

THE CHAIRMAN: That is my understanding of the terms of reference. I think you cannot keep them apart; you have to <sup>consider</sup> settle them together.

SIR GEORGE SANSON: There is no difference between disapproving and failing to approve in that respect.

SIR CARL BERENDSEN: I am not sure of that.

SIR GEORGE SANSON: We have threshed this out, Mr. Chairman, in the Steering Committee. We did not thresh it out; we threshed it. It boils down to a discussion really of the differences of opinion between the Soviet member and other members as to whether "unless previously disapproved" and "after approval" are the same thing or not.

ADMIRAL RAMISHVILI: As I gather it, the main fear of the members of the <sup>Commission</sup> committee is not to interfere with the Japanese constitution and the freedom of the Japanese people. This point of view is the very point of view of the U. S. S. R. Government. We do not want to interfere. I do not think there is much difference between approving some constitution and disapproving.

<sup>It is thought that</sup>  
there is a possibility that we cannot agree and we would <sup>therefore</sup> be without any constitution.

We agreed on everything during the war and now we come to the point of view that we can't agree on everything. I think that would be a very bad position.

We can agree. I do not think there is much difference



in not having a constitution and having a bad constitution.

There is no reason why we cannot agree.

THE CHAIRMAN: Ten of us do agree. It is only one that does not agree.

ADMIRAL RAMISHVILI: I am happy to state here that after exhausting possibilities, they will agree. Maybe there will have to be some concessions. I think it is too early to proclaim that this international body, that the Four Powers -- excuse me, I am speaking personally -- cannot come to a decision.

On the part of the U. S. S. R. Government, we are willing to agree and discuss, and do everything. I strongly oppose this point of view that the Four Major Powers cannot agree. I think the four big powers have the <sup>most</sup> ~~biggest~~ at stake. This fear <sup>should</sup> ~~does~~ not exist here.

I do not see any difference between "approval" and "disapproval". You can get in a stalemate with approval as well as with disapproval.

MR. VESUGAR: The aim should be to guide them in such a way that they will make a constitution which it will not be necessary to disapprove. If the two mean the same thing, would the Admiral be good enough to accept the negative?

DR. KOO: I would like to express the views of the Chinese Delegation.

I myself am entirely new at the job, since it is my first



appearance. <sup>When speak</sup> ~~What I say~~ with reference to what has taken place I wish to make it clear that I am subject to correction.

But judging from the views expressed already around this table, it seems to the Chinese Delegation that the question really has its practical aspects as well as legal aspects; namely, we should do nothing at all to alter it.

On the other hand, from a practical point of view, it has been decided that the constitution should be the new constitution made and promulgated as soon as possible in accordance with the generally accepted principles of the expressed will of the Japanese people.

It seems to me that the views so far expressed really do not involve very great differences of opinion. In view of the time necessary to reach agreement in this Commission, it would be very desirable that the new constitution should be promulgated as soon as possible with the concurrence of the Supreme Commander. Now that would be subjected to approval of the Commission, but that approval does not take place prior to the promulgation. The new constitution, when promulgated, will be understood to be in the nature of a provisional constitution, because of the very fact it will be subject to review, as stated in the first paragraph of this paper.

So, we could very well leave that first paragraph and not perhaps stress too much the question of approval or disapproval



of the constitution before it goes into effect.

Personally, I think the second paragraph could be left in abeyance and go ahead with the first paragraph as has already been accepted.

If, on the other hand, it is deemed necessary, as it is by our ~~Honorable~~ Soviet Delegate, then I would suggest a slight modification in the wording.

You might change the word "following" to the word "pending".

I throw out this idea with a view to reaching, if possible, agreement on the apparent differences of opinion among the members of the Commission.

THE CHAIRMAN: There <sup>is</sup> ~~are~~ a couple of valuable suggestions for consideration. I do not think we could accept that right off the bat. It seems to me that brings us back to ~~the~~ <sup>a</sup> very interesting suggestion.

It throws me back in a sense once more to the first paragraph which is perfectly plain and clear and does get us ahead in our criteria and in our effort to review. It brings up both of these suggestions for the second paragraph which had been deleted pretty much for the same reason. That is, it throws us back on the formula we can agree on and still leaves us these two points which were brought forward by the Soviet Delegate. Those subjects are implied when you consider the second paragraph, but I do not think they are



applicable to the formula we were able to get together on.

So, if it is still possible for the Soviet Delegate to consider it in that light of the first paragraph and consider the points that he brought up, and have been brought up so ably by the India Delegate and the Chinese Ambassador, it would still give us the continued discussion and attempting to get together on the points at issue without having committed ourselves on those by accepting the first paragraph.

This gives the delegate an opportunity to agree with the rest of us.

ADMIRAL RAMISHVILI: I am not in a position to agree with this right now. I would like to study it and consult with my government.

THE CHAIRMAN: I hope the reasonable attitude on your part will still give us an opportunity to reach agreement, as we have on so many things, step by step, still reserving your points that I am quite conscious of and which for the moment I do not agree with.

I still do not see their applicability to that first paragraph, but since you do, and feel that you have not freedom of action, I would hope that we can still continue to try to get together and leave it on the Agenda, or if the Commission desires it can be once more sent back ~~in an effort to iron out~~ <sup>to</sup> ~~the~~ committee. I think myself it is always better to have that done in committee where there is so much more freedom and also



so much more time.

I think it is better to have the committee once more try to get together rather than hold it in abeyance on the Agenda of the Commission.

MAJOR PLIMSOLL: How long would it take for the Soviet Delegate to get instructions? It may be we will not have to have a special meeting. Can you get the instructions in two or three days?

ADMIRAL RAMISHVILI: Five days.

THE CHAIRMAN: Perhaps it would be better to ask the Steering Committee to try to reach agreement.

SIR CARL BERENDSEN: Unfortunately I was not present at the last meeting and I cannot be present at the next.

THE CHAIRMAN: If there is no objection, under the circumstances of this agreement here, and still with the hope of reaching agreement, I will, with your approval, refer this whole question, with the minutes that will cover the statements requested by the Soviet Government, to the Steering Committee.

We still hope that we can eventually get together.

So ordered.

ITEM 4 - DIVISION OF JAPANESE REPARATIONS (FEC-075 AND FEC-075/2).

THE CHAIRMAN: The following letter from the United Kingdom Delegation was received by the Secretary General on



July 10, 1946:

"In my letter of 1st July I asked for our proposal for the formulation of a plan to divide reparations shares to be placed on the Agenda for the last meeting of the Commission. The paper was introduced to the Commission under the Serial No. F.E.C.-75.

" Sir George Sansom is aware that the document has been referred by the Steering Committee to Committee No. 1, but as he wishes to speak on the proposal at the Commission's meeting on Thursday next, the 11th July, he would be grateful if you would have the paper placed on the Agenda for that date."

I will now give him the opportunity. I hope we can begin to approach this very important problem on which we are still in disagreement in part.

SIR GEORGE SANSON: I do not want to take up much time of the Commission. I would like to make it clear that what I am saying is not a discussion of reparations. It is merely a recommendation as to procedure.

I think that some members have thought that by the United Kingdom paper in question I was trying to act as a steamroller. This is a role for which I am not fitted at all, physically or mentally.

What I am trying to do is simply to talk about the method by which we should tackle this question on division of shares.



Our paper was referred to Committee No. 1 for consideration but no directions were given to that committee as to how it should conduct its studies.

~~Then~~ the Reparations Committee considered the paper on July 8th. Most of the members were of the opinion that a plan could not be devised unless this Reparations Committee had some instructions as to the general line it should follow.

However, it is true that the representatives of the United States, China, and the Soviet Republics did think that the Reparations Committee could usefully pursue these studies without direction.

However, there was a slight majority that the paper be passed to the Steering Committee with the general recommendation that it should go up to the Commission level.

At a meeting of the Steering Committee on July 9, there was a majority decision that the paper should be referred again to the Reparations Committee. No suggestion was made as to the program to be followed by that committee, and it is a committee, I should say, which so far as I know has no specific terms of reference whatever. It was merely told it was <sup>a</sup> Reparations Committee. It was not told the questions it had to solve.

I think the time has come when it should have some specific directions.



I recognize, of course, that the question of reparations is a rather difficult one. There are ~~a set of~~ certain aspects of it that cannot be settled at once. One of these is the amount of Japanese assets available for distribution. That is not an easy matter to decide and I am not pressing for its decision here.

But that does not prevent us from reaching agreement as to the proportions in which it should be divided. We may not know the size of the pie but we can arrange to know what size of sections it can be cut up into.

I do not think an attempt to agree as to division of shares in any way need prejudice the discussion of other questions about reparations.

So I have taken the liberty of bringing this question of the division of shares again to the notice of the Commission itself in the hope that the Commission will give some precise instructions to the Reparations Committee as to the lines on which it should work.

I do not wish to propose any special method myself. There is a possibility that the Commission might say or might wish to encourage each member state to lodge its claim for reparations, stated in terms of percentages, let us say, and then when these claims are received they will be examined by the committee, who will try to reconcile them as far as possible and formulate a plan of division. That formulation



might not be very acceptable in its early stages, but it would, at least, furnish a concrete basis for discussion and negotiation.

Otherwise, I do not see how we are ever going to come to grips with this problem of reparations at all. I am not suggesting that the method I just outlined is the only or best method.

There is one other point that I would like to make if I may. That is in discussing the division of shares, my own government feels very strongly that the statistical method alone will not produce a satisfactory result, and that broad political considerations will have to be taken into account.

That is all I have to say.

SIR CARL BERENDSEN: Mr. Chairman, I have to go in a moment. I just would like to say I regard this matter as one of utmost urgency. Anything we can do to facilitate the approach to this problem will greatly help the object for which this Commission was established.

I for the moment can see no better way to tackle the problem than that Sir George mentioned.

THE CHAIRMAN: Do I understand that you agree on the major premise on the subject of political considerations rather than statistical?

SIR CARL BERENDSEN: At the moment I do not see any other way of approaching this matter. I think we had better do it



with broad principles or we will get bogged down with figures.

SIR GEORGE SANSON: If we do not try something, we will never get into it.

THE CHAIRMAN: Are there any comments or discussion of this broad question?

DR. DE KAT ANGELINO: We agree with the suggestion of Sir George Sansom. We think the question should be discussed in a committee on reparations.

MAJOR PLIMSOLL: I think Sir George's idea is we have discussed it here at the top and delegate responsibility down. I think a meeting of the Commission to discuss reparations would be well, and then we could ask the Reparations Committee to do the detailed work.

SIR GEORGE SANSON: First of all, the Commission should instruct the committee to commence dealing with reparations questions on broad political ground. Each member should be asked to state without commitment what he thinks would be an appropriate division of shares. He may say what his own share may be. He may say what other shares may be. This is really ~~more than~~ a technique of assembling information upon which discussion can take place.

When a stage in this discussion has been reached where the committee thinks it can approach the Commission, then, I suppose it could do so. It might say we cannot get the people to give us that information. It is not committing any



government in any way. It is really the beginning of the process~~on~~ of discussion of negotiations.

MR. VESUGAR: May I inquire how the proposal stands which was made by the Inter-Allied Commission?

MAJOR PLIMSOLL: The Reparations Committee has considered that at length and it is bogged down at the moment. There is no agreement yet as to jurisdiction. Until there is some agreement on that point, you cannot do much about setting up machinery.

There are a number of other differences as well, but that is the fundamental difference.

SIR GEORGE SANSON: I should say that if an Inter-Allied Commission came into existence, it would be the information of the kind that this committee, we hope, elicits.

THE CHAIRMAN: This particular problem, it has not been before you until this paper was submitted.

MAJOR PLIMSOLL: We have not started <sup>to consider</sup> the actual division of shares.

The general view in the committee has been that it should be the Far Eastern Commission which divides the shares.

SIR GEORGE SANSON: We do not wish a body with less competence than the Commission to decide on this.

DR. KOO: I would like to present my views for what they are worth. Apart from taking any position at present on the part of our delegation on the question of whether the



Reparations Committee should be independent of the Commission or that the matter should be delegated by the Commission, I would merely like to comment upon what Sir George has just suggested.

I would like in general to support the suggestion he has made.

As I understood his remarks, it amounts to attempts to be made now ~~with a view towards pushing~~ forward the work ~~of on~~ reparations.

I would like it made clear that it is considered that it is not a hard and official plan, but some semi-official effort to make some progress on this very important issue. China attaches the greatest importance to it.

I think it would be worthy of this Committee to take up this suggestion Sir George has made with the view of devising some plan of arriving, if possible, on whatever they <sup>Share</sup> ~~may~~ <sup>Should</sup> be.

In other words, first tackle the problem of allocation <sup>of</sup> percentages.

I might add, Mr. Chairman, that I would also like to support the suggestion that the question be approached on broad political <sup>grounds</sup> ~~knowledge~~ with <sup>whatever</sup> ~~such~~ statistics ~~that~~ any delegation is prepared to present. We could proceed on broad political considerations without waiting for presentation of percentage figures as to claims.



MR. COLLINS: I would like to heartily support the suggestion that this matter be definitely handed over to the Reparations Committee to begin action as soon as possible. I find myself ~~as being~~ in <sup>the</sup> a position of not being able to understand how one would actually begin on broad political lines. It does seem to me that you are going to have to take some sort of factual information into consideration during the course of your discussions. It may well be found that in attempting to draw up your percentages, we might have to submit rough statistics of some sort in order to get a starting point.

I would like to suggest that the matter be simply referred to Committee No. 1 to devise a plan to start finding some basis for a division of shares.

THE CHAIRMAN: Is there any second to that motion?

MR. DOUTEAU: I would like to make four points very clear on the part of the French Delegation.

The first point is that we agree with the United Kingdom representative that, <sup>an</sup> attempt ~~should~~ be made, but not excluding common sense and statistical evidence.

The second point is that this attempt should be made by the Far Eastern Commission itself or by delegation from the Far Eastern Commission.

The third point is that the external assets are part of the Japanese estate for reparations.



The last point is that there should be a technical body working under the direction of Committee No. 1 or of the Far Eastern Commission, which later probably should be sent to Tokyo for inspection.

SIR GEORGE SANSON: With regard to your third point, it seems to me if you have a sum X and you are going to divide it into various proportions, the amount of X is not really relevant.

I agree that there is the problem of external assets, but that problem should not be considered by this particular committee.

MR. DOUTEAU: I agree with you.

SIR GEORGE SANSON: What I have endeavored to suggest is procedure and not policy.

If the committee that already exists cannot do it without expert help of one kind or another, then, that will be its report. It really is an attempt to start something moving.

MR. DOUTEAU: ~~The statistical evidence could very well not be commensurate,~~ but <sup>if</sup> countries want to set their claims on the statistical evidence, they should be allowed to.

SIR GEORGE SANSON: They should be.

We have not consulted our own government about this.

When the phrase "broad political lines" was used, I asked what that meant, and I was told, "use your common sense", which are exactly the words you used.



THE CHAIRMAN: In other words, it is a tentative plan, without commitment for the moment, simply to get the glacier moving a couple of inches more.

SIR GEORGE SANSON: That is right.

THE CHAIRMAN: Is there a second to the motion of the Canadian Delegate to refer this to the committee with the opinions expressed here to guide them in approaching the subject.

MR. DOUTEAU: I second the motion.

ADMIRAL DAMISHVILI: To encourage them.

THE CHAIRMAN: There seems to be no objection. It is so directed.

ITEM 5 - BASIC PRINCIPLES FOR A NEW JAPANESE CONSTITUTION (FEC-031/24)

THE CHAIRMAN: The Commission, at its 18th meeting, July 3, 1946, approved FEC-031/19 and agreed that the Supreme Commander should be consulted with respect to the release to the press of this policy decision.

There was circulated as soon as possible his reply, which, I believe was before you yesterday.

MAJOR PLIMSOLL: We feel as a general rule policy decisions of this Commission should be published as soon as possible. In this case I think in trying to prevent the publication of this document we are trying to shut the stable door after the horse has escaped.

We have already announced to the press in a press release



that we have decided on basic principles of Japanese constitution and they will be communicated to the press. I imagine the press in due course will try to press us a little more and try to find out what they are.

In addition, I think there is a danger of a leakage. There may be misrepresentations.

Therefore, I think this paper should be published as soon as possible in Japan and other allied countries. However, the Supreme Commander has put a paper here that is cast in very reasonable language.

In the second to the last sentence he states that "publication will materially increase the hazards and difficulties which yet confront the occupation."

I do not think anyone on the Commission in view of the categorical communication of the Supreme Commander would go in the face of such a statement.

Therefore, I will not insist at this stage that the Commission decision at the last meeting be carried out. I think we will have to accept the Supreme Commander's view.

I would suggest that it be published as soon as possible. Therefore, I think we should agree to defer the publication of this paper. We should suggest to General MacArthur that in the interest of the occupation and preventing rumors spreading, it should be published as soon as he can conveniently see ~~it possible~~, and that he should inform the Secretary General



in advance.

COLONEL POWLES: In view of the attitude which the New Zealand Delegation has taken on the question of the publication by the Commission of the results of its work, and the reference to publicity generally, I think I should state just shortly our attitude on this particular case.

Had this question arisen some three or four months ago, at a time when perhaps the more optimistic expected that there was a possibility that the Commission might produce a basic principle document on the constitution, the situation in our opinion would have been different. But our expectations were not fulfilled.

During that time the situation has advanced considerably in Japan and the constitution has now come up for discussion in the Diet.

We think that in the light of that situation, the particular urgency with reference to publication does not now exist. If publication had taken place some three or four months ago, this document would then have taken its place alongside the general principles of the Potsdam Declaration. At this stage we think it would be unwise. We think we should pay the very greatest consideration to General MacArthur's views expressed in this document, and we think, therefore, it would be wise to defer ~~a~~ publication until a later date.

THE CHAIRMAN: It would appear that <sup>"</sup>public release of



the directive at this time would be grave." I note "at this time" and will be conscious of that.

I agree with Major Plimsoll that it will leak, but I hope that General MacArthur will find the time soon ripe for presenting it in a way that will not embarrass the situation in Japan.

COLONEL POWLES: In that connection I would like to mention that a prominent member of the press informed my Minister the other day that he was in possession of a copy of the document.

THE CHAIRMAN: I heard that. I am sorry to say that those things we have not been able to follow. I feel that when we can arrange for publication, and I hope usually through consultation, that it will be done through the Supreme Commander in Japan. But we have a responsibility there that I am conscious of.

I have intentionally not had a conference with them for the last two meetings in view of the fact that we had not reached conclusions on this paper. I had hoped that if we had gotten that paper through this morning, that that would have opened the way for me to take some quick action with regard to public release.

If I follow your suggestion, Major Plimsoll, and your opinion, Colonel Powles, I will keep underscored that remark of the Supreme Commander "at this time," and hope the time will be soon.



ADMIRAL RAMISHVILI: We think the decision of the Far Eastern Commission must be published. We feel this must be published.

I make a motion that this document be published.

THE CHAIRMAN: This question has come up many times in the Commission. If you will remember, I have asked you several times if you wished this given to the public and you expressed the opinion that you did not wish it to be given to the public. I have always accepted that, as I have every other time when it was the opinion of any member of the Commission that it was desirable not to publish our proceedings in this Commission which are not open to the public.

ADMIRAL RAMISHVILI: In that case it was to publish a statement of an ~~old~~ government. This is decision of the Far Eastern Commission. We feel it is not good to hide it.

THE CHAIRMAN: That is not the opinion of the responsible manager in Japan.

ADMIRAL RAMISHVILI: We feel there is no harm to publish it. We are not ashamed of our procedures.

THE CHAIRMAN: It is already the sense of the Commission that it should be published after consultation with the Supreme Commander and I shall continue that consultation.

MR. COLLINS: I would like to ask a question. I assume that the first sentence of the Supreme Commander's statement, "that scrupulous care will be exercised" implies that he will



find appropriate means to let the responsible authorities, among the Japanese themselves, know the contents of this paper. In other words, the Japanese will not feel at a later date that this sort of criteria has been held in abeyance and that they were operating against any group of decisions with which they had no knowledge.

THE CHAIRMAN: I would take that as his intention.

There is a motion by the Soviet Delegate. Will you please state it again.

ADMIRAL RAMISHVILI: To publish this document without any reservation of time.

THE CHAIRMAN: Is there any second to that motion?

COLONEL POWLES: Might I ask the Admiral whether that means publication should take place now?

ADMIRAL RAMISHVILI: Today or tomorrow; without any reservation.

THE CHAIRMAN: There seems to be no second to this motion.

We will proceed to the next item on the Agenda.

ITEM 6 - REPORT ON JAPANESE EXTERNAL ASSETS (FEC-072)

THE CHAIRMAN: At its 16th meeting, June 20, 1946, the Commission agreed to continue this item on its agenda, awaiting report by the Chairman on further developments.

It is still continued on the Agenda.



**ITEM 7 - OTHER BUSINESS.**

**THE CHAIRMAN:** Any other business before the Commission?

(No response)

**ITEM 8 - PRESS RELEASE**

**THE CHAIRMAN:** Have you any press release to suggest?

**MR. JOHNSON:** The Commission today unanimously approved proposal that Committee No. 2 hear a representative of the Egyptian Government, without commitment, who will probably discuss the possibility of Egyptian cotton exports to Japan.

Announcement that Dr. Wellington Koo has joined the Commission; and announcement that the representative of the Philippines was welcomed here and represented the Philippines independently.

**THE CHAIRMAN:** Gentlemen, the Commission stands adjourned.

(The Commission adjourned at 12:05 p.m.)

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20th

FAR EASTERN COMMISSION

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

REPRESENTATIVES PRESENT

His Excellency Dr. K. V. Wellington Koo, Chairman pro tem	(China)
Dr. Herbert Evatt	(Australia)
Major J. Plimsoll	(Australia)
Mr. R. E. Collins	(Canada)
Mr. Robert Douteau	(France)
Mr. J. Vesugar	(India)
Dr. A. D. A. de Kat Angelino	(Netherlands)
His Excellency Sir Carl Berendsen	(New Zealand)
Dr. Melquiades J. Gamboa	(Philippines)
Sir George Sansom	(United Kingdom)
General John H. Hilldring	(U.S.A.)
Rear Admiral S. S. Ramishvili	(U.S.S.R.)

SECRETARY-GENERAL

Mr. Nelson T. Johnson

Reporter: H. Campbell, Department of State



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

MR. JOHNSON: General McCoy is unavoidably absent, having been called to New York, and therefore can't be present today. I suggest that the Commission appoint a chairman pro tem to take charge of the meeting.

GEN. HILLDRING: Mr. Secretary-General, I would like to nominate the Chinese Ambassador, Dr. Wellington Koo, as the chairman pro tem.

SIR GEORGE SANSON: I move to second it.

MR. JOHNSON: It is moved and seconded.

(The motion carried unanimously.)

MR. JOHNSON: Dr. Koo, will you take charge?

DR. KOO: Gentlemen, thank you for the honor. I will try to follow the traditions set up by our distinguished chairman who is temporarily absent today. I call upon your indulgence and cooperation in conducting this meeting.

The first item on the agenda is the approval of the minutes of the nineteenth meeting.

ADMIRAL RAMISHVILI: Mr. Chairman, may I make a slight correction on page 4. I hope the mistake is due to my bad English. If you will permit me I will read a newer draft of the first sentence.

"Admiral Ramishvili said that the right of the Commission to approve the Japanese constitution



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constituted no more 'interference' with the free exercise of the will of the Japanese people, than the right of the Commission to disapprove of the Japanese constitution."

**CHAIRMAN:** I am sure everybody is agreed to that. Any further comment? (None) If not we shall consider the minutes as approved.

The next item on the agenda is the vice chairmanship of the Far Eastern Commission. I am sure you have all the papers before you. It is a recommendation from the Steering Committee. The paper is in two parts. The Steering Committee recommends for approval by this Commission the nomination of three representatives. You have the list there. What action do you want to take, gentlemen?

**ADMIRAL RAMISHVILI:** May I move that the recommendation be approved.

**CHAIRMAN:** It has been moved that this paper be approved as recommended by the Steering Committee. Is there any second to the motion?

**GEN. HILLDRING:** I second the motion.

**MR. DOUTREAU:** I understand that the first part of the paper is approved by the Commission without regard to the statement of the French delegation.

**CHAIRMAN:** I think in order to facilitate the



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procedure we will take up the first paragraph first so we can move in that sense.

MR. DOUTEAU: Then there will be some discussion on the second paragraph?

CHAIRMAN: Yes.

It has been moved and seconded that the first paragraph of FEC-004/17 will be approved by the Commission.

(At this point Dr. Evatt joined the meeting.)

CHAIRMAN: If there is no comment we will consider the motion approved.

Now we will take up the second one. I understand the French delegate has asked to take it up. The first paragraph has been adopted.

DR. EVATT: I object to this procedure. I think it is wrong. It is the first I have heard of it. I don't think there should be a vice chairman limited to the three countries mentioned and if it is not too late I would like to nominate <sup>the</sup> ~~a~~ delegate <sup>from</sup> of New Zealand as ~~the~~ vice chairman. I object to the principle where it has no application to the Pacific area at all. I think it is wrong. I fought against it. It was attempted to be done in the armistice in Japan. It was attempted to have an armistice in Japan limited to those three countries and the United States. We fought against it publicly there and I will resist it to the last ditch. I



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think it is a wrong principle. We have already got in this Commission an absolutely <sup>inadmissible</sup> ~~inadmissible~~ principle and I don't think we should continue it further by having a situation like this. What is the occasion? If the occasion arises you can elect a vice chairman. I am sorry I had not been informed. I didn't come for that purpose. I came for a different purpose to the Commission and I object to the principle and I record my dissent. I think it is utterly wrong.

As far as the war effort is concerned our record in the Pacific is second only to that of the United States. Therefore, I will regard that as an affront to our country. I don't think it ever should have been put forward or ever supported. I strongly and most indignantly resist it. I think it is a very wrong system.

What is behind it? What do you want a vice chairman for? Then to suggest apparently France wants to be included too. Why? Because France is a permanent member of the Security Council. What has that to do with the Pacific? Compare the effort of these countries in the war in the Pacific and where do you get? You can't go up against the public opinion of the world on this, and I therefore resist it and oppose it. I will oppose it here and in public.

MR. DOUTEAU: Mr. Chairman, since Dr. Evatt made a



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reference to the French statement, I want to point out I am not standing at all on the same ground. I am standing on the grounds of individual qualifications. If I refer to the minutes of the fourth meeting of the Steering Committee I find two points which were then raised, one by Sir Frederic Eggleston and one by Sir Carl Berendsen. "Some consideration to be given to the distribution of positions among smaller powers." The other point was the consideration of individual qualifications of the possible candidates. I believe I am correct in stating that the choice of the vice chairman of the Far Eastern Commission has been made on the basis of individual qualifications, and I do stand on this ground only.

**SIR CARL BERENDSEN:** When this matter was first considered we debated it at considerable length and the view was expressed by the representatives of the smaller nations, firstly, that the matter of deputy chairman should be not of primary importance. Possibly we needn't have one at all, as Dr. Evatt suggested. After a very lengthy and at times rather warm debate my Canadian colleague came to the rescue of the Commission with quite a remarkable coincidence.

His suggestion, Mr. Chairman, was that the deputy chairmen should be appointed on grounds of personal qualifications, and the three members of the Commission



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whom he regarded personally as best qualified happened to be--the most remarkable coincidence--the representative of China, the representative of the Soviet Union, and the representative of the United Kingdom.

I have had some experience in this Commission of knocking my head against a brick wall and have been beaten back on this matter until anything will satisfy me. I fully concur and I am bound to say I concur with the views expressed by Dr. Evatt, although <sup>mine</sup> they haven't been expressed in as felicitous terms.

DR. EVATT: Can't this be tackled with some degree of common sense? I understand this proposal eliminates the delegate from the Soviet Union.

SIR CARL BERENDSEN: They had to be successors to the three best qualified people.

DR. EVATT: There is no use saying anything about the displaced person's qualifications, because when this proposal was put forward the distinguished representative of China wasn't here and it wasn't known that he would be here. Therefore, it couldn't have been based upon that despite his great qualifications.

A very different spirit was evident last year when we tried to get this Commission going in the absence of the delegate of Soviet Russia. Australia was nominated vice chairman by the United States and that, I think,



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was never carried into effect because the delegate of China had to get instructions from his government although every other government had approved. I think this is a question of principle and I think it is a mistake to do it. Therefore, I will first vote against this proposal. I think it is utterly wrong and I will also propose the addition to the list of chairmen of Sir Carl Berendsen. Then if it is based on personal qualifications I challenge everybody around the table to say personal qualifications don't exist. It is absurd having three vice chairmen. It is so much pretense. If there is a vice chairman it ought to be a delegate of the United States who can nominate his deputy chairman. That is the invariable procedure in other bodies of this kind. The principle of this agreement was that the United States should be in the chair. I am not sure if that was in the active agreement, but that is what we understood, and in his absence his deputy should be the chairman.

I am sorry, Dr. Koo, to have to come at a moment when quite unknown to me this quite contentious subject is on the agenda. Everything that affects the prestige of the countries in the Pacific is a matter of principle to me. I really would like to apologize for having to speak so frankly and bluntly.



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My deputy will vote against this. He will endeavor to get Sir Carl Berendsen added to the list, but he will prefer the deputy of the United States. I am sorry to have to leave but I have to catch a plane. I am quite prepared to have it worked out on the basis of the Pacific war against Japan. I am very astonished at the suggestion of my Canadian colleague to have this worked out on personal qualifications. I am sure if it is he will not object to the inclusion of Sir Carl Berendsen, who is a person of such excellent qualifications.

(At this point Dr. Evatt left the meeting.)

CHAIRMAN: I will ask to reduce it a little further. I am naturally not fully familiar as yet with all that has happened, and I understand, however, that the whole question of the vice chairmen had been discussed before at the previous meeting of the Steering Committee in March. The Canadian member raised the question of reopening the question.

The point that is not quite clear to me, as raised by Dr. Evatt, is whether he wishes to add to the number of three vice chairmen by adding New Zealand as a member, <sup>which would make four,</sup> or whether he adds to the French proposal, which would make five.

MAJOR PLIMSOLL: Our position is that we would prefer the deputy from the United States to be the



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chairman of this Commission whenever General McCoy is absent. I therefore move as an amendment that in the absence of the chairman of the Far Eastern Commission the alternative member for the United States will take the chair.

SIR CARL BERENDSEN: I second that, Mr. Chairman.

MR. DOUTEAU: Mr. Chairman, does that dispose altogether of this? Will it not be considered at all?

CHAIRMAN: If the motion should be carried by the Committee, that naturally would replace the present arrangement as recommended by the Steering Committee.

MR. DOUTEAU: It does imply there are no more vice chairmen.

SIR GEORGE SANSON: Shouldn't it be specifically stated in that motion there should be no vice chairmen, that in the case where it is needed you will have a deputy chairman in the absence of the chairman?

MAJOR PLIMSOLL: Yes.

CHAIRMAN: Now the motion, as clarified by Sir George Sanson, and as the clarification is accepted by the delegate from Australia, the motion is open to discussion now.

MR. DOUTEAU: Mr. Chairman, I would like to have the exact wording of the motion.

MAJOR PLIMSOLL: That there shall be no vice chairman



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and in the absence of the chairman the alternate member of the United States will take the chair.

MR. DOUTEAU: Thank you.

ADMIRAL RAMISHVILI: I made a motion about this question and it was almost carried. It is a very delicate question. There is nothing to hide.

CHAIRMAN: Any further comment or observations? I would like to hear more expressions of view.

DR. GAMBOA: I concur with the Australian delegate.

MR. VESUGAR: Since you asked for an expression of views, I thought it was self-evident that the Australian representatives' attitude was so correct that it required no further assurance from other members. I for one desire to take my stand by him.

CHAIRMAN: We have two motions before the Commission and one suggestion.

ADMIRAL RAMISHVILI: I already made one motion.

CHAIRMAN: That is what I had in mind when I said "two motions." The first one was seconded by the delegate of the United States. There was a second motion made by the Australian delegate which was seconded by the delegate from New Zealand. I might call it perhaps a suggestion, a question of principle has been raised again. The suggestion has been made, <sup>that</sup> perhaps fuller consideration might be held in the Steering Committee.



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MR. DOUTEAU: Mr. Chairman, in order to be fully consistent with the line I have followed, and standing again on the only grounds on which I have been standing, that is, individual qualifications, I take it that all the representatives of the powers sitting around this table are equal, and embodying my suggestion that Mr. Naggiar as one of these representatives be elected, I suggest that all representatives of the countries who are sitting under the chairmanship of General McCoy be eligible as vice chairman of the Far Eastern Commission and to serve a month each in turn.

CHAIRMAN: Will you make that a motion?

MR. DOUTEAU: I make it a motion.

CHAIRMAN: Is there a second to that motion?

MR. VESUGAR: Mr. Chairman, before this motion is seconded would you elucidate one point? During his statement Dr. Evatt said that it was agreed when this Far Eastern Commission was founded that it would be under the chairmanship of the United States. That was my reason for holding with Dr. Evatt. I am sorry I am not familiar with the full history of this Commission and therefore I just accepted that fact and agreed with it. Now if that particular bar does not stand in the way Mr. Douteau's suggestion is reasonable, or the suggestion that in the case of the chairman being away the



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vice chairman be elected pro tem.

CHAIRMAN: I have just been advised so far as the nationality of the chairmanship of the Commission is concerned there is nothing specific in the terms of reference of this Commission.

MR. DOUTEAU: Mr. Chairman, I want to insist on the fact that I said that under the chairmanship of General McCoy that the representatives of the countries sitting here be eligible as vice chairmen of the Commission. I don't move they all be elected now.

MR. COLLINS: To revert to the unfortunate subject of personal qualifications, I may be wrong in this, but as I recall it, <sup>at</sup> in the very outset the chairmanship was decided on the basis of personal qualifications rather than on the basis of nationality, and for that reason, as I recall, it was considered difficult to admit the principle that the chairman's deputy on a personal basis could act as vice chairman. Hence, the beginning of the whole problem. For that reason I think there is very good logical ground for accepting the French suggestion. But as this question is getting rather complicated I would like to move that it be returned to the Steering Committee for further discussion.

GENERAL HILLDRING: I second that motion.

CHAIRMAN: Now we have the third motion, which is



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a motion to return it to the Steering Committee, and as such I suppose you will have no objection if we have this motion open for discussion first, and if the Commission should approve this motion we might suspend discussion in this meeting and the question would be taken up in the Steering Committee. If that is agreeable I will put the motion made by the Canadian delegate and seconded by the United States delegate, to refer the whole question back to the Steering Committee for discussion. I hear no objection to that. Shall I put the motion then for your approval?

As I see no objection to that I will consider this motion to refer the whole question of vice chairmanships to the Steering Committee for further consideration approved.

We will pick up the third question which is a request for information relative to reparations claims. There is a communication dated June 28, 1946 from the Royal Greek Embassy to the Secretary-General with respect to reparations claims, which was referred to Committee No. 1. Committee No. 1 has made a report, FEC-077/1 as amended and approved by the Steering Committee at its first meeting on July 16. The report recommends authorizing the Secretary-General to forward certain information to the Greek Embassy. I hope you all have this paper before you. The important sentence is:



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"The Steering Committee now unanimously recommends to the Far Eastern Commission that the Secretary General be authorized to forward to the Greek Embassy published policy decisions on reparations, and to state that no policy decisions have been reached regarding those countries eligible to make claims nor regarding the form in which claims should be submitted."

I understand this is a unanimous recommendation from the Steering Committee.

SIR GEORGE SANSON: I was acting chairman of the Steering Committee on that occasion and also of the Economic Committee which received this delegation from the Greek--no, that is wrong. I am confusing it. In the Steering Committee actually we did decide, <sup>that</sup> ~~it was~~ impossible to undertake to run that establishment. We could only tell them that so far no decision has been reached.

MAJOR PLIMSOLL: I move the adoption of this recommendation.

MR. VESUGAR: The inclusion of the word "those" may give it a shade of meaning which perhaps is not meant to be there. I would suggest that we drop the word "those." That is at the end of the third line from the bottom. Why not say "regarding countries eligible to make claims."



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CHAIRMAN: Do you propose that as an amendment?

MR. VESUGAR: If you desire.

MAJOR PLIMSOLL: I think we could incorporate it.

CHAIRMAN: Does anyone second this?

SIR GEORGE SANSON: I second it.

CHAIRMAN: It has been moved and seconded to delete the word "those" in the third line from the bottom. The word "those" has been deleted.

Now shall we proceed to take action on the whole paper? I think it has been moved by the delegate of Australia that the whole paper with this amendment, with the deletion of the word "those," be approved.

GENERAL HILLDRING: Second the motion.

CHAIRMAN: There is no further comment so it is approved by the Commission.

Now then, we will take up Item 4 on the agenda, additional rules of procedure, FEC-067/3. This paper contains new rules of procedure for expediting the work of the Commission. These proposed rules were approved by the Steering Committee at the 21st meeting on July 16. So it comes as a recommendation, I think, from the Steering Committee.

My attention has been called to a slight typographical change on that paper in paragraph 1. The word "Commission" should have read "Calendar." Does



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anybody wish to make a motion to adopt this?

**SIR GEORGE SANSON.** Mr. Chairman, I move the adoption of this paper. The intention of these additional rules is to expedite the business of the Commission. If in practice they don't prove satisfactory it is quite easy to revise them, and I would suggest that we approve them as set forth here unless we find these are not satisfactory.

**CHAIRMAN:** Is there a second to the motion just made by Sir George Sanson?

**MR. DOUTEAU:** Second.

**CHAIRMAN:** It has been moved and seconded that the paper before you, FEC-067/3, as recommended by the Steering Committee, be approved by the Commission. There is no objection and they are approved.

Item 5, Japanese taxation of aliens, FEC-055/4. This is a report by Committee No. 6, amended and approved by the Steering Committee on July 16, 1946. The Steering Committee recommends that the document be approved as a policy statement by the Commission and that the Supreme Commander be informed by the Chairman that the Commission has under consideration policy with respect to the increased property tax law and the war profits law as imposed on juridical persons.

**MAJOR PLIMSOLL:** I move the adoption of this paper



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and the inclusion of the note on the cover sheet, the inclusion of the recommendation on the cover sheet.

CHAIRMAN: A motion has been made by the delegate of Australia who, I understand, is the chairman of the Committee which--

~~MAJOR PLIMSOLL: No, it has been approved unani-~~  
~~mously.~~

MR. DOUTEAU: I have no objection if paragraph 3 is included, that is, recommendation that the Steering Committee again makes a study of the paragraph which was left. There were three paragraphs.

CHAIRMAN: What is your motion?

MR. DOUTEAU: I understand that the motion is to adopt paragraphs 1 and 2 and the recommendation of paragraph 3 of the cover sheet. Then I approve.

MR. COLLINS: Second.

CHAIRMAN: The motion has been made and seconded to approve paragraphs 1 and 2, with the recommendation of paragraph 3 on the covering sheet. If there are no objections it is approved by the Commission.

The next item is consultation with the Supreme Commander for the Allied Powers on the effect of the tours of the Japanese emperor. The relevant paper is FEC-068/2. I understand that the Commission at its fourteenth meeting on June 6, 1946 directed Committee



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No. 3 to consider this and report back to the Commission.

It is also three paragraphs. In paragraph 2 it says:

"Committee No. 3, at its twentieth meeting, 12 July 1946, unanimously agreed that for the time being no further action on FEC-068/1 should be taken; it was agreed that the issue of the Emperor system should be discussed in connection with the study by Committee No. 3 of Japanese Constitutional drafts and amendments."

I understand this is a report from Committee No. 3 and a motion in order would be ~~a motion~~ for the Commission to accept the report.

MR. COLLINS: Mr. Chairman, may I move that this report be accepted and it <sup>be</sup> thereby agreed, <sup>to file</sup> ~~that~~ no further action ~~be taken~~ for the present.

GENERAL HILLDRING: I second the motion.

CHAIRMAN: The motion has been made and seconded to accept this report as it is stated in the paper, and no further action be taken for the time being. As I hear no objection I consider the report ~~as~~ accepted by the Commission.

Item 7 is the question of liaison with the Supreme Commander for the Allied Powers, FEC-044/2, which is a summary of current arrangements for liaison in response to the Commission's request April 10, 1946. This is in the nature of information, whether we want to accept it



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and file it with the Commission for reference.

**SIR CARL BERENDSEN:** I would like to repeat what I have said so often, that in my view the relations between the Far Eastern Commissions, <sup>and SCAP</sup> are clearly inadequate. It may well be no action is possible. I do not believe that this Commission, <sup>will</sup> ~~would~~ ever be able to faithfully perform its functions unless there is some permanent liaison between the Commissions and the Supreme Commander.

So far as I am aware, without each single member of the Commission agreeing with me, the Commission should have a permanent representative attached to the Supreme Commander, and the Supreme Commander should have a representative attached to this Commission. I am not pressing for any action, but my views are unchanged. If we are to work effectively we must have better liaison than we have at present.

**GENERAL HILLDRING:** Mr. Chairman, in answer to Sir Carl, and in extension of his ideas, I just wanted to point out to the members of the Commission that the purpose of this paper is an effort on the part of the Government to make of record the situation, <sup>with respect to</sup> and liaison as it exists today and has not as a purpose the idea behind it that liaison is necessarily satisfactory. As a matter of fact, I can say to the Commission that the attitude of the United States Government, <sup>on</sup> ~~in~~ the liaison



as it exists today is not satisfactory.

Further, for the comfort of Sir Carl and the rest of the Commission, I would like to report that the United States Government is now actively engaged in an effort to improve the relationship on the liaison issue between the Commission and SCAP.

MR. COLLINS: Mr. Chairman, while this subject is before us I would like to take the opportunity of raising a question that came up in the Steering Committee last Tuesday and which was referred back to Committee No. 3 on constitutional and legal reform. I am raising it now because the situation in Japan with regard to the constitution is apparently developing very rapidly and it is the hope of the Constitutional Committee to get down to very intensive work in the near future in an effort to prepare at least a preliminary appraisal of the draft constitution in order that the Commission may be ready to take some action, if necessary, on that.

Now I wonder if it would be possible for the Chairman informally to endeavor to obtain certain information that I believe the New Zealand delegate was particularly interested in obtaining but which is practically essential, I think, to the work of Committee No. 3, namely, that they have a confirmation as to the exact status of the text of the constitutional draft at the



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moment. I believe the one we are now working with is a translation <sup>from the Nippon Times.</sup> of Nipponese. We would simply like to have an official assurance that either that text is considered to be correct or that it has been slightly altered, and if possible any information regarding amendments which may have been accepted in the Special Cabinet Committee or amendments which have been proposed. Beyond that if it were possible for the Supreme Commander to supply us in this forthcoming period with frequent reports on the political situation with regard to the constitution and the Diet, that would be deeply appreciated. I was wondering whether on an informal basis some action might be taken on that.

**GENERAL HILLDRING:** Mr. Chairman, I imagine the Canadian delegate is directing that question to me, and I will answer that the United States Government will undertake vigorously to get that information.

**MR. COLLINS:** Thank you.

**SIR GEORGE SANSON:** Mr. Chairman, am I in order in raising the point that seems to me to arise out of this document, or do you wish it to be extended by the Commission as a whole? I am not quite sure that it is relevant, but in Section f, "Allied Personnel on SCAP's Staff," I have a little comment to make on the substance of that.



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"Arrangements have been completed and appropriate information circulated to the Commission (FEC-069) whereby governments represented on the FEC may nominate personnel for service on the staff of the Supreme Commander."

We have a case in which the United Kingdom wishes to nominate a person and to approve his duties in the ~~natural course, I think I am right in saying.~~ We have previously arranged and understood that such arrangements could be made direct between the United Kingdom Liaison Mission and the Supreme Commander. This seems to me <sup>an</sup> extremely roundabout and cumbersome procedure. It isn't stated there, but what is asked of us now <sup>is that</sup> we should submit information as to the personal record and all that kind of thing, submit it to the Chairman of this Commission who then processes it. I think it goes to the State Department and War Department and to SCAP. This seems to be roundabout and unnecessary in the accomplishment of our mission in Japan.

GENERAL HILLDRING: Mr. Chairman, Sir George may be entirely correct if this language would seem to indicate that the member of this Commission would have to transmit to the Chairman of the Commission the application of the personnel. However, it isn't the intention, as far as the United States Government is concerned, to limit it to that procedure at all. There



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is no objection on our part to having the chief of your mission in Tokyo submit it directly to the staff. There is no objection whatever. Whether it is necessary to change this language to include that I don't know, but certainly I can assure you there isn't any objection.

MR. JOHNSON: This language, Mr. Chairman, was merely stating a fact as it appeared on the record, but it doesn't intend to ~~include~~ <sup>preclude arrangements in Tokyo.</sup>

SIR GEORGE SANSON: The reason I had some doubt, we have from the State Department information which seems to be to the effect this is the Government procedure.

GENERAL HILLDRING: I want to apologize. I am sure there is no objection, Sir George. I am sure there is no objection to your senior Commission member in Tokyo suggesting the name to MacArthur. It is quite agreeable. I will look up the communication you mentioned and see why it got out.

CHAIRMAN: I think that is very helpful. I think <sup>of us, with that</sup> all ~~these who work out~~ clarification may feel satisfied. If there is no further comment we will consider this paper as accepted by the Commission.

The next item is Item 8 with reference to restitution of looted property. The relevant paper is FEC-011/12. This is a report by Committee No. 1 amended and approved by the Steering Committee on July 16.



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MAJOR PLIMSOLL: I move the adoption of this paper.

MR. DOUTRAU: I second it, Mr. Chairman.

CHAIRMAN: I hear the motion made and seconded to adopt this paper. Does anybody wish to comment? I hear no comment and the paper is approved.

GENERAL HILLDRING: Mr. Chairman, I would like to ask that in paragraph 2 the minutes include the reservation of the United States member. If the motion includes that I am in complete agreement.

CHAIRMAN: I take it as it is in the paper that is naturally included. The paper is accepted and approved.

The next is Item 9, provisions for the review of a new Japanese constitution, FEC-031/28. This is a proposed statement to the effect that the new constitution should be reviewed by the Diet and was approved by a majority vote of the Steering Committee. This was a question discussed at the last meeting and now you have this paper before you.

MAJOR PLIMSOLL: I move the adoption of this paper, Mr. Chairman.

MR. COLLINS: Second the motion.

CHAIRMAN: It has been moved to accept the paper. I understand with reference to this paper there is a reservation by the Soviets. Do you wish to make any comment?



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**ADMIRAL RAMISHVILI:** There are no new developments in connection with awaiting instructions.

**CHAIRMAN:** Any further comment? I am sure we all want to wait for our Soviet delegate to receive instructions.

**MAJOR PLIMSOLL:** Mr. Chairman, I think I agree we should as a matter of courtesy agree, but the Commission, with the exception of the Soviet member, has approved this paper. I don't want to go into the arguments we had last week, but the point is that unless we act very quickly we may lose <sup>the</sup> ~~a~~ whole chance of influencing the course of events in Japan. I hope the Soviet delegate will get his instructions as quickly as possible on this point, and in order that we may speed our decision I suggest we might call a special meeting of this Commission if he receives his instructions before next Thursday. It is a very important point and one which we can't very well compromise on.

**ADMIRAL RAMISHVILI:** Mr. Chairman, there are two points of view. I would like to ask if the United States Government's point of view has been changed.

**GENERAL HILLDRING:** Mr. Chairman, I regret to say there has been no change of view on the part of the United States, but we can be agreeable on the other part and bring it to a special meeting the instant the Soviet



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member has gotten instructions from his government, because I agree with the Australian delegate that it is advisable for the Commission to <sup>make a decision</sup> ~~get its instructions~~ on this point with the least delay. It seems to me a good idea to get together just as soon as the Soviet delegate has his instructions.

ADMIRAL RAMISHVILI: I would like to share this delay with somebody else.

MR. COLLINS: With regard to the expression of opinion, I think actually there are three points of view, and that the majority would prefer not to have the second paragraph at all. The United States Government <sup>has</sup> ~~is~~ already compromised to the extent of agreeing to drop it.

SIR CARL BERENDSEN: Mr. Chairman, my Soviet colleague cannot rely on me to join him in his desire to delay decision on this matter. I must again make it plain I am not authorized nor am I willing to accept the position set out in this document. We do not believe that the present Diet is competent to decide in terms of the Far Eastern Commission's policies and decisions that this is an affirmative expression of the will of the Japanese people. We don't believe this present Diet is competent to make such decision or that it should be authorized to do so.

In certain circumstances, according to this proposal, the Diet would be authorized to do so unless the Far



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Eastern Commission <sup>should</sup> ~~would~~ arrive at a decision that the constitution is not acceptable. I am, however, in favor of getting something done and I want to have it recorded again I haven't the slightest intention of being obstructive. I think we should make some decision as best we can, and I think this is a lot better than nothing. It falls short of what we wish and when the matter comes to a vote I shall abstain from voting.

CHAIRMAN: I gather from the views expressed here on the merits of the question, as viewed by different delegates, it seems to be the general consensus that we might leave this question upon the agenda of the Commission with the understanding that as soon as-- I will put it this way, leave it on the agenda for the next week with the understanding that as soon as our Soviet colleague receives instructions from his government that a special meeting will be called to consider this question and if possible reach acceptance. If that is correct we shall pass on to the next item.

Item 10, report on Japanese external assets. The relevant paper is FEC-072. I understand this question has been on the agenda for some time and the Commission is awaiting a report by the Chairman on further developments. I understand there have been no further developments, so pending further developments perhaps we might



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pass on to the next item.

The next item is other business, the schedule of meetings for August. I understand a number of missions in Washington will be greatly understaffed during August and various members of the Commission will be out of Washington during that month. So the Secretariat suggested that the Commission be scheduled for the 1st and 28th of August only. I understand that special meetings may be called in case of urgency. The suggestion alters somewhat the schedule of the Commission. It appears to be a very reasonable suggestion.

MAJOR PLINSOLL: This won't affect the meetings of the Committees, I take it.

MR. JOHNSON: The <sup>Secretariat</sup> ~~secretaries~~ will be here to service the Commission.

SIR CARL BERENDSEN: Mr. Chairman, we are as far behind in our work. It is my intention to be out of town in August, but there will be others much more competent to carry on. I question whether it is wise for the Commission to decide not to hold meetings.

CHAIRMAN: Any further observations?

MAJOR PLINSOLL: My views are roughly the same. It depends a lot on what Committees can do in the absence of the Commission. If the Committees during the next 2 weeks are able to get through their backlogs and get



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a lot of stuff out it probably would strengthen the case <sup>for</sup> of the Commission itself not <sup>to</sup> meeting. There are a number of important papers in the Economic Committee that are being held up because the governments cannot agree to them. There is no particular government that is guilty. There is a great deal to be done which I think can probably be done by the Committees provided the Commission before it goes on vacation can pass on everything that has been brought before it. There is a difference in cases of urgency. ~~You can see~~ the constitution and reparations <sup>are</sup> coming up, <sup>and</sup> which <sup>are</sup> matters of very great importance. We should be able to reach a decision on them before vacation.

MR. VESUGAR: Mr. Chairman, it appears to me that 4 weeks is a long time at this stage and <sup>though</sup> when urgent matters, or moderately urgent matters, <sup>may be</sup> ~~are~~ postponed for a week, I do not feel that <sup>they</sup> ~~it~~ should be proposed for 3 weeks. If one intermediate meeting is laid down between the 1st and 29th I think it would meet both requirements of giving a certain amount of recess to the personnel and people involved in the work of the Commission as well as not to hold things unduly. I suggest that we meet on the 15th as well.

CHAIRMAN: That is to say, to have three meetings.

MR. VESUGAR: Yes.



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**CHAIRMAN:** Any further comment? We have before us two suggestions. One is to have two meetings in August and the other is to have three meetings, with a meeting on the 15th of August. In both cases I should imagine with the proviso that in case of emergency we would call a special meeting.

**ADMIRAL RAMISHVILI:** The question is what is meant by "urgent" in this Commission. The case may not be so urgent in question of time but importance.

**MAJOR PLINSOLL:** The Commission can meet at any time at the request of any member.

**CHAIRMAN:** I understand the Steering Committee will continue to sit as well as other committees, so that in case of anything very urgent the Commission could meet. Does anyone wish to make a motion/<sup>on</sup>either one of these two alternative suggestions we have before us?

**MR. COLLINS:** Might it not be better to put it negatively, that the Chairman of the Steering Committee-- that it be recognized that if there is no urgent business meetings may be cancelled during August. Leave the meetings theoretically there and if there is no urgent business to be dealt with, cancel the meeting.

**MR. VESUGAR:** Mr. Chairman, I don't mean the recess in the sense there will be no other work for people who are attending the meetings, but their programming of the



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work would be lost. It would be a good thing to program it as far as possible.

**GENERAL HILLDRING:** Mr. Chairman, I move that we take the suggestion offered by the Secretariat, with the addition of three meetings instead of two planned meetings.

**MR. VESUGAR:** I will second it.

**CHAIRMAN:** It has been moved and seconded that the suggestion made by the Secretariat be approved with the amendment that there shall be a meeting in the middle of August, on the 15th of August, making three meetings for the month of August instead of two, and with the proviso in case of urgency special meetings should be called. Do I hear any further comment? If not, I consider the suggestion of the Secretariat is adopted as amended.

We reach a last item on our agenda, press release. Does the Secretary-General have anything for us in the draft?

**MR. JOHNSON:** I will read this.

"In the absence of General Frank B. McCoy, Chairman and U. S. Representative on the Far Eastern Commission, the weekly meeting of the Commission took place today with His Excellency Dr. V. K. Wellington Koo, Chinese Ambassador, serving as Chairman Pro Tem. General J. H. Hilldring, Assistant Secretary for Occupied Areas of the



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U. S. Department of State and alternate to General McCoy on the Commission, attended the meeting as the U. S. Representative.

2. Many members of the Commission last week attended an exhibition of official War Department films bearing on various problems of the occupation of Japan. The Secretariat arranged for these films to be exhibited to representatives on the Commission and members of their staffs in a projection room in the Department of Commerce Building. Additional periodic exhibitions are planned."

I might say that if any of the delegations have films they would like to have us exhibit for the members of the Commission we would welcome any assistance.

SIR CARL BERENDSEN: Why doesn't somebody tell me about these things? I never heard of it.

MR. VESUGAR: I may say the same thing.

MR. JOHNSON: Apparently the memorandum that was sent around didn't get to everyone. We would like to continue the exhibits when we can get films ~~either from our own~~ authority, and as I say, if there are films any of the delegations have they would like to display we would be glad to make arrangements for their display.

"The Commission unanimously adopted a policy statement with respect to Japanese extraordinary tax laws (text enclosed) and agreed that the Supreme Commander



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should be informed by the Chairman that the Commission has under consideration policy with respect to the increased Property Tax Law and the War Profits Tax Law as Imposed on Juridical Persons.

"The Secretary General was authorized to reply to a communication from the Royal Greek Embassy requesting information relative to reparations claims. The Greek Government, which is not represented on the Commission, will be informed that no policy decisions have been reached regarding those countries eligible to make claims or regarding the form in which claims should be submitted."

SIR CARL BERENDSEN: That isn't accurate. That was taken out.

MR. VESUGAR: Mr. Chairman, I suggest that the whole reference be omitted. It only invites inquiries from other governments, and if nothing else, some speculation as to why the Greek Government was singled out for this information.

MR. JOHNSON: We will omit that. The next item is:

"The Commission unanimously adopted a policy statement (text enclosed) with respect to the restitution of looted property."

The United States member made the following statement for the record and then that is attached.

"The Commission unanimously approved four new rules



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of procedure (text enclosed) for expediting the work of the Commission."

The last item:

"In reply to a request by the Commission on April 10, 1946 for the Chairman, the U. S. Representative, to consult with the Supreme Commander with respect to the establishment of effective liaison between the Commission and SCAP headquarters, the Chairman submitted a statement (text enclosed) containing a summary of current arrangements for liaison, and presenting the opportunity to the Commission to send a liaison officer to Tokyo to acquire current first-hand information from the Supreme Commander and his staff for the benefit of the Commission."

**MAJOR PLIMSOLL:** I think we ought to delete the reference to War Department films. I am not sure that this statement of liaison ought to be published either.

**SIR CARL BERENDSEN:** If it shouldn't, we have General Hilldring's very welcome suggestion he is now considering means of improving it.

**GENERAL HILLDRING:** I have no objection to that being included.

**MR. VESUGAR:** I feel that should remain, especially with General Hilldring's offer to improve it.

**MR. JOHNSON:** Shall we retain this item with regard to liaison with the addition of the statement



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of the American delegate?

**GENERAL HILLDRING:** I suggest we have another showing of those American films for the benefit of the Commission who weren't previously invited.

**MR. VESUGAR:** Was it finally decided to leave reference to the films in the press release?

**MR. JOHNSON:** I cut it out.

**MR. VESUGAR:** I thought that should have been of some interest to the public. Whether these ought to be shown, I don't know. If it is any advantage to us for these films to be shown--

**MR. JOHNSON:** The exhibition of these films is limited to the delegations and their friends. We have a limited capacity. We haven't got room to invite the public.

**MR. VESUGAR:** What I meant was whether we want to invite public interest in it at all in these films.

**MAJOR PLIMSOLL:** My opinion on that point is that the Commission, <sup>in</sup> issuing its press statement, shouldn't devote much space to triviality. If all the people read in the papers is that they showed a film--

**CHAIRMAN:** Gentlemen, we have exhausted the program in the best way the Commission could, and if there is nothing further we will adjourn.

(Whereupon the meeting adjourned at 12:00 m.)



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FAR EASTERN COMMISSION

Transcript of Twenty-first Meeting of the Far Eastern Commission,  
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.  
Thursday, July 25, 1946

REPRESENTATIVES PRESENT

General John H. Hilldring, Chairman pro tem	(U.S.A.)
Major J. Plimsoll	(Australia)
Mr. R. E. Collins	(Canada)
His Excellency Dr. V. K. Wellington Koo	(China)
Mr. Robert Douteau	(France)
Mr. J. Vesugar	(India)
Dr. A. D. A. de Kat Angelino	(Netherlands)
His Excellency Sir Carl Berendsen	(New Zealand)
Dr. Melquiades J. Gamboa	(Philippines)
Sir George Sanson	(United Kingdom)
Rear Admiral S. S. Ramishvili	(U.S.S.R.)

SECRETARY GENERAL

Mr. Nelson T. Johnson

Reporter: H. Campbell, Department of State



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

MR. JOHNSON: Gentlemen, General McCoy has been further delayed in New York and it will therefore be necessary to have a chairman pro tem to preside over the meeting.

DR. KOO: I wish to move that General Hilldring be elected as our chairman pro tem today.

ADMIRAL RAMISHVILI: I second it.

MR. JOHNSON: It has been moved and seconded that General Hilldring take the chair pro tem. All those in favor say aye.

(Unanimous)

CHAIRMAN: Gentlemen, thank you very much. ~~I want to say I didn't agree to this when General McCoy asked me to come over here, but~~ with your forbearance I will do my very best.

If it is agreeable to the members of the Commission we will follow the agenda. The first item on the agenda is approval of the minutes of the 20th meeting. Is there any comment by any member on the minutes of the last meeting of the Commission? There appear to be no comments. May I assume therefore that the minutes are approved as written.

Item 2, FEC-004/19. The Steering Committee in its 22nd meeting passed by a majority vote a motion that in



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the absence of a chairman the Commission should elect a chairman pro tem and that there be no vice chairman of the Commission. I think that in general summarizes the action of the Steering Committee. Is there any comment on that?

DR. KOO: Mr. Chairman, I have been advised by our representative on the Steering Committee that the paper as worded here does not quite recount the motion that was made by him. Perhaps a little revision would <sup>put the record</sup> be <sup>accord</sup> more in line with the substance of the motion and would be desirable in the interest of a complete accuracy. I understand that the motion made by our representative was to this effect, that the question of the election of vice chairman should be left in abeyance and that in the meantime during the absence of the chairman of the Commission a chairman pro tem should be elected. That was the motion, and so a little change will be necessary in the first paragraph of the paper, and perhaps paragraph 2 might be omitted as to the question of the election of vice chairman. It was moved to be left in abeyance so as not to prejudge it at the present stage. I understand also that the motion was carried in that sense. I may be mistaken. If what I have <sup>been</sup> advised is correct I would like to have the correction made.

CHAIRMAN: Have you there, Dr. Koo, the exact



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language you would recommend in changing paragraph 1?

DR. KOO: Yes, I will read it. "The question of the election of vice chairman should be left in abeyance and in the meantime, during the absence of the Chairman of the Commission, a chairman pro tem should be elected."

CHAIRMAN: You gentlemen have heard the comment from our colleague of China. Has anyone any comments? Sir Carl, you were the chairman of that Committee. Have you anything you would like to add to what Ambassador Koo has said?

SIR CARL BERENDSEN: I don't think so. On the whole I would be inclined to agree with the Ambassador that those were the terms of the motion as passed by the Steering Committee. I am bound to say I had not raised the point or appreciated there was any practical difference between the wording as appears here and the wording of Dr. Koo.

CHAIRMAN: Do you make your suggestion in the form of a motion, Dr. Koo?

DR. KOO: Yes, Mr. Chairman, <sup>and</sup> so that paragraph 2 <sup>be</sup> ~~should be omitted for the time being.~~

CHAIRMAN: The substituted words for paragraph 1 and the omission entirely of paragraph 2 of this paper.

DR. KOO: That is right.

CHAIRMAN: Is there any second to that motion?



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ADMIRAL RAMISHVILI: Mr. Chairman, may I ask a question? What is the purpose of deleting paragraph 2?

CHAIRMAN: The delegate from the U.S.S.R. has raised the question as to the purpose of deleting paragraph 2. Dr. Koo, would you be willing to <sup>spea</sup> take on that?

DR. KOO: My colleagues on the Commission will recall that this question of election of vice chairman was very much discussed at the meeting of our Commission, and in view of the fact that it was not possible at the time to reach agreement the whole question was referred to the Steering Committee, and I understand that at the Steering Committee meeting another discussion took place and it wasn't possible to reach agreement there either. So our representative made a motion to get a temporary solution, leaving the question of the vice chairman in abeyance so that if and when that question should be decided by general agreement, then naturally we would follow the new decision. Pending arrival of that happy result I should like to see reproduced entirely the motion made by our representative which was adopted.

CHAIRMAN: Is that point clear, Admiral? It seems to me what Dr. Koo says is that in view of the fact that the Committee to which the Commission referred this question was unable to reach agreement on the question of permanent vice chairman, and in view of the fact that



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the Chairman of the Commission is absent at the moment they decided to fill the empty seat of the Chairman by the expediency of having one elected at each meeting by the Commission and to defer the question of the permanent vice chairman for some future discussion, time not designated. I mean it could be immediately or any time when there seemed to be a more fertile ground for agreement.

ADMIRAL RAMISHVILI: I don't see any sense in it. Does it mean that we will defer this question entirely?

CHAIRMAN: As I understood what Dr. Koo said, that wasn't the case. It would not be permanently deferred.

DR. KOO: Simply deferred until such time as there is prospect of general agreement. Then the question might be discussed again.

CHAIRMAN: Does that make any more sense to you, Admiral?

ADMIRAL RAMISHVILI: Do we need this paper now? We defer a question. This would be a happy solution for me. I am not voting against this paper.

CHAIRMAN: We have two views, one expressed by the delegate from China and the other from the delegate of the U.S.S.R. Is there any further comment on this?

SIR CARL BERENDSEN: Mr. Chairman, might I ask what would be the practical effect of eliminating



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paragraph 2? I don't carry in my mind the full details. If we allow this paper would that <sup>man</sup> leave us that the three vice chairmen shall be Ambassador Halifax, who is no longer with us, Mr. Gromyko, who is no longer with us, and Dr. Wei, who is no longer with us? If it does, I think we ought to face the problem one way or another.

ADMIRAL RAMISHVILI: Mr. Chairman, I would prefer to defer the question.

SIR CARL BERENDSEN: Mr. Chairman, the point <sup>is</sup> at which the Commission and the Steering Committee voted-- I was not in favor of the motion--it was moved and carried, the motion of the Chinese representative on the Steering Committee. I was and still am in favor of annulling the previous decision and declaring in the absence of the Chairman the American alternate should take the chair. It is still my view, and if it would help to bring matters to a head I am prepared to so move.

ADMIRAL RAMISHVILI: What is your objection? The difficulty arose on that ground, that the vice chairman elected <sup>were</sup> the names ~~concededly~~ agreed upon. I would like to leave intact the principles we agreed on 3 or 4 months earlier of three vice chairmen.

SIR CARL BERENDSEN: Admiral, whether the three vice chairmen that were elected would remain as vice



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chairmen despite the fact there are not one of them with us, I don't know what the answer is now. That is the situation.

ADMIRAL RAMISHVILI: Why kill the basic principle of this? Leave the principle of three vice chairmen.

SIR CARL BERENDSEN: That is precisely where we stumbled. We found ourselves unable to elect three vice chairman on their personal qualifications. I don't think the subject is worth wasting a great deal of time on.

CHAIRMAN: The question is what do we do with this paper?

ADMIRAL RAMISHVILI: I want to make a motion to drop this paper saying that the Commission did not agree on a candidate for the three vice chairmen and temporarily defer this question.

CHAIRMAN: Will you state that again?

ADMIRAL RAMISHVILI: I object to considering this. If you cannot agree on persons defer this question for the time being.

MAJOR FLINSOLL: Mr. Chairman, I would be prepared to defer the question but not in such a manner that would place on record our renewed belief in the principle of electing three vice chairmen. We have gone over that particular point at considerable length and



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I don't think we need to do it again.

As far as Sir Carl Berendsen's statement about vice chairmen is concerned, my interpretation is that Lord Halifax and Mr. Gromyko and Dr. Wei are no longer members of the Commission. The Commission today hasn't a vice chairman. I would be prepared to allow the matter to <sup>remain in</sup> ~~return to~~ abeyance but not <sup>to</sup> ~~re-~~ <sup>re-</sup> ~~reinstate~~ <sup>the</sup> the principle.

CHAIRMAN: Will you accept that amendment that the question of the vice chairmen be held in abeyance?

ADMIRAL RAMISHVILI: On the agenda of the Commission.

CHAIRMAN: How does that strike the delegate from Australia?

MAJOR PLIMSOLL: I prefer it to go back to the Steering Committee.

DR. KOO: Mr. Chairman, may I add a word. I am sorry that I have provoked another long discussion on the subject. The purpose of my raising this question was simply in the interest of an accurate record, that is all, without wishing to have this whole question discussed here unless some other member proposes another discussion. So I would be perfectly satisfied if the record is revised in such a way as to conform entirely with the substance of the Chinese proposal, which was adopted at the Steering Committee. In other words, a



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little revision of paragraph 1 and the omission of paragraph 2, simply from the point of view of keeping an accurate record to conform with what the proceedings in the Steering Committee were.

CHAIRMAN: I think that conforms to your original motion, to which I understand there is not now a second. Then we have a further motion from the delegate from the U.S.S.R. that this be held in abeyance. Is that a correct statement of your motion, Admiral?

MAJOR PLIMSOLL: Could we separate that slightly? I think we all accept Dr. Koo's statement of what actually occurred. I think we all accept that as being put in here. I think we all agree Dr. Koo's wording should be placed in here. We accept it as a record.

ADMIRAL RAMISHVILI: Mr. Chairman, I think we should decide what to do with this question.

CHAIRMAN: We all want to avoid the veto. It seems to me the way to dispose of this paper now is to get some agreement between you and the delegate from Australia so that we can get rid of this paper at this meeting.

MAJOR PLIMSOLL: Send it back to the Steering Committee.

MR. VESUGAR: May I suggest that the accuracy of this paper is challenged and to refer it back to the Steering Committee to send an accurate paper.



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CHAIRMAN: That is the third motion. Can we get a second to that? Would you like to consider that to be a second?

ADMIRAL RAMISHVILI: Yes.

CHAIRMAN: The motion has been made and seconded to refer this back to the Steering Committee.

ADMIRAL RAMISHVILI: It is a challenge. There is not one accurate paragraph in this paper.

DR. KOO: I really didn't intend to take such a strong position as challenging the accuracy of the paper, but I notice some slight nonconformity of the two so that I shouldn't object at all to the suggestion made by our Indian colleague that the question be referred back to the Steering Committee.

CHAIRMAN: Very well, we have that motion made and seconded. Is there any further discussion with respect to referring this paper back to the Steering Committee? I assume, therefore, that motion is carried.

We come now to the next item, Item 3, composition of the new Japanese government, PEC-070/2. In this paper the Steering Committee at its 22nd meeting unanimously approved the recommendation of Committee No. 4 that for the present the elimination of <sup>the four</sup> foreign individuals enumerated in the document is not justified. That is the recommendation of the Steering Committee. Is



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there any comment on that report of the Steering Committee? What is the pleasure of the Commission with regard to this report?

MAJOR FLIMSOLL: I move that the report be adopted.

CHAIRMAN: The Australian delegate has moved that this be adopted. Is there any second to that?

DR. DE KAT: I second it.

CHAIRMAN: Does any member of the Commission have any comment to make with respect to that paper? I assume, therefore, that the report of the Committee is accepted.

Item No. 4, FEC-031/28, provisions for the review of a new Japanese constitution. Admiral, I believe that is the one on which you are waiting for instructions. You have as yet no instructions?

ADMIRAL RAMISHVILI: No.

CHAIRMAN: Are you hopeful?

ADMIRAL RAMISHVILI: I am always hopeful.

CHAIRMAN: I think at the last meeting of the Commission it was concerned about the time factor on this one. We took to heart your statement to that effect at the last meeting, Admiral, that they were still considering it.

ADMIRAL RAMISHVILI: Yes.

CHAIRMAN: So there is no instruction. I think, then, the only thing we can do is to leave it on the



agenda.

Item 5, consultation with the Supreme Commander for the Allied Powers on the text of the constitution. In this paper ~~it is proposed that--well~~, it is a report submitted by Committee No. 3 on the Japanese draft constitution which was considered and revised by the Steering Committee. It is rather involved. The report is unanimously approved by the Steering Committee. Is there any comment on that paper?

SIR CARL BERENDSEN: Mr. Chairman, there is much that could be said and much that possibly is apt to be said in connection with the manner in which the Commission has been enabled to consider the question of the constitution. I don't now propose to enter the controversy, and I hope never to do so, but I think there are some general comments that might be useful to have here and now.

In the first place I should like to refer to a statement made at the Steering Committee at its last meeting by a very highly respected member of the Committee, that the Supreme Commander feels himself set upon in a sense of grievance inasmuch as the Commission has not yet expressed any views on the constitution. Now that seems to me to be so completely at variance from the facts as I understand them that I think the



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matter should be considered and the actual position placed on record.

From the moment when the Commission was informed that SCAP was taking no action with respect to the Commission in respect to the constitution and believed it to be a matter for the Commission, the statement made by Colonel Kades, from the conception of the Committee's attempts to study the constitution before and after it was published, was that there have been not one but several attempts by the Commission to enter into the most helpful spirit and consultation with the Supreme Commander. Each of those attempts has failed. On the last document we received from the Supreme Commander he expressed the view--the gist of it was that the most useful course that the Commission could adopt would be to take no action at all until the constitution had been passed.

Now it seems to me in the light of that fact that far from belatedly doing our duty to the Supreme Commander--and I am fully in favor of it--we are actually flying in the face of his request.

On the constitution in general, nobody reading the constitution and nobody reading, may I say, the very useful comments of Sir Frederick Eggleston can, I think, fail to arrive at a conclusion that the constitution



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does contain quite a number of inadequacies and ambiguities. The Committee that has been considering the matter is just beginning its work and the document we have in front of us now deals only with a few preliminary points which it has had time to deal with in the necessary amount of detail. On those points, leaving for the moment the general question of whether the constitution is or is not appropriately drafted, solely on the point raised by the Committee and on the document which is proposed to send to the Supreme Commander, I do think it is proper, without any intention of being provocative or obstructive, <sup>but</sup> ~~it is~~ in the most helpful spirit, to make these comments.

It is the unanimous opinion of the Steering Committee, including all representatives, and the unanimous opinion, as I understand it, of the Constitution Committee that the constitution as drafted does in some important respects fail to conform to the policy decision of the Far Eastern Commission.

I suggest, sir, that this document, the way it is couched in consultative terms, there is something fundamental and inextricably bound up with points that are preliminary and incomplete points that have been raised by the Constitution Committee and the Steering Committee. There is not the slightest doubt in anybody's mind that



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the constitution in some respects--and possibly in the course of investigations we will find more--does not conform with the Far Eastern Commission's policy decisions.

I can see two possible courses of action. The first is that the constitution should be altered, and if it is going to be altered my feeling is that it should be altered before it is passed and not after. It should be altered to conform with the policy decisions of the Commission. That course I would support.

The second course would be to alter the policy decisions of the Far Eastern Commission. That course I would oppose. If the Commission doesn't do one or the other of those two alternatives I suggest that it might resign itself to the acknowledgement of its essential futility.

CHAIRMAN: Thank you, Sir Carl. Do you propose either of those things in connection with this paper?

SIR CARL BERENDSEN: I am entirely satisfied with the paper, sir. As a preliminary step it is the right course to take. The only point I am making, we have to alter the Far Eastern Commission's policy or pass upon the constitution, one or the other.

ADMIRAL RAMISHVILI: Will the members be informed about this paper?

SIR CARL BERENDSEN: I was going to point out that



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raises a practical difficulty. When we passed the policy we consulted with the Supreme Commander as to whether it should be published. In the light of his strong view that it should not be published we unanimously agreed in the meantime it shouldn't. We can't very well send the Japanese Diet on the draft constitution--

MR. COLLINS: Mr. Chairman, in that connection I believe that when we finally decided that the basic principles should not be published we also at the same time received assurance from the Chairman that General MacArthur would make the text of the policy decision known to the appropriate members of the Cabinet for their guidance.

CHAIRMAN: I am sure there would be no other way that he could get implemented the decisions of the Commission, either to convey to them the paper itself or convert it into a message, a directive from him to the leaders in the Diet. In no other way, it seems to me, could he have any assurance that the policy decisions of this Commission would be executed.

MR. COLLINS: Since Sir Carl has raised this point, do we as a matter of fact know whether General MacArthur has taken such action?

CHAIRMAN: I don't know myself. We can find out.

MR. COLLINS: I think in view of the assurance that the Commission was given--I believe it was two meetings



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ago that such action would be taken and would be very helpful to the Commission if we could know.

CHAIRMAN: I am willing to support what General MacArthur said then because I am certain that that was done. I don't know just by what device it was done.

ADMIRAL RAMISHVILI: I still don't understand for what useful purpose ~~we serve~~ this paper, <sup>serve</sup> what we expect his answer to be.

CHAIRMAN: I think that the purpose ~~in serving~~ this paper, as I understand it--and I have looked it over very carefully--I think we get to General MacArthur by the most rapid means of communication, without any delays incident <sup>of</sup> converting this thing into an ironclad directive. We also find out from him, as a result of this, what he can do in the intervening time to get these views accepted in the Diet. Certainly if day after tomorrow, when he gets this, the situation in the Diet is such that he can incorporate any of these suggestions he will unquestionably do it. If he doesn't he will immediately come back to the Commission and tell us why he can't do it now.

It seems to me this is one which will <sup>make known</sup> accomplish the ~~first train~~ of the views of the Commission on this point, get those views to MacArthur in the most rapid way. Since the Diet is now considering it, I think expedition is a



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matter of considerable importance now.

ADMIRAL RAMISHVILI: The Diet is considering it, not General MacArthur. General MacArthur, in the opinion of the Commission, was not to interfere with the work of the Diet. If General MacArthur doesn't agree with this paper will he give some orders to the Diet?

CHAIRMAN: I don't think he will give any orders. The constitution has to meet certain principles, and on that we all agree, don't we? If, in the view of the Commission and MacArthur, what they are doing doesn't meet these conditions I think it is quite within his rights in making appropriate suggestions, pointing out to the appropriate members of the Diet, that in his judgment and <sup>that</sup> these of this Commission what they are doing does not conform to the basic policies underlying the creation of the constitution.

ADMIRAL RAMISHVILI: And in the case he agrees with some points?

CHAIRMAN: It seems to me he has one of two options under this paper, and that is to consult or argue. One thing or the other, he is going to have to do it rapidly. We will certainly be in a better position after we have transmitted this than we are today.

ADMIRAL RAMISHVILI: It is for information only. We don't ask for any information?



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MR. COLLINS: We ask for his views.

ADMIRAL RAMISHVILI: I want to express my positive opinion. I don't care to ask any <sup>more</sup> questions. I would like to say something.

CHAIRMAN: Go ahead.

ADMIRAL RAMISHVILI: Sir Carl said we have two alternatives and before the meeting of the Steering Committee here I was of the impression there were two alternatives, to do nothing or to do something which shows the way to do something. But there is a third alternative, to do a good thing. Sometimes I would prefer not to do anything than doing something which is not so good.

I would like to express the opinion of my Government that we consider this paper too weakening and would be happy to have a more decisive decision reciting our opinion definitely. Under the circumstances I agree with this paper, I am in favor of this paper, but we still consider that this is a long <sup>wrong</sup> step. It is a doubtful paper. I don't think General MacArthur could act decisively and <sup>do</sup> make something important. He could answer that he is still thinking of our decision. There is too much uncertainty. Even this weakened paper has left some doubt that maybe it is not practical because of the words "if practicable."



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CHAIRMAN: I think the purpose there is simply to include within the terms of the paper the practical acknowledgement that there may be something in here that will not be practicable at the moment to handle. If we had more information about the status of the paper in the Diet and if this paper had come out 2 months ago instead of now I think it would have been desirable and practicable to eliminate the words "if practicable."

*You* We do not consider this a scintillating document, Admiral, and I think the Commission would agree with you on this. The purpose of this thing is to do the best we can at this particular hour. When the Commission has had an opportunity to thoroughly study the document they will then produce and convey the directive that you are talking about now. Isn't that the view of the Commission?

ADMIRAL RAMISHVILI: We will consider that if the Chairman of the Commission finds it impracticable he will not convey this paper, but if practicable maybe we ourselves shall decide it.

CHAIRMAN: The Chairman of the Commission will certainly find it practicable to get this paper to MacArthur if it is passed by the Commission, and if the cable lines don't break down, just as soon as we can convey it to him.

MAJOR PLIMSOLL: We can strike out this "if practicable."



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MR. COLLINS: I don't see that <sup>it</sup> they serve any purpose.

CHAIRMAN: Is that all, Admiral?

ADMIRAL RAMISHVILI: Yes, I propose to strike the words "if practicable."

CHAIRMAN: The Admiral has suggested that the words "if practicable" be stricken out. Is there any second to that motion?

DR. KOO: I second it.

CHAIRMAN: All right, we will delete the words "if impracticable." What action does the Commission wish to take on the paper itself?

DR. KOO: Mr. Chairman, I think some of my colleagues have expressed a view which I share, that this paper probably does not go as far as some of us would like to make it. On the other hand, we have a very positive assurance, to which another colleague just referred, from the Supreme Commander. Might I read just one sentence in a paper, FEC-031/24. The Supreme Commander replied to a communication from this Commission in regard to the desirability of releasing policy decisions about the Japanese constitution. He said in the very first sentence, "Scrupulous care will be exercised to insure that the constitution finally adopted by the Diet contains no provision inconsistent with FEC-031/19," which



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is a paper on basic principles in regard to the Japanese constitution. I, myself, have the fullest confidence in his assurance and I think it would be very desirable in the interest of expediency that the Commission adopt this paper and forward it through the Chairman, as we are making a request to him for purposes of reference and consultation on the part of the Supreme Commander.

Therefore, if there is no motion to adopt this paper I make it in that sense.

CHAIRMAN: There is no motion until yours. Is there any second?

MR. COLLINS: I second it.

CHAIRMAN: Any further discussion?

MR. VESUGAR: There is a very minor point of drafting which I would like to draw attention to, Mr. Chairman. That is on page 3, paragraph 3(a). The last line might be--the sentence in the last line, "such as the composition of a House of Councillors." The whole paragraph 3(a) takes exception to three points in the constitution which are equally important. I feel, therefore, that it is not advisable to pick out one of these three and mention it as an example. It won't hurt the draft if we omitted these words.

CHAIRMAN: Do you make that in the form of a motion?

MR. VESUGAR: No, it is just a slight change in the



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drafting. It hardly needs a motion.

CHAIRMAN: Is there any objection to deleting those words? May I assume, then, that there is no objection to the deletion of those words by any member of the Commission.

ADMIRAL RAMISHVILI: I would like to object.

MR. VESUGAR: I have no strong views on it.

CHAIRMAN: Is there any other comment with respect to Dr. Koo's motion that this paper be approved as amended by the deletion of the words "if practicable?" If there is none it is approved.

MR. COLLINS: There is a very small point in the typing up of the document. There is the omission of one word on page 2, a typographical error. It should be "sufficiently specific."

CHAIRMAN: That is just a typographical error. May I assume, then, that this paper is approved as amended. We come to Item 6, report on Japanese external assets. That is one that has remained on the agenda at the request of the United States delegate and we still request that it be passed over, if there is no objection.

We come to Item 7, other business. I have a paper which my Government would like to introduce to the Commission. My Government is much concerned about the fact that in the 12 months that have elapsed since V-J



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Day we have made no substantial progress in the field of reparations. We feel very strongly that we are much behind, very far behind, in this most important activity and that some heroic measures are necessary in order to retrieve what can be retrieved for the time we have lost.

We suggest in this paper for the serious and prompt consideration of the Commission the establishment of a Reparations Conference, sponsored by this Commission, to be in full session, preferably out of the Washington scene. We suggest sitting on the Pacific Coast. To be charged by this Commission ~~but~~<sup>to</sup> sit in session day and night until it has returned to the Commission with an answer to the reparations problem.

I am sure that all of the governments represented at the table share the anxiety and concern of my Government, and I hope that you will be able very rapidly to consider the merits of this particular device. It is not new at all, but new in the consideration of the reparations problem in the Far East. There is no magic to it except that it will be a group that will be charged by this Commission with staying with the reparations question until they can come back here with a solution.

It has been omitted from this paper, but it could be incorporated with my complete view of giving them a month to do it or 6 weeks to do it. That would insure



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night work and Sunday work, and would represent a little better, perhaps, than the words in this paper represent the real concern of the United States Government about the necessity of very promptly and without any further delay getting a formula, a decision on the question of Japanese reparations.

I would further like to suggest that if it is agreeable to the Commission that we don't submit this paper to anybody but get the views of our governments and reconvene at the earliest moment that we are all ready to vote, prepared to consider this particular project here in the Commission.

Again, I think it is a time-saving device. Of course my Government doesn't expect any action can be taken on it at this meeting. You must consult with your governments, but I wanted to take this opportunity to say myself what perhaps would be difficult to say in the paper itself, that we are very genuinely disturbed and concerned about our record in the reparations field in the Far East.

MR. VESUGAR: Mr. Chairman, may I ask one little question. What was in your mind when you suggested that they should be away from Washington? Is it the same as in my mind?

CHAIRMAN: I don't want to speak disparagingly of



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the Washington atmosphere, but if we get them out of the city--some of them will be State Department officials, some of them will be members of the embassy staffs or of the mission staffs, <sup>or</sup> ~~and~~-if not, and they are brought here from outside, they will perhaps get duties from those staffs and it will be less easy, in our opinion, to get them completely concentrated to the exclusion of any other activity if they were to meet in Washington. The ambassador or the Secretary of State, if he is a State Department fellow, or member of the embassy working in Washington may find himself having five, six or 10 jobs a week, which will delay the progress of the Commission, and that wouldn't occur if the Conference were to meet in New York or St. Louis.

However, that is not really a vital part of the consideration. It is just one evidence of our deep concern and <sup>our desire to</sup> ~~exasperation of~~ breaking clean from every approach we have taken heretofore and <sup>to</sup> ~~starting~~ anew in a new city and ~~devoting~~ <sup>E</sup> our undivided attention in this conference to this very important subject which now, in our judgment, is belated.

MR. DOUTEAU: Mr. Chairman, may I ask a question. What is exactly behind the first sentence? How do you see the Reparations Conference coming out, if I may say, of the Far Eastern Commission. Is it special delegates



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or special administrative bodies, or is it still related with the Far Eastern Commission?

CHAIRMAN: It is a conference on reparations established by this Commission.

MR. VESUGAR: To report to this Commission?

CHAIRMAN: Yes, and report to this Commission, and this Commission will set up its terms of reference.

MR. DOUTEAU: The Far Eastern Commission will have to set up the terms of reference?

CHAIRMAN: I think it says that in here. I think the paper is complete in itself as to the establishment of the Conference by the Far Eastern Commission under these terms.

SIR GEORGE SANSON: In looking at Item 1(c)(1) it seems that the Reparations Conference would have to decide--it has to say what assets are available for transfer or allocation, it would have to decide the future economic life in Japan. This Commission has done a good deal of work on that question. I should like to be clear in my mind as to whether the Conference is going to start afresh on that very difficult problem or whether it is just going to make up its own mind without very long research and just settle on certain features, or would it make use of studies already made by the Commission? That is the first point I would like to



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ask because I can't foretell the reaction of my Government to the paper to some step like this. How will the economic life be settled? Is it to be left entirely to the Conference? That is the first point.

The second point is that ~~as at present constructed~~ I know that my Government has firmly all along held the view that the division of shares should not be left to anybody inferior to the Far Eastern Commission.

CHAIRMAN: It seems to me, Sir George, that on the first point that certainly it would be in the interest of expedition to utilize the work that has already been done by the Commission and what has been done should be brought into the new Conference. That goes as to our standard of living studies and decisions.

On the second point I think it is the view of my Government that some little sacrifice perhaps will have to be made, that is, some change of view will have to be made on the part of all of us with respect to the ideas and views we had 6 months ago. The division of shares is of interest to my Government as well as to all governments, but we don't feel on our side that a conference sponsored by this Commission wouldn't be able to protect the United States interests amply, both by the controls we would exercise by the United States member of this Commission and the United States member of the Conference



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and by the instructions which our Government could give directly, if it wanted to, a member of the Conference, and by the <sup>re</sup>view that is assured here before this Commission.

I am completely inclined to agree with you, Sir George, that that isn't as good as the business of deciding it at this table, but the record of the Commission up to this point in reparations, for a variety of reasons, has been not of the very best. ~~through--I can't put my finger on it.~~ We are willing to change some of our views about the ability of the Commission itself to handle this, but not to lose control of it. We feel that the Commission should still control it, but that it should be assigned to a group who will work on it 7 days a week until they have got it finished.

SIR GEORGE SANSON: There is one other point. In paragraph 2 would it be by unanimous vote?

CHAIRMAN: I don't think any change in the voting procedure is contemplated. I might add that our inspiration for this idea was the very remarkable results achieved by IARA in the Paris conference where we locked up a number of delegates who settled the western reparations and stayed with the job and accomplished a big job that was satisfactory to all governments in a remarkably short period of time. We are a little



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sensitive on the Japanese flank about the excellence of the reparations work on the European side of the department and by the rather bleak situation on the Japanese side.

SIR GEORGE SANSON: I am all in favor of locking up the delegates.

MR. DOUTEAU: Mr. Chairman, I beg your pardon, but I am not very clear yet on the answer you gave to Sir George on the voting procedure in the Reparations Conference.

CHAIRMAN: We contemplate no change in the voting procedure in the Commission as a result of this paper. We don't propose any voting change. Is that clear?

MR. DOUTEAU: Yes, thank you.

CHAIRMAN: Either the Conference <sup>or</sup> of the Commission.

MR. VESUGAR: I am sorry, Mr. Chairman, I am still not clear. At present the committees of the Far Eastern Commission vote on a simple majority, but in the Commission itself there is, as we know the veto procedure. Now what would be the good of locking up these delegates if they come with a majority decision which can be vetoed at this point?

CHAIRMAN: It seems to me we would be willing to discuss that when the paper comes up, but we think we would accomplish a great deal. At least we will have on



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this table a complete reparations agreement which so far we haven't been able to achieve. In other words, there have been no reparations agreements come to <sup>before</sup> the Commission. As the Secretary General points out, if we could achieve in the Conference a unanimous report on reparations, that would be simple. There might be a different result. We think a great deal would be accomplished though. We will be willing to discuss that if we could get a reparations settlement presented by this Conference to the Commission rapidly.

DR. KOO: Mr. Chairman, without wishing to commit my Government as to the content of this paper, I do wish to say that we fully share the concern and anxiety of the United States Government for an early settlement of this reparations question. We would like to see the whole question tackled in the most prompt as well as the most effective way so that agreement could be reached at an early date.

I wish, however, at this stage to express my appreciation of the spirit in which this proposal has been put forward, and we fully share it. I will not fail to consult with my Government at the earliest date so as to get its reaction, which I will be prepared to bring before the Commission.

There is only one phrase here which perhaps you



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would be good enough to explain. In paragraph 4, "resolving disputes," I take it that is disputes in reaching any implementation at the Conference and does not refer to any matters on which agreement could not be reached in the Conference. Am I correct?

CHAIRMAN: Yes, that is the idea. In other words, we would want the Conference to come forward with a complete project.

MAJOR PLIMSOLL: If two countries are contemplating the same machinery--

CHAIRMAN: It has arisen in Europe and it will arise unquestionably in the Far East where one floating dock will be wanted by more than one power. How do we settle that? What machinery should be established to decide who gets what when there is a dispute?

MR. DOUTEAU: Mr. Chairman, that would be the same as the inter-allied reparations in Brussels, IARA.

CHAIRMAN: I have nothing else to say on behalf of my Government about this paper except again to express concern about the necessity for this or some other device that will rapidly resolve our reparations difficulties. If there is no other discussion we will pass on to the next item.

Is there any other new business? Mr. Secretary General, I guess that comes to the news.



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MR. JOHNSON: We have on the press release Item 1, General Hilldring acted as chairman pro tem. Item 2, U. S. proposal for reparations conference and that the FEC is proposing it as a matter of urgency.

ADMIRAL RAMISHVILI: Mr. Chairman, I don't think we should announce that now.

CHAIRMAN: Is there any discussion? The Secretary General has proposed that the American proposal for the reparations conference be included in the press conference and the delegate from the U.S.S.R. believes that that would not be wise at this moment. Is there any other view on that?

MR. DOUTEAU: I think we should wait at least until we have received word from our governments.

CHAIRMAN: The United States has no objection to withholding public announcement.

MR. JOHNSON: That leaves us one item.

CHAIRMAN: That could easily be deleted. Is there anything else? If not, the meeting stands adjourned.

(Whereupon the meeting adjourned at 11:50 a.m.)







22dFAR EASTERN COMMISSIONTranscript of Twenty-Second Meeting of the Far Eastern CommissionHeld in Main Conference Room, 2516 Massachusetts Avenue, N.W.Thursday, 1 August 1946



**FAR EASTERN COMMISSION**

**Transcript of Twenty-Second Meeting of the Far Eastern Commission**  
**Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.**  
**Thursday, 1 August 1946**

**REPRESENTATIVES PRESENT**

The Honorable John H. Hilldring, Chairman Pro Tem (U.S.A.)	
Major J. Plimsoll	(Australia)
Dr. George S. Patterson	(Canada)
Dr. V. K. Wellington Koo	(China)
Major M. O.A. Baig	(India)
Dr. A. D. A. de Kat Angelina	(Netherlands)
Colonel G. R. Powles	(New Zealand)
Brigadier General Carlos P. Romulo	(Philippines)
Rear Admiral S. S. Ramishvili	(U.S.S.R.)
Mr. H. A. Graves	(U.K.)

**SECRETARY-GENERAL**

Mr. Nelson T. Johnson

Reporter: V. Voce, Department of State



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

SECRETARY-GENERAL: Gentlemen, the Chairman is still detained in New York and it is therefore necessary to proceed as at the last meeting and elect a Chairman Pro Tem. I would be glad to have nominations.

COLONEL POWLES: I nominate General Hilldring.

MR. GRAVES: I second it.

SECRETARY-GENERAL: It has been moved and seconded that General Hilldring be elected Chairman Pro Tem.

CHAIRMAN: If the delegates are ready, the meeting of the Commission will come to order.

ITEM I - - APPROVAL OF THE MINUTES OF THE 21ST MEETING.

CHAIRMAN: The first item on the agenda today is the approval or other action on the minutes of the 21st meeting of the Commission. Has any delegate any comment to make on the minutes of the last meeting? May I assume then that the minutes are approved as submitted by the Secretary?

ITEM II - - PROVISIONS FOR THE REVIEW OF A NEW JAPANESE CONSTITUTION (FEC-031/28)

ITEM III - - REPORT ON JAPANESE EXTERNAL ASSETS (FEC-072)

CHAIRMAN: Items II and III, I think, are the hold-



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overs from before, awaiting - - as I remember - - instructions from the Soviet Government. Does my Soviet Colleague have anything to say on that?

REAR ADMIRAL S.S. RAMISHVILI: No instructions. We have no instructions yet.

CHAIRMAN: Therefore, I assume the Commission desires to keep these two items on the agenda.

MAJOR PLIMSOLL: On the question of review of the constitution, Mr. Chairman, I'm not very happy about leaving the matter to go on from week to week in this way. It might be polite in a diplomatic way<sup>40</sup> of letting things slide indefinitely, but the position was that the whole of the Commission agrees with the paragraph as it is now before us and if the Soviet Government adds a paragraph that the constitution must be approved by the Far Eastern Commission before it is legally enforced - - - but my impression is that no government on this Commission accepts the Soviet view; and the attitude that seemed to emerge was that the provision which the Soviet Section presents is an entirely different matter which is not connected in any way with the paper that is before us. I can see a great deal of practical utility in one country holding back its consent to another thing but not when the thing being held



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back is to the interest of other countries. It is just as important to the other countries as it is to the Soviet country. Once that constitution has been drawn up and accepted it will be quite impossible for the Commission to do anything about what will take place in two years time. But I'm agreeable to deferment if it means the Soviet Union is likely to receive instructions.

CHAIRMAN: Admiral, do you care to comment on Major Plimsoll's remarks?

REAR ADMIRAL RAMISHVILI: No, sir.

COLONEL POWLES: Would it be possible, Mr. Chairman, for a special meeting of the Commission to be called immediately when the Admiral is in a position to give his government's view?

CHAIRMAN: I believe that we have an understanding in the Commission with the Admiral that as soon as he has received instructions from his government he will notify the Secretariat, and I think the Commission has obligated itself to sit at once in such event.

REAR ADMIRAL RAMISHVILI: Yes.

CHAIRMAN: So, I think that is a continuing understanding of the Commission, as I understood it.

REAR ADMIRAL RAMISHVILI: Yes, sir.

CHAIRMAN: Is there any other comment on either of