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E.O. 11652, Sec 3(E) and 5(D) or (E) NNDG# 760050

894.801/1-145 -- 12-3148 - 49

393

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

DATE: August 9, 1948

TO : NA - Mr. Allison

FROM : O * Mr. Ray

SUBJECT: French Attitude toward Japanese Maritime Safety Board.

~~Carl Blakeslee~~

894.801/8-948

The enclosed draft memorandum to the U.S. Member, Far Eastern Commission, has been prepared in an effort to reconcile the views you expressed in our telephone conversation last week with the views of Messrs. Johnson and Blakeslee, who have also been consulted.

The last paragraph of the attached draft is acceptable to Dr. Blakeslee.

Will you kindly approve or revise and return to this office for further necessary clearance? Should we clear also with L/M?

Jod

CS/A

Attachment:

Draft memo to FEC/enclosures.

DIVISION OF NORTHEAST ASIAN AFFAIRS

AUG 10 1948

DEPARTMENT OF STATE

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894.801/8-948

SEP 14 1948

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STANDARD FORM NO. 64

CONFIDENTIAL

~~Mr. Ray~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : NA - Mr. Allison

DATE: August 13, 1948

FROM : O - Mr. Ray

SUBJECT: French Statement on Japanese Coastal Patrol.

I have reported to Dr. Blakeslee your view that the formal French statement in open Commission meeting required equally public response.

He would rather circulate a U. S. information paper on the subject than present a U. S. statement orally in a Commission meeting. This course of action would serve your purpose but leave the initiative for further discussion of the matter to the French or other interested delegations.

Attached draft instruction is designed for this purpose. If you approve, please return to me for further clearance.

894.801/8-1348

I'll agree to this method although I see no reason why an oral statement shouldn't be made
J. Ray

Attachment:

Memo to U.S. Member, FEC.

CSA

O:JFRay,Jr:mm

Mr. Tolson	
Mr. E.A. Tamm	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

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894.801/8-1348

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DRAFT MEMORANDUM TO THE U. S. MEMBER
Far Eastern Commission

Subject: Coastal Patrol (305 series)

Draft revised.

At the 114th meeting of the Commission on 8 July 1948, in the course of discussion of the report of the Steering Committee on the Maritime Safety Authority Law, the French member offered a formal statement on this subject. This statement set forth the opinion of the French Delegation that the internationally recognized procedure for visiting a vessel can be carried out in Japanese territorial waters under the present circumstances of the occupation only under the jurisdiction of SCAP, acting in behalf of the Allied Powers. On the same occasion, the Chinese member reserved the right to submit a statement on the same subject upon receipt of instructions which had been sought from his Government.

The opinion of the French Delegation has been communicated to SCAP and has been considered by the U.S. Government. The position of your Government with respect to the opinion of the French delegation is as follows:

SCAPIN 996 directs the Japanese Government "to take all necessary steps to stop illicit import and export trade." SCAPIN 756, as amended by SCAPIN 1218, prescribes the extent of Japanese Government jurisdiction over United Nations nationals.

The Maritime Safety Authority Law having been enacted in full conformity with and in implementation of the provisions of the cited directives of SCAP, the Maritime Safety Board created under this law is, with respect to its statutory functions, an authorized agent of SCAP.

The duly appointed officials of the Maritime Safety Board will therefore exercise the authority of stopping and searching foreign or

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allied vessels in Japanese territorial waters under the jurisdiction and subject to the executive authority of SCAP. The lawful orders which they issue as authorized agents of SCAP will require obedience as though issued directly from their principal."

You are hereby requested to communicate in such manner and on such occasion as you may deem appropriate, the substance of the U.S. Views to the French member and to any other member of the Commission who may express an opinion on this subject similar to that of the French delegation. You are further authorized in your discretion to make or issue a statement along these lines to the Commission or to any of its members.

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DEPARTMENT OF THE ARMY
WASHINGTON, D. C.

~~RAY~~
Will
1948
no act, regid
circumstances noted
news referred to, which
signed 9/2/48
19 August 1948

P&O 091 Japan (19 Aug 48)

MEMORANDUM TO THE DEPARTMENT OF STATE:

ATTENTION: Mr. J. Franklin Ray, Jr., Office of the Assistant
Secretary of State for Occupied Areas

SUBJECT: French Statement on Japanese Coastal Patrol

The Department of the Army concurs in the memorandum to the
U.S. Member, Far Eastern Commission forwarded to the Department
of the Army as an inclosure to the memorandum from Mr. J. Franklin
Ray, dated 16 August 1948, on the above subject.

FOR THE SECRETARY OF THE ARMY:

W. H. Grant
W. H. GRANT
Lt Colonel, GSC

894.801/8-1948

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DIV. OF FOREIGN ACTIVITY CORRELATION
AUG 30 1948
DEPARTMENT OF STATE
DIV. OF RECORDS
DEPARTMENT

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Colonel Lawler, Plans & Policy Group,
Plans and Operations Division, Dept. of the Army.
Mr. J. Franklin Ray, Jr., Office of the Assistant Secretary of State
for Occupied Areas.
French Statement on Japanese Coastal Patrol.

August 16, 1948

Mr. Claxton has advised me that you are the action officer for the Department of the Army on the above subject, (Item 23 on the list circulated by Mr. Claxton on August 3). Attached are copies of (a) memo to Mr. Allison dated August 13, and (b) draft memo for the U.S. Member, Far Eastern Commission, which is in the process of clearance within the Department of State. These papers are believed to be self-explanatory.

In conformity with the agreed plan to coordinate U.S. positions on FEC matters during the recess of the FEC, will you kindly expedite the review and clearance of the attached draft within the Department of the Army, and keep the writer advised of the action on this matter.

Attachment:

1. Memo to Mr. Allison
2. Draft Memo for the U.S. Member, FEC.

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September 2, 1948

MEMORANDUM FOR THE UNITED STATES MEMBER,
FAR EASTERN COMMISSION

Subject: Coastal Patrol (305 Series)

At the 114th meeting of the Commission on 8 July 1948, in the course of discussion of the report of the Steering Committee on the Maritime Safety Authority Law, the French member offered a statement setting forth the opinion of the French Delegation that the internationally recognized procedure for visiting a vessel can be carried out in Japanese territorial waters under the present circumstances of the occupation only under the jurisdiction of SCAP, acting in behalf of the Allied Powers.

The views of SCAP on this subject, which are fully supported by the United States Government, are as follows:

SCAPIN 996 directs the Japanese Government "to take all necessary steps to stop illicit import and export trade." SCAPIN 756, as amended by SCAPIN 1218, prescribes the extent of Japanese Government jurisdiction over United Nations nationals.

The Maritime Safety Authority Law having been enacted in full conformity with and in implementation of the provisions of the cited directives of SCAP, the Maritime Safety Board created under this law is, with respect to its statutory functions, an authorized agent of SCAP.

The duly appointed officials of the Maritime Safety Board will, therefore, in any exercise of authority to stop and search foreign or allied vessels in Japanese territorial waters, be acting under the jurisdiction and subject to the executive authority of SCAP. The lawful orders which they issue as authorized agents of SCAP will require obedience as though issued directly from their principal.

You are hereby requested to communicate the foregoing United States views to the members of the Commission.

DOB - NE Unit
Aug 12 1948 P.M.
JFRay, Jr; MM
8/12/48

CHARLES E. SALTZMAN
Charles E. Saltzman
Assistant Secretary

A true copy of the signed original. CR/AM

OE
(not interested)

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Army (P&O)
phone attached
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894.801/10-12-48



THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

ACTION
is assigned to

FE

United States Political Adviser
for Japan

Tokyo, February 3, 1949.

6 DIVISION OF
NORTHEAST ASIAN AFFAIRS

No. 68

FEB 10 1949

DEPARTMENT OF STATE

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Wanda
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Subject: Correction of English Translation of Maritime Safety Board Law.

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The Acting Political Adviser has the honor to invite the Department's attention to a correction in the English translation of the Maritime Safety Board Law (Law No. 28, April 27, 1948).

Enclosed is a copy of a note dated December 6, 1948, from the United Kingdom Liaison Mission in Japan to this Headquarters pointing out a discrepancy between the English translation of the law and the Japanese original involving the phrase "on the high seas adjacent to Japan" and requesting that the matter be brought to the notice of the Japanese Government. A copy of this Headquarters' reply dated January 15, 1949, stating that an appropriate correction would be made by the Japanese Government, is also enclosed.

The English edition of the Official Gazette for October 13, 1948, which was recently published, contained the requested correction. Enclosed is a copy of that portion of page 5 thereof giving the correction.

It is suggested that this correction be brought to the attention of the Far Eastern Commission, perhaps by insertion in the weekly summary of information submitted to the Commission by the Civil Affairs Division of the Department of the Army.

Enclosures: *att*

1. Copy of a note dated December 6, 1948, from the United Kingdom Liaison Mission.
2. This Headquarters' reply dated January 15, 1949.
3. Copy of requested correction on page 5 of the Official Gazette for October 13, 1948.

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Original and hectograph to the Department

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Enclosure No. 1 to Despatch No. 68 dated February 3, 1949 from the United States Political Adviser for Japan, Tokyo, on the subject "Correction of English Translation of Maritime Safety Board Law".

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(C O P Y)

The United Kingdom Liaison Mission in Japan presents its compliments to General Headquarters, Supreme Commander for the Allied Powers, and has the honour to request that, if there be no objection, the following matter be brought to the notice of the Japanese Government for appropriate action.

In the first sentence of Article 1 of the Maritime Safety Board Law (No. 28 of 1948) as published in the English Edition of the Official Gazette of the Japanese Government No. 620 dated 27th April, 1948, the phrase "on the high seas adjacent to Japan" appears. The Japanese text of the law as passed by the Diet, however, which is published in the Japanese Official Gazette of 27th April, 1948, does not contain this phrase and this was brought to the notice of the Far Eastern Commission in paper No. SC305/5 of the 21st April, 1948. It is apparent therefore, that the English translation of the first sentence of Article 1 as published in the English Edition of the Gazette of the 27th April, 1948, requires amendment by the deletion of the phrase referred to above.

It will be appreciated that so long as the phrase "on the high seas adjacent to Japan" remains in the official English translation of the Maritime Safety Board Law as published in the Gazette, it will be liable to misconstruction and, were this phrase in fact a true translation of the Japanese text, it would be a matter upon which His Majesty's Government in the United Kingdom might consider themselves compelled to make representations.

6th December, 1948.

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Enclosure No. 2 to Despatch No. 68
dated February 3, 1949 from the United
States Political Adviser for Japan,
Tokyo, on the subject "Correction of
English Translation of Maritime Safety
Board Law".

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(C O P Y)

The Diplomatic Section, General Headquarters, Supreme Commander for the Allied Powers, presents its compliments to the United Kingdom Liaison Mission in Japan and has the honor to refer to the latter's note of December 6, 1948 concerning the English translation of Article 1 of the Maritime Safety Board Law (Law No. 28, April 27, 1948).

The request contained in the Mission's note that the phrase "on the high seas adjacent to Japan" be deleted from the English translation of the law was brought to the attention of the Japanese Government, which reports that the following notice of correction will be inserted in the English edition of the Official Gazette for October 13, 1948, which will be published shortly:

Part of English Official Gazette No. 620 of 1948
concerning Maritime Safety Board Law (Law No. 28
of 1948) shall be corrected as follows:

In Article 1, Paragraph 1, the phrase "on the
high seas" shall be deleted.

Tokyo, January 15, 1949

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Enclosure No. 3 to Despatch No. 68
dated February 3, 1949 from the United
States Political Adviser for Japan,
Tokyo, on the subject "Correction of
English Translation of Maritime Safety
Board Law".

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Requested correction on page 5 of the Official Gazette for
October 13, 1948:

C O P YE R R A T A

In Article 1, Paragraph 1, of the Maritime Safety
Board Law (Law No. 28 of 1948) in official gazette dated
April 27, 1948, "on the High seas" shall be deleted.

Secretary of Prime Minister's Office

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