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reparations removals, this time under the heading of "Ball and Roller Bearing Industry (FEC-059/6." That is in the line of former actions of the Committee and is proposed through the proper channels unanimously.

Is there any remark or further consideration desired on that paper? There seems to be none. So if there is no further action in that regard, I will declare that the sense of the Commission's paper be made the subject of a draft as the entire paper is having unanimous consent.

ITEM 3 - STANDARD PROCEDURES FOR FORMAL COMMISSION ACTIONS (FEC-067/1, SC-011/1)

Item 3 - Standard Procedures for Formal Commission Actions. That paper has been in the works for some time in the Working Committee, and I believe the Steering Committee had some discussion about it and felt that although it was a matter of procedural consideration and it could be handled by them, it was remarked, I believe, by one delegate that they preferred to have it brought before the Commission for formal action. I am very glad to have that done. Would any delegate care to remark on this paper or is there anybody that was charged with it particularly in Committee work as representing the Committee that acted on it?

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SECRETARY GENERAL: Mr. Saksena was the Chairman of the Subcommittee.

CHAIRMAN: Mr. Saksena, I believe you were Chairman of the Subcommittee. Would you care to make any remarks, explanatory or otherwise?

MR. SAKSENA: Mr. Chairman, this paper is purely a procedural discourse. It prescribes the various actions taken in the secretariat here.

Now, in the first paragraph of this paper, we describe the two kinds of formal actions which are prescribed under the Terms of Reference of the Far Eastern Commission. Those are policy decisions, as provided in Paragraph II, A, 1 and formal requests to the Chairman of the Commission for consultation with the Supreme Commander. Those are, broadly speaking, the two types of formal actions with which we are concerned.

In Paragraphs 2 and 3, we go on to describe how these two policy decisions should be dealt with.

In Paragraph 4, we go on to discuss the procedure which should be followed in connection with consultation with the Supreme Commander.

Paragraph 5 is the procedure.

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In Paragraph 6, we refer to other types of consultations not covered by the Terms of Reference but which are provided for in general terms as "full and adequate consultation with members of the United Nations."

In Paragraph 7 we deal with certain informal types of action. For example, such other reports, proposed amendments to policy statements, recommendations as may be appropriate in the conduct of the business of the Commission and the various committees.

Then in the various appendices which have been annexed to this report, we have provided certain samples in order to show how the documents should be drafted.

CHAIRMAN: Thank you very much. That is procedural affairs. I want you to feel our best efforts should quicken our slow processes. They are not like the laws of the (inaudible) and Persians. They are subject at any time to change after due consideration. Are there any comments or further discussion on this procedural paper?

AMBASSADOR NOVIKOV: I understand that now we consider the document together with the addition to it in the form of Point 8, documents in official languages which was added at the last meeting. Is that so?

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SIR CARL BERENDSEN: It should be so, if it is not so. I can look to the document.

CHAIRMAN: Is there any reference to that in the paper?

SECRETARY GENERAL: These amendments which have been added, Mr. Chairman, are all in this document here. When it has been adopted by the Commission, then those will all be gathered up, and it will be reissued with those amendments added in the proper place. The reason you do not see them in the paper now is that they merely collected along the way.

AMBASSADOR NOVIKOV: They will be in a separate sheet?

SECRETARY GENERAL: In a separate sheet. The Commission has accepted the document as you have it before you. Those amendments, plus any you may add today and pass will then be collected into a final document and be distributed as the document of the Commission.

CHAIRMAN: In other words, the procedural paper that is now before us, if accepted by the Commission, carries these amendments with it. The whole paper now before the Commission is the paper, plus the amendments as reported on by the Steering Committee up to

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the present moment and awaits any new amendments or any additional words you wish to add. When that has been adopted here, we will get out a complete paper.

SIR CARL BERENDSEN: Perhaps I might add one word as Chairman of the Steering Committee. This document we personally considered in the Steering Committee. I myself thought it was unnecessary and in certain respects objectionable. The general opinion of the Steering Committee was overwhelming that it should be adopted as a guide to the proceedings of the Commission. It was because of the views of Ambassador Naggiar that the matter was brought before the Commission at all. As one who had the least bit of satisfaction from the document, I think it would be a pity if we started to discuss it again here.

CHAIRMAN: There seems to be no further comment, and the paper will be adopted as our procedural outline.

I have been informed by the Soviet Ambassador that he wishes to make a statement. Is that agreeable to you now, Mr. Ambassador?

ITEM 4 - OTHER BUSINESS

AMBASSADOR NOVIKOV:

In accordance with the Potsdam Declaration of July 26, 1945 the final form of the Japanese governmental system should be established, after the surrender of

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Japan, by the free expression of will of the Japanese people. This statement in the Potsdam Declaration is understood in the sense that the Emperor Institution, which has been the source of wars, cannot be retained in its form in which it existed before the surrender and should be replaced by a more democratic governmental system.

A recommendation to that effect has been suggested by the United States Government proposing that "the Japanese people should be encouraged to abolish the Emperor Institution or to reform it along more democratic lines". This recommendation was advanced in the Document FEC 19 of January 25, 1946, a copy of which was sent to the Supreme Commander for the Allied Powers in Japan, for his information.

The said recommendation of the U.S. Government deserves a full approval by the Far Eastern Commission since it is evident that, if put into practice, this recommendation could only facilitate the achievement of the purposes of the Allied Powers in the matter of democratization of Japan and in the uprooting of reactionary forces in Japan.

However, the Japanese reactionary circles, as it is known, are trying insistently to retain the

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Institution of the Emperor in its old form as their reliable stronghold, and with this aim they are using all possible means to exercise pressure upon the minds of the Japanese people.

The tours through the country which the Japanese Emperor undertook during the pre-election campaign served for the reactionaries as a means of propaganda in favor of the retention of the Emperor Institution.

The discussions are now being held in Japan on the drafts of the Japanese Constitution. If, under these circumstances, the Japanese Emperor is allowed to continue his touring the country this will undoubtedly serve again as an instrument of pressure upon the minds of the Japanese people in favor of the retention of the Institution of the Emperor.

In view of the aforesaid the Soviet Delegation deemed it expedient to propose to the Far Eastern Commission to approach the U.S. Government and ask them to issue the necessary instructions to the Supreme Commander for the Allied Powers in Japan to the effect that he demand the Japanese Emperor to discontinue his tours during the period of discussions of the Constitution drafts so that the Japanese people are given

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the full opportunity to express freely their will on the constitutional questions. By this measure effect would be given to the valuable recommendation of the U.S. Government on encouragement of the Japanese people to abolish the Emperor Institution or to reform it along more democratic lines.

However, some members of Committee No. 3 not only did not give any support to this proposal but even expressed their objections against it by stating that the Emperor's tours should not be discontinued as they might produce the opposite effect and even as if such tours would serve the purposes of Japan's democratization. Other members of the Committee referred to the absence of appropriate information and refrained from expressing their points of view in principle on this question and suggested for the time being to confine themselves to asking the Supreme Commander, what is his opinion of these tours of the Emperor, and whether he considers that these tours "encourage the Japanese people to abolish the Emperor Institution or to reform it along more democratic lines." Thus the Committee chose the way of delaying the solution of this question, knowing, however, by experience that the answers of the

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Supreme Commander are extremely delayed.

I, on my part, consider that the policy decision of principle on this question should be taken immediately in view of the popular campaign of discussion of the Constitution drafts.

However, inasmuch as the majority of the members of Committee No. 3 have not accepted our proposal contained in the document C3-007 we did not object to the sending of a request to the Supreme Commander the text of which was proposed by a subcommittee, although we felt that the sending of such a request is nothing but a delay and even perhaps an evasion from taking a decision on the merits of this question.

Now, the request in the form of document SC-018 was forwarded to the Steering Committee for consideration, as unanimously approved by Committee No. 3. Yesterday I was informed by our representative the document was considered by the Steering Committee, and the decision was not to take any action on Document SC-018. I was greatly amazed knowing the decision of the Steering Committee, because I never saw in the Commission's agenda anything entitling the Steering Committee to decide upon a situation, to postpone and suspend it, and even not to refer it to the full

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Commission or to return it to the Committee which decided on this matter. Now, we are told in effect that the Commission has not a chance to consider this document owing to the decision of the Steering Committee, because the decision not to take any action means that this document will not be considered any more in Committee 3 and will not be forwarded to the full Commission.

This I remember in the Commission agenda that there is no such power for the Steering Committee as to decide definitely the sort of document, policy decision. It is simply a political request to the Supreme Commander.

I will remind you now the subjects which were assigned to the Steering Committee and no one of them entitled the Steering Committee to act in such a way. Point 8 of the subjects assigned to the Steering Committee is organization of Commission business, including the establishment of a proper committee, assignment of policy subjects with priority to special committees, and coordination of the work of the committees in order to carry on effectively the business of the Commission. So, we have here only organization, assignment and coordination, and as to the coordination, there was a

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separate decision of the Commission which said that all reports and recommendations from committees shall go, before being placed on the agenda of the Commission, to the Chairman of the Steering Committee, who shall decide after consultation with the Chairman of the Committee concerned whether such reports and recommendations should be considered further by the Steering Committee before being placed on the agenda of the Commission.

I consider it really a matter of coordination, but what was done by the Steering Committee was not really a coordination. It was, I do not know which word to employ here, it was complete suspension of a situation without giving to the full Commission the chance to consider this question. The Steering Committee may consider a question in the negative form and recommend to the full Commission a negative decision on the subject, but I doubt that the Steering Committee has any foundation to simply abolish a question and not to give the full Commission a chance to consider it.

Now, as this specific question stands before us about the situation of the Japanese Emperor, I still consider there must be a political decision on the matter. If the Commission is not yet ready to accept such a decision, I do not mind. I will support such

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a decision.

Now I submit to the full Commission this whole question which was decided by the Steering Committee in such a way that I cannot agree.

This is my statement.

CHAIRMAN: That is a very clear statement, and it will be issued for proper consideration by the Commission.

Do you care to comment on the Soviet Ambassador's statement?

SIR CARL BERENDSEN: No. I have a great deal of sympathy with what the Soviet Ambassador has said. I am not sure I entirely agree as to his views of the functions of the Steering Committee. The Steering Committee is the servant of the Commission and will be guided by the Commission's position.

It came before the Steering Committee to decide whether a recommendation from one of the other Committees should come directly to the Commission or should go before the Steering Committee, and I should have imagined, I am always subject to the decision of the Commission, that that authority carried with it the authority of the Steering Committee to decide that there should be no further action taken on this special paper. The

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Steering Committee may have been wrong. I took no part in the decision of the Steering Committee except as a Chairman. The Steering Committee may have been wrong. If it was wrong, the Commission has ample opportunity to negative the error.

CHAIRMAN: I think the Soviet Ambassador has taken the proper way to bring it before the Commission if he disagreed with the action of the Steering Committee.

DR. EVATT: This kind of problem has arisen in other commissions.

CHAIRMAN: Dr. Evatt will give us his experience.

DR. EVATT: The whole struggle of the Steering Committee is that by procedure or action it can prevent substance from being discussed by the supreme body.

The Russian Ambassador's point seems to me to be quite sound that the Steering Committee cannot by bringing a matter to the Commission prevent the Commission from giving its opinion on the merits of the proposal.

I would suggest that it might be put down on the sheet of the Commission for the next meeting, the actual question as to whether this query should be addressed as substance(?) to General MacArthur.

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The Steering Committee cannot from its decision prevent the full Commission from taking it up. All the Russian Ambassador wants to do is to have a decision one way or the other by the full Commission.

I am not expressing any opinion on the merits. It would be a shame if/at the point of the Steering Committee and be prevented from bringing the case before the full Commission. The Steering Committee generally tends to amplify its jurisdiction at the expense of the supreme authority.

CHAIRMAN: I am sure it would not under your chairmanship.

SIR CARL BERENDSEN: It appears, perhaps, to have been done.

CHAIRMAN: I do not think so. I think, as I have said, the Commission is not bound by its own procedural rules, if it wants to take up a problem or a question, that is appealed to it over the Steering Committee. The Steering Committee is a helpful committee, I take it, in any organization to act freely, as it did. But that does not prevent any member of the Commission or any members of the committees to appeal to the Commission.

That would be my first thought, but before I make it my thought, I would be very willing to have any other delegate express his opinion before we do anything about it. Is there any action of the Commission

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proposed at this time?

SIR CARL BERENDSEN: Is there any reason why the Commission should not here and now consider the substance of the paper from Committee No. 3?

DR. EVATT: Except that it is not on the business sheet of the Commission.

SIR CARL BERENDSEN: We always have "Other Business."

DR. EVATT: I would suggest the next meeting, if the Chairman would consent.

CHAIRMAN: Is there any motion to that effect from any of the delegates?

AMBASSADOR NOVIKOV: I make the motion that it be put on the agenda of the Commission and considered at the next meeting.

CHAIRMAN: The Soviet Ambassador moves that this be considered by the Commission and put on the agenda at the next meeting.

Is there any second to that?

DR. EVATT: I will second that on behalf of Australia.

CHAIRMAN: Is there any second from any delegate of the Commission?

AMBASSADOR LOUDON: I will second it.

CHAIRMAN: It has been moved and seconded, and if there is no objection I will assume that is the wish of the Commission.

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I believe, Mr. Norman, that you are in order with the other business.

MR. NORMAN: I think, Mr. Chairman, that the agenda is practically self-explanatory in this matter.

At the last meeting of Committee 3, of which I was acting as Chairman, a motion was made by a member of the Committee and the Committee carried it that a request be made of the Chairman of the Commission for information regarding the inquiry from the Supreme Commander for a consultation on procedures for the adoption of a Japanese Constitution. I asked the Chairman of the Steering Committee what his views were on the subject, and he suggested we bring it up at this session of the Commission.

CHAIRMAN: We will take a recess at the moment so I can have an opportunity of reading this paper.

(Short recess taken)

Was there a paper circulated by you embodying this question?

MR. NORMAN: The reference is to C3004, the original request that is in that paper.

CHAIRMAN: I am now coordinated by my assistants, and I will open the session again to make a statement first referring to the 11th meeting where this point very properly was brought up at that time, and I made

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the statement having to do with the question and inquiry as to the Commission's action for the dispatch by the Supreme Commander, the liaison officer who had conferred with the Commission on the subject of the Japanese Constitution. It was explained then that General MacArthur had replied to this request promptly, and that the responsibility for delay was with my government where due to a misunderstanding the request had been delayed. Certain administrative objections had also been brought to the attention of the Government and are now being discussed with the Supreme Commander.

I expressed the hope to make a report to the Commission in the near future on this subject. I am not able to do this in full, but I have a letter from the Assistant Secretary that covers the particular point at issue that I will read:

"The request of the Far Eastern Commission that General MacArthur send to Washington a staff officer to confer with the Commission on the matter of Japanese constitutional reform, contained in your letter of April 12, 1946, has been referred to the Supreme Commander and a reply has now been received from General MacArthur in which he states that he is in full

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agreement with the need for a closer working arrangement and understanding between SCAP and the Commission and stands ready to do everything in his power to further this end. He states, however, that it is impossible for him to send an officer to act as his deputy in the broad matters involving constitutional reform, as he has given his personal attention to this question and there is no officer in a position to express in detail his views. Furthermore, due to the rapid demobilization of officer personnel, the release of a key officer for this purpose could not be effected without impairment to the Command. He also adds that the situation in Japan is a fluid one, necessitating constant on-the-ground observation to permit a comprehensive understanding of it from day to day." Signed by General Hildring, Assistant Secretary.

That is now before you in connection with my previous statement, and I hope that I may be given still a little more time while my Government is ironing out certain problems, for they are questions from the Commission's point of view, as expressed not only by the Commission itself but by members of the Working Committee.

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While you are thinking about that, I would like to ask the Ambassador if he has a preparation of today's statement for the press? Would you care to have me put your paper before the press?

AMBASSADOR NOVIKOV: Yes.

CHAIRMAN: Is there any reason why that should not be done from the point of view of anybody?

We will go back to your consideration of any other pertinent questions that you may wish to put. I do not want you to feel that I am always on the defensive about the Supreme Commander and his views which are not yet before you. I am hoping that I can get those before you very promptly, and I can assure you again that it is in no sense a delay of the Supreme Commander. He has been very free in his expressions, so free that I am not able to give them to you at the moment, but I can assure you that I, as Chairman, and my own Government are quite conscious of your wishes in the matter.

SIR CARL BERENDSEN: Mr. Chairman, everybody realizes the difficulty of that situation and not one of us who went to Japan could fail to recognize the fact that the cooperation extended the Commission was

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perfect. There was no disposition on my part to criticize the attitude of the Supreme Commander at that time for his obvious willingness to maintain as far as possible contact with the Commission.

We have come, it seems to me, to something approaching a crisis. The Constitution, I think we all agree, is a matter preeminently before policy decision. Perhaps being a Constitution proposed by the Japanese Government places the Commission in considerable difficulty. We saw no other way to overcome the difficulty in which we had been placed but by means of some direct contact with the Supreme Commander, means of obtaining his specific advice which, I am sure, every member of the Committee would hold in the highest respect.

The Supreme Commander is obviously right in saying that those on the spot have a better appreciation of the situation than we who sit many miles away. But if the Assistant Secretary of State adopts the view of the Supreme Commander that the Constitution depends upon a fluid situation and can only be considered by those in constant contact with the situation, then the Commission without such constant contact is precluded from dealing with the matter at all. That is a dilemma which is going to be hard to escape.

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I think we cannot expect any efficiency in the work of this Commission or anything but frustration or exasperation unless we have the closest possible contact, not only with the Supreme Commander, but with the Allied Council in Japan. How are you going to achieve that? The views will differ widely. My view was and is that the Commission should have a permanent representative with SCAP and SCAP should have a permanent representative from the Commission. Some means should be derived by which the Commission can have the earliest possible action with respect to the respective bodies.

On the Constitution, I think it is the general idea that it is the duty of the Commission to express its views and the duty of the Commission to endeavor to carry out the Potsdam Declaration tending towards further democratization of the country and a serious consideration of the position of the Emperor.

If the situation is that there is no means of the Commission's ascertaining the views of the Supreme Commander on this subject and that the prerogative of that is that the Commission will not be able to deal with this subject, I must confess to a feeling of

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complete bewilderment.

(Dr. Evatt left the meeting)

CHAIRMAN: It seems to me, Sir Carl, you have made a very plain and helpful statement.

SIR CARL BERENDSEN: It is helpful. I wonder if we see the solution.

CHAIRMAN: I think we do. Very shortly, I will be able to satisfy you and the Commission on that matter, but I am very glad to have the expression of your views on the subject. I have not tried to sidestep that in any way.

MR. VESUGAR: Sir Carl Berendsen's statement is very thoughtful, and I am sure all of us here identify ourselves with him, especially in his perplexity. His statement raises another perplexity in my mind, and that is this. If the situation in Japan is as fluid as that, is this the right time for framing a Constitution which is more or less permanent?

CHAIRMAN: I think that in a sense has already been answered by the Commission in the criteria that we passed on in the form of a directive at the 11th meeting.

MR. VESUGAR: That is true, but nevertheless it raises this thought at least in my mind--that as long

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as the situation is as fluid as that there should be the greatest caution in solidifying it in this state of fluidity.

AMBASSADOR LOUDON: Mr. Chairman, in this letter from General Hilldring, I think it is the last part, he says somewhere that in view of demobilization, the officer personnel available to send here--isn't that somewhere in this letter?

CHAIRMAN: I will read what he says. That is the statement from the Supreme Commander himself. He says: "Furthermore, due to the rapid demobilization of officer personnel, the release of a key officer for this purpose could not be effected without impairment to the Command."

AMBASSADOR LOUDON: Would it be feasible, if that was possible, to send somebody from the Supreme Commander to us and the Commission might send somebody to the Supreme Commander?

CHAIRMAN: You had in mind possibly the last line there to which I called attention.

AMBASSADOR LOUDON: Yes. In regard to this last line, if someone would go to the Commission with his findings with the Supreme Commander would that be helpful? I just asked it as a clarification for my own thought.

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SIR GEORGE SANSOM: If we cannot bring a fluid situation here perhaps a member of the Committee should go to a fluid situation there.

AMBASSADOR LOUDON: Yes. I would not bring in any religious(?) point at this stage.

SIR CARL BERENDSEN: It is a proper and actual caution.

CHAIRMAN: We have in natural process gradual reinforcement of this liaison that we are all very keenly interested in, and when I tell you that Mr. Norman is about to go out as the head of a Mission from Canada to Japan, and I am about to be bereft of one of my arms or legs or both in losing Colonel Babcock to General MacArthur's staff, so that those two men who have played such a part in helping us here will soon be in Tokyo. I do not know whether they will fall under the influence of the Supreme Commander to such an extent that we will not find them as useful as we might hope.

I have noted in the first of these statements about demobilization that some of the key men are coming back here. But he himself feels so determinedly and keenly on this subject he wants to handle it with

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the Commission. That is what I am in the process of trying to arrange, and I hope to be able to do that more quickly than I seem to be doing. However, all these points are very pertinent to the problem and to the major problem.

AMBASSADOR LOUDON: Would it be possible to distinguish between two things. We are still looking for some information, some liaison on general lines, and apart from that, I think, is the constitutional reform. Am I wrong in supposing that for the constitutional reform there is some urgency and that the general liaison some way or other may gradually evolve. But on this constitutional point, there should be some urgency to find means that this liaison be effected as soon as possible, even if for a very short period, I would say of a week or fortnight, if somebody would go and report back on these things which we are not able to understand. Only for that purpose, that somebody go.

I leave it to your wishes and to your guidance what action you wish to adopt.

CHAIRMAN: Would it be inconsistent with your thought and to get some action that this statement of

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General Hilldring's be referred to the proper Committee for consideration of these points that have been brought up today and the letter itself, Committee 3?

AMBASSADOR LOUDON: I agree for its earliest consideration.

GENERAL LAVARACK: And instruct us to report back to the next meeting of the Commission, is that the intention in order to avoid any delays?

CHAIRMAN: Would that be the sense of the Commission?

AMBASSADOR NOVIKOV: Yes.

CHAIRMAN: If so, it is directed.

The following press release was issued by the Chairman on behalf of the Commission:

I. The Far Eastern Commission today unanimously approved a policy statement with respect to the ball and roller bearing industry which will form part of the over-all Interim Reparations Removals Program for Japan. (Text enclosed.) This policy supplements the policy statements which the Commission approved and released to the press. The Commission has now approved policy statements on seven of the ten industries covered by the Pauley Report on an interim removals program.

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II. The Commission today approved a paper entitled "Standard Procedures for Formal Commission Action" which further perfects the internal organization of the Commission's affairs. The paper describes the principal formal actions of the Commission as (a) Policy Decisions provided for in paragraph II, A, 1 of the Terms of Reference, and (b) Formal Requests to the Chairman of the Commission for consultation with the Supreme Commander for the Allied Powers, provided for in paragraph VI, 1 of the Terms of Reference. The paper then describes proper form and style as a guide to the Secretariat and the various committees of the Commission in the preparation of documents of these types.

III. Sometime ago the Far Eastern Commission requested consultation with the Supreme Commander for the Allied Powers with respect to procedures for the adoption of a Japanese Constitution. (Text enclosed.)

The Chairman today reported to the Commission that he had received the following from the Department of State:

May 28, 1946

My dear General McCoy:

The request of the Far Eastern Commission that General MacArthur send to Washington a staff officer to confer with the Commission on the matter of Japanese constitutional reform,

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contained in your letter of April 12, 1946, has been referred to the Supreme Commander and a reply has now been received from General MacArthur in which he states that he is in full agreement with the need for a closer working arrangement and understanding between SCAP and the Commission and stands ready to do everything in his power to further this end. He states, however, that it is impossible for him to send an officer to act as his deputy in the broad matters involving constitutional reform, as he has given his personal attention to this question and there is no officer in a position to express in detail his views. Furthermore, due to the rapid demobilization of officer personnel, the release of a key officer for this purpose could not be effected without impairment to the Command. He also adds that the situation in Japan is a fluid one, necessitating constant on-the-ground observation to permit a comprehensive understanding of it from day to day.

CHAIRMAN: We stand adjourned, gentlemen.

(Meeting adjourned at 12 o'clock noon)

FAR EASTERN COMMISSION

Transcript of Fourteenth Meeting of Far Eastern Commission
Held in Main Conference Room 2516 Massachusetts Avenue, N. W.,
Wednesday, 5 June 1946

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REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman	(United States)
Dr. Herbert V. Evatt	(Australia)
His Excellency Lester B. Pearson	(Canada)
Mr. Timothy Tien-tsheh Mar	(China)
His Excellency Paul E. Naggiar	(France)
Mr. J. Vesugar	(India)
Dr. A. D. A. de Kat Angelio	(Netherlands)
Sir Carl Berendsen	(New Zealand)
Dr. Melquiades J. Gamboa	(Phillipines)
Mr. G. G. Dolbin	(U.S.S.R.)
Mr. H. A. Graves	(U.K.)

CHAIRMAN: Good morning, gentlemen. The session is now opened. I would like to call your attention to the fact that I am informed by the Australian Delegation that the Right Honorable H. V. Evatt, KCMP, has been appointed from today to be the Australian member of the Far Eastern Commission in succession to Lt. Gen. Sir John Lavarack.

ITEM 1 - APPROVAL OF THE MINUTES OF THE
THIRTEENTH MEETING

The item for the approval of the minutes is now before us, and they have been distributed but there is added also a statement as to the press release. That has not been distributed.

SECRETARY GENERAL: That has been distributed in a new version of the minutes which is on the table this morning. The version of the minutes yesterday omitted the press statement and that has been corrected by a new paper this morning.

CHAIRMAN; The press statement for the last meeting has been added to the minutes.

In reference to the press release which was distributed to the staff correspondents, I also, as the Commission wished, continued to hold a press conference after the distribution of the formal statement, and I can report again that the attitude of the newspaper

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men seemed to be very much more sympathetic toward our action than they had been, and it seems to work out the way we are doing now very well. I am conscious of the fact that they do not seem to be wanting to make trouble. The questions that have been posed to me by the press people have been good questions and largely had to do in the last two conferences I had with them as to the general subject of reparations. Of course, they were anxious to know about the apportionment and the questions where there were differences of opinion, which is natural. I discussed those with them off the record without pointing a finger at any difference of opinion by country. That is, I discussed with them in a general way that there were differences of opinion which they were quite conscious of, but in my talking I just told them that the thing was being considered by the Working Committee and that we had not reached agreement on points they brought up as yet. They seemed satisfied.

At any time there are any suggestions from any of the delegates as to their wish for me to take up any particular point of view with them, I would be very glad to have that brought to my attention after

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the Commission meeting each week.

Will you comment or make any suggestion with regard to the minutes of the last meeting if there are any? There seem to be none, and we will make the minutes of record.

ITEM 2 - DISPLACED PERSONS IN JAPAN (FEC-034/1)

Item No. 2. We will call the heading "Aliens in Japan" instead of "Displaced Persons." We call your attention to this paper FEC-034/1. It is the revision of the United States statement of policy which had been forwarded to the Supreme Commander for his guidance. The paper was unanimously approved by the Steering Committee at its 16th meeting. The Soviet member expressed the opinion that the document should provide for a greater restriction of German nationals than for the nationals of Axis satellite states. That is an expression of his opinion, but he did not vote against the document so it comes with the unanimous approval of the Steering Committee but with that statement of the Soviet Delegate as an expression of his opinion and that it be recorded in the Steering Committee minutes and that has been done.

Is there any discussion on this paper?

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MR. KOULAKOV: Mr. Chairman, the Soviet Delegation accepts this document but would like to have its opinion recorded in the minutes of the Commission as well as the Steering Committee.

CHAIRMAN: Is there any objection to that that the expression of opinion by the Soviet Delegate made to the Steering Committee shall also be made a matter of record as an expression of opinion by the Commission. There seems to be no objection to this statement that it be made of record.

MR. VESUGAR: Is this to be the opinion of the whole Commission as well as his?

DR. EVATT: No.

CHAIRMAN: No, that is an expression of opinion just as it was made in the Steering Committee by the Soviet Representative as a matter of record to follow the acceptance by the Commission of the original paper.

If there will be no discussion or objection, the action of our Committee is accepted as unanimous in action but with the expression of opinion of the Soviet Representative made of record both in the Steering Committee and in the Commission.

ITEM 3 - CONSULTATION WITH THE SUPREME COMMANDER
FOR THE ALLIED POWERS ON THE EFFECT OF
THE TOURS OF THE JAPANESE EMPEROR (FEC-068)

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ITEM 3--Consultation with the Supreme Commander for the Allied Powers on the Effect of the Tours of the Japanese Emperor (FEC-068). You remember the Commission at its last meeting agreed at the suggestion of the Soviet Representative that this document should be considered at its next meeting, that is the meeting of this Commission now. The paper had been presented to the Steering Committee at its 15th meeting, and it was agreed, with the exception of the Soviet member, that no further action was necessary on the document. Following that, the above action of the Commission was taken at its last meeting, and I will now turn to the Soviet Representative to see what he wishes to state now on this document or what disposition he wishes made of it.

MR. DOLBIN: The position of our Government in this question it seems to me is very clear to all members of the Commission, because this problem was discussed in Committee 3 and in the Steering Committee, and I pointed this out to you in the special statement. I think it is not necessary to repeat this statement. At least we should like to know the opinions of other members of the Commission on this question.

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CHAIRMAN: Has that been circulated to the members of the Commission, that is, the paper of the Soviet Delegate?

SECRETARY GENERAL: Yes.

CHAIRMAN: Is that the full statement of the Soviet Representative in the minutes?

SECRETARY GENERAL: Yes.

CHAIRMAN: Would you like to read it?

MR. DOLBIN: There are some changes in the text.

CHAIRMAN: The Soviet Delegate calls attention to the fact that there have been some changes made in the text and he would like to read the changes now to the Commission.

MR. DOLBIN: (Statement read for him by Secretary General.)

In accordance with the Potsdam Declaration of July 26, 1945, the final form of the Japanese governmental system should be established, after the surrender of Japan, by the free expression of will of the Japanese people. This statement in the Potsdam Declaration is understood in the sense that the Emperor Institution, which has been the source of wars, cannot be retained

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in its form in which it existed before the surrender and should be replaced by a more democratic governmental system.

A recommendation to that effect has been suggested by the United States Government proposing that "the Japanese people should be encouraged to abolish the Emperor Institution or to reform it along more democratic lines." This recommendation was advanced in the Document FEC 19 of January 25, 1946, a copy of which was sent to the Supreme Commander for the Allied Powers in Japan, for his information.

The said recommendation of the U.S. Government deserves a full approval by the Far Eastern Commission since it is evident that, if put into practice, this recommendation could only facilitate the achievement of the purposes of the Allied Powers in the matter of democratization of Japan and in the uprooting of reactionary forces in Japan.

However, the Japanese reactionary circles, as it is known, are trying insistently to retain the Institution of the Emperor in its old form as their reliable stronghold, and with this aim they are using all possible means to exercise pressure upon the minds of the Japanese people.

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The tours through the country which the Japanese Emperor undertook during the pre-election campaign served for the reactionaries as a means of propaganda in favor of the retention of the Emperor Institution.

The discussions are now being held in Japan on the drafts of the Japanese Constitution. If, under these circumstances, the Japanese Emperor is allowed to continue his touring the country this will undoubtedly serve again as an instrument of pressure upon the minds of the Japanese people in favor of the retention of the Institution of the Emperor.

In view of the aforesaid the Soviet Delegation deemed it expedient to propose to the Far Eastern Commission to approach U.S. Government and ask them to issue the necessary instructions to the Supreme Commander for the Allied Powers in Japan to the effect that he demand the Japanese Emperor to discontinue his tours during the period of discussions of the Constitution drafts so that the Japanese people are given the full opportunity to express freely their will on the constitutional questions. By this measure effect would be given to the valuable recommendation of the U.S. Government on encouragement of the Japanese people to abolish the Emperor Institution or to reform it along more democratic lines.

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However, some members of Committee No. 3 expressed their objections against it by stating that the Emperor's tours should not be discontinued as they might produce the opposite effect and even as if such tours would serve the purpose of Japan's democratization.

Other members of the Committee referred to the absence of appropriate information and refrained from expressing their points of view in principle on this question and suggested for the time being to confine themselves to asking the Supreme Commander, what is his opinion of these tours of the Emperor, and whether he considers that these tours "encourage the Japanese people to abolish the Emperor Institution or to reform it along more democratic lines."

The Soviet Delegation considers that the policy decision on this question should be taken immediately in view of the popular campaign of discussion of the Constitution drafts.

However, if the majority of the members of the Commission does not accept our proposal contained in the document C3-007 we don't object to the sending of a request to the Supreme Commander the text of which was proposed by a subcommittee, although we feel that the sending of such a request is nothing but a delay in taking a decision on the merits of this question.

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CHAIRMAN: May we have that for the record?

MR. DOLBIN: Yes.

AMBASSADOR NAGGIAR: Is it not already in the minutes of the 13th meeting of the Commission the document Mr. Johnson just read? It is in part already in the minutes of the 13th meeting.

CHAIRMAN: The Soviet Delegate asked to have this substituted for that and read it for that purpose. It will be substituted for the former statement.

Does the Delegate wish to call attention to the facts that will be evident by comparing them?

MR. DOLBIN: No principal changes.

CHAIRMAN: Just in wording only?

MR. DOLBIN: Yes.

AMBASSADOR NAGGIAR: Yes, it is not a change of substance.

CHAIRMAN: The Delegate states that there are only changes in wording. You will have both papers--

AMBASSADOR NAGGIAR: No. I have only one.

CHAIRMAN: This is now before us in the sense of reading, and we will have copies made of it.

SECRETARY GENERAL: We only have the copy which the Delegate just brought and I read. It will be copied and distributed.

CHAIRMAN: We have it here for reference in case

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there is any discussion that may be made available. Does anyone wish to examine it, the new paper, while we are considering it?

CHAIRMAN: This I take it is not in the form of a motion but simply a statement of the Soviet position or do you wish to make a motion before we discuss it?

MR. DOLBIN: Yes, I want to make a motion.

CHAIRMAN: A motion to what effect?

DR. EVATT: Is Paragraph 2 factually correct?

CHAIRMAN: We can compare it.

DR. EVATT: No, I did not mean with some other document. Is it a fact that the United States Government made that proposal as quoted?

CHAIRMAN: Yes.

DR. EVATT: And that has not yet been before the Commission for a policy decision?

SECRETARY GENERAL: That is in one of the earlier directives, is it not?

CHAIRMAN: It was a directive that was sent by the American Government before this Commission was in being.

DR. EVATT: But it has not been before this Commission as yet.

MR. KOULAKOV: We would like to draw the attention

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of the members of the Commission to the ^{final} ~~penultimate(?)~~ paragraph of the paper in which the Soviet point of view is made quite clear. The Soviet Delegation have felt that a different policy decision was offered, but since the majority of the Commission seem to be opposed to the taking of this policy decision, the Soviet Delegation would not object to the proposal of Committee 3, which was quite clear, to the sending of a message to the Supreme Commander so that after the receipt of the reply from the Supreme Commander, the Commission would turn back to that question.

CHAIRMAN: Referring to the last paragraph of the Soviet statement, I will read it again:

"However, if the majority of the members of the Commission does not accept our proposal contained in the document C3-007 we don't object to the sending of a request to the Supreme Commander the text of which was proposed by a subcommittee, although we feel that the sending of such a request is nothing but a delay in taking a decision on the merits of this question."

Now, that paper that he refers to was before the Steering Committee, and Sir Carl I call your attention to it. I believe it was not acceptable to the Steering Committee, and if you care to state what happened in

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the Steering Committee, I will be glad to have you do so.

SIR CARL BERENDSEN: With pleasure. I can do it in one word--nothing. The Soviet Representative having explained his position there as he has done here was invited by the Chairman to move according to his wish. He moved, therefore, that this resolution be adopted. There was no seconder and no debate.

DR. EVATT: That is the resolution as to consultation?

SIR CARL BERENDSEN: That is the resolution on paper FEC-068.

DR. EVATT: Mr. Chairman, that is the minor question, the question of the tours of the Emperor and consultation with General MacArthur as to tours. Now the Russian Representative reads a document in which he says that if the Commission does not agree with his major document C3-007 as to the policy to be pursued in relation to the Emperor, then he does not feel the other is so important. I want to make it clear, at least I understand it is clear, that is, the Commission has not as yet expressed itself on the United States Government suggestion that the Japanese people should be encouraged to abolish the institution or to modify it along more democratic lines. That is, I understand, to

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come before the Commission when the general policy comes here for approval.

SIR CARL BERENDSEN: I think it is under consideration of the Committee now.

DR. EVATT: It is. That is the great matter. This is the minor matter. If this Commission adopted that formula of the United States Government, and I might say we will support something to that effect substantially along those lines, then that is the major question. It seems to me this minor question as to whether the Emperor should be allowed to go around from place to place in Japan should not be divided into a great issue by itself. I do not feel very strongly about that. Therefore, I cannot accept the premise upon which the Soviet Delegate is willing to withdraw this minor suggestion about tours and consultation with the Supreme Commander about it. We have not yet considered the general question, although I think that the Soviet Delegate would be probably supported by all the Commission as to his general principle following the United States' suggestion.

When you come to look at it this proposal is asking General MacArthur to express an opinion as to the effect of the tours. It seems to me to be essentially

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a matter for the people on the spot, for the Commission there to look at, give us its views if it wishes. I think it is a great mistake to pay attention to that to the exclusion of the great principle which has got to be determined as to the future of the institution of the Emperor. This is looking at the small thing, and the big thing has not yet been determined.

AMBASSADOR NAGGIAR: Mr. Chairman.

CHAIRMAN: Mr. Ambassador.

AMBASSADOR NAGGIAR: I quite agree in principle on what Dr. Evatt expressed his opinion that the main problem is a problem of principle of the Emperor institution, but I thought at least here in this Commission we took for granted that American statement of policy as regard the Emperor institution was supported by the Commission, and, of course, we did not discuss, as far as I know since last October, that problem of principle that the Japanese people should be encouraged to have the Emperor institution until that reform is along more democratic lines according to the American directive. I thought we all agreed on that. Why not discuss the policy?

DR. EVATT: We all agreed, but nothing has been done.

CHAIRMAN: It did not come before the Commission.

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AMBASSADOR NAGGIAR: No, but we took for granted we agreed on those principles.

CHAIRMAN: That was before we had the Soviet Representative with us, before this Far Eastern Commission was organized. It has not come before the Commission as such and as organized at present prior to this last meeting, when it was to be brought up as it has already been done by the Soviet Representative as a statement with a qualification. I take it that his wish was that it should be discussed by the Commission today, possibly when the over-all policy paper is before the Committee, and that this discussion would give your point of view to be considered by the Committee itself when discussing the over-all paper.

Am I interpreting you correctly?

MR. DOLBIN: Yes.

CHAIRMAN: So that I take it our Soviet Delegate wishes us to discuss it now from the point of view of his statement, and we are getting the discussion now with Dr. Evatt's opinion and the Delegate of France. I am very glad to hear any other remarks or suggestions or finally a motion as to the disposition of this statement.

DR. de KAT: Mr. Chairman, I agree with Dr. Evatt

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since it was also a question which should be left to the man on the spot.

DR. EVATT: That is the question of the tours, Mr. Chairman.

DR. de KAT: That is right.

DR. EVATT: Could I as a practical suggestion, it is difficult, it is not impossible but it is difficult, to consider this one argument of general policy about the Emperor in isolation of the other portion of the general policy which Sir Carl Berendsen has mentioned is now being considered.

I would suggest as a practical proposition for the consideration of the Soviet Delegate that this matter be considered by the Commission, not the question of tours, but the question of the general decision of the Commission in relation to the Emperor at the earliest possible moment, at the next meeting if it is practicable, if the Committee could report by then. The greater includes the lesser. If we decided the Emperor institution should be democratized and should be abolished, if we agreed with that general principle that should issue to General MacArthur not as a suggestion but as a direct policy(?), and then he should, I imagine, be able to tell us exactly what effect these

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tours might have upon that general policy. Although as Mr. Naggiar pointed out there has been no directive issued to General MacArthur to do it and he feels himself free to take his view, that may not be in accordance with that.

I submit, Mr. Chairman, it should somehow be summarized, because through this Commission and the general policy which we adopted in principle last November and December should issue to him. It has not yet been done.

SIR CARL BERENDSEN: I am in full agreement with the views expressed by Dr. Evatt. I concur that the point which has been isolated at the moment should not be decided irrespective of the general proposition as to what, if anything, should be done to the Emperor Institution to abolish or democratize it.

It might be useful at this juncture to read quite a pertinent extract from the document laid before us, expressing the views of the Supreme Commander at the bottom of page 7:

"As well over 95 per cent of the Japanese people are clearly disposed to retain the Imperial institution, while free discussion thereon has been encouraged, no effort has been made to persuade them to abolish the

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same. Such action would do violence to the spirit of the Potsdam Declaration which left this matter to the free will of the Japanese people. The drastic reformation of the Imperial institution along democratic lines, with its survival rendered subject to the people's will as proposed in the Government's draft, bespeaks the encouragement SCAP has given this reform."

The whole matter should be considered at large by the Committee and the Commission and not dealt with piecemeal. I was of the feeling that the tours were not without their reactionary purposes, but I did not at the time see what could be done about it.

CHAIRMAN: Is there any other comment or discussion?

MR. VESUGAR: Mr. Chairman, I also feel that Dr. Evatt is completely correct in suggesting that the lesser includes the greater and we should not discuss this piecemeal. One thing strikes me as an anomaly in talking about the Emperor institution. Japan has no longer an empire. Are we correct in calling him the Emperor all this time? Should the Committee which discusses this not also give its attention to this aspect?

CHAIRMAN: You would like to see the old term of Mikado in the sense--

MR. VESUGAR: Or King or something.

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CHAIRMAN: In the sense of historical background, possibly modified by that well-known opera of Gilbert & Sullivan.

SIR CARL BERENDSEN: That is the first time we got the Gilbert & Sullivan.

CHAIRMAN: There is a good deal of meat on that Mikado we were brought up on. I am sure we all, certainly in my time, thought of him in the term of Mikado of Japan rather than the Emperor of the pro-prosperity sphere.

Possibly after this discussion, the Soviet Delegate might feel inclined to accept the suggestion and proceed to an outline of referring both the statement-- The paper that has been referred to in the way of queries to General MacArthur did not receive the approval of the Steering Committee, but it is still in the hands of the Committee that proposed it and the same committee which will pass on the over-all policy in the near future.

So possibly it might be agreeable to you to give expression to your wish if we, as to this discussion, refer the paper to the Committee for consideration with the major policy paper and the record of this discussion for their due consideration.

MR. DOLBIN: Mr. Chairman, we are quite agreed with the proposal to discuss the general problem about the

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Japanese Emperor institution. We are ready to discuss this question anywhere in Commission or Subcommittee, but it seems to me that most of the members of Committee 3 expressed their opinion there it would be quite necessary to know how the general tour changed this problem, and as the position about a new Constitution is now very important, we are prepared to send some kind of request to General MacArthur about this.

CHAIRMAN: That puts two questions before the Commission: First, the statement that we are now considering and discussing, and then the additional wish of the Delegate that the action of the Committee as to query which was not acted upon favorably by the Steering Committee should be considered by the Commission now. Is that your wish?

MR. DOLBIN: Yes.

CHAIRMAN: So possibly, I want to be sure that I state your position properly and understand it, you feel that I have done that. Do you wish to discuss it between you?

MR. KOULAKOV: The point is that Mr. Dolbin feels that this query to the Supreme Commander is essential and will not in any way undermine the discussion of the

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greater problem which was proposed by Dr. Evatt.

CHAIRMAN: Then you would like to have that paper that has not been acted upon by the Steering Committee be brought before the Commission now by yourself and leave aside the statement you made this morning until we act on the other paper, is that your wish?

MR. KOULAKOV: This would seem to be the only way of acting on this question, that is, to take out that paper and to raise the (inaudible) and take a decision on that.

CHAIRMAN: Now, an appeal from the Steering Committee. I will have to consult my parliamentarian on that. I think more reasonably instead of making a legal or parliamentary question of it I might ask the consideration of the Commission on whether they wish to take up a paper that has been turned down by the Steering Committee on the request of the Soviet Delegate.

SIR CARL BERENDSEN: Which paper are we speaking of?

CHAIRMAN: We are speaking of the paper the Steering Committee did not approve.

SIR CARL BERENDSEN: That was merely the question of making certain inquiries. The other paper was never before the Steering Committee. We are laying that aside

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and trying to reach the first paper on which he makes in his last paragraph a reference, and that paper has never been before us, that is, before the Steering Committee.

CHAIRMAN: It has been before the Steering Committee?

SIR CARL BERENDSEN: No, only the document suggesting that requests be made.

CHAIRMAN: That is what he wishes to bring before the Commission. I am wondering how I should handle that whether in a strictly parliamentary way and get the decision on that or whether I should at his request bring this paper ab initio to the Commission, a paper which has not been approved by the Steering Committee.

SIR CARL BERENDSEN: We decided that last meeting. The Steering Committee had no right preventing any paper coming before the Commission if any member desired to bring it before the Commission. I think we could accept that as general agreement.

CHAIRMAN: I would be willing to accept it. It is in the nature of an appeal of an action of the Steering Committee.

SIR CARL BERENDSEN: Which is only an instrument of the Commission.

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CHAIRMAN: Would you give me that paper now? I take it then, Mr. Delegate, that you would like to make a motion that this paper be accepted by the Commission in the form that was presented to the Steering Committee by the Working Committee. Is that your wish to make a motion to that effect?

MR. KOULAKOV: Mr. Chairman, before doing so Mr. Dolbin would like to hear the opinions of other members of the Commission on this matter of presenting it with--

CHAIRMAN: You prefer not to make the motion? I will then bring it up as Chairman and put it before the Commission for consideration and discussion. Is that agreeable to you?

MR. KOULAKOV: Yes.

CHAIRMAN: The Soviet Delegate would like to have brought before the Commission the paper which was submitted to the Steering Committee. It does not refer to which committee.

MR. KOULAKOV: Constitutional and Legal Reform.

CHAIRMAN: Committee 3, the paper from Committee 3 which was brought before the Steering Committee and it is as follows: "Consultation with the Supreme Commander for the Allied Powers on the Effect of the Tours of the Japanese Emperor."

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"The Far Eastern Commission requests the chairman to obtain the views of the Supreme Commander for the Allied Powers on the effect that the recent tours through the country which the Japanese Emperor undertook during the pre-election campaign have had on the Japanese people. Have these tours encouraged the Japanese either to eliminate the institution of the Emperor or to reform the institution along more democratic lines? Should such tours be conducted again during the period of consideration of the Constitution, what would be their effect, in the opinion of the Supreme Commander for the Allied Powers, on the relationship between the people and the Emperor?"

So that is for purposes of discussion, no motion being made as to its adoption but it is now before the Commission for discussion at the request of the Soviet Delegate.

DR. EVATT: I think, Mr. Chairman, that it would be wiser to determine this question which is now properly before us at the same time as we determine one way or the other whether the United States Government recommendation, referred to in Document C3-007, 29 April 1946, is dealt with by the Commission. Paragraph 2 of that second document states, and I understand correctly, that the

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United States Government recommended the policy, I suppose recommended or directed, that the policy be that the Japanese people should be encouraged to abolish the Emperor institution or to reform it along more democratic lines.

That broad principle has not been determined by the Commission, although I do not think there would be any opposition to that statement of the position. But if you just simply ask the Chairman to ask the views of the Supreme Commander on the comparatively minor question whether the recent tours of the Japanese Emperor had a certain effect, is unsatisfactory, that question assumes that this principle has been adopted by the Commission and I understand it has not been. You ask questions like that of General MacArthur and he will probably point out that he can not answer that question on the assumption--take Paragraph 2 of the proposed questionnaire. I am reading now from the document before us FEC-068. "Have these tours encouraged the Japanese either to eliminate the institution of the Emperor or to reform the institution along more democratic lines?" This assumes this principle is the carried out principle. Let us consider that principle and as consequential upon it request information as to whether

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It is being carried into effect. It seems to me that that is the proper procedure. If everybody is agreed about that principle, as Mr. Naggiar suggests, then this would be an appropriate incidental step to seeing that the principle was carried into effect.

I hope the Russian Delegate understands the point of view I am making. It is not critical of his main principle at all. You are saying to the Supreme Commander in effect: "Look, you have got a principle that should be carried out. Does this, in effect, carry it out?" But we have not as yet decided on the principle which you want carried in your main document 007, you want adopted. I suggest we should at an early meeting determine both. I am quite prepared to discuss it now, but I think the Chairman would properly rule that that main principle is not in adequate form before us at this meeting. It is one sentence out of the policy without the policy being before us.

Therefore, I think it would be putting the cart before the horse to ask General MacArthur "is the principle that is in a document being put into effect or is it being hindered or sabotaged or interfered with by these tours of the Emperor?" First of all, you must

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decide the policy in relation to the Emperor and then you ask him "are you carrying it out"?

I can see from General MacArthur's letter that about 95% of the Japanese people are in favor of retaining the Imperial institution, so that before he would act upon the principle mentioned here about the abolition of reference to the Imperial institution he would require a directive following upon a policy decision of this Committee. If you would ask him: "Is that being carried out?" He would say: "What being carried out?"

Therefore, I would suggest to the Russian Delegate that this proposal should be considered along with and not before, certainly not before our adoption of the main principle. I think that seems to express the views of other delegates too. I think the Delegate of Russia is probably anxious lest there should be further delay, and I am quite prepared to support its being discussed at the next meeting.

AMBASSADOR NAGGIAR: I quite agree on the main line of the expression of views of Dr. Evatt, and I wonder if we could not refer to the Committee, I think Committee 3, at the same time the question of

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policy, treated by Dr. Evatt. According to the United States statement of policy about the Emperor institution and the draft of the message, our request would be sent to the Supreme Commander as regard the tours. Evidently the problem of the tours is secondary in the light of the main policy. But the proper committee may find some formula that will be acceptable, an expression of views concerning the whole problem of the institution of the Emperor, and perhaps once the directive of an expression of the view of the Commission on the main problem will be written, the secondary question of the tours will appear unnecessary, because we will agree on a very clear statement of policy to be sent through the proper channel and become addressed to the Supreme Commander. The question of the tour will not be an actual problem to be discussed.

I suggest the whole question be sent to the proper committee.

DR. EVATT: The two questions?

AMBASSADOR NAGGIAR: Yes.

MR. KOULAKOV: Mr. Chairman, since a majority of the Commission seem to be in favor of the proposal of Messr. Naggiar and Dr. Evatt, the Soviet Delegation would feel that this would be its proposal as the only

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way out of its question.

CHAIRMAN: We have had discussion which the Soviet Delegate desired, and it seems plain the wishes of the Commission are as just expressed. I will hear a motion to that effect.

DR. EVATT: I will move to put it in order that the proposal contained in Document--

CHAIRMAN: This statement that was submitted and read.

DR. EVATT: Yes, that that statement and also the document FEC-068 be considered together at the next meeting of the Commission.

CHAIRMAN: Do I understand that your motion is sending it to the proper Committee No. 3?

DR. EVATT: To the appropriate committee.

CHAIRMAN: And hoping that they can bring it back to the Commission as quickly as possible. Is that agreeable and acceptable to the Soviet Delegate?

(Soviet Delegate nods his head affirmatively.)

AMBASSADOR NAGGIAR: Yes, sir.

ITEM 4 - REPORT OF COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM, ON REPLY TO REQUEST FOR CONSULTATION ON PROCEDURES FOR THE ADOPTION OF A JAPANESE CONSTITUTION (FEC-031/9)

CHAIRMAN: Item No. 4, Report of Committee 3,

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Constitutional and Legal Reform, on Reply to Request for Consultation on Procedures for the Adoption of a Japanese Constitution (FEC-031/9).

At the 13th Commission meeting, Mr. Norman, speaking as Deputy Chairman of Committee 3, inquired concerning a reply to FEC-031/3, a request for consultation on procedures for the adoption of a Japanese Constitution which the Commission had approved at its eighth meeting the 10th of April. The Chairman presented a letter from the Department of State. It presented it to the Steering Committee which stated that while the Supreme Commander was in full agreement with respect to the needs of a closer working arrangement and understanding between SCAP and the Commission, he found it impracticable to send a qualified officer for the purpose of liaison. This document was referred to Committee 3 and reported back to the Commission at the last meeting of the Commission. FEC-031/9 is the report from Committee 3. This statement of the Supreme Commander, to which I referred, has been presented to the Steering Committee and is now distributed for the information of the Commission. It is now before us.

No, this is not just with reference to the question

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of liaison officer but an expression of his views on the whole subject of the Constitution as taken up by us in our original paper on the Constitution in the form of a directive and followed by the criteria that was followed, adopted and to which I had not then had access, that is, the criteria paper had not reached him when he made this statement which is now before us and which was read to the Steering Committee by Dr. Blakeslee.

SIR CARL BERENDSEN: I think we are getting confused, Mr. Chairman. The other one was about 3. The next item was the one sent to the Steering Committee.

CHAIRMAN: The question of liaison, you mean. I am calling your attention to this paper giving the views of the Supreme Commander for the Allied Powers on the general subject of Japanese constitutional reform. That is the paper. This was not before the Steering Committee. This paper I have reference to was not before the Steering Committee but is circulated for the first time.

SIR CARL BERENDSEN: The Steering Committee, as such, has not dealt with the constitutional question for some considerable time. It was referred to Committee 3 and Committee 3 is reporting now directly to the Commission, not to the Steering Committee.

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CHAIRMAN: The paper I now have is FEC 031/9 and I will once more read the background there.

At the 13th Commission meeting, Mr. Norman, speaking as Deputy Chairman of Committee 3, inquired concerning a reply to FEC-031/3, a request for consultation on procedures for the adoption of a Japanese Constitution which the Commission had approved at its eighth meeting. The Chairman presented a letter from the Department of State which stated that while the Supreme Commander was in full agreement with respect to the need for a closer working arrangement and understanding between SCAP and the Commission, he found it impossible to send a qualified officer for purposes of liaison.

This document was referred to Committee 3 for consideration and report back at the next meeting of the Commission. That they have done. This is the paper 031/9 that is now before us, a proposed consultation with the Supreme Commander for the Allied Powers on broad matters of Japanese constitutional reform, and this other paper to which I referred is also before you but has not been before the Steering Committee and possibly may give such full information that it may have a bearing on the paper now before us. So, I will ask you,

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then, to look over that paper now before we discuss the paper for action.

AMBASSADOR NAGGIAR: Mr. Chairman, owing to the importance, in my opinion, of the document just released and circulated, No. FEC-031/11, which is a very complete statement of views by the Supreme Commander on the problem of the Constitution, I wonder if we are able just at the first glance to discuss the problem of a Mission to be sent for consultation and report to Japan before a complete study of the document just released to you. It is a very important document. I have just had the time to read it superficially, and I consider it one of the most important documents we have just received from the Supreme Commander. It seems to me that it needs a complete study, and I suggest the whole matter be referred again, if possible, to the proper committee for a complete study of the document.

The Supreme Commander in this document takes the stand very clearly and firmly on certain points. I wonder if we can just now either accept or even discuss the proposal without a more complete study of the whole affair.

AMBASSADOR PEARSON: Mr. Chairman, I would like to support that view. I do not see how we can profitably

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discuss this report of Committee 3 which provides or makes a recommendation for sending a liaison officer to Tokyo for consultation with the Supreme Commander in respect of these constitutional questions without at the same time being quite familiar with the implications of this document which has just been circulated, 031/11. I, like my friend from France, have just had an opportunity to read it. It is quite clear from a cursory reading that it has important implications in so far as sending a liaison officer to Tokyo is concerned.

A sentence in the second to the last paragraph reads--this is the view of the Supreme Commander:

"The Commission [our Commission] could render no better service to the cause of democracy [that is at the bottom of page 7, then on to page 8] than to permit the Japanese Government and people, as I propose to do, to proceed unshackled, unhindered, and in complete freedom to work out their constitutional reforms, examining the situation only after action thereon has been completed to determine that the results achieved meet Allied standards."

If that is the policy agreed on here and in Tokyo, I do not see what value there would be in sending a liaison officer to Tokyo for consultation in respect to a matter upon which there is to be no consultation until

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after a decision has been reached.

It seems clear these documents are related and should be discussed together. I do not see how we can do more than refer them back to the appropriate committee for such discussion.

DR. EVATT: In supporting what has been said by the Delegates of France and Canada, I would like to point out that the thing goes even deeper than the sending of a liaison officer to Japan. In what I have to say, I would like to point out that in no sense must my observations be regarded as any personal criticism of General MacArthur for whom we in our country have the greatest admiration and affection.

The thing that is the most important about his letter, and I think it has been presented by Mr. Pearson, is this: That the General's letter is based upon a delegation of functions between the Far Eastern Commission on the one hand and himself as Supreme Commander on the other which involves a consideration of the whole jurisdiction of this Commission. I think that is also in the mind of Mr. Naggiar. As I understand our Constitution, the Constitution of this Commission it is this. We are the body which has the duty and the power to formulate all policies and principles and standards in connection with the occupation of Japan in accordance with the

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Potsdam Declaration. There is no discretion as to matters which are really matters of policy level providing this Commission acts by the proper vote. We have a majority of the Commission and it includes a majority of certain nations, and that is the policy. If we say in connection with the Japanese Emperor institution "what shall be done," then not going through the document clause by clause it seems to me clear that providing no veto is exercised, providing a vote is of the sufficient majority that must issue to the Supreme Commander as a directive on policy and it must be carried out. That, I think, would not be disputed. If any country is opposed to any particular policy of the Commission and has the right of vetoing it the proper thing to do is veto and not agree to the policy.

That is the way it should be done, but if it passes this Commission by the requisite majority it seems to me that on these matters that paying all attention to the views of General MacArthur and the people on the spot the decision of this Commission must prevail. That is the question that is behind this matter of relationship between the Supreme Commander in Japan and this Commission. The immediate question as to how on the constitutional issue you consult General MacArthur seems to me to be one of

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much less importance. Certainly, in this regard he has indicated his views which I do not think could be expressed more clearly on the points to which it is discussed. I do not think sending an officer to Japan at this meeting would affect that.

You could not get a more definite statement as to what General MacArthur thinks on the constitutional position. Then the question is for this Commission to say what its decision on policy shall be in the light of that. We have got his views.

Therefore, I think that the Delegate of France is right that merely at this stage in the light of this to send a representative of the Commission to Japan would be not in consonance of the dignity of this Commission. I think it would be a mistake. It might be an occasion would arise when it should be done. That could be done. I do not think it arises at the present.

I, therefore, support the consideration of this either by the Steering Committee,-- I do not know what Committee. The Steering Committee represents the whole Commission on matters so important it might be properly left to it. I hope the Commission will agree that involved in this document are matters that go beyond the mere sending out of a mission from the Commission

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to Japan.

AMBASSADOR PEARSON: In view of what Dr. Evatt has said, I think he is right in thinking it should be referred not possibly to a committee but to a more important agency of the Commission, that is the Steering Committee rather than the Constitutional Committee. I would like to amend what I have said about reference back to that extent.

SIR CARL BERENDSEN: I am in general confirmed agreement with what has been said. As you know, I have at times been profoundly disturbed not only at the lack of progress made by this Commission, for which I will concede the Commission itself is to a substantial degree to blame, but also the relations which have been developing between the Commission and the Supreme Commander. I am the greatest admirer of General MacArthur in this work. I am the greatest admirer of the work he has done in the occupational zones. If there were no Commission, I would be completely content to say: "General MacArthur, go to it and God bless you." But there is a Commission, and I entirely agree with what has been said on this particular point, especially that the point at issue is something much more fundamental

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than sending a deputation to Japan, much more fundamental indeed than the terms of the Constitution.

What we are facing now, and I think it is wise to face it openly, is nothing less than the continued usefulness and authority of this Commission. It does not only arise in this matter. There is a matter still on the agenda which raises essentially the same problem. I agree, also, that the people on the spot are infinitely better qualified to decide a problem than we thousands of miles away, particularly as we are precluded from any effective means of liaison with the Supreme Commander.

It may well be that the Commission will inevitably be faced with a trial of strength between the Commission and the Supreme Commander. That I would deplore, and certainly it will not be any motion of mine that brings such a test about. But here is a Commission set up with the consent of our governments, including the United States Government, given certain definite powers. It has got to find a means of exercising those powers at all times with the least possible interference and the least possible difference of opinions or it has got to resign itself to the fact that it cannot perform its functions.

That is the problem before us and with the complete

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sense of the responsibility that lies upon all of us.

I think it would be most unwise to attempt to discuss this important document at this stage without considering the fundamental implications contained in it. Whether it should be referred to the Steering Committee or the Committee considering the Constitution, I have no particular views. On the whole, I should think it should go to the Constitutional question in the first place and come back to the Commission.

I want to express my grave apprehension as to the position we are in. We cannot get along like this.

MR. GRAVES: Mr. Chairman, this document says the views of the Supreme Commander on the subject of Japanese constitutional reform was dated 18 April, 1946. Does that ~~date~~ have any relation to the date designating the date the views were sent?

CHAIRMAN: I understood that this was the date the directive was sent. I am quite sure that the Supreme Commander did not have that second paper on policy when this paper was sent by him, the date of the time when he expressed his views in Japan.

DR. EVATT: I think the point is this. The question I would like to know is why is a document dated

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13 April 1946? It must have been in some sort of a communication of an official kind and why did it not get to the Far Eastern Commission until so long after the event? There may be quite a good explanation for it, but it is a long period of delay between the making of the document and our becoming aware of its contents.

Major Plimsoll thinks there may be some mistake.

It may be the date of the communication to General MacArthur.

CHAIRMAN: You remember that I stated some time ago to give you a proper background of what must seem very queer to you that you are getting this so late. My remembrance is that I said personally I knew that there were certain discussions going on by my Government and that I hoped as soon as practicable to give you full information on the subject. I have been away for a couple days, and I am just informed that this information only got to us yesterday. The information was not directed to the Commission by General MacArthur but to his own Government, and there was a certain difference of opinions there which I hope will be satisfactory information later on and while we are considering this paper. But apparently they were due to the personal form in which this communication came to the Government. There was action that

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it should not be presented to the Commission until it had been considered by our Government and that result was that the Commission received it yesterday.

SIR CARL BERENDSEN: Am I to assume from that that this conveys the views of the United States Government?

CHAIRMAN: This does not convey the views of the Government. His views were expressed to my Government in the form of a more or less personal dispatch in which you have the essence here before he had received the criteria paper of this Commission. I am hopeful that during the proposed action on this statement and other information that I may be able to furnish you more complete information and give you the point of view of my own Government.

SIR CARL BERENDSEN: We still have a considerably later reply, expression of opinion from the Supreme Commander and that is the communication enclosed in Document 031/8, which is, generally speaking, to the same effect.

DR. EVATT: You mean the one the Chairman read last meeting? There are two dispatches from General MacArthur that are before you, one, that full statement on policy, as he understands it, and then this particular one that Sir Carl refers to, 031/8, which had to do with

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the particular problem of a liaison officer, and it was on this paper with respect to the liaison officer alone that we got the action paper this morning.

AMBASSADOR NAGGIAR: I think it would be easier for all of us if it could be mentioned in the record of the meeting of the Commission that the document FEC-031/11 is not an expression of views of the United States Government but the personal views of General MacArthur, and that there is no official approval of the personal views of General MacArthur as are certain powers(?) of the Commission as they have been established by the Terms of Reference, because the document in question discussed certain powers of the Commission and gave us expression of views as regards the extent of power of the Commission.

I think as regards my own Government, it will be much easier for me if I was sure to say that this is not the American Government point of view but only General MacArthur's personal point of view.

CHAIRMAN: You would like to have that made--

AMBASSADOR NAGGIAR: I would like to report to my Government if it is a policy statement by the United States Government or only the expression of the personal

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views of General MacArthur.

CHAIRMAN: I would accept the definition of what might be called a personal interpretation of his view.

AMBASSADOR NAGGIAR: As the copy has been circulated to us?

CHAIRMAN: For your information, yes.

AMBASSADOR NAGGIAR: For my Government's information. We have at the same time the Terms of Reference of the Commission and this Commission. There may be some difference between the two.

CHAIRMAN: Yes.

DR. EVATT: The views of the American Government-- his own personal views.

CHAIRMAN: I can state that these are the views of the Supreme Commander not necessarily the views of the American Government, and I hope that I will be able to do that in the Committee shortly.

CHAIRMAN: Is there a motion for reference?

DR. EVATT: I think the only point was to what Committee it would go. In view of the importance of it I think it would be better to get it to the Steering Committee.

CHAIRMAN: I am rather inclined to follow Sir Carl and hope that it might go back to the Committee faced

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with this subject and which has been studying it thoroughly.

DR. EVATT: Then it can go from here to the Steering Committee, is that your view?

CHAIRMAN: Yes, and that will give it a careful screening.

Is there any second to that motion? (No-one audibly seconded the motion)

AMBASSADOR NAGGIAR: That is what I proposed to have the two papers sent to any proper committee.

DR. EVATT: The Constitutional Committee and then the Steering Committee. I think that is helpful.

AMBASSADOR NAGGIAR: The two papers and any other relevant papers.

CHAIRMAN: And with the statement that I made to the French Ambassador as a matter of record about the views of General MacArthur rather than those of his Government at the moment. That is before the Commission by motion and seconding. Is there any further comment or suggestion? Is that agreeable to the Commission? It is so ordered.

ITEM 5 - REPORT BY THE CHAIRMAN OF THE STEERING COMMITTEE ON FEC-026/6 (STATEMENT BY U.S. MEMBER OF STEERING COMMITTEE RELATIVE TO FAR EASTERN COMMISSION'S POLICY STATEMENT ON FOOD SUPPLY FOR JAPAN)

Item 5, Report by the Chairman of the Steering

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Committee on FEC-026/6 (Statement by U.S. Member of Steering Committee Relative to Far Eastern Commission's Policy Statement on Food Supply for Japan)

At the 14th meeting of the Steering Committee, Dr. Blakeslee said he would informally obtain information relative to the following questions raised by Sir Carl Berendsen, Chairman of the Steering Committee:

1. Was the policy adopted by the Commission in FEC-026/2, the Commission's approved policy decision, and communicated to SCAP? If it was communicated, what was the date of such communication?

2. Has the Supreme Commander consulted the Allied Council for Japan with regard to the above policy decision?

At the 16th meeting of the Steering Committee, Dr. Blakeslee presented a reply to the United States Government in reference to the above questions by Sir Carl. The Steering Committee directed its Chairman to report formally to the Commission the receipt of the reply from the United States Government.

While you are thinking this over, I will ask the Secretary General to read the reply of my Government which was read to the Steering Committee.

SECRETARY GENERAL: Statement by U.S. Member of

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Steering Committee Relative to Far Eastern Commission's
Policy Statement on Food Supply for Japan.

1. It is understood that Sir Carl Berendsen requested that answers to the following questions be supplied by the U.S. member of the Commission:

a. Has the Far Eastern Commission's statement of policy on food for Japan been sent as a directive to the Supreme Commander for the Allied Powers?

b. Has the Supreme Commander for the Allied Powers obtained the advice of the Allied Council in Tokyo in determining food requirements?

2. Inasmuch as the policy statement was transmitted on April 25, 1946 to General MacArthur for his guidance, it was not believed necessary to repeat it to him in different form as a Directive. Insofar as the document is of concern to the U.S. Government, it has been brought to the attention of all interested Departments of the United States Government.

3. It is assumed that Sir Carl's second question referred to the following passage in the Commission's document:

"The Far Eastern Commission decides as a matter of policy that except to the extent that the Supreme Commander for the Allied Powers, with the advice of the Allied Council for Japan, determines that imports are essential immediately for

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the safety of the Occupation Forces, no imports shall be permitted which will have the effect of giving to the Japanese a priority or preferential treatment over the requirements of the peoples of any Allied Power or liberated area;"

4. It is the belief of this Government that the reference to the Allied Council for Japan in the Far Eastern Commission policy statement concerning food for Japan is recognition of the provisions of terms of reference of the Allied Council that

"There shall be established an Allied Council with its seat in Tokyo under the chairmanship of the Supreme Commander for the Allied Powers (or his deputy) for the purpose of consulting with and advising the Supreme Commander in regard to the implementation of the terms of surrender, the occupation and control of Japan, and of directives supplementary thereto, and for the purpose of exercising the control authority herein granted.

"The Supreme Commander shall issue all orders for the implementation of the terms of surrender, the occupation and control of Japan, and directives supplementary thereto. In all cases action will be carried out under and through the Supreme Commander who is the sole executive authority for the Allied Powers in Japan. He will consult and advise with the Council in advance of the issuance of orders on matters of substance, the exigencies of the situation permitting. His decisions upon these matters shall be controlling."

It is believed that the Far Eastern Commission, through its policy decision on food has not altered its own or the Council's terms of reference concerning the function of the Allied Council.

6. So far as is known, the Supreme Commander has not

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consulted the Council specifically on this question. As the Supreme Commander is fully aware of the Commission's policy statement on food, it is assumed that the Supreme Commander believes that consultation with the Council at this time on the question of immediate food imports for Japan is neither necessary nor appropriate in view of the fact that his estimates of food requirements for the period of April through September have already been submitted to his Government, that these requirements were considered as the absolute minimum for the safety of his own forces and that these estimates were submitted to Washington for consideration of the Combined Food Board and for decision and action by the United States Government.

SIR CARL BERENDSEN: I wish to be particularly careful in explaining this matter, particularly in view of the situation which has arisen in the Commission of the Supreme Commander, but I have a function to perform as Chairman of the Steering Committee and I should like to perform that function, I hope, with complete objectivity and to make a few comments on my own personal position.

I have to report this to the Commission, and I presume we may take it that function has been discharged. I think it is proper to explain quite objectively how

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this situation arose. As you know, the Commission took the question of food supplies for Japan in the light of the traffic catastrophe facing so many portions of the world. The matter was carefully discussed and at great length and in the end the Steering Committee and the Commission unanimously--I wish to stress that word "unanimously"--agreed on the document which is in two parts. The first was a decision on policy. Now there can be no doubt that it was a decision on policy. The point was isolated and decided on in the Steering Committee and the Commission. That decision on policy has been read to you by our Secretary General, and there is no need to read it again.

It raised a principle that no preference should be given to the Japanese over any allied or liberated people. In other words, that so far as possible, with one specified exception, that if anybody has to die he feels we should not prefer our enemies to our friends. A specific exception was made to the safety of the occupation forces.

It was laid down in that statement of policy deciding this matter the Supreme Commander would consult with the Allied Council. As far as I was concerned,

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I was as I said yesterday complacently conspicuous in this matter. I was following the dictates of my conscience. I was content with that.

The Committee considering the matter went further. They prepared a lengthy document on food policy. It was passed, I believe, unanimously by the subcommittee and referred to the Steering Committee. At the meeting of the Steering Committee at which this matter was considered, Dr. Blakeslee, with his usual convincing eloquence, expressed the view that having taken the steps we all considered necessary and desirable to meet the immediate crisis and that, he did not say so, in the light of the differences beginning to develop between the Supreme Commander and the Commission it would not be wise to take any action on this lengthy and detailed statement of policy, I fully agreed and the Steering Committee fully agreed. I expressed the opinion, I was supported by others and I think it was the general view, that this policy which had been laid down unanimously by the Commission and which cannot be criticized by any member of the Commission because it was passed unanimously, we felt that this was adequate providing it had, as we assumed, been sent to the Supreme Commander by way of directive and that the Supreme Commander had consulted the Allied Council. The question whether it went as a directive or as told in this Commission merely

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as an intimation upon which the Commission was thinking is not one of form; it was one of substance.

On 25 April, the Supreme Commander was informed of the passing of this resolution. On the 30th April, the matter was raised in the Allied Council, the Chairman said in the absence of a governing directive, and this is the 30 April. The intimation has been sent on 25 April from the Far Eastern Commission. It seems to me that this is a question without the scope of this Council as a matter for the subject of discussion.

Mr. Ball said when no directive has been received as a result of the deliberation of FEC, until such directive is received, this Council should move very cautiously. I would be in full agreement with that in any case.

It was raised again at a meeting on 15 May when Mr. Ball indicated he had a good deal of information from SCAP. The fact is stated that the decision on policy, arrived at unanimously by this Commission, was not conveyed to the Supreme Commander in the form of a directive. There might be very good reasons why it was not. I cannot see the validity of those reasons, and if a policy decision of the Commission on this particular matter is not conveyed to the Supreme Commander by way of directive, a policy decision on

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any other matter need not be conveyed to the Supreme Commander by way of directive. There is no intention of carrying the matter further, but I am not satisfied with the action taken in this matter.

I want to make a further comment. If this is not a directive and not in operation, the matter must clearly go back to the Steering Committee for another recommendation to the Commission as to what action is to be taken. The Steering Committee acted beyond its functions when it decided to take any action on the report of the Committee.

I do not think the Commission can proceed on these lines.

DR. EVATT: Mr. Chairman, if you will permit me to say two things. It is quite clear in my opinion that the decision of the Far Eastern Commission was a decision on policy. The decision was come to by the necessary majority and it was binding under the Constitution of the Commission. It was the duty of the United States Government, I submit, to prepare a directive in accordance with that decision. It is not given any discretion to carry out decisions of policy. It has got to carry them out. Its function under the Constitution of this Commission is to prepare directives

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in accordance with the policy decisions of the Commission, the word being "shall", and shall transmit them to the Supreme Commander through the appropriate United States Government agency. It acts ministerially on questions of policy. You could have it so that the Commission executive officer would not communicate with the United States Commission. It has to go through the United States Government and be channeled in that way.

The first point. The answer to the first question is "no." That statement of policy was not sent to the Supreme Commander, and that, in my submission, was a breach of that part of the duty imposed upon the Government under that portion of the Constitution.

Secondly, the answer to the second question is "no." I suppose because of the very fact that there is not a directive General MacArthur could say: "I have not got a directive." The same clause which puts the duty on the United States Government to prepare a directive in accordance with the policy decisions and transmit them to the Supreme Commander goes on to place the duty of implementing those directives on the Supreme Commander. "The Supreme Commander shall be

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charged"--you could not get stronger words--"with the implementation of the directives which express the policy decisions of the Commission."

Therefore, so far as General MacArthur is concerned on this matter, he can say: "I have not got a directive. I have some intimation of something, the views of the gentlemen sitting in Washington. I have no directive, and all I am charged with is implementation of directives."

The result is at two points the machinery is broken down or has not been implemented:

1. The United States Government in not issuing its directive or decision.
2. In General MacArthur being able to say: "There is nothing binding on me."

Therefore, of course, when he has no directive he does not consult. Mr. McMahon points out he does not regard it as a matter within the jurisdiction of the Allied Council because the Allied Council's jurisdiction is purely advisory and therefore there is nothing really technically before them. The net result of it is that the policy decision of the Commission has not been put into effect, and therefore this raises not merely a question of policy on expressing no views on that

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but the thinking and status of the powers of this Commission.

I agree with Sir Carl Berendsen that unless the policy decisions of this Commission are issued immediately as directives than the whole machinery breaks down and the Far Eastern Commission cannot perform the functions which all the governments agreed should be vested in it. That is the point. I think it is not a matter of respect for going back to the Steering Committee. The fundamental question is what this Commission, in view of the way the wide policy decision has been treated, should do. If you refer it back to the Steering Committee to deal with the question of the preferred(?) situation, that is one question. The great question is what is to be done in circumstances such as this where a policy decision carried by a necessary majority unanimously is clearly binding and has been not observed. This machinery for carrying it into effect has not been taken, and General MacArthur is in a position of being able to say: "I am only bound by the directive and I have not got it."

Those are the important points that occur to me, and I think there may be an answer to that but that is

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the way it strikes me. I do not know whether there is an answer to that comment. With all its limitations in anything that might be urged against it when it is not working, there is something very radically wrong. It is the duty to find out the point at which it is going wrong. I do not think that point is in this Commission. It is elsewhere.

MR. VESUGAR: Sir Carl Berendsen has given us the history of how it has been necessary to require that a directive about the food supplies to Japan should be issued to SCAP. I have nothing to add to it, because he explained the whole situation very clearly.

Dr. Evatt has also pointed out clearly that such a directive though it should be sent was not sent.

The Government of India would view with deep regret this statement now put forward. It is stated here that inasmuch as the policy statement was transmitted on April 25 to General MacArthur for his guidance, it was not believed necessary to repeat it to him in a different form as a directive. I am prepared to accept that this may be a real error of judgment, but even such a real error is not justified, because to assume that because our intention was known to General MacArthur

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and it was not issued as a directive would signify to him the contrary that his own Government was not supporting the opinion of the Commission. This has actually happened, more or less has happened, because the Allied Council has refused to take cognizance of this matter as no directive has been issued.

I would also draw attention to the last sentence of Paragraph 4: "It is believed that the Far Eastern Commission, through its policy decision on food has not altered its own or the Council's terms of reference concerning the function of the Allied Council." I am sure this was not meant to be ironical, in which case it was not doubted that the Commission can alter its own or the Allied Council's terms of reference. But if there was no such doubt, then there was no opposition but that action should have been taken on the directive as desired by the Commission, but if there is still such a doubt, I would suggest that the Commission make it perfectly clear that it is not our desire to alter the terms of reference in any way. I do not see how the terms of reference are being altered, although the reply to this direct question of Sir Carl Berendsen "has the Far Eastern Commission statement of policy been sent as

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a directive to the Supreme Commander", the reply to that has taken three or four hundred words but it only means "no."

Gentlemen, you will agree with me that we shall get on much faster with our task if within these four walls we talk of plain facts plainly. In discussing Japanese matters, we are almost adopting the Japanese code of politeness. While we freely express our individual and collective desires, there seems to be a convention between us that not only shall we not show our difficulties but we agree that we shall not even see them. We won't go very far that way. Our desire is to get on with our work and to cooperate to the maximum extent with each other and especially to see our difficulties. Naturally, we also act in our own interests because that is what we are here for. It would be possible to achieve the largest common demoninator in our interests if we came out frankly with the things which we do not want to be done or which it is inconvenient for some reason to be done, and we are given a free opportunity of resolving that difficulty instead of skating around it all the time. One problem we are again and again skating around is that of directives. Quite a

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lot has been said in the course of the morning on this subject, and I suggest that we look at it squarely.

I think I am right in saying that there is not one among us but believes the Supreme Commander is the one man supremely fit for the task he has in mind. It is not the desire of any one of us to make his task in any way more difficult. I would go further. I think I would be right in saying that there is not one among us but feels we would rather the Supreme Commander had full knowledge of our requirements and then had full authority to implement what he considered right, than that he should receive directives. Perhaps there are too many steps between policy decisions and SCAP.

Is there no way of getting our minds closer to the Supreme Commander? I would pray that the Commission sincerely considers this suggestion.

Now, to return to food. If it is, as stated here in the last paragraph, that the Supreme Commander believes that consultation with the Allied Council is neither necessary or appropriate in view of the fact that the food requirements, as requested by him, will consider the absolute minimum, I will accept that if you have confidence in the Supreme Commander. I will accept that

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the man on the spot knows best. But I would like to ask this question. Is it appropriate that an ex-enemy who has tragically and wantonly brought death, destruction and famine, who has wantonly used up his food reserve will from the Allied point of view be given quantities of food when an ally with five times his population, an ally that has taken the most meticulous care to husband his store faces unquestionable starvation but is not allowed to buy. He does not want any gifts. He can not buy an amount equal to that gifted to the enemy.

Does this in any way comply with our directive here that the enemy shall not receive preferential treatment?

CHAIRMAN: I would like to give a little historical background to this with full appreciation of the point of view that you have given and Sir Carl. In fact, Sir Carl made an over-all statement that was so effective that we promptly acted, and I was able to go with you at a time when you wanted some action. You remember when you made your fine statement you expressed a very cynical attitude after you made it and said you did not expect us to act on it but we did, but we could not act

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the way you and your colleague wished, because we have not anything to do with it or General MacArthur. He had put in his estimates when you and I were out there, and we were informed of them and there was no opposition at the time. He does not allocate the food. It was allocated by boards on which you both sat.

SIR CARL BERENDSEN: No.

CHAIRMAN: Your representatives do.

SIR CARL BERENDSEN: No.

CHAIRMAN: Your United Kingdom does.

SIR CARL BERENDSEN: Yes.

CHAIRMAN: Therefore, I have got to assume you are represented.

SIR CARL BERENDSEN: I do not think that far.

CHAIRMAN: In the sympathetic sense, yes. We acted on that the only way we could have acted. If ~~he~~ hadn't concurred, nothing would have happened. But you both made such very decided and proper statements that I felt we emotionally ought to do something about it, although I didn't expect anything to happen any more than you.

SIR CARL BERENDSEN: We were together in that sense.

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CHAIRMAN: Yes. You know and Mr. Vesugar knows that General MacArthur has nothing to do with the allocation of food. He made estimates on the point of view of having estimates to meet what was happening now. He did not get anywhere near what he asked for. That was decided by this Food Board and the agencies. The policy to which he agreed, and which I think was a proper policy, was the policy of my government at that time and I stated so as a matter of record that that was the policy of my Government.

I joined with you in asking a review of the United States Government. That they did promptly, and up to this moment I did not know there was any exception taken to that statement, showing the difficulties of what had been done by the United States Government. General MacArthur had not the slightest thing to do with that. He asked to have it sent to him for his guidance so it might, at least, keep him informed. There was nothing he could do. He submitted his estimates in January, and they have been acted upon by all the boards, the Department of Agriculture, War Department, and everybody concerned and the Committee.

As you know, there is a great pressure for food in the world and we have got to have somebody to decide.

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General MacArthur cannot nor this Board. All we can do is to express our sympathetic policy which was the policy of my government and which had been communicated to General MacArthur and under which he acted. But my government did not agree with him as to the amount and never will. When it comes to an international policy and health that has to be decided by some outside agency. What I want to feel sure is that you understand nothing we can do would change the thing at all excepting to bring to the attention of these agencies our feeling on the subject.

Not one of us expected it to happen. Nothing that General MacArthur could have done. He would have acted long ago, long before we were commissioned and long before the consulted council in Japan was meeting. It did not come up to them, because it had been done before they met in the first of April.

I still appeal to you very strongly on the subject. When it comes to taking action, the policy is there. It had been under General MacArthur for months before we sat. Once more we are months behind again. The policy is in effect and has been thoroughly considered. Our feeling of the expressed policy has been considered by those that allocate the food, not General MacArthur

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who has nothing to do with it.

I would like to just add that general background which I feel ought to be understood that the policy of my Government is the same as ours and was so accepted by my Government in going with you on that vote. I much regret that this difference of view appears to have arisen between my Government and members of the Commission. We have cooperated most perfectly in most problems. Every meeting we have had we have had unanimous cooperation on everything that has come up. I am trying to do my best to find some way to meet the conflicting interests that we all naturally have so that we can all act together and get in the habit of acting together as we approach the problems we have got to solve for the future. These are all past.

I do not know that I can add anything to the official statement of my Government. I think, however, I have. I might, though, explain my personal views.

The vote of the Commission regarding food for Japan was the result of apprehension regarding many representations of the Far Eastern Commission that the United States was sending too much food to Japan, an apprehension due, at least in some part, to newspaper statements. A proposal was introduced that a set of

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standards should be examined and that the United States Government should be requested to fix its food standards in the light of these standards. When this policy was voted for, I understood the entire paper was referred to the United States Government and not the Supreme Commander. The United States Government has not been officially informed of many of the requests of the food shipments for June. We still have the same policy. Possibly it will work out next year.

As you remember you sat and heard this whole statement made by SCAP about the food requirements and the necessity of reserves to meet what was going to happen in these two or three months ahead of us. General MacArthur has not been able to get what he asked for. I think no comment was made there at the time by you, at the time when we could have done something. It was foreseen by General MacArthur and his staff, and they stated so to us. They made a very full statement that the Japanese through their black market and other ways were getting a scale of food at that time. There was no starvation, as we remember, when we were there. SCAP told us there was going to be no rice and no food to meet the conditions from now on, for the next two or three months.

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They were laying up these reserves and making these estimates. There was not the slightest comment or disagreement on it at that time. Now, months later when those have been considered by all the different allocating boards and General MacArthur got about 1/10 of what he asked for and he has had to give some of that to Korea, he is on the spot. He had to meet conditions as a responsible Commander. As you see they are having food riots just now he has to handle. We cannot do anything about that.

It is one thing to look the thing in the face sympathetically with the problems of the Supreme Commander, which I know you do when you consider it and I hope you will, possibly looking ahead next year to doing something about it, and we will see what we can do. This is beside the mark now as to the question of food going to India or China. The nearest we get to them is getting some to Korea. That is one of the problems the Supreme Commander has. He is on a red hot spot now and will be for the next two or three months. It is not at a disadvantage to any great extent of the food going to China or India or Korea. It is a terrible problem that we are all faced with and any number of

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organizations feeling and acting. Think of Mr. Hoover and what he has been doing and everybody who has come back not only from India and China but from all the world around. These organizations set up the allocation of food, but the people that have the food have a great problem that they are working on. I do not think that it is a practical problem for us. It is an emotional problem in which we have met. We cannot do anything about it and neither can General MacArthur to meet the situation in China. My country and your country down under it and Australia are all making sacrifices and trying to get food for India, China, and other countries concerned, but the men on the spot are not the ones making the policy or can they carry out a different policy from what has been laid down. The policy of my Government is essentially what we passed here and the only thing we did was to ask them to review it.

We did not bring in General MacArthur. It was not intended to be a directive. I would not have cooperated if it had been a directive to him at that time. I felt as I do now it was within the policy of my Government and within which General MacArthur was acting. He is a responsible man who had to have reserves if he could get them and he was not able to get them.