEORGE SANSOM: That could not be the topical, because then you would have a delay.

GENERAL DYKE: That is right. You can use the shortwave pick-up for the topical. We handle the world news as it happens. It has the same interest as the voice

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of Mr. A, say, picked up from the spot where he is doing business. I think there is great possibility. When there are public sessions of the United Nations, things that are again public demonstrations of people working together, which is the thing that over-all we are hoping the world and Japan will be sold on.

SIR GEORGE SANSON: May I ask one more question, Mr. Chairman. In regard to books, have you made any progress? I think you mentioned something, the desire of the Japanese for books from foreign countries, the difficulty of translation, rights of publication, shortage of paper, and so on. Have you been able to make any progress in that?

GENERAL DYKE: Not as much as we would have liked. The copyright situation has been a rather difficult one. I am sure most of you know--most other people do not seem to--that the copyright agreement between the United States and Japan dates back to 1905, right after the Japanese-Russian war, where there was a free interchange of copyrights, and anything printed in the United States could be furnished in Japan, and vice versa. All those agreements were presumably wiped out during the war. We have gone this far. We have set up the Publishers Association of Japan, who have agreed to act as a channel, clearing house, for requests for publishers who would like to publish something printed in the United States, and I

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believe the ... in the United States has agreed to act as clearing house here. We have asked the War and State Departments to cover copyrights from all over the world. The problem is further complicated by the fact that you cannot get any money out of Japan.

In other words, if there is a payment involved to the publisher, it accumulates in yen in Tokio, let us say, and that is not a very satisfactory deal with anyone. We would like, of course, as ideal for operators, say six months or a year--if it were possible and this of course is ideal, particularly on the things that are pertinent to the mission of the occupation--that we could waive this whole copyright problem, not only on books but on music. The music is very important, and plays we want. We went through complete mix-ups trying to solve the problem of Drinkwater's "Abraham Lincoln", which the Japanese wanted to put on, and are going to put on. That whole area of copyrights is very important, and important that it be clarified all over the world.

CHAIRMAN: Are there any outside books being sold there now? I know when I was there, the book shops were full of people, the few book shops that were there. I took a lot of books out, just current novels, and so forth, to read on the ship and to leave there, and they were very eagerly

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snatched up. I have been told that the Japanese were very eager for the books that had been published during the war, and had no means of buying them.

GENERAL DYKE: They haven't, and the books are not getting over as fast as we would like them. The War and State Departments here, who are our channels on supplies, are now doing everything they can to get the situation clarified. We need books in every field: Dramatic, scientific, fiction, and everything else. There is a great, great need for books. We are setting up a series of libraries.

CHAIRMAN: Are there any other questions, Gentlemen?

MR. VESUGAR: Mr. Chairman, I would like to ask a couple of questions, if I may.

CHAIRMAN: Yes.

MR. VESUGAR: You began with the statement that the idea behind all directives is to direct Japanese thinking into what the Allied Powers expect of the Japanese. Could that be put in a few words, what it is that is expected of the Japanese. It is not merely enough to say, "We expect a democratic way of life."

GENERAL DYKE: You mean on the over-all objective of the occupation or on the specific phase I am concerned with?

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MR. VESUGAR: I was wondering what was in your mind when you made that statement.

GENERAL DYKE: I was merely referring to this thing called by the press, "The Era of Directives" and and trying to point out that the purpose of the directives, outside of their objectiveness on economics and education, that the whole purpose of that rapid issuance of directives was to paint the over-all specific picture on the things that the Japanese people were going to have to do in the field of economics, whether they were directives that had to do with the field of education, which pointed out the big picture of reforms that were going to be initiated, or in other fields, that the sum total therefore of the concept that the Japanese, we believe, have of the mission of the occupation has gone one step further than, let us say, the over-all Potsdam Declaration, which was very general, and it is now coming down into a specific pattern in all of the particular fields. Does that answer the question?

MR. VESUGAR: Yes, I think so. The second question is that Japan has been at war for 9 years, and possibly for nearly 16 years how much knowledge of the outside world do you find the Japanese have, the lower and middle classes?

GENERAL DYKE: Very little.

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MR. VESUGAR: Very little?

GENERAL DYKE: Very little, because not only did the Japanese keep a close tab on the amount of world news that came in during the war, but they were doing it, as you say, long before the war. Now the picture of what is going on is another great aching void. The mail that pours into headquarters is like the question box of a popular magazine. The questions that are asked run the whole gamut of life almost. The Japanese want to know what goes on. Particularly in some of these specialized fields, let us say our own medical offices, are constantly swarmed with the medical people of Japan who want to be brought up to date on what has been the progress along medical lines.

The general, average Japanese is not certainly greatly concerned with politics or the outside world at the moment. He is concerned with that basic thing, his stomach, and until he gets through worrying about his stomach and those of his children, he is not going to worry very much about whether his political affiliations are in the middle or on the right or the left. At least, and from what I have seen it is the picture elsewhere, it would seem to be a normal one. The political situation is chaotic in the sense that nobody knows from nothing, as the phrase goes. You have estimates that probably there are 90 parties of which

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you can put your finger on 30. Nobody knows how strong any of the parties are, including the parties. Most of them can only number the strength accurately by numbering the people in the room which is the party headquarters. It is a disadvantage. We don't know how these lines are aligning themselves, except as you pretty well assume-- at least I would and this is only my personal guess-- that at the moment naturally most of it is on the status-quo side. The political platforms are things of beauty, and I mean a thing of beauty. They even make some of the American political platforms look pretty clear, and that is something, but they do not mean anything. The platforms do not mean anything, the parties do not stand for anything, and there is no party against the occupation, of course. There is just a zero as far as where Japan is going politically. I think you can again sum it up by saying they are running up and down the ladders of their stomachs.

CHAIRMAN: While we were out there I noticed the Japanese appointed some kind of board to control radio. They appointed a woman on the board, but where does it fit into the picture?

GENERAL DYKE: Well, General Aiken, the Chief Signal Officer, and I got together. We decided to do something about radio, which we did. We drew up a plan, called over

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the Minister of Communications, and the Minister of Communications presented us with our own plan, and that called for a perfectly sensible idea of picking 30 public-spirited citizens, representing all the various classes of Japanese life. There were three or four women on it. That Board constitutes the Advisory Body for Radio Tokio. Their first job was to select a president, subject to our approval. We finally got three names that were satisfactory, and we allowed them to vote on the three names. I think we have got a pretty good deal. What has got to be done, the whole thing has got to be reorganized. It is shot full, as everything in Japan, of bureaucracy and Nellie's sister and cousin are running the music department only for the reason they are Nellie's sister or cousin. There are some smart people there.

We plan to bring over a mission sometime in the middle of the summer representing radio experts, in the same manner as we have done on education. The future of radio in Japan is wide open, and this is a good question for this Board. What is best for Japan in radio? Shall it have, let us say, the American system which is completely commercial? Shall it have its present system, which is, let us say, somewhat similar to the type of thing you have in Great Britain, BBC, which is supported by a tax on subs?

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Shall we have the Australian system where you have a combination of both, ABC and also commercial radio, or what? At the moment the answer is obviously this: We will keep it the way it is as long as it best suits the needs of the occupation, and we will continue to explore. Commercially, I do not know if there is much possibility of ever having a complete commercial system in Japan, because the advertising revenue is not there and probably will not be there to support it. The radio picture is in fairly good shape compared to what it was.

DR. GAMBOA: Mr. Chairman.

CHAIRMAN: Yes.

DR. GAMBOA: May I ask a question? What is the effect on the Japanese people of the speech of the Emperor?

GENERAL DYKE: You mean the New Year's speech?

DR. GAMBOA: Yes.

GENERAL DYKE: Very interesting. Of course, it is not anything startling. The Emperor did that back in 1890, was out with the people and assumed a fairly democratic attitude, I am told by the people who know. Does that sound right? Isn't that true?

MR. NORMAN: Yes.

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GENERAL DYKE: The Emperor is--well, I will describe it this way, as it seems to me. The Emperor is anxious to do anything that anybody feels he can do to help. I say that seems to be the situation, and my honest opinion, until something happens that has not happened yet, is that any move to attempt to try the Emperor as a war criminal, or to take him out of this emotional leadership which he fills at the present time, would be one of the greatest mistakes anybody could make. I mean that whatever would be gained by trying the Emperor as a war criminal--it is all right with me. I hold no brief for the Emperor. I am looking at it purely selfishly, and I am telling you, Gentlemen, and I hope you will agree--it seems to me this continual series of bricks, a brick for the economic problem, a brick for the educational problem, the structure we are trying to build--and the Japanese who are behind that deadpan are very emotional people and make decisions, it seems to me, on emotion much more often than on what we term logic--that the emotional place that the Emperor fills in that picture, and it is not a political spot, is the mortar that holds this entire structure together, or at least will hold it together until we can make the proper kind of democratic mortar that will hold those same bricks together. That is one feeling about the Emperor.

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I think the moves which he has made have been some at our suggestion and some voluntarily. I can assure you that as far as the renunciation or the so-called renunciation of divinity that was made on New Year's Day was not done under pressure and was not forced. It was an obvious and logical follow-up from the directive on Shinto, in which we said specific things can no longer be taught in Japan. It was not done under pressure. Naturally we knew all about it, but it was not something where we called the boy over, said, "You tell the Emperor on New Year's Day he will do such and such," and even if we had thought of doing it, it would have been a dangerous thing to do. There is a certain percentage of the people who feel that is what happened, but there is a great percentage who do not feel that way.

CHAIRMAN: Thank you, very much, General.

GENERAL DYKE: Thank you, Sir.

(At this point General Dyke left the meeting.)

CHAIRMAN: We will now proceed to the business of the morning, Item 3 on the Agenda, Commission Documents. Under the provision of this Document, that is FEC-030, at this place it is unnecessary for a new document to come before the Commission. Instead it can be referred by the Secretary-General to the appropriate Committee, which will

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after consideration make its report to the Commission.
Have you any remarks, Mr. Johnson, on that?

SECRETARY-GENERAL: No.

CHAIRMAN: I do not think it is necessary for us to read it, if you will glance through it and see if you have any comments.

This is just a routine. Of course, there is no objection on the part of any Delegate to present any papers that he particularly wants to bring to the attention of the Commission first, and then a reference will be made to the proper Committee, but the routine is as indicated.

Any comment can be made at any time on the suitability of the procedure that is suggested at the moment, and for the routine conduct of our work. Are there any comments on it? No? Otherwise we go on to Item 4, Organization of the Secretariat, PEC-029, which are recommendations of the Steering Committee for approval by the Commission.

GENERAL LAVARACK: I think, Mr. Chairman, Australia put in a proposition some time not very long ago. I understand that this Secretariat should eventually become an International Secretariat, and I may say that we agree with what is here, but we nevertheless reserve the opinion-- I do not think there was any support for that proposition-- that Australia still feels that the Secretariat should eventually be international.

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CHAIRMAN: This gives an opportunity to begin that, you might say.

MR. NAGGIAR: Mr. Chairman?

CHAIRMAN: Yes.

MR. NAGGIAR: While approving the draft proposed by the Steering Committee on this matter, I wish just to let the Commission know that I have not yet referred the matter to the French Government, and I will let you know later on what is the opinion of the French Government as regards especially the possibility for furnishing any help in order to put in practice the draft prepared by the Steering Committee. I will let you know later on what can be done.

CHAIRMAN: There is no objection?

MR. NAGGIAR: No objection.

CHAIRMAN: To it as it stands on policy?

MR. NAGGIAR: No.

MR. VESUGAR: Mr. Chairman, may I ask for clarification on this particular point here. If any Government appoints or recommends a man to one of these positions, it is stated here that that Government will pay the expenses and salary of this man. Now, in the case of a man appointed from the open market by the Secretariat of the Far Eastern Commission, then his expenses will be met by the Far Eastern Commission. What is the reason for a man

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seconded by a Government being paid for by his Government?

CHAIRMAN: There is no provision for paying any expenses of this Commission as yet. It is being paid by the United States Government up to date. This gives an opportunity for any Government to furnish a member of the Secretariat at their own expense. When it comes to the ultimate problem of paying for this Commission, we have to consider that as a separate problem, budget, and so forth, but there has been no proposition for that as yet. Is that correct?

SECRETARY-GENERAL: Yes.

CHAIRMAN: Are there any comments on the paper concerned? That is, FEC-029?

There seems to be no official representative of the Steering Committee at the table this morning. Sir Carl Berendsen is absent and the Ambassador from the Netherlands, and we think Sir Girja Bajpai, alternate member. Is there any member of the Steering Committee here that may wish to make any remarks on this report of the Steering Committee. If not, is there any objection to the report's being accepted?

There seem to be none. It will be accepted.

The next item, No. 5, on the Japanese General Election, FEC-021/1. I believe Mr. Novikov, the Soviet Representative,

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was Chairman of that Committee that presents that dispatch or suggestion for communication to our Government for our transmission to General MacArthur. Have you any comment?

MR. NOVIKOV: I want only to say that Committee No. 4, acting under instructions of the Commission, has discussed the program of the Japanese general election completely, and has I believe this draft to send to General MacArthur, if it is the opinion of the Commission at this time that we want to ask this. We offer it for discussion here now or later.

CHAIRMAN: Are there any remarks on this proposal submitted by Committee No. 4 on Democratic Tendencies?

MR. VESUGAR: Mr. Chairman, may I suggest that this proposal is so mixed-up with the next item on the agenda, that it may be possible to deal with the two together. Committee No. 3 has also considered one aspect of the same problem as the election.

CHAIRMAN: Mr. Novikov.

MR. NOVIKOV: It seems to me they are two separate problems. One is the proposal or the draft of the constitution and the other is the problem of the general election in Japan. They are connected in some way, I do not deny it, but still they are separate programs. I would like to discuss them separately. It seems the simplest way.

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CHAIRMAN: The Commission will probably remember that I in a sense opposed inquiry of this sort for a good many reasons of policy. I felt that this was a question that was an honest difference of opinion as to what is policy and what is administration. However, I sensed that the Commission did not agree with me, and I am not opposed, since the Committee has acted and has discussed the matter, to propose it now, only I do feel that in the next item, having to do with the constitution we are there on clear ground as to our policy. I do not think there is any doubt on the part of any as to what is in our minds there, so that possibly you will give thought to both of these inquiries from that point of view. I still think, just to give you my honest opinion, I think that the inquiry about the election is beside the mark. It is too late. Even if we could transfer on questions of policy there, it is a mere matter of opinion. I would think it better not to send that, any dispatch of that sort, but I defer since the Commission plainly indicated they felt otherwise at that time. I still feel it does not get us anywhere, and it simply brings up the question that I know from the point of view of the telegram of General MacArthur to me personally, where I queried him on this very subject, what his feeling is.

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So I do not think it gets us anywhere and just introduces an unnecessary query, where there is a doubt as to the broader aspects of what is policy and what is administration. There is an Allied Council either sitting or about to sit in Japan that is there with General MacArthur, and I have no doubt that these points will be considered there as well. Not only this point but the constitutional point, radical change in the general framework of the Japanese constitution, and is a question plainly to come up both in the Allied Council--and I think that since it has been referred to us that we are quite within our rights to seize the thing in the legal sense--and that will be brought out in the discussion of the constitutional paper. You will remember--but I will not go into the terms of reference for the moment because that I want to discuss with you on the succeeding paper, but I take it as a general proposition when the question has been referred to the Steering Committee, or to any other Committee, that the presumption for me is that I would like to not raise any objection if necessary--I have minor objections--to any action of the Committee. I think that there they get a discussion that we should have, and I am represented there, and I feel that the presumption/^{is}for me to go with the Committee

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when it reports. I would like to do that and I will in this election dispatch, although it is against my better judgment. Are there any members of the Steering Committee that have any comment on this election paper?

MR. VESUGAR: We are discussing the election paper first, and not the constitution?

CHAIRMAN: No, I brought that in as one that will follow, but I felt clearly it was in our terms of reference and on policy, as a policy-making Commission. But I do not feel that way about this election paper.

MR. NAGGIAR: I see.

CHAIRMAN: Once more--I misnamed the Committee. It is this Committee that presents the election inquiry, the Committee on Democratic Tendencies, No. 4.

MR. NAGGIAR: But we are discussing now the problem of the constitution or the problem of the election?

CHAIRMAN: The problem of the election from Committee No. 4. The query as to election.

MR. VESUGAR: Mr. Chairman, may I make this suggestion. It is quite true that the two should be, the recommendation of Committee No. 4 and that of No. 3, should be discussed separately, but as No. 3's recommendations deal with the constitution and No. 4 with only the election, would it be proper to deal with No. 3 first? Change the order on the agenda? That is, if Mr. Novikov agrees. This one has a

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bearing on the other, while in the second case it has no bearing on the first one.

CHAIRMAN: What is your comment?

MR. NOVIKOV: It is my feeling we are dealing only with the general election problem, in this query to General MacArthur.

MR. VESUGAR: I agree with that, only I was trying to reverse the order of discussion on the agenda. Take Item 5 before taking up Item 4--or rather, take up Item 6 before taking up Item 5.

SIR GEORGE SANSOM: Mr. Chairman, it seems to me that this election problem is a question simply of fact-finding. We are not discussing principles. We are asking opinions of the Supreme Commander. If it is decided we should ask him, then the text of this question will be considered by the Commission and the whole problem is settled, whether it goes or does not, or in this form or some other. The question of the constitution is definitely a question of the powers of the Commission on other questions, and I would be very much opposed to treating the two together there. I should have thought that the order of the day would be to put the simple one first, and the matter of the constitution does not arise in dealing with this. I have no strong objections to dealing with them in a different order. It seems

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to me it is simpler to decide this first.

CHAIRMAN: I will make a ruling that we will pass on the report of Committee No. 4 first, the election paper.

(At this point Dr. Wei left and was replaced by Dr. Liu.)

CHAIRMAN: I looked up the record of our conference in Japan on this subject, and I was rather surprised to find that we had quite a discussion there with the group that was charged with getting the information on that subject. I do not know whether that was available to the members of the Steering Committee. I am sorry that I did not have the American representative there present it to the Steering Committee. It is very pertinent to the discussion. In other words, the subject was taken up there and thoroughly explored, and although General MacArthur was not present, it was his staff that gave us the opportunity to discuss it. It is quite a long series of comments and questions and replies that, it seems to me, answers--in other words, that the SCAP staff expressed themselves on practically all these questions we are now inquiring again, after we also have the way General MacArthur himself replies to my query. I once more feel it is just beside the mark, but I once more say I will not oppose it if the Commission wants to send it. I do

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feel, in view of this series of questions and replies, that was not before Committee No. 4, that it is wise, just because that was not done by my representative, that we should refer it back. I think it is not a burning point, a molehill instead of a mountain, and for that reason I do not feel, if we are going to send it, I do not think we ought to send it back for further consideration of the Committee. I think the Committee have a perfect right, if they wish, to present this paper in the form they have done it. And then it is having a third meeting, as you will often have, on the subject--it is up to the Commission to decide what they want to do about this paper. Have you any comments, Mr. Norman?

MR. NORMAN: Mr. Chairman, I think Sir George has clarified the issue. I do not think we need to speak here to the point of jurisdiction concerned, but it is simply a fact-finding matter. When the question was first raised I think we could have been well within our rights to ask the Supreme Commander's opinion on this question, and there were various doubts which were expressed at that time. I think now the matter is so late in the day that I can't see from the practical point of view that much would be served now by this inquiry. For instance, on question 2 of this FEC-021,

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on the second page, we know the answer now already, what he will say, from the first communication we have had. It is only fair to assume that the answer we will have from the Supreme Commander will be the same which he sent to you. We know also that the Supreme Commander has the power to dissolve the Diet if it is unsatisfactory, and in view of this very late date I do not think anything much of a practical nature will be gained by it. As far as the message is concerned, I think the draft that was made in this Committee incorporates the views, the fair draft of the views expressed as far as the message itself is concerned, but I am not very strongly convinced at this late date that it would serve much useful purpose to send one. I do not think it would change the situation. I feel quite differently about the next item on the agenda.

MR. VESUGAR: What about question 3 of this draft, that this election may be treated as a test?

MR. NORMAN: I think we know that General MacArthur has that power to do that and we are not inhibited, I gather, from making a further statement on the question later on if the elections are not entirely satisfactory, if we should keep quiet at this moment.

COL. POWLES: Mr. Chairman.

CHAIRMAN: Col. Powles.

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COL. POWLES: The Members of the Commission will recall that at the last meeting Sir Carl Berendsen set out the reasons why it appeared to him that the election ought to be postponed, and he moved a motion the effect of which would have placed the Commission on record as being in favor of the postponement of the election, and at the same time communicating an inquiry to General MacArthur. The result of the discussion at the Commission meeting was that it appeared that the Commission was not in favor of getting on record that it desired postponement but that there seemed to be a general consensus of opinion that some inquiry should be addressed to General MacArthur in order to get his views. Under those particular terms of reference, including the whole of the discussion, the matter was referred to Committee No. 4, and Committee No. 4 has now prepared this draft of a suggested message which the Commission could send. I would like to stress the point of view that this is purely a fact-finding expedition, that we do desire to obtain General MacArthur's viewpoint, perhaps more fully and with reference to certain greater detail of background than were expressed in the reply which General MacArthur gave in the message to you, Mr. Chairman. It may well be that General MacArthur will say in the answer to question No. 1 that he does share the

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apprehensions of the Commission with reference to the possibility that the election may not provide a suitable government. It may well be that he will go on to say that he considers it impracticable to postpone the election. It may be a matter on which most of us would find some general measure of agreement, perhaps. Although it might have been very desirable at an earlier date to make a postponement, now the election is barely three weeks off and he may consider it impracticable.

Nevertheless, we are also asking him whether he feels it would be a good idea to indicate to the Japanese people some of his apprehensions on the subject of the election and indicate that the election itself would be in effect a provisional election. We are just asking him whether he thinks it would be a good idea to do that. It may be, and it probably is, that some members of his staff at any rate have considered this particular point, but it is possible that this particular point has not itself been presented to General MacArthur. We do not know. Putting the matter in this form, which is an inquiry worded as politely, as graciously as is proper for us to do so, does not seem to me to commit the Commission to any particular course of action, and at the same time indicates to General MacArthur that the Commission is considering

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matters which are very important, very much within its province. That is to say, the general question of the democratization of Japan, and for that reason, I would suggest that the proposition which is before us at the moment, which I take it to be a formal proposition by the Chairman of Committee No. 4, that the report of the Committee be adopted. I suggest that that proposition should be carried.

CHAIRMAN: Any further comment?

MR. NOVIKOV: If that is the motion before the Commission, Mr. Chairman, may I second it with the addition perhaps of the words, after the word "desirable" in paragraph 2, of some words like "at this late date" to show we are fully conscious of the time element, and that what we are really concentrating on is the Supreme Commander's general attitude to this question of election.

CHAIRMAN: I will take it then that you make the motion--

COL. POWLES: If that is in order.

CHAIRMAN: --and that it is acceptable to you to make this change which is suggested, "at this late date".

COL. POWLES: Would he consider it possible and desirable at this late date?

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MR. NORMAN: Mr. Chairman, may I just make a suggestion to the New Zealand representative? Would you consider this? Would it strengthen the message to have the emphasis shifted almost entirely, to say that at this late date that proposal is impracticable, something of that sort? I really feel that elections now are so close that they are going to go on.

COL. POWLES: Just as a practical point, Mr. Chairman, the smaller the amount of detail in the matter of drafting that we have to consider at this meeting, the better. I would suggest to Mr. Norman that his point is really adequately covered. Whether we start rephrasing these questions or not is a matter for the Commission, but it would be unfortunate if we have to, because we have been right through it in the Committee.

CHAIRMAN: I rule the paper is as you have accepted, as you made the motion and Sir George seconded, and you have accepted his suggestion. Any other comment?

I take it this query falls under the terms of reference as I shall read it. "It (that is, the Far Eastern Commission) may make such arrangements through the Chairman as may be practicable for consultation with the Supreme Commander for the Allied Powers." Was that the term of reference under which you were acting?

MR. NOVIKOV: Excuse me, Mr. Chairman?

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CHAIRMAN: It is marked in the terms of reference there.

MR. NOVIKOV: Yes.

CHAIRMAN: I just want to bring up the point of the term of reference so that it will be understood that the procedure which I am obliged to follow--it will come to me as Chairman, and assuming that it is the wish of the Commission, I will take steps to have it properly forwarded through our channels.

MR. NAGGIAR: Mr. Chairman?

CHAIRMAN: Mr. Ambassador.

MR. NAGGIAR: If I am not mistaken the phrase you just referred to is under Section VI, Location and Organization, Number 1. "The Far Eastern Commission shall have its headquarters in Washington. It may meet at other places as occasion requires, including Tokyo, if and when it deems it desirable to do so." And "It may make such arrangements through the Chairman as may be practicable for consultation with the Supreme Commander for the Allied Powers." It seems to me that this phrase concerns location and organization. Our discussion today seems to fall under Number III, Functions of the United States Government. "1. The United States Government shall prepare directives in accordance with policy decisions of the Commission and shall transmit them to

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the Commission notes the encouragement given," rather than say "appreciates". I do not think that we used the word "appreciate" in the sense of approval. Is that your point?

MR. NOVIKOV: Yes. We do not appreciate.

CHAIRMAN: Would it meet with your approval if we re-edited and say, "In this connection the Commission notes the encouragement given to the Japanese people"?

MR. NOVIKOV: Yes.

CHAIRMAN: I think that is a good point, although it was used both by the Committee and myself without getting that other meaning you have given to it, which is quite understandable.

Then "notes the encouragement".

Mr. Norman.

MR. NORMAN: In comparing the draft you have presented us with with the one which came from the Committee, I think there is one point at least where the draft of the Committee is more explicit, and that is the use of the word "should" in the draft we presented. It is in the middle of the third paragraph of Enclosure A, where it says it considers that the Supreme Commander for the Allied Powers should announce publicly, and in your amendment it considers that the Supreme Commander for the Allied Powers will undoubtedly--

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the Supreme Commander through the appropriate United States Government agency."

CHAIRMAN: That is on questions of policy, is it not? This is not a question of policy.

MR. NAGGIAR: It is a question of election, not a question of policy.

CHAIRMAN: Purely a question of inquiry, as I take it.

SIR GEORGE SANSON: That is as I gather it a question of fact-finding.

MR. NAGGIAR: The question of constitution will be policy decision, yes?

CHAIRMAN: That is the way I understand it.

COL. POWLES: Mr. Chairman, without wishing to assent to the argument, the question of policy is not involved in this, I should like to say that what we propose to do is not to issue a directive but merely to consult with the Supreme Commander. This is a consultation with the Supreme Commander, and I suggest that the question of whether policy is involved or not does not really affect that particular matter.

CHAIRMAN: Only in my answering the Ambassador.

COL. POWLES: I would suggest the issue as between paragraph III and Paragraph VI in the terms of reference

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is the form of the document. In Paragraph III a directive is spoken of. In Paragraph VI it is a consultation, and this, as I understand, is consultation.

CHAIRMAN: Yes. It is my understanding.

MR. NAGGIAR: Agreed.

MR. NOVIKOV: Mr. Chairman, may I understand this document is accepted and shall be transmitted to General MacArthur through appropriate channels?

CHAIRMAN: The Commission has not acted on it yet. I am just exploring it before putting the question. Are there any other comments? The motion has been made by the Representative of New Zealand that the report, the query on elections, of Committee No. 4, with the change of drafting as suggested by the Representative of the United Kingdom, "at this late date" inserted after the word "desirable" in paragraph 2, the motion has been made and seconded with that change. Is there any further comment? If not--

MR. NAGGIAR: Mr. Chairman, would it not be perhaps better for clarification to add the words "at this late date" in paragraph 3, after the word "desirable"? I just make the suggestion.

CHAIRMAN: Col. Powles, do you accept the change, instead of putting "at this late date" after "desirable"?

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in the second paragraph, as the French Ambassador suggested, it should be put in the third paragraph after the word "desirable" there?

COL. POWLES: I have quite an open mind on it. I think the idea would be expressed adequately either way.

SIR GEORGE SANSOM: The same.

COL. POWLES: And if the French Ambassador desires it strongly to go in paragraph 3, I would have no objection.

CHAIRMAN: The motion is made and seconded that the query be made as proposed by Committee No. 4, with the phrase, "at this later date" inserted after the word "desirable" in paragraph 3.

GEN. LAVARACK: No, "at this late date".

CHAIRMAN: "At this late date."

Are there any other comments or any suggestions?

I will assume then it is the desire of the Commission to forward this inquiry through proper channels to the Supreme Commander.

Now comes Item No. 6, the Japanese Constitution, FEC-031, submitted by Committee No. 3 for the consideration of the Commission.

Mr. Norman, will you present the wishes of the Committee? That is Committee No. 1, not 3.

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MR. NORMAN: Mr. Chairman, this Committee met just to draft the message relating to the Constitution, and several drafts were presented at the meeting. After some discussion the majority in the Committee expressed a preference for the draft as presented by the Representative of the United Kingdom, and that draft was then amended in some details, and prepared for presentation to the Commission, and that is the draft, the amended draft, which appears as FEC-031.

CHAIRMAN: You have the draft submitted by the Committee No. 3 before you, and there I join with you in feeling that this is important and quite within our purview to take cognizance of what has happened in plans with regard to the proposed constitution and General MacArthur's personal remarks published in the newspapers. That has been referred to this Commission by the United States Government in the form of a text of the draft constitution which appears to have been drawn up in compliance with the imperial rescript, the text of which has also been supplied to the United States Government along with the Supreme Commander's comment on that text. That was before the Committee, all those, and there seems to be no doubt in the minds of anybody as to the desirability of our acting promptly in this field on a matter which

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does affect us very vitally and properly. The last meeting of the Committee yesterday afternoon did not give me an opportunity that I would like to have had if it could receive further consideration by the Committee, but I feel that it is important to get this off at once without referring back to the Committee just because I think it needs a little bit of editing. However, I do feel that it does need a little editing, and I put before you at the same time I do the report of the Committee some changes I have made in it from my point of view, not having it considered through channels, and in a way that is in conformity with the way my Government has heretofore dealt with such questions with the Supreme Commander. I will, at the same time as having put before you the text of the report of the Steering Committee, like to have you consider with it what I think is the same thing in a little bit different language.

(The two drafts were distributed.)

Once more, I am sorry that I have to even change a word of the Committee's report, but I feel it will be obvious when you compare the two--at least, I hope so.

I am prepared to receive a motion on either one of these drafts. I call your attention to the first paragraph and also to the last paragraph, which are phrased a little differently, and there are a few others. As you go through

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you will notice certain other evident changes. I do not think I have in any way changed the wishes of the Committee as they expressed them. They expressed them one way and I have expressed them in another, but I hope that the material I have submitted will meet with your approval. I think it is really important to get this to the Supreme Commander as quickly as possible.

SECRETARY-GENERAL: On page 1 of this draft, I understand in the last paragraph, in the middle of the paragraph, that period should be a comma, followed by a small "t".

CHAIRMAN: We have had to do this very hurriedly, so I would be glad to have you look at this very quickly and see that our language is proper and consonant with that of the Committee.

MR. NOVIKOV: Mr. Chairman.

CHAIRMAN: Mr. Novikov.

MR. NOVIKOV: May I make a comment? I am looking at this document presented by you and I do not find that it is very different from the document presented by Committee No. 3. It is about the same document, so I do not mind accepting either. I am very doubtful on one phrase, on page 2 of the document, of your document and of that presented by Committee No. 3. Encouragement given to the Japanese people in the Supreme Commander's announcement

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that this draft of the proposed Constitution--it seems to me that approving General MacArthur's actions in this respect we have not truly interpreted the sense of the Commission, or in any case, some members of the Commission in this respect. It seems to me that General MacArthur still gave opportunity for some apprehensions of members of the Commission. Some of the Japanese people likewise do not understand his approval, so if we say, "the Commission appreciates" it is encouragement, approval of this specific sort of encouragement given by General MacArthur of the draft for the constitution, seeing the existence of the imperial system and some other elements of the constitution which maybe do not represent the views of many of the Japanese people. I would like to strike this phrase out of the document, to formulate this phrase in another manner, as for instance, to say that "the Commission finds that the Supreme Commander's approval of the draft of the proposed constitution gives some apprehensions, that his approval may be misinterpreted by the Japanese public," and strike this note of appreciation to General MacArthur.

CHAIRMAN: I understand, I think. For my point of view, you make a point there that you deprecate the use of the word "appreciate". "And in this connection

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I think the change to "should" would be desirable.

CHAIRMAN: The little point I make there is one-- when you say "should" we are giving him an order. When we say "will" it means a little difference. You are quite right in noticing that. We discussed that and I do not think it makes much difference to the Commission but it does to our Government.

GEN. LAVARACK: There was another similar point. May I bring it up?

CHAIRMAN: Please bring it up.

GEN. LAVARACK: The word "expects" in the end of the fifth line from the bottom. The Commission "expects"-- that might just leave the Commission expecting, if the Commission merely expects. At the end of the fifth line from the bottom of page 1. "The Far Eastern Commission expects to be given an opportunity to pass upon the final draft". It seems to lack precision, possibly for the same reason.

CHAIRMAN: Yes, I see.

GEN. LAVARACK: Could we say that the Far Eastern Commission will require?

CHAIRMAN: There is the argument--I am dealing with a certain man that I know and I am making it in a way that will not get his back hair up. It will bring the same result, I think.

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GEN. LAVARACK: I know him quite well, myself,
Mr. Chairman.

MR. VESUGAR: If we omit the two words "expects to"
I think that would meet the case. Simply that the Far
Eastern Commission be given an opportunity.

CHAIRMAN: I have no objection to that. I think
that is satisfactory to me. Is that satisfactory to
you gentlemen? Would that be satisfactory to you,
just simply say that the Commission desires the Supreme
Commander to make clear, and so forth, "that the Far
Eastern Commission be given an opportunity"?

GEN. LAVARACK: Telling the Japanese Government,
give it orders. It is only General MacArthur giving the
order. If he is to tell the Japanese Government that we
expect to be required, or expect to be given an opportunity--
it does not cause any heartburn in MacArthur's breast,
because he is giving the orders to the Japanese Government.

CHAIRMAN: I am just leaving it to him as to the way
he does it. "That the Far Eastern Commission be given
an opportunity to pass upon the final draft".

SIR GEORGE SANSOM: That is satisfactory.

CHAIRMAN: If it is not we can go back again, but I
want to get this to him as quickly as possible and meet
the wishes of the Commission.

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MR. NAGGIAR: Just a question of procedure. Will our decision on this problem be considered as a policy decision?

CHAIRMAN: This is in a different way; this is the action of the Commission.

MR. NAGGIAR: Yes. Then will the procedure be that explained in paragraph III of the terms of reference? "The United States Government shall prepare directives in accordance with policy decisions of the Commission and shall transmit them to the Supreme Commander through the appropriate United States Government agency." III, 1?

CHAIRMAN: It would be under that function of the United States Government, yes.

MR. NAGGIAR: So I wonder then if we have to go very deeply in the phrasing of our policy. We make our policy decision, and then, as far as I understand, it is for the United States Government to prepare directives in accordance with our policy decision. We express our view and we take a decision, policy decision. We let them transmit them to the United States Government, and it is the United States Government that prepares the directive, as I understand the terms of reference.

CHAIRMAN: Yes, we cover that in our final phrase and in our letter of transmittal to the Secretary of State.

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MR. NAGGIAR: Yes. That is the way. On the general election it is a consultation with the Supreme Commander, so that goes through our Chairman, and you get in touch directly with the Supreme Commander, as far as I understand the procedure.

CHAIRMAN: I would use the Government channels, but it would go differently from this one.

MR. NAGGIAR: But this one being a policy decision, as far as I understand the terms of reference, it will be for the United States Government to prepare directly.

CHAIRMAN: Yes, that is my understanding. That will be covered in our letter.

MR. NAGGIAR: To the Secretary of State?

CHAIRMAN: To the Secretary of State from the Secretary-General. It will not go through me at all.

MR. NAGGIAR: Yes.

CHAIRMAN: The Philippine Representative.

MR. GAMBOA: Going back to the second paragraph, after we have stricken out the word "appreciate" and changed it to "notes" do you think there is still a place for the word "nevertheless" in the following sentence? Since we do not appreciate anymore, I think it has no place there.

CHAIRMAN: Right you are.