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SIR CARL BERENDSEN: I am all for it.

CHAIRMAN: Yes. I will in sending this to the department call attention to this discussion so that it will be thoroughly understood.

ITEM 4 - OTHER BUSINESS
a. ORGANIZATION OF THE SECRETARIAT (FEC-029)

Item 4, Other Business, I will ask the Secretary-General to cover the Organization of the Secretariat as provided under FEC-029.

SECRETARY-GENERAL: That was brought up today, Mr. Chairman, merely for the purpose of making inquiry as to whether the delegates are prepared to report decisions of their governments in regard to seconding personnel for positions described. I understand the Australian delegate would like to have a postponement of a week.

GEN. LAVARACK: Mr. Chairman, my government being the chief if not the only protagonist of the idea of international secretariat for this Commission would like a week's delay as we haven't received any selected person and I must rather throw myself upon the mercy of the Commission in this respect. I think that the trouble is the country is a very large country with a scattered population and a lot of demobilization is going on and I think that's really the trouble. So I, therefore, ask a week's delay.

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CHAIRMAN: If there is no objection, certainly in a matter of procedure of this sort we ought to have plenty of time for every country to consider, so that if there are no further comments we will have that reconsidered.

SIR GIRJA BAJPAI: I'd like to make a comment, Mr. Chairman: the duties of the legal secretary are fairly comprehensive and responsible, as described in paragraph 2 of this paper. I notice, on the other hand, in paragraph 3 of the introduction note by the Secretary-General that the legal secretary is to have the magnificent salary of \$4,300 a year. The members of the legal profession are not very modest in their expectation of salaries and I doubt very much we will be able to get a legal secretary for \$4,300 a year.

SECRETARY-GENERAL: This was an attempt to set a ceiling, or a floor.

SIR GIRJA BAJPAI: More appropriately as a floor perhaps, but not a ceiling.

CHAIRMAN: Yes, that seems to be very good bait on the fishhook, doesn't it. Well, I think that as a matter of point is well-taken. I think I probably called the Secretary-General to stir himself a little about this in view of the fact that we lost Sir Frederic Eggleston who was the only legal authority we had. But I am sure

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now that we have at least one and possibly two more. So we don't have to worry much about it at the moment. We will defer action on that paper and consider these points. Are there any other comments?

SIR GIRJA BAJPAI: Not on the paper, Mr. Chairman, but, if I may, I'd like to raise a point under the omnibus heading "Other Business," not with a view to raising a discussion today, but by way of notice. I think there are two things to which we shall have to apply our minds if the kind of conference we had the other day over the question of the date of the elections is to be avoided.

I think that on questions of policy there ought to be some method of mechanism for prior consultation with the Commission before a decision is announced either by the Supreme Commander or by the United States Government. I think that's one point which is worthy of consideration. I propose to bring it up at the next meeting of the Commission.

The other, is the acceleration of our work in such fields as reparations and economic policy, both of which are urgent.

You remember, Mr. Chairman, that Mr. ^{PAULEY'S} ~~Parley's~~ report was submitted to the defunct Far Eastern Advisory Commission

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in December. This is now the beginning of April, more than four months have elapsed since then, and we are only now in possession of a rather truncated summary of the ~~party~~ ^{PAULEY} recommendations. Now it seems to me that a matter of this kind is urgent from every point-of-view because machinery that is to be handed over or other reparations which are to be handed over to countries participating in this Commission deteriorate by reason of the fact that there is no maintenance or care and arrangement and so on, and speedy distribution is desirable. Well, we might get on with that.

Equally, with regard to economic policy I find that a decision has already been taken to export certain quantities of cotton to Japan, but there are other countries around this table who used to export cotton to Japan before the war and I think some general principles to govern this and other matters relating to economic matters have to be defined and the sooner they are defined the better.

That's just by way of introduction. I thought I would mention it today so my colleagues might be prepared to express their views on the points that I have raised.

CHAIRMAN: Are there any comments on the remarks of the Indian representative, which I think are very pertinent, and I am very glad to have a full discussion

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and consideration at the next meeting.

Are there any other matters for your interest or consideration this morning?

SECRETARY-GENERAL: Mr. Chairman, the National Geographic Society wants to make a colored picture, a photograph of the Commission sitting, and I would like to have the permission of the Commission to make arrangements for this. I am told that they will come in and put up their implements and have them already here and that it will take about five minutes of the Commission's time at a regular meeting of the Commission some morning to accomplish it.

SIR GEORGE SANSOM: What has this to do with geography?

SECRETARY-GENERAL: Well, I don't know. They intend to publish an article on the Far East generally and I think this is a picture that they wish to publish.

CHAIRMAN: If there is no objection, we will permit you to have us go through this embarrassing five minutes before the batteries of the photographers.

SECRETARY-GENERAL: It will require a little flood-lighting, but it won't last long.

CHAIRMAN: I hoped when I retired from the Army some eight years ago that I would never have to be photographed

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but I find that it is still a persistent habit.

SIR CARL BERENDSEN: Nobody ever uses it.

CHAIRMAN: Excepting Mr. Cortney, he's showing our pictures all over the place. I remember his giving us a show one night on ship. Well, he's been going about and taking a number and had the cuttings changed somewhat so that he had a number of different showings that he is giving here and in other parts of the country. I remember once in New York I saw them. So that we probably will have to suffer these trials occasionally.

SIR CARL BERENDSEN: Could I raise one little point, Mr. Chairman, before we adjourn? You remember that in Japan the view was generally expressed that it would be useful to the Commission to have certain periodicals in Japan, particularly Stars and Strips if it is still going, which I am not quite sure.

SECRETARY-GENERAL: Mr. Chairman, a letter was sent requesting these several periodicals that were listed and a second letter was sent asking for expediting of the sending, but up to the present time we haven't received them.

SIR CARL BERENDSEN: Well, it's underway.

CHAIRMAN: I, personally, had Colonel Babcock trying to get that in the proper channels.

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COL. BABCOCK: Yes, I went over to the War Department and saw them about it and they have telegraphed for them.

CHAIRMAN: Our friend General Marquette was so enthusiastic about it when we were there and said he would send a special bag with all of the papers each week including the vernacular that Mr. Norman was interested in.

MR. NORMAN: We have, Mr. Chairman, from the War Department some ATIS translations for February, political and editorial.

CHAIRMAN: I assure you we will follow it up with particular interest and I hope that we will have these things more routine in character and more quickly at your disposition.

I also, you remember, set up with General MacArthur an interchange of officers when either one of us felt that there was some particular problem that we wanted to follow up or when we wanted some problem brought up to date. So if at any time on your committee work you feel the need of some personal representative on the staff to come over here and bring us up to date on any particular problem we are considering I am sure that we can arrange that, or vice versa, if we want to send one of our own group over at intervals to have the liaison work both ways.

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I would be very glad to arrange that. It's subject nowadays to great difficulty of transportation; even more than when we were there due to the rapid demobilization of our air forces which have very much embarrassed the normal flights back and forward.

CHAIRMAN: Are there any comments today on the nature of our press release?

ITEM 5 - PRESS RELEASE

SECRETARY-GENERAL: Should we publish the text now or wait until after the directive is issued?

CHAIRMAN: What is your wish, gentlemen, about this policy paper which we have just passed on -- whether we shall give out a certain statement now or publish the paper itself or the directive when it is issued by our government, the American Government.

MR. NAGGIAR: Mr. Chairman, it seems to me that it is better not to publish the text before General MacArthur has been able to get it. After all, it's a policy paper and it has to go through our files; I understand from the terms of reference it has to be sent to the United States Government and the United States Government will have to send it to General MacArthur. So those are official instructions to General MacArthur. So how could we publish the text of instructions without General MacArthur first in a position to receive them officially.

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CHAIRMAN: I suppose your comment would naturally follow his request to us that if we give out anything here that he be notified so that he could be prepared at that end.

MR. NAGGIAR: Yes. I think we might let the press know that we agreed upon a policy paper on the war criminals, and later on the text will be published.

SECRETARY-GENERAL: We have prepared a little statement. Simply just to say: "The Far Eastern Commission at its regular weekly meeting today unanimously approved a policy for the apprehension, trial and punishment of war criminals in the Far East. The text will be made available at a later date."

CHAIRMAN: Is that agreeable to the members of the Commission.

GEN. LAVARACK: Could we add to this that this policy will be published after the necessary directive has been sent to General MacArthur.

CHAIRMAN: Yes, we might say that after this paper has been finally disposed of in the form of directive and received by General MacArthur it will then be given to the press. I think that point will come up frequently in the sense of our general consideration of our relations with the press and from the rather different opinions

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we have about press relations. I have been thinking it over after this last effort of the newspaper men to be informed. I met quite a group of them after I went out of here last week and they protested about our being secret in our actions and so forth, and they compared us to the other international commissions now sitting, which are of a different nature in a sense. Here is a policy-making organization which has to discuss things and, as we know, we have different points of view and very properly so representing the different governments up to a certain point where we do or will probably fully agree. In that interim when we are not together, it seems to me there we would be interfering very much with our own due consideration and at given moments give the press a very wrong impression probably of what our final action as a Commission would be. So that in a sense a commission sitting in and discussing policy is a little bit different from these other international organizations which are more or less executive in character and have already opened their sessions at times to the press. I notice in today's paper that the Security Council had some meetings where the press were gathered, but where they were discussing policy they did not have them present, and that would seem to me to bring those points for your consideration as we go

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along. So that we can keep considering this publicity angle having in mind that at times it might interfere with our action and have very considerable misunderstanding of the way an international commission acts on policy. However, it is an open question and I think we ought to continue to talk about it and improve our relations when we can.

SIR CARL BERENDSEN: Could I continue to talk about it at this council?

CHAIRMAN: I hope you will.

SIR CARL BERENDSEN: I fully agree a great deal with what you said and I've never suggested at any time that the press should always be present at the meetings of the Commission, for clearly there will be times, as there are in the Security Council, when it is undesirable to have the press there. But the very fact that this is an international body seems to me to indicate that we should give the press the utmost possible facilities for obtaining any view that there is obtainable here. The world should be entitled to know what is being said here except where there are circumstances to the contrary.

Now the Security Council itself, which is surely perhaps the highest policy-forming body in the world at the present time, normally is meeting in public, and the

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press has been hearing a great deal of quite warm discussion -- I think that's all to the good. As far as this particular question is concerned there would be no objection at all to policy to publishing it. General MacArthur's wish, quite well-taken, is that any communication from him shouldn't be published by anybody else until he can publish it. But this is a decision of the Far Eastern Commission. I don't see any reason why it shouldn't be given to the press. I am not opposing the decision that has been taken. In my judgment the meetings of this Commission should be open to the press except where the Commission declared that that course would be improper.

SIR GIRJA BAJPAI: Mr. Chairman, not in any way differing from our New Zealand colleague at all, but just with regard to the publication of documents which represent or reflect a decision of policy -- I think that it would be desirable to aim at simultaneous publication of those documents. I mean publication in this country and publication in Japan should be simultaneous. That gives the Supreme Commander an opportunity of knowing in advance what we are doing. But I would add this rider -- that this should be reciprocal. In other words,

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we don't publish a decision of policy here without first informing him what we are doing or publishing it there at the same time that we do it here. Equally, if he gives a decision on a question of policy he should let us know in advance, so that his views and intentions are known to us, and, as I say, some publicity from the other end.

GEN. LAVARACK: Mr. Chairman, we are discussing a question of publication of documents. We have already agreed that in the case of General MacArthur's reply to the committee it should be published here, but he should be given an opportunity of publishing it simultaneously. Well, it might be desirable, certainly in some cases, that the various governments should be allowed to have this information too, so that they might also publish it. Certainly we would not want any misunderstanding about it. My country perhaps sometimes might get a slightly distorted view. It would be much better if it were published in toto.

CHAIRMAN: That brings up a point that's very interesting when we think of the eleven countries here represented. I think you have to consider that and see how that point can be covered.

SECRETARY-GENERAL: That point could be covered

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very easily. If we are to publish a document we can fix a date or a time that would give each delegate the opportunity to get it published at a certain time.

CHAIRMAN: We will keep considering this and especially these points that very properly come up every time we do.

If there is no further business, the meeting stands adjourned.

(Whereupon at 11:15 a.m. the meeting adjourned).

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FAR EASTERN COMMISSION

Transcript of Eighth Meeting of the Far Eastern Commission
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.,
Wednesday, April 10, 1946

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REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman	(U. S. A.)
General Sir John Lavarack	(Australia)
Mr. E. Herbert Norman	(Canada)
His Excellency, Dr. Wei Tao-Ming	(China)
His Excellency, Mr. Paul E. Naggiar	(France)
The Honorable Sir Girja Shankar Bajpai	(India)
His Excellency, Dr. A. Loudon	(Netherlands)
Sir Carl Berendsen	(New Zealand)
Dr. Melquiades J. Gamboa	(Philippines)
Mr. G. G. Dolbin	(U. S. S. R.)
His Excellency, Lord Halifax	(United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

Reporter: Edna C. Moyer, Department of State

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(The meeting was convened at 10:30 a.m.)

CHAIRMAN: Gentlemen, the session is open.

(Pictures were taken from 10:30 to 10:35.)

CHAIRMAN: The session is still open, Gentlemen.

I call your attention to Item 1, "Approval of Minutes of the Seventh Meeting". Several of you are quoted, and so I would request you to look over the minutes and make sure that you are quoted correctly.

SIR GIRJA BAJPAI: I have a comment, Mr. Chairman. On Item 4, page 2, paragraph c, which is my own discourse, I would like in the second and third lines for the existing language the following to be substituted. "... Committee No. 1 and Committee No. 2 should be accelerated and coordinated with decisions being made by the United States Government or by the Supreme Commander". In other words, the rest of the sentence goes out. Then in the next following sentence, after "He referred" insert the words "as an example". And finally, in the two last lines, after the words, "He said that this matter", insert "illustrated the need for consultation to which he had referred earlier," and the rest of the sentence goes out.

SECRETARY GENERAL: May I have that copy?

SIR GIRJA BAJPAI: Yes.

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CHAIRMAN: Are there any other corrections or comments?

While we are waiting I want to express my pleasure at having the British Ambassador back and my sorrow, too, that Sir George is gone. I understand he has returned to England for a visit and we hope to see him back.

LORD HALIFAX: Thank you very much, General McCoy.

CHAIRMAN: Are there any other changes? There seem to be none. The minutes are adopted.

Item No. 2, "Nomination of a Chairman and Deputy Chairman for Committee No. 7". (FEC-004/8).

SIR GIRJA BAJPAI: There is a typographical error in the spelling of "Deputy" on the Agenda.

CHAIRMAN: Well, since Mr. Churchill is here we are not so particular about our grammar and English.

SIR GIRJA BAJPAI: I am only particular about the orthography, Mr. Chairman.

CHAIRMAN: This is based on a report from the Steering Committee, and if there is no objection it will be accepted. There seems to be none.

Then Item No. 3, "Coordination of the Work of the Committees", FEC-043, another report by the Steering Committee as approved in its last meeting. In this

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paper the Steering Committee assumes the responsibility for coordinating the work of Committees and the Steering Committee Chairman is given discretion to decide whether any document goes directly to the Commission or should be reviewed by the Steering Committee. The Secretariat assumes responsibility for coordination as to form and style. I think that will be very helpful. Sometimes it may delay action and we will be conscious of that, or at least, if there should be any need for quicker action or as quick action as the Commission can take under the circumstances. But I do feel that this coordinating responsibility here recommended would be very useful, so that we give due consideration and do not have overlapping or duplication of work in the Committees. That in a sense is shown in the next two items here. The two Committees reported largely on the same matter, but in view of the general action of both Committees and to prevent further delay, I felt that we ought to let these two next reports go through in spite of the fact that they are not very coordinated.

In case General MacArthur is a little bit confused by certain inconsistencies, I will take the responsibility of informing him, in case he does express his misunderstanding.

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Is there any comment on Item No. 3, Coordination of the Work of the Committees? Does the Chairman of the Steering Committee care to make any statement or comment?

SIR CARL BERENDSEN: I have no comment.

CHAIRMAN: Is there any comment or criticism or suggestion? There seems to be none. The report of the Steering Committee is accepted.

Item No. 4, Liaison with SCAP (FEC-044). The New Zealand Delegate presented SC-007 at the last Steering Committee Meeting. SC-007 was referred to an ad hoc Committee for redrafting and presentation to the Commission. FEC-044, this paper, is the result of the work of the ad hoc Committee, of which the Ambassador from the Netherlands was Chairman.

Ambassador Loudon, have you any remarks on that?

DR. LOUDON: Mr. Chairman, I think this document speaks for itself. It has been drafted with the approval of the members of the drafting Committee in accordance with the course that we thought was the general trend of the discussions in the Steering Committee in the last meeting. Perhaps the Chairman of the Steering Committee would wish to elaborate on that.

We have also borne in mind that it is a request addressed to the Chairman of the entire Commission, who

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who previously, and also during his trip to Japan, and ever since has given abundant proof that he wishes to maintain as good a liaison as is feasible. That is all I have to say.

CHAIRMAN: While I was in Japan I discussed this very thing with the Commander, General MacArthur, and had his full approval of the liaison that would keep us together in information and interest so that we could understand each other and be fully prepared to work on the broad policy sphere here and he on the implementation of it there. We had not succeeded yet in setting up a satisfactory arrangement, but we are in the process of doing that.

In fact, we will very shortly have one of his staff officers arrive. I think he is on the way now or about to be on the way, charged with full information on reparations from their point of view. I might ask the Secretary-General to comment on one paragraph from a personal letter to him from General Marquat that is pertinent to the problem.

SECRETARY GENERAL: Mr. Chairman, I have a letter from Major General Marquat in ^{which} the following paragraph occurs. It says:

"I have asked the War Department to authorize our Mr. Reday to return to Washington for

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contact with you concerning reparations arrangements. He will not be authorized, of course, to discuss changes in policy, but it is my intention to place him at the head of the Reparations Division of the Economic and Scientific Section. [I understand that to be in SCAP when he returns.] In order that he organize a division here to function effectively and efficiently, I think he should have a thorough knowledge of your plan of procedure. We are going ahead with the inventory and cataloguing of removal items based on Pauley's interim report. By this method I hope to be prepared to expedite the implementation of the final program when it is received."

CHAIRMAN: That not only covered, as I understand it from a number of different sources, the inventories of the major industries as defined by Mr. Pauley-- you may remember I told you about it--but it also provides what is very important for all of us concerned with reparations. They are working very hard to protect and maintain this great mass of machinery in these different plants so that they can be kept useful for the future. What is the name of that Staff Officer that is coming?

SECRETARY GENERAL: Reday.

CHAIRMAN: And does it indicate when he will be here?

SECRETARY GENERAL: It does not indicate but he has got the War Department to have him return.

CHAIRMAN: And then he will be at our disposition?

SECRETARY: I have received this letter only last evening so I have not had any opportunity to inquire.

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CHAIRMAN: Is there anything of comment or interest in connection with this report of the Steering Committee on Item No. 4?

LORD HALIFAX: I would like to make a comment, Mr. Chairman, with the reservation of apology that I was not here for the earlier discussion and I am not therefore fully seized perhaps with everything you have already in your minds.

It is only on a question of the form that I would wish to make one observation. I think we are all very sensible here--at least I feel myself to be very sensible of the importance in anything that we do of avoiding anything that might possibly cause misunderstanding at the other side, anything that might be mistaken for a measure of reproach or criticism that was not in our minds, and I read this therefore from that point of view myself. I would have thought that--I speak subject to correction--that the wording of the first three lines of this might by some be so misunderstood. "The Far Eastern Commission would be assisted in its task of formulating policy if it could be more fully acquainted with the progress already made by the Supreme Commander." "More fully acquainted"--I would suggest it would be very liable to be understood we are finding fault for

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not having been kept fully acquainted in the past, and feel "they are putting us a little bit on the spot". I myself would be happier with the wording, "The Far Eastern Commission will be assisted in its task," and so on, and "if it can be fully acquainted". It is a slightly different phrasing. I speak subject to correction, because the Chairman of the Committee said, I think, that this had been very carefully considered and reviewed. I only thought I should tell the Commission how it struck me as an outside mind from the point of view I have stated.

DR. LOUDON: May I answer this? I have no objection to the suggested changes. There is no reason why this change, I think, should not be adopted, but this document was addressed to the Chairman of this Commission and not to the Supreme Commander. So in that reasoning there would be no possibility of having certain amenities, I would say, of life being infringed upon because it is only a request addressed to the President of the Commission. It is limited to him.

LORD HALIFAX: Yes, it would be.

CHAIRMAN: I get your point.

DR. LOUDON: It is not for transmission.

CHAIRMAN: That is in line with one of the terms

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of reference. Will you read that? (To the Secretary General) I think that is pertinent to the point.

SIR GIRJA BAJPAI: That is Section VI, paragraph 1.

CHAIRMAN: I have not been, I am afraid, watchful enough there because I accepted the several former queries to the Supreme Commander and sent them textually. I would be conscious of this point you have raised, which is of course important. There is no need of unnecessarily irritating anybody about this. Under the terms of reference, "It may make such arrangements through the Chairman as may be practicable for consultation with the Supreme Commander for the Allied Powers." I think that covers the point. It is up to me to see that that change is made and I will make note of that.

LORD HALIFAX: But, Mr. Chairman, in the light of what the Ambassador said, I apologize for wasting your time. I have been under the distinct impression that something like this would go to the Supreme Commander, but in the light of his information and what you said, I apologize for wasting your time.

CHAIRMAN: I will take the responsibility when I see there need be a change in language covering those points, and then inform the Commission of any such change.

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Are there any other comments on the report of the Steering Committee?

I think this will help and be very useful in getting us in closer touch with SCAP. We would not only have things closer in touch but be able to get more quickly the information desirable. Have you any further comment? No objection? (There was none.)

Then we will pass Item No. 4 and proceed to Item No. 5, headed "Procedures for the Adoption of a Japanese Constitution", FEC-031/2. This has also been unanimously approved by Committee No. 3.

Who is Chairman of Committee No. 3?

SIR GIRJA BAJPAI: Mr. Chairman, it so happens that I am the Chairman of Committee 3.

CHAIRMAN: I was just looking for the Chairman, Sir. I will recognize you.

SIR GIRJA BAJPAI: I do not know that I need say much by way of explanation of this document because it explains itself. There are two observations that I should like to make; first, that whereas the report which you have considered and approved just now is general in its scope, this is particular in that it refers to the procedure relating to the adoption of

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the Constitution. The only reason my Committee has put it forward is the urgency of the matter. As you are aware, a Constitution has been published and it is about to be submitted to the Diet, which we assume will be elected in the course of the next day or two.

That is the reason why we have put it forward for the consideration of the Commission.

The other observation, there is an omission on our part, or an error for which I wish to apologize. That error is in paragraph 4 of this document. We say, "For these reasons the Far Eastern Commission requests that the Supreme Commander..." Of course, we cannot deal with the Supreme Commander ourselves, and what we should have said was, "For these reasons the Far Eastern Commission requests its Chairman to ask the Supreme Commander," etc. In other words, it would be a request, if the Commission approves this, from the Commission to the Chairman to approach the Supreme Commander with the suggestion we have made.

CHAIRMAN: Are there any comments on this paper from the Committee?

Mr. NAGGIAR: Mr. Chairman, so far as I remember, it seems to me we have already decided to have a point of view of the Commission put to the notice of the

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Supreme Commander on the matter of the Constitution. So far as I am concerned, and so far as the meeting of the Commission is concerned, we do not know what has happened on our first message on the problem of the Constitution.

I would like if possible that some kind of report be made before the Commission of the result of our first decision on the problem of the Constitution.

CHAIRMAN: As I remember that formal communication to the Supreme Commander, it was a policy paper in the form of a directive. I have followed that through and it did go promptly and textually as it was passed here in the form of a Directive to the Supreme Commander. I think we can assume that it will be carried out as formulated and expressed here.

As to the implementation of it, there I would feel that is a question for my Government to be concerned with to see that it is carried out. I would note also, as you have in a former occasion, that there is now a Commission that is concerned with implementation, whereas we are concerned with broad policy, which has already been expressed to the Supreme Commander in the form of a Directive.

However, it is a natural concern and interest here,

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in view of what has happened in Japan and what has happened today in the form of an election for the new Diet, for continuing information on that subject. I think that this paper probably may be useful to the Supreme Commander to keep us informed when he knows that we are concerned still, and in view of the quickness of action out there, often, that it may give him proper pause.

However, I have kept in touch with him personally and informally on this subject and I will hope to be able to inform the Commission on that when that effort on my part--

MR. NAGGIAR: Thank you, Mr. Chairman. The objective of my remark was only to know if anything had already been made, communication through the proper channel on the subject of the Constitution, if it was absolutely necessary at the present time to make another communication on the same subject. I do not know what the view of the Commission would be, but I just put the question. It seems to state twice the same point.

CHAIRMAN: I think possibly the Chairman of the Committee will have something to say.

SIR GIRJA BAJPAI: I was going to say, Mr. Chairman--I am speaking from memory and the Secretary

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General will correct me if I am wrong--but the communication to which the Ambassador to my left refers was a communication in which we generally emphasized the importance of time being given to the governing interests in Japan to consider the Constitution which has been published and to put forward alternative suggestions. That really was the substance of the earlier communication.

This really arises from the fact that your Committee No. 3 is actually charged with the responsibility of suggesting for your consideration, and if you approve subsequently for communication to the Supreme Commander, certain broad principles to which we think that the new Constitution might conform. Now, as we have tried to indicate in the body of this report, we have been rather moving in a vacuum so far as the principles are concerned, unless we have some of the information which is referred to in the body of this paper, and the best, most effective way of getting this information would be to have someone who knows the mind of the Supreme Commander and is familiar with the atmosphere in Japan, who can tell us face to face what the situation is.

CHAIRMAN: Are there any further comments?

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GENERAL LAVARACK: Mr. Chairman, I would like to say in connection with this that I very much agree with Sir Girja. The fourth item of the agenda is in connection with getting information from General MacArthur in a general way through yourself. It seems to me that if the Committees would present to you their desires in the way of information required by them in their work, that is Committees, from time to time, it would help you very greatly in your task of getting information from the Supreme Commander. I suggest it is a principle that might be extended to all Committees to do the same thing.

CHAIRMAN: I would be very glad if they would and I think they have. Through my representatives on the Committees I think I have been kept pretty well informed in that sense, but it is a point to be considered and used whenever any Committee feels particularly concerned or feels a lack of time might happen in the normal procedure.

I do not understand, Mr. Ambassador, that you object?

MR. NAGGIAR: I am not against it; not at all. I just wondered if it is necessary, but the explanation given by our Friend from India gives me full satisfaction. If the sentiment of the Commission is that it moves the

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adoption, I quite agree with it. I do not know the general opinion of the Commission.

CHAIRMAN: There seems to be no further discussion and the report will be accepted and acted upon.

LORD HALIFAX: With the amendments suggested by the Chairman of that Committee?

CHAIRMAN: Yes.

Under "Other Business" I will ask the Secretary General to comment on nomination of the representative from Australia.

SECRETARY GENERAL: I would like to make further inquiry if there are any nominations for the three positions covered by FEC-029 of the 13th of March.

GENERAL LAVARACK: Mr. Chairman, I received this morning a telegram from the Australian Government in which they nominate Mr. Donald Gibson Badger, Bachelor of Economics, for the position of, I think, Economic Secretary described here. I do not know Mr. Badger myself but I am assured he is very intelligent and very capable.

CHAIRMAN: I have also heard of him in my international work with the Institution of Pacific Relations. I remember the impression I got there.

GENERAL LAVARACK: They indicate they could

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probably nominate a legal secretary, if that were still required. I do not suppose they suggest that two of these secretaries should be from Australia. Nevertheless, they have fulfilled their contract and expressed their willingness to nominate a legal secretary if that is still required.

CHAIRMAN:: That question of a legal adviser is still before us and I am conscious of the remarks of Sir Girja at the last session, which are being considered, and I think that if the Commission will permit me to explore it a little bit further we may be able later on to make it more worthwhile to get an appropriate and experienced legal adviser. In the meantime, we have not suffered, I do not think, from the lack of one, although I do find myself turning to Sir Frederic because he seemed to have a particular interest in the legal side, naturally, but now since Sir Carl assumes that responsibility, I will look at him.

SIR CARL BERENDSEN: I do not want to be misrepresented, even by the Chair. I will assume no responsibility whatsoever ...

CHAIRMAN: Is there any other business, new or otherwise, that any member wishes to present for

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interest or exchange of information.

The Secretary General tells me there has been some discussion of a proposed revision of scheduled meetings. Of course, the original schedule was a tentative one until we tried it out to see how it would work. There has been some thought that there might be a change in the time of the Steering Committee, and that involves reconsideration of the whole schedule so that there will not be such a long delay from Friday to the next Wednesday. That is the reason for this proposed change. Once more, this is just an improvement, we hope, and can be revised from time to time as the convenience of the members dictate.

SECRETARY GENERAL: The chief purpose, Mr. Chairman, was to push the meeting of the Commission forward one day to Thursday in order to give the Steering Committee an opportunity to meet on Tuesday and time to perform its function.

LORD HALIFAX: Do you propose this Commission should approve this new schedule now, Mr. Chairman, or can you place it in our hands with a view to people considering it? As far as my Delegation is concerned, we regard it as an improvement, and we would therefore accept it.

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SECRETARY GENERAL: We would like to put it into effect next week unless there is objection.

SIR CARL BERENDSEN: It has not been discussed at all.

LORD HALIFAX: We thought rather quickly after we saw it.

SECRETARY GENERAL: It was discussed among some of the people who were attending Committees two or three days ago and we decided to draw up a new schedule and offer it today. If it could meet with the approval of the Commission, we would like to put it into effect next week, but if not--

MR. NAGGIAR: Mr. Chairman, if I am not mistaken, it seems to me that Committee No. 5, War Criminals, has already more or less achieved its task and we have approved the general policy for the Commission. Unless there will be some precise case--we have only been asked to decide on the broad line of policy, but Committee No. 5 has very little occasion to meet.

CHAIRMAN: I think that is covered by the broad authority for the Chairman to just say that there is nothing before the Committee and that he will call it only when necessary. It was not intended that there should be a routine of meeting every day that is

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scheduled unless there was a desire on the part of the Committee to do so, but it is up to the Chairman.

GENERAL LAVARACK: Mr. Chairman, I think I could say we find it an improvement.

CHAIRMAN: We will wait to see until everybody explores it. We may be able to act on it now if there is no objection.

DR. LOUDON: No objection.

DR. GAMBOA: No objection.

SIR CARL BERENDSEN: I have no objection, Mr. Chairman, but it is the first time I have seen it. I suppose most people around the table are in the same position. We have books of engagements. I haven't the faintest idea of what my engagements are for next Tuesday. I might add one point--I am so used to doing this. I ask your indulgence. The 25 th of April is ANZAC Day. It is a very important day for New Zealand. We have a function in New York which I have to attend, and then I am going away for some time. I had hoped to attend the last meeting before I went, but I will not be able to attend the meeting on Thursday, the 25th.

CHAIRMAN: I think that would be the case for some in any date we set.

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SIR CARL BERENDSEN: I am quite agreeable to accepting this.

CHAIRMAN: How does it affect you?

MR. DOLBIN: No objection.

MR. NORMAN: No objection.

CHAIRMAN: There seems to be a feeling we can go ahead without delay, and such being the case, we will instruct the Secretary General to start it next week.

We will try it out anyhow, and if there is then any change desirable we can bring it up again.

SIR CARL BERENDSEN: It can be adjusted again, yes.

CHAIRMAN: The Commission will recall, those who were with us on the MCKINLEY, that we wanted to show our appreciation of the friendly interest and courtesy that the ship's company showed us in that trip to Japan. At that time we wanted to send them something that would belong to the ship. We have selected this picture, which will be suitably placarded with something of some kind. That is a picture of Mt. McKinley in Alaska, which, you may remember, is the highest mountain in this country. We thought that would be a very happy suggestion to send a picture of Mt. McKinley to the ship for the wardroom.

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Our Soviet Representative might remember that mountain particularly. What was the name of it in the Russian; do you remember?

MR. DOLBIN: I do not remember.

CHAIRMAN: Some of our mountain climbers claimed to be the first to discover it and climb it, but I have not any doubt but that the early Russian explorers also thought that. But so far as I know, there was no record of it until it was discovered and climbed about 15 or 20 years ago. It might really bring back to your memory that that great faker of all times, Dr. Cook, claimed to have discovered and climbed it first, and he didn't. He was just as much of a fake there as he was when he went to the North Pole.

Are there any other subjects, any other points for consideration this morning?

I imagine the press release today is a very simple one. Are there any suggestions as to that?

If there is nothing further, this meeting will stand adjourned.

(The meeting adjourned at 11:25 a.m.)

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FAR EASTERN COMMISSION

Transcript of Ninth Meeting of the Far Eastern Commission
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, April 18, 1946

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REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman	(U. S. A.)
General Sir John Lavarack	(Australia)
Mr. E. Herbert Norman	(Canada)
His Excellency, Dr. Wei Tao-Ming	(China)
His Excellency, Mr. Paul E. Naggiar	(France)
Mr. J. Vesugar	(India)
His Excellency, Dr. A. Loudon	(Netherlands)
Sir Carl Berendsen	(New Zealand)
Dr. Melquiades J. Gamboa	(Philippines)
His Excellency, Mr. N. V. Novikov	(U. S. S. R.)
His Excellency, Lord Halifax	(U. K.)

SECRETARY GENERAL

Mr. Nelson T. Johnson

OTHERS

Lord Wright, Chairman of the
United Nations War Crimes Commission

General Peschkoff (France)

Reporter: Edna C. Moyer, Department of State

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(The meeting was convened at 10:30 a.m.)

CHAIRMAN: Gentlemen, looking around the table I see we are all represented this morning. The session is now open. Before proceeding to our routine business, we have the privilege of having with us this morning two distinguished men from Great Britain and France.

I present to you Lord Wright, Chairman of the United Nations War Crimes Commission, who is leaving by air for Japan shortly to observe the trials of major war criminals at the invitation of the Australian Government.

I think it is very important for us, and I am sure you all agree, when representatives of any of our Governments are going to Japan that it is advisable for us to have them sit in with us, when we can arrange it, so that gradually our liaison with the important work being done on the spot in Japan shall be given that personal touch that is important, especially as we are so far away from each other.

While Lord Wright is in Japan he will be the personal guest of General MacArthur. He became the Australian Representative on United Nations War Crimes Commission in 1944 and was elected Chairman of the Commission in 1945, through his work on the Commission, his writings on the subject of war crimes in the American

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and British press and his association with various trials. He is the guest of the United States and United Kingdom Governments and he has played the leading part in the extension of international law to include war crimes.

Lord Wright is a former fellow of Trinity College, Cambridge; he was called to the English bar in 1900; he was Master of the Roll from 1935 to 1937; a Lord of Appeal in Ordinary from 1932 to 1935 and again since 1937. Besides being Chairman of the United Nations War Crimes Commission, Lord Wright is an active member of the Judicial Committee of the House of Lords and this year is Treasurer of the Inner Temple. He has made a number of previous visits to this country and has many friends here, including our Chief Justice and many other Justices of the Supreme Court. I am glad he does not confine his associations to the justices.

Before proceeding to the business of the day I will present not only Lord Wright but General Peschkoff, who comes as an old friend and comrade of all of us of the American Army. He comes from France on his way to Tokyo to represent France, as Chief of the Mission. General Peschkoff will receive our welcome and notice your friends around the table.

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Lord Wright, will you give us a little background of all this work that you have been concerned with in the last few years that is pertinent to our problems too?

LORD WRIGHT: Mr. Chairman and Gentlemen, I am very grateful for the kind welcome you have given me and I am very proud to be allowed to attend a meeting of this Commission. I quite agree with what your Chairman said, that to have me here will give me a much better feeling of the background of the whole set-out in the Far East.

It is very difficult, I think, in a few words, which must be quite informal, to say what is suggested about the whole work and the whole scheme and the whole picture of war crimes and their investigation and punishment. The subject is very complicated, as it must be, but I may say at once that the whole foundation of the present scheme of the punishment of war crimes is the fundamental idea that we are here concerned with the execution of justice and not of revenge. That is the basic idea--justice, not mere revenge, and justice involves law, a just law which is being enforced.

Your Chairman has referred to the development of this branch of international law. It has developed and it is developing. In international jurisdiction, as once pointed out, wherever there is great upheaval

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among the nations there is always some development of some branch of international law. The punishment of war crimes is a question which affects only a comparatively limited part of international law, directly at least, but the whole theory is a portion of international law. It is not new. You will find the basic ideas in Grotius, and if you come down to more recent, very recent times, and I mean to the end of the last war, the First Great War, you will find that there was a considerable discussion, which in some respect culminated in the report published of the Committee on Responsibilities in 1919.

The whole idea is that there is an international law which requires that certain crimes committed in international affairs should be punishable, and punishable against individuals, because it is often said in international law that it is not concerned with individuals at all, that it is dealing with states and their inter-relations. It has been pointed out over and over again that the various conventions do not in turn affix responsibility on individuals, but it is, I think, clear enough now that individuals may be and in proper cases are subject to punishment for breaches of the laws of war which have been embodied in the different conventions accepted by all the civilized nations.

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These are the war crimes in the narrow sense, and I need not refer to them in detail because the whole object of these conventions which follow out principles laid down by Grotius--often forgotten-- is that there are certain rules of humanity which are not to be infringed even in the conduct of hostilities or in the treatment of those who come within the range of hostilities. That is to say, these rules are devoted primarily to the protection of the civilian population principally in occupied countries and of the belligerents inter se.

That is one important part and it is the part which comes nearest to the apprehension of the old married man. If you destroy hostages, as has been done so often, that is an offense against the Hague Convention. If you murder prisoners, that again is an offense against the Hague Convention. . These are all violations of the laws of war.

But another aspect has been brought into prominence, and that is the responsibilities of persons in dominant positions in states which have engaged in aggressive warfare, and it is there that I think there is coming about real development in international law: the liability of men in dominant places who have used

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their places and powers vested in them in order to prepare for and carry out the proceedings of aggressions, who have sought by means of aggression--which is a word more convenient than any other--to achieve purposes of greed and aggrandizement. These men are not immune from the procedures and penalties which international law can enforce and apply. It is this liability for the preparation for, the initiation, and the waging of aggressive war, which coupled with the idea of an individual responsibility of those who are guilty, which I think is the great forward step which international law is now making.

That step is being embodied, as you know, in the Nuremberg trials and will soon be embodied in the Tokyo trials. There must there, as in every other judicial procedure, be some waste of time and some waste of effort, because according to the ideas which we believe in there can be no punishment inflicted on individuals unless individuals have an opportunity of defending themselves and of justifying or extenuating what they have done, if that is possible. I am not in any way referring to what is happening at Nuremberg because that is all sub judice, but I think I may fairly say that it is not proper to complain of the delay in

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carrying out the judicial proceeding. Every judicial proceeding involves a delay, but a few weeks or a few months of delay will not be of much importance in the years and centuries to come if there is established the principle that there is a law of nations applicable to these matters, and that that law of nations can be enforced by appropriate tribunals. That would be an enormous step forward in the international affairs of mankind.

We still hear, in fact we have heard many times with great force the utterings of the old idea that law as soon as it is started puts an end to all moral ties and that the military folk and the statesmen or politicians who were behind them were free from every sort of responsibility, moral or legal. That idea of irresponsibility we have heard voiced many times, but quite recently very strongly. That idea of irresponsibility is something which is contrary to every conception of law, and which I think may receive and I hope will receive its death blow for all future time.

It is from that point of view that the Nuremberg trial and the Tokyo trial will be of such central importance in the history of the world because, although we cannot expect that mere moral ideas or mere legal

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ideas will put an end to the age-long tendencies of human nature, still it is a great thing that there should be some recognized restraint, some compelling force, which is embodied in a law.

There are so many side issues here that I do not feel I should be doing anything but inflicting myself upon you if I were to discuss them. I thought it better just to deal at this moment with that one central idea, that Nuremberg and Tokyo are going to be landmarks in the idea that there is a rule of law among nations, and that that is a rule of law which not only affects the states as states but affects those individuals in any particular state who have deliberately and consciously and with set purpose gone out to violate the law.

It is a more complex idea than the simple idea of punishing people for breaking the hateful Hague Convention and for years torturing civilians or sending them off to enforced labor--a most dreadful thing. But here is this war, which has involved a more deliberate and a more ostentatious parade of greed, self-aggrandizement, aggression, brutality and cruelty than any other war, and if this were to pass without the continuance of the nations and the establishment of the idea that there is a community of nations and common

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law affecting that community, which under appropriate circumstances can be enforced by appropriate force, supported by the appropriate authorities--not active policing of course; that is an executive part and can only be done under circumstances of this nature by the nations who have succeeded--but there is a reasonable hope that the doubts which afflicted the statesmen, natural doubts which afflicted the statesmen in 1919 by now have been sufficiently dispelled and that the true meaning of the Kellogg-Briand Pact will now be appreciated.

I attach very great importance to that Pact, which was agreed upon at a time when there had been a long discussion for many years on the evil of war, and it gave a concrete expression to that idea by outlawing war. That was adhered to by the whole of the civilized nations who took part in that solemn Pact.

I am afraid I have been rather long and I must not detain you gentlemen any longer. I am very much obliged for the opportunity I have had for saying a few words.

(Applause.)

CHAIRMAN: Thank you very much, Sir. I would like to ask a question.

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LORD WRIGHT: Certainly, Sir, and I hope I can answer it.

CHAIRMAN: You referred to the Nuremberg trial as more or less setting a precedent for all times, a long period in the future. While we were in Japan we were conscious of the delay there in bringing the tribunals to their active work, and I was just wondering if in view of the precedents being set at Nuremberg, if the trials in Japan might be delayed probably until the Nuremberg trials are finished. Is there any thought of that? For instance, if the tribunal in Japan would begin to work now without the fruition of the Nuremberg trials, they might be at cross purposes or create precedents in the two places that might conflict.

LORD WRIGHT: I am not thinking of this from the point of view of procedure, because it may be when the Tokyo trial is commenced it will be seen much has been learned from the Nuremberg proceedings, because each is an experiment, a new beginning, and no doubt there will be a very difficult question of how much latitude will be allowed to roam over the whole world of affairs and how much latitude in various other ways should be given, how much delay there should be--all these are things which are peculiar, one would think, to Nuremberg and do not constitute questions as to

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what is decided would be done at this moment in Tokyo. I cannot answer. I probably will know more about it when I get there, but at the moment I am not in a position to say how long it will be before the trial starts.

It was felt very strongly, I remember, before the Nuremberg trial began that the trial would be pressed on as quickly as possible, and I think everybody will agree with that, and that every reasonable and proper step should be taken to concentrate the proceedings and to exclude what is irrelevant and to prevent prisoners from the work not of defending themselves but of staging what is called propaganda, in modern language, for their fellow countrymen. There are various other problems and difficulties which it may be at Tokyo can be more readily overcome by considering the difficulties which have been experienced at Nuremberg. I gather the whole setup of Tokyo will be much simpler than it was in the Nuremberg trial. I do not know about that. If I were coming back I should perhaps be in better position to answer.

CHAIRMAN: While we were in Japan we were conscious after a conference with some of the American legal authorities there concerned with the preparation for

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the trials there that they were very conscious of what was happening at Nuremberg and had already taken advantage of some of the mistakes there in the indictments. That is, they were drawing indictments to prevent this all-embarrassing using of time.

Sir Carl, you might be able to state that better than I. Do you remember when we were talking to the American official there who was preparing for the trials? I think you questioned him about that very thing.

SIR CARL BERENDSEN: I am ashamed to say my attention was wandering, Mr. Chairman, and I am not aware of the point you are discussing. I am terribly ashamed.

CHAIRMAN: It was the indictments that were being drawn there, having in mind the rather all-around indictments at Nuremberg.

SIR CARL BERENDSEN: Some doubt was expressed by the occupation authorities on the very point Lord Wright was discussing as to whether you could impart legal guilt to individuals as a result of international documents. My point there was that the precedent was being set at Nuremberg and that one would be granted ... would be charged with conspiracy.

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I think there was a further thought behind the occupation authorities' minds. It was this, that if they could impart the Japanese Government as one of the prosecuting governments in some way which I didn't understand, that the difficulty might be overcome. I was against that proposal to join the Japanese Government with the prosecuting governments.

CHAIRMAN: Are there any other questions that any of the delegates would like to ask Lord Wright?

LORD HALIFAX: I should like to ask Lord Wright whether it is possible to have any intelligent anticipation of when Nuremberg will end.

LORD WRIGHT: I do not know. Various reports are scattered around. Some say at the end of June, some say at the end of July, some say at the end of August. It is hard to say.

I do not know whether there was any idea of making Tokyo dependent in time or ideas on Nuremberg, although of course every effort will be made to learn and if possible improve upon what was done at Nuremberg but it may be--have I gotten the wrong impression? Have I gotten the suggestion that there is an idea of keeping Tokyo back until Nuremberg is completed?

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SIR CARL BERENDSEN: The first suggestion I heard was the suggestion made by the Chairman a moment ago. I do not think that was understood.

CHAIRMAN: I heard informally from young officers who had been engaged in preparing the papers, and so forth, in the sense of the American trials before military commissions, that they were holding back until they get the lead of the experience and the use of evidence there at Nuremberg.

LORD WRIGHT: It may be; I do not know. I have not quite understood that. The military commissions are quite separate things from an all-embracing trial like Nuremberg or Tokyo. They are for specific offenses--every offense is specific but they are more particular in their effects and the rules which are drawn up in any tribunal may vary from one tribunal to another. Our American friends have a very admirable phrase which appeals to me very much, that a court should admit any evidence which reasonably appeals to it as being of appropriate value, and I think if properly handled it is a very wise formula.

CHAIRMAN: You heard that phrase where?

LORD WRIGHT: I heard it from General Britts.

CHAIRMAN: I asked that because I think it was Mr. Roosevelt in his Executive Order convening military

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commissions during the war which tries the saboteurs on Long Island and the Florida Coast who used that, and I was President of that Commission. The Executive Order used that very phrase, which was the first time I ever heard it used in military procedure.

LORD WRIGHT: It was new to me in any legal procedure. I think it is of very great value and possibly future ages will make more use of it.

Now I do not quite see how it will be desirable to hold back the trial of Tokyo pending some future development. Tokyo is very much simpler, I gather. The layout is much simpler. I will know more about that, I hope, in the next few weeks.

CHAIRMAN: It has been a great privilege to have you to talk to us and sit in with us. We hope you will continue if it is not too much encroachment on your time. We will not have a long session this morning, as I foresee.

LORD WRIGHT: I shall be delighted to stay.

CHAIRMAN: It might be useful to have you pass on the way we sit together on your arrival in Tokyo. I would like to call the attention of the delegates to the reward or the appreciation of the merit of our new Soviet Ambassador. I have congratulated him in your

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name and with the hope that as Ambassador he will continue to sit in with this Commission.

(Applause.)

MR. NOVIKOV: Mr. Chairman, I thank you heartily for your felicitation and in person I thank all the members around the table.

CHAIRMAN: We will now proceed to the business of the morning and consider the minutes of the Eighth Meeting, our last meeting.

SIR CARL BERENDSEN: Mr. Chairman, before we proceed to the Minutes, might I say, with your permission, under "Other Business" I intend to make a short statement on the question of Food Supplies to Japan.

CHAIRMAN: We will be glad to hear that then.

SIR CARL BERENDSEN: Thank you, Sir.

CHAIRMAN: When were the minutes circulated? Several days ago or just recently?

(Off-record discussion between Chairman and Secretary General*)

The minutes were circulated several days ago, so I will assume that you have all read them and I pause for a moment to see if there are any comments or suggestions that any of you have. Otherwise for the record the minutes stand approved.

MR. VESUGAR: Mr. Chairman, may I make a comment?

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CHAIRMAN: The Indian Delegate.

MR. VESUGAR: As far as my recollection goes, I think Sir Girja intended in Item 1, about halfway down the page, where he illustrated the need for consultation to which he had referred earlier, I believe he said "prior" consultation.

CHAIRMAN: There is no objection to that correction being made if you wish.

MR. VESUGAR: I think it is relevant, the word "prior" and I would like to call the attention of the meeting to that. This is my recollection.

CHAIRMAN: Does anybody have any memory of Sir Girja's remarks in that sense?

LORD HALIFAX: I make no pretense to remember it but I would not think there would be any objection to having the word in if the Indian Representative thought it was a fairer picture.

MR. VESUGAR: I think it would be.

CHAIRMAN: If there is no objection, that correction will be made. Otherwise the minutes stand approved.

Item 2, Jurisdiction of Far Eastern Commission with Respect to Looted Property, FEC-011/4. The Reparations Committee in a report from its Chairman, which was referred to the Steering Committee, requested

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guidance on whether the Far Eastern Commission was competent to consider the eligibility of Korea, Siam and Portugal to submit claims for the restitution of property looted by the Japanese upon which action may be taken by the Supreme Commander for the Allied Powers. The American member of the Steering Committee, at the Ninth Meeting of the Committee, presented the text of FEC-011/4 in reply to the query of Committee No. 1, and as such it was approved by the Steering Committee.

SIR CARL BERENDSEN: Mr. Chairman, when the proper time arrives, and I am not sure it has not arrived, I should like to submit an amendment to paragraph 1 of the American draft.

CHAIRMAN: Are you conscious that this was approved unanimously as an answer to the query?

SIR CARL BERENDSEN: I am.

CHAIRMAN: Are there any other amendments proposed?

MR. NAGGIAR: Mr. Chairman, I would like, with your permission, to ask that you let me receive instruction from the French Government on this draft. The draft has been brought to my notice on the 16th, and we are only at the 18th. I ask you to let me receive instruction from my Government on this draft. If you have no objection I will be glad to have the matter brought again to the attention of my Government.

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CHAIRMAN: Possibly in view of that delay we might consider this amendment of Sir Carl's so that it won't have to go back to any Government again.

SIR CARL BERENDSEN: My proposal is simply this, Mr. Chairman, and I concede the justness of the reproof you have just addressed to me that the document was passed unanimously by the Steering Committee.

CHAIRMAN: No, it was not reproof. I just wanted to make sure you knew that and that your representative was there.

SIR CARL BERENDSEN: I was there. As you know, Sir, I have always retired when I find I am alone in expressing an opinion. I do not like to knock my head against a brick wall, but I would like to move this amendment in the hope, the fond and foolish hope that somebody will second me, that the following words be added to paragraph 1: "or in Japanese custody elsewhere than in Japan".

LORD HALIFAX: In Japanese courts?

SIR CARL BERENDSEN: "In Japanese custody".

CHAIRMAN: Who was Chairman of that Committee?

SIR CARL BERENDSEN: Of the Reparations Committee?
I was Chairman of the Steering Committee.

CHAIRMAN: At which this was accepted?

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SIR CARL BERENDSEN: Yes, and at which I must at once concede that I made that suggestion and nobody agreed with me.

CHAIRMAN: May we ask for a little light on the discussion that occurred there from your point of view and also from the others.

SIR CARL BERENDSEN: I cannot see the slightest reason why looted property, and we are dealing with the hypothesis of looted property only, should be restricted only to looted property found in Japan. If it is found anywhere, in my opinion, we should take the proper steps to restore it. That is my position.

CHAIRMAN: Was not that probably narrowed by the others due to the fact that we are dealing only with the four occupied islands. Otherwise it would open it to world-wide policy with which we are not concerned? I am just querying this because I was not familiar with the discussion.

SIR CARL BERENDSEN: If we concede that point we have solved a difficulty which has been worrying the Steering Committee for a long time, whether reparations are confined only to the four islands of Japan, on which there is very strong opinion that it should not be so.

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CHAIRMAN: I think probably we might see if there is any second to the motion before we discuss it. Do I see any move to second Sir Carl's amendment?

LORD HALIFAX: I should have thought it was a point deserving of discussion, Mr. Chairman. Perhaps a little more discussion.

CHAIRMAN: Possibly before I look around for a second then we can discuss it.

LORD HALIFAX: I would not be prepared to second it, not because I disagree because I see the difficulties, and I think it is deserving of discussion but if it is necessary to have a second before you allow it to be formally discussed I will do that.

CHAIRMAN: I do not think it is necessary to second it for discussion, but just to keep the record straight we will assume that you will second the motion for the sake of discussion. Is that correct, Sir?

LORD HALIFAX: It is all right.

CHAIRMAN: Now, are there any comments on Sir Carl's statements or any other pertinent point in relation to them.

DR. GAMBOA: Mr. Chairman, may I ask for a concrete example of the case?

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CHAIRMAN: Yes, that is a good point. Sir Carl, can you give us a concrete example that stirs your interest.

SIR CARL BERENDSEN: I have none at all but I find it difficult to understand why the restitution of looted property should be restricted to these four islands in Japan. I have no concrete case, nor so far as I am aware has anybody ever looted any New Zealand property.

CHAIRMAN: So you are acting for the universal good?

LORD HALIFAX: Purely unselfishly.

SIR CARL BERENDSEN: I would prefer to say it is purely logical.

MR. VESUGAR: With your permission, may I ask Sir Carl, would you be content if this were restricted to the sphere administered by SCAP, because I see the obvious difficulty that we run into in other spheres administered by the United Nations.

SIR CARL BERENDSEN: SCAP as SCAP, as I understand it, as SCAP, Sir--am I right--is limited to the four islands of Japan. I am not sure.

MR. JOHNSON: I think it is limited to the four islands of Japan, so it would be just putting it in other words.

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MR. VESUGAR: Is it? I was not sure.

SIR CARL BERENDSEN: Is the Commission limited in its consideration and its decisions on questions of policy to the four islands of Japan, in which case I must point out to my Soviet Colleague that the argument which is taking place in the Steering Committee is worth nothing at all on the question of reparations.

MR. NOVIKOV: Mr. Chairman, as far as I understand the case, this document is very limited in its scope and deals only with the idea of permitting Korea, Siam and Portugal to present their claims. We are now discussing the problem of the more general principle of restitution of looted property, so I would like to refer Sir Carl to the document just prepared in the subcommittee of the Reparations Committee dealing with the general principle of restitution of looted property from Japan and recommending some matters with regard to looted property found not only in Japan but elsewhere. So it would be more appropriate to discuss this document together with the document prepared by the subcommittee of Committee No. 1. Maybe now we can postpone our discussion and we shall consider this document together with the more general document on restitution of looted property.

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SIR CARL BERENDSEN: Well, Mr. Chairman, I would not wish to defer action. My every instinct is to push things along and if there is no agreement with this amendment which has been so kindly seconded by the British Ambassador, I am quite prepared to withdraw it, but I retain my opinion that as usual I am alone.

CHAIRMAN: Not necessarily. You do not know how many friends you have around this table.

SIR CARL BERENDSEN: It is a very pleasant thought but I have never been able to discover these friends. I find them after the meeting but not in the meeting. I make one exception.

CHAIRMAN: If you withdraw your motion, then we will defer action until a future meeting when the French Representative has had time to consult on the subject.

SIR CARL BERENDSEN: I am quite agreeable to that or any other course.

CHAIRMAN: We will consider the motion withdrawn for the moment and defer until the next meeting, at the request of the French Representative.

I refer you to the next item, Proposed Subjects of Committee No. 6: Aliens in Japan, FEC-004/10, a proposed definition of the subjects of study of that Committee, which was unanimously approved by the

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Steering Committee in its Ninth Meeting, and it is circulated for the consideration of the Far Eastern Commission.

Mr. Lacoste, or Mr. Ambassador?

MR. NAGGIAR: I am sorry Mr. Lacoste has had to go to the Embassy.

CHAIRMAN: Do you want to make any report?

MR. NAGGIAR: No, he told me the Committee was unanimous.

CHAIRMAN: This was reported unanimously. Is there any objection or motion on the subject? There seems to be none. I will assume then that you approve the unanimous action of the Committee on that item.

No. 4, Coordination of Work of Committees No. 1 and No. 2, FEC-043/1. Mr. Novikov, I am conscious that you were concerned about this. Do you care to express any views on the subject?

MR. NOVIKOV: I present a formal motion of my opinion. It is my view that these two Committees ought to be united to expedite the work. ... I only considered the decision in the first step to the unification of the Committees at this date.

CHAIRMAN: This was the usual Committee compromise?

MR. NOVIKOV: Yes.

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CHAIRMAN: Is there any further comment? If there is no objection, the report of the Committee will be accepted.

Under the fifth item, "Other Business", I will turn toward Sir Carl for his proposed statement.

SIR CARL BERENDSEN: Thank you, Mr. Chairman. May I explain in the first instance that I make this statement because I feel an apprehension, a grave apprehension, that an injustice may be done, and I make the statement at this time because I shall unfortunately not be present at meetings of the Commission, having an engagement.

Mr. Chairman, I have observed, and members of the Commission will have observed, press reports of a statement made by the United States Secretary of Agriculture that over 500,000 tons of foodstuffs are being shipped to Japan in the first six months of 1946. I feel it is necessary to make some comments on this matter to the Commission, but in doing so, I wish to make it perfectly clear that I am making no criticism and no protest. Indeed, I am not possessed, nor is the Commission possessed of the facts necessary to form a considered judgment on this admittedly most difficult question.

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But those members of the Commission who recently visited Japan will be aware of the food situation there, as it existed then and, I understand, as it has continued to date. No one could suggest that the Japanese were then short of food--indeed they were fat--and we learned on the best authority--from the Occupation Authorities themselves--that at that time the Japanese were eating not only more food than during the war, but actually more food than before the war, this as a result of the operation of a vast and extensive black market in food which was then, and I believe has continued to be, largely uncontrolled. It may well be that the Japanese authorities were acting on the assumption that if they did, as it was anticipated by the Occupation Authorities they would, succeed in eating themselves out of all reserves of food, then in the last resort, the United States could be relied upon to see them through.

Now, Mr. Chairman, I fully realize the complexities of the situation. I fully appreciate, and indeed, Mr. Chairman, as you know I share the legitimate pride of the Occupation Authorities in the admirable commencement they have made in their task, and I fully appreciate also, and indeed again I share, their natural apprehension lest the progress they have made may be impeded by

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discontents, perhaps even disturbances due to shortages of food. But I also know, and every member of the Commission will know, that there is at this time a world-wide and most tragic inadequacy of food supplies. I also know, and members of the Commission will know, that this has, in very substantial measure, been brought about by the criminal attack on civilization made by the Axis Powers, including Japan, an attack which has just been beaten back with such anguish and misery to many millions of innocent sufferers. The Japanese themselves are, in substantial part, in substantial part, the cause of the famine that menaces the world, including Japan. I most sincerely trust, I most sincerely trust, that this fact will be borne in mind by those who at present carry the very heavy and onerous responsibility of allocating the meagre supplies of food that are available to relieve human suffering.

Now I may well be told that this matter is not the concern of the Commission. If that be the case I do not at this stage intend to argue the matter, though I am myself convinced that if anything is a matter of policy in the administration of Japan it is surely the fundamental question of the supply of foodstuffs to Japan.

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But if it is a matter that concerns the Commission, and if--if, and I repeat if--if it be the case that any preference at all is to be shown in this connection to Japan or any other Axis Power, whose responsibility for the present situation is so heavy, and if--and I again repeat if--it be the case that the aggressor is to be given any preference over the innocent victim, then I wish to say at once that I will take no part in such a policy, and I think the Commission as a whole should take no part in it.

I do not intend to say more at present. If I said all that I thought I might perhaps say more, but if I said less I should be, I feel, betraying my manhood and betraying my every conception of all that is decent and proper and just in the relationship of man to man.

CHAIRMAN: I think that this will be a matter for consideration very properly by the Committee as we go along in our hopes for a broader policy in which we can reach agreement in connection with reparations. In other words, the viable economy to which there is more or less commitment. That is certain to come up from time to time in our discussions for consideration and action.

I personally have felt very strongly as you do and

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I was not when I was out there--just personally speaking-- I was not convinced that the Japanese were going to starve, even if they got no help, in view of that beaver-like habit of working and organization, their natural, inherent way of organizing, and particularly from the point that such a large proportion of the Japanese are peasants and working and living on the land, and we know from a world-wide experience, with the possible exception of India, that the peasant does not starve. We can more or less feel assured that the great proportion of Japanese are not going to suffer either from malnutrition or starvation. That would be my own personal opinion. It is based not on what I heard in Japan but what I have known from recurrent visits there for forty years and the sense of realizing what a remarkable people the Japanese are, their durable qualities and their habits of working, organizing.

However, there was a difference of opinion there, as you remember. We got that quotation that you referred to from the health officials under Col. Sand. You remember that survey that they had made and the fact that they had found no cases of malnutrition in those surveys. I think that it is possible there is a little misunderstanding on our part--on your part or my part--

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about the high average of what might be called calory that this survey showed--that is the statement they were living better than they had during the war--and that the vitamin proportion was higher than ever before in Japan due to certain changes in use of food, compulsory use of varieties of fruits and vegetables that you remember were then growing in Japan. It is quite a complicated problem. The very men who made the statements to us about the statistics were also quite sure there would be a great scarcity of food this spring.

SIR CARL BERENDSEN: Because of the black market.

CHAIRMAN: Yes, largely. On the other hand, there was another group that felt that the pressure of this spring, between the two crops, would bring out of hoarding a very large food supply. It is, as I said, a very complicated problem there. I am very sympathetic to your statement but I think we are not in a position to do anything about it. That is a problem for the man on the spot, with great responsibility, and now also with a Council representing certain of the powers here present acting as a consultant and advisory capacity, so that I am sure it is a responsibility there that is being not only taken by the Supreme Commander but probably will have to be worked over

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with the Council.

Are there any other remarks?

MR. VESUGAR: Yes, Mr. Chairman, with your permission.

I was not aware that Sir Carl was going to bring this particular matter before the Commission today. I cannot express my gratitude enough to him for the manly and humanitarian manner in which he spoke. If he had not put it before this Committee himself, India intended to bring this matter up as quickly as possible. The only reason for its not having appeared so far was that we were also not clear in our minds whether and to what extent this issue lies within the purview of the Far Eastern Commission.

Sir Carl's advocacy of this was manly and humanitarian, especially as New Zealand does not intend or is not in a position of going short on food. To us this matter is of material concern and is very near to us, because in India, as you may be aware, we are facing a very serious famine. Whatever use of the limited reserve that is available for distribution to the world, if any goes, quite taking away the aspect of Axis elimination, to any nation which has an adequate food supply it would be objectionable to us. On top of that, it is going to a nation which has caused this

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misery. Part of the famine condition in India is due to the continuing effect of the war and the war effort that India made and the help it rendered to the United Nations in defeating the Japanese.

I would like to mention here that there were more Japanese actually killed in the fighting on the Indian frontier than in the whole of the Pacific fighting. I do not say that we won the war or that it was even a major contribution, but the fact remains that the fighting there was intensive enough for more Japanese to be killed on the frontiers contiguous to India than in the rest of the Pacific fighting.

It therefore is very difficult for us to understand in India why we should be debarred from buying food, food for which we intend to pay and want to pay, and that this food should be distributed free to an ex-enemy nation which has a better physical reserve within itself.

Secondly, and again I go only by newspaper reports, but I have read that there has been a cry from Japan from the Occupation Authorities in Japan, to "Send us more soldiers or send us more food". Right. I think if we would get the food to India we would send the soldiers in order to maintain security and to maintain order.

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CHAIRMAN: There is one point I think where possibly both of you are a little off the beam, as the soldiers say nowadays, in assuming that this is going to be given to the Japanese, or even distributed to them. I understand--and now I am just making this statement from remembrance of our conferences there-- that there is no intention of feeding the Japanese. There is just an intention of saving certain ones of them from starvation if at the time, say next month or the month after, when the shortage will become most evident, the Supreme Commander would have in reserve certain food supplies that he could prevent starvation. I do not think there is any intention of giving this food to the Japanese or selling it to them. It is a reserve of the military commander there, that any commander whose responsibility is very much always concerned about his reserve, would want. As I understood it, he would want to build up a large reserve of foodstuffs in case there was starvation between the crop periods. That is just my remembrance of the thing. I do not think there is any intention of dumping a lot of food there, distributing it to the Japanese or giving it to them in any way unless there is a plain condition of starvation facing the responsible authority.

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MR. VESUGAR: Mr. Chairman, the position in India is such that there is no question of reserve. Starvation is there now. I am informed that the position is so critical that for every ton of food that goes short in India, six people will die. Our requirements are two million tons before June or July this year, of which I do not know what we are going to get. Perhaps by getting a million and a half tons we may keep a certain portion of the population barely alive until the next crop begins to come in, but any less than that is going to mean for every hundred thousand tons which are short six hundred thousand deaths.

CHAIRMAN: I think it is a most tragic thing and it is very proper for you to state it, but as far as action, just assume for a moment that we would start action on this thing. From our previous experience the period will be over before we could do anything, but it seems to me it is not our function. It is quite proper for you to state the tragic conditions and possibilities for India, but isn't it there your responsibility to deal through diplomatic channels where this allocation of food is being made. We have nothing to do with that, you see, nor can we have anything to do with it. There is a Commission that I

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think you are represented on--is it not so--where India can press this point. It is a Commission or Committee charged with this responsibility, and if they do not take action as you wish, and very properly so, there would be something happen. Whereas we are concerned not with meeting emergencies, and we can't possibly do it in our terms of reference and in our procedures. I would hope that we will all take cognizance of these two statements of Sir Carl and the Indian Delegate, and possibly as individuals we might have means of assisting you in your tragic responsibility in a way that will be helpful rather than considering it here where I do not think it is of practical point to get action.

Lord Halifax might be able to give us some information about that.

LORD HALIFAX: No, I cannot. Information on what, exactly?

CHAIRMAN: Allocation of food.

LORD HALIFAX I do not know that I could say anything about that that probably you and others do not know just as well as I do, but what I was going to say was this, that subject to what the Representative of India might have to say, I would feel that there was great force in the argument that you, Mr. Chairman,

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have just developed, namely, that the natural place for the presentation of what is, I know, the tragic situation of India must naturally be somewhere other than this Commission. That is true. On the other hand, I would have also thought it was true that it was clearly within the competence, must be within the competence of this Commission if it chooses to seek and have an opinion, and if it has an opinion to express it on the fundamental matter that Sir Carl raised as to the policy and then maybe the level of living due to Japan because that I would think must vitally affect policy, which is within the province of this Commission to have a view about. The Indian Representative is, I would suppose, quite entitled to say, "Well, what you do for Japan obviously affects one way or another India," but that does not alter, in my judgment, my first conclusion that although he states his case here he must ultimately rely for aid for India elsewhere.

I would have felt that all around the table are sensible of the importance of what the New Zealand Representative said, from different angles of approach, and I would be very much surprised if what he said did not carry, and the way he said it, did not carry

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the almost universal assent of our representatives around this table. I thought he stated his case with great moderation and restraint, and I did not see anything in his statement of it that would be likely to challenge objection from any quarter.

It is also to the point in mind that in one of our earlier papers, one of the Commission papers, of which I have just been reminded, remember we said we laid down very much what the New Zealand Representative said this morning, that the plight of Japan is a direct outcome of its own behavior. Over the page we also said that Japanese authorities would be expected to do various things, one of which was to insure just and impartial distribution of available supplies. Those, of course, are general statements, but they touch very directly on what the New Zealand Representative said, and I think strengthen the argument made.

Therefore I would have thought his statement was well taken. Then comes the question of what to do about it. That to me is more difficult, and I, while the discussion is proceeding, cannot think of anything that might be more useful than if the Secretariat of this Commission, with the permission of the Chairman and

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the assent of the Commission, felt able to report to the various quarters that are naturally interested, namely the Supreme Commander or our Governments, the United States Government, the United States Representative, and maybe the organization dealing with the problem that there had been such a discussion as this in the Commission and that certain opinions had been expressed and had secured, it appeared, very general support. I do not think you need carry out further than that if you do not want but I thought that might be useful.

DR. GAMBOA: Mr. Chairman, as a matter of record, may I say that I am in full agreement with the stand taken by Sir Carl and the Representative of India. The Philippines is also vitally concerned over this matter. I think perhaps it would be within the competence of this Commission to issue a statement as to our expression of opinion even if no action could be taken.

MR. NAGGIAR: Mr. Chairman, if I am not mistaken, the document to which Lord Halifax just referred now was discussed and approved as regards the members of the Advisory Commission last year. I remember, though, that during the term we put on certain principles of the job, the distribution of food in Japan, and up to

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now the new Commission has not yet taken any action as regards this basic document. The basic document is still under study, I am told, but I see no objection on my part that if among those principles we choose certain basic ideas regarding the problem of feeding the Japanese and the proper distribution of food in Japan considered as an enemy country or defeated country, and to take out of this basic document some of the principles we already had laid down in the Advisory Commission, put it here as a document of the Commission, as a draft to be approved by the Commission as a basic principle of the Commission regarding the distribution of food in Japan. I do not remember if this document gave any precise amount of calories regarding the Japanese food.

If I am not mistaken I remember that there was a basic principle that the situation of food in Japan was not to be better than any Allied country. There was some sort of principle of that kind in the document. So if the Commission agrees, I have no objection that some of the principles concerning the situation of food in Japan be put within a kind of draft and considered by the Commission.

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CHAIRMAN: Dr. Blakeslee has called my attention to one of the United States Directives--of what date is that?--under which General MacArthur is now operating on this very point. Dr. Blakeslee informs me it is in that initial, general, over-all policy paper of the American Government, and I will read from it. "Japan will be expected to provide goods and services to meet the situation, but this can be effected without causing starvation, widespread disease, and acute physical distress." That is the over-all paper which went about September 21, I think. That is, "Japan will be expected to provide goods and services to meet the situation, but this can be effected without causing starvation, widespread disease, and acute physical distress." Then as Lord Halifax noted, there were those principles that we had previously adopted in a Committee of the Advisory Commission. We might very well--

MR. NAGGIAR: Have a new draft.

CHAIRMAN: Paper on the lines indicated by Sir Carl. Possibly it might be covered more or less quickly by our asking Sir Carl's statement and that of the two Delegates from the Philippines and India be referred to the Steering Committee to have a subcommittee prepare a paper for us on that.

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GENERAL LAVARACK: Committee No. 2.

CHAIRMAN: Yes, Committee No. 2, the Economic Committee. Is there any objection to that way of approaching this as quickly as possible?

LORD HALIFAX: Very good.

CHAIRMAN: There is no objection. That will be done. We have taken this statement verbatim.

SIR CARL BERENDSEN: I will be glad to hand it in.

CHAIRMAN: If you will, please, to make sure we have it definitely and correctly.

(Sir Carl Berendsen gave a copy of his statement to the Chairman.)

CHAIRMAN: Is there any other business before the Commission this morning? Have you any statement to make or any suggestion?

SECRETARY GENERAL: The question of a press release, Mr. Chairman.

CHAIRMAN: The question of a press release.

SECRETARY GENERAL: We would propose to summarize action with regard to these two papers, mention the fact that we had distinguished guests present, and then there is the question as to whether we should publish or make any publicity with regard to Sir Carl's statement.

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SIR CARL BERENDSEN: Unless anybody convinces me to the contrary, I would hand it to the press.

CHAIRMAN: Well, Sir Carl, if you wish we will make it part of the statement of the Commission, a statement including your statement.

SIR CARL BERENDSEN: I think that is for the Commission to decide, Mr. Chairman.

CHAIRMAN: Is that agreeable?

SIR CARL BERENDSEN: Perfectly agreeable.

MR. VESUGAR: If it is extensive, or if it is not shortened too much it would be worthwhile. It is such an important statement that I feel it should have the due weightage. I would prefer it to be part of our press release, as going with the blessing of the Commission, as long as it is not too shortened or too compressed.

SECRETARY GENERAL: It would be mentioned in the statement, I suppose, as a matter which was referred to a Committee for consideration.

CHAIRMAN: Giving the full statement that was made to the Commission.

SIR CARL BERENDSEN: I think I might suggest that if it is in consonance with the Commission, it might be useful to mention it met with the general approval

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of the Commission. I think that might have a useful, practical effect.

DR. LOUDON: In that case the statement of the Philippine Representative at least might be included.

SIR CARL BERENDSEN: If I might again come back, with my King Charles head, we have such an absurd-- I do not mean to be offensive--we have such an unusual-- might I use that term--unusual press arrangement, under which any member around this table is entitled to go out and say everything that has happened, that now it seems to me if it does not go out in one form it will certainly go out in another, and possibly mutilated, form.

CHAIRMAN: It will not be mutilated here. Of course, you never can tell what the newspapers will do with it. You cannot foresee that.

While that point is up, I would like to make a statement to the Commission on the subject, once more, of publicity. I am not necessarily asking for any action but just to keep you in touch with my being on what the youth of America call the "hotspot" and that is, since you have probably noted that the subject has been up before the Council in Tokyo and it has been up here several times, and in the meantime I have been visited

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by representatives of the Associated Press who very definitely protested against the fact that newspaper correspondents were not permitted to sit in with our meetings. He made, from his point of view, a very good case, basing it on the fact that all the other Commissions, international Commissions, are open to the public, making that general statement. It is not entirely correct, but still there are sufficient of them that are open to the press to make his point worth our consideration. He asked that the protest of the press--he representing the Associated Press and the other correspondents considering him their representative--that we consider it anew as the Commission, although he pointed the finger at me. I was conscious throughout that I was the "nigger in the woodpile" as far as he was concerned, although the Chairman always has to take that.

SIR CARL BERENDSEN: Could I interrupt you there? After this, presumably, some gentleman came to see me about why the United States objected to the press. I said, "Look, it is not only the United States Representative. Nobody supports it except myself."

CHAIRMAN: Of course, we are all conscious of this. It is a daily dozen, and since the protest has been

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continuing and new incidents have brought it up again, I would like to state that our former, rather successful way of handling it, and from which we received no protest for a considerable period, was when we had Mr. Blake sit in with us and at all of our meetings. We left it to his discretion to talk with the members and to give to the press more interesting and detailed consideration of our proceedings. That has ceased because we have lost Mr. Blake, and also by moving up here. Neither the newspapermen nor the representatives of the Public Relations in the State Department can come up here unless they are informed there is something terrible going to happen in the Commission, something that will sound sensational and make a good story for them. There has not been satisfactory proceeding from the Commission on the part of the newspapermen since we moved up here.

They will not come here to our routine meetings unless they get wind of something about to happen that will make a story. There is the other point of view, too, that this is different from other Commissions. It is not a Commission that takes action in a sense of a Congress like the United Nations. It is one that is hoping gradually to reach agreement on certain broad

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policy after discussions. We have to consider that each one of us are representing, you might say, a Ministry of Foreign Affairs on the part of our Government, and it might very well be very improper for us to comment in public on changes as we gradually approach agreement on certain broad policies. There is a question of discussion and interest there and I would query the Commission as to whether they want this whole subject considered by one of our Committees in view of this protest and the continuing protests. Is there any suggestion or do the Delegates feel that we are doing the best we can under the adverse conditions?

DR. LOUDON: Would it meet the press, Mr. Chairman, if a regular press conference were held by the Chairman or somebody? I am not aware of the habit the press is in. Is it not like a Cabinet meeting here, on the same lines? I do not think the press is present at the Cabinet meeting, that it meets at the same time with the press. Or is there a spokesman usually called later who has questions asked to be answered? Those may or may not bear on the discussions having taken place in the Cabinet meeting. Would it help the press if they would have a monthly press conference,

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or a weekly press conference, instead of being handed a press release after each meeting?

CHAIRMAN: I think it would please the newspapermen, yes.

DR. LOUDON: They would ask the questions and it would be up to the discretion of the Chairman to see what would be given to them. I do not see any necessity for them to sit in here as a regular thing.

LORD HALIFAX: Mr. Chairman, my attention was wandering a little bit, I am afraid, on part of what you said, but it may be a very good idea, this monthly business, or twice monthly, but did I understand you to say that the original arrangement before, where I think the press officer of the State Department sat in and then talked to the press at his discretion, is no longer possible because a particular press officer is not available? I would have thought if a suitable and discreet officer--no doubt there are plenty around the State Department--was available, that that would have been the best plan. I am unable to see--with all due respect for my New Zealand friend--or I do not want to see the press regularly sitting in at these semi-Cabinet meetings we have here, but I do want to keep them fully informed if we can.

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CHAIRMAN: With this background I will once more try to get a press officer here from the State Department, see how that reacts once more, so that it can be given with a little bit more human touch than just a handout, as they call it. If that meets with the approval of the Commission as the next step, I will make a special effort, although we have lost Mr. Blake now, unfortunately. He has been tempted away from the State Department by a much more lucrative position.

DR. LOUDON: As a matter of procedure, if this person of the State Department would sit in, the press would be asked to come then after adjournment of a meeting?

CHAIRMAN: He would go back to the Department where they all are waiting to get at the Secretary or Under Secretary or the White House. As a matter of fact, there would be only a few of them come up here, and then we would be faced with the fact that only one or two got a handout.

DR. LOUDON: What I meant to say is whether you have this after each meeting or if you have a regular once-a-week press conference after some meeting has taken place, or not? If this regular meeting of the press, after a regular meeting has taken place, takes

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the place of the press release, the press officer may be embarrassed by not knowing what to say on certain points which have been left over for the next meeting. If the next meeting has taken place and certain things have been cleared up, and they are not sufficiently clear, then a press conference may help the press in that respect. But if it is to sum up really what this meeting or any meeting has been doing, any Committee has been doing, we might run into a position of some embarrassment and complication as far as the press as to what is going to be said on the action of the next meeting dealing with the affairs left in abeyance eventually.

LORD HALIFAX: Might we not all agree at this stage for the Chairman, if he is willing, to try what he suggests and see how it works? Get somebody of that sort and see how it works?

CHAIRMAN: What is the sense of the Commission on that matter?

MR. NOVIKOV: May we not defer this matter to the Steering Committee meeting, to have more elaborate consideration made?

LORD HALIFAX: You mean today?

MR. NOVIKOV: About the conference, about press releases, public relations.

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CHAIRMAN: If there is no objection I will accept that suggestion of the Ambassador to refer the subject to the Steering Committee for discussion and a proposal covering our general press relations for the future to the Commission.

MR. NAGGIAR: And in the meantime what are we going to do?

CHAIRMAN: I will follow the present arrangement. If there is no other business?

SECRETARY GENERAL: I am not quite clear, Mr. Chairman, as to just how we are to deal with this statement of Sir Carl Berendsen. My understanding is that the text of his statement, which I have here, we can use in this press statement, with the statement that it has been referred or that the subject matter of it has been referred to Committee No. 2 for consideration in the light of the discussions at the meeting, but is it the intention of the Commission that we also give to the press the substance of the discussions here, the statement made by the Indian Delegation and the statement made by the Philippine Delegation, and the statement made by the British Delegation?

CHAIRMAN: That is rather complicated. I think

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I would prefer to simply give the statement and say it was referred to the proper Committee for consideration.

MR. VESUGAR: Would you add, as Sir Carl suggested, that the Commission was sympathetic generally?

LORD HALIFAX: Wouldn't it be possible, Mr. Chairman, if I may make the suggestion, to have said, after whatever you want to say, by way of either addition or summarizing Sir Carl's statement, to have said that the Representative of India warmly supported and there was general sympathy in the Commission for the case advanced by the New Zealand Representative. No formal decision was taken at this stage by the Commission as it was thought desirable to remit the matter for consideration to the appropriate Committee, or whatever you might say, for report to the Commission in due course. I would not have thought, if it is the case we are generally sympathetic--as I thought it was--doing any harm to say so, as long as we say we are not taking a final decision because we have not the full facts before us.

SIR CARL BERENDSEN: It is entirely acceptable to me and seems an entirely proper course to take.

CHAIRMAN: Is that the sense of the Commission?

DR. GAMBOA: Would the Ambassador object to including the Philippines?

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LORD HALIFAX: No. The omission was inadvertent.

"India and the Philippines". Purely my omission.

(The meeting was adjourned at approximately 12:00)



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FAR EASTERN COMMISSION

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Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.
Thursday, April 25, 1946

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REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman	(United States)
General Sir John Lavarack	(Australia)
Mr. E. Herbert Norman	(Canada)
Dr. Liu Shih-Shun	(China)
His Excellency, Mr. Paul E. Naggiar	(France)
Mr. R. R. Saksena	(India)
His Excellency, Dr. A. Loudon	(Netherlands)
Col. G. R. Powles	(New Zealand)
Dr. Melquiades J. Gamboa	(Philippines)
His Excellency, Mr. N. V. Novikov	(U. S. S. R.)
Mr. H. A. Graves	(U. K.)

SECRETARY GENERAL

Mr. Nelson T. Johnson

Reporter: Edna C. Moyer, Department of State

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(The meeting convened at 11:30 a.m.)

CHAIRMAN: Good morning, Gentlemen. We all seem to be around the table. The session is now opened.

Item No. 1 is approval of the minutes of the last meeting, the ninth meeting. I notice that there is a correction there already submitted from the French Delegate. The attached page is a revision embodying changes requested by the French Delegate of page 4 of the minutes of the ninth meeting of the Commission. All Delegates are requested to substitute the attached page for page 4 of the minutes of the ninth meeting.

Are there any other corrections or suggestions as to the minutes of the last meeting? If there are no others, we will consider the minutes approved, with the correction requested by the French Delegate.

We have a paper on the Food Supply of Japan, from the Steering Committee. At the ninth meeting Sir Carl Berendsen presented a statement on Food Supply for Japan. This was referred in the light of subsequent discussion to Committee No. 2, Economic and Financial Affairs. This Committee submitted its report, SC-013, to the Steering Committee at the tenth meeting of the Committee. At the same meeting the United States Representative proposed an alternate paper, SC-013/1,