

FEC-07011 June 1948FAR EASTERN COMMISSIONCOMPOSITION OF THE NEW JAPANESE GOVERNMENTNote by the Secretary General

The enclosure, a statement by the U.S.S.R. Representative regarding the composition of the new Japanese Government, submitted by the U.S.S.R. Representative, is circulated herewith for the consideration of the Far Eastern Commission.

NELSON T. JOHNSON
Secretary General

FEC-070

ENCLOSURECOMPOSITION OF THE NEW JAPANESE GOVERNMENT

One of the basic objectives of Japan's surrender, as stated in the Article 6 of the Potsdam Declaration is the elimination for all time "the authority and influence of those who have deceived and misled the people of Japan into embarking on world conquest... for a new order of peace, security and justice will be impossible until irresponsible militarism is driven from the world". In the matter of fulfillment of this most essential objective the ability of the Japanese government "to remove all obstacles to the revival and strengthening of democratic tendencies among the Japanese people" (Potsdam Declaration, Article 10) acquires the primary importance. It is obvious that such a task can only be fulfilled by a government which is composed of politicians who are faithfully devoted to the ideas of democracy and are ready to fight consistently for the establishment of a truly democratic regime in Japan.

Persons who took an active part in the development and exercise of imperialistic policy of Japan in the past, cannot be members of a democratic government which is called to carry out broad democratic reforms in Japan.

The government of Japan formed after the recent elections to the Diet, does not meet at all the requirements mentioned above.

Among the members of the newly formed government there are three ministers formerly active members of "Imperial Rule Assistance Association", "Imperial Rule Assistance Political Society", Political Association of Great Japan" and "East Asia League", the former members of which organisations fall under the purge directive of the Supreme Commander of January 4, 1946.

Some members of the present Japanese Government were active members of reactionary cabinets of Japan in the past and their political and public activities were closely connected with the

preparation and carrying out of the policy of Japanese militarism.

In confirmation of the aforesaid it will be sufficient to give here a short political record of the members of the new Japanese Cabinet, who by their political ideology and political activities the past are undesirable as members of the new Japanese government.

1. Ishibashi, Tanjan, minister of finance: during the war was a member of the Research Commission of "The Imperial Rule Assistance Association".

2. Hoshijima, Jiro, minister of trade and communications: during the war was a member of "the Imperial Rule Assistance Political Society" and "the Association of Greater Japan"; he held the post of parliamentary vice-minister of Justice.

3. Hitotsomatsu Sadakichi, minister without portfolio: during the war was a member of the Council of "the Imperial Rule Assistance Political Society" and a member of "the East Asia League"; when public prosecutor of the Supreme Court in 1929 he proved to be a person of extreme cruelty and it was he who initiated the establishment of special solitary confinement cells for prisoners; he held the office of the parliamentary vice-minister of Health.

4. Omura, Seiichi, minister of Home Affairs; in 1940 Vice-Minister of Education in the Konoyo cabinet; in 1937 was the head of the Police of the Home Office; in 1943-44 was director of North-China Railway Company; in connection with the latter fact he falls under the purge directive of the Supreme Commander of January 4, 1946 (Appendix "A", Section E).

It is quite clear that the cabinet, which contains such politicians connected with the Japanese militarism is not capable of carrying out a consistent policy of democratization in accordance with the political principles laid down in the Potsdam Declaration.

The Far Eastern Commission is an Inter-Allied political body which must "formulate the policies, principles and standards in

conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished".

Section III, Item 3 of the Terms of Reference of the Far Eastern Commission, providing that the directives by the United States Government on such an important political measure as the change of the Japanese Government may be issued "only following consultation and following the attainment of agreement in the Far Eastern Commission", proceeds from the assumption; 1) that on such an important matter as the question of change in the Japanese Government a directive must necessarily be issued; and 2) that a discussion must take place in the Far Eastern Commission, which would make it possible to reach an agreement. However, the Far Eastern Commission is not aware of any directives issued by the United States Government on this question, and moreover, on the part of the U. S. Government no consultation at all with the FEC has taken place as a result of which such a directive could have been issued. Thus, it is clear that the circumstances under which the change of the government took place, are obviously not in compliance either with the letter or the spirit of the Moscow Agreement which gives the right to the FEC as an Inter-Allied body to voice its opinion on such question as the change of Cabinet and lay down the appropriate policy.

The Soviet delegation is convinced that the course which was taken in the matter of the change of the Japanese Government and which actually removes the Far Eastern Commission from any participation in this matter in compliance with its Terms of Reference, cannot and must not be explained by the argument that the occupation authorities do not wish to interfere with the internal affairs of Japan. The Policy of non-interference in the question of organization of the Japanese Government, particularly in respect to the composition of the Cabinet, can bring much harm to the interests of the Allies and may serve as the reason for non-fulfillment by Japan of its obligations under the Terms of Surrender.

Proceeding from the intention to facilitate by every means the full and earliest implementation of the provisions of the Potsdam

Declaration and attaching great political importance to the question of the composition of the new Japanese government, the Soviet Delegation, in full compliance with the jurisdiction of the Far Eastern Commission, considers it necessary to discuss the question of the change of the Japanese Cabinet at the Far Eastern Commission and pass on this question a policy decision which will serve as the basis for the appropriate directives of the United States Government.

The Soviet Delegation suggests the following draft of the policy decision:

"In view of the presence in the new Japanese Government of a number of persons who fall, due to the character of their activities in the past, under the Supreme Commander's purge order of January 4, 1946, the Far Eastern Commission believes that the present composition of the said government is not capable of ensuring the fulfillment by Japan of its obligations under the Terms of Surrender, and therefore, for the purpose of ensuring a full and earliest fulfillment of the objectives of "democratization" of Japan and of the other objectives of occupation as defined by the Potsdam Declaration, it considers necessary that the following ministers be removed from the present Japanese Government: Ishibashi Tanjan, Hoshijima Jiro, Hitotsomatsu Sadakichi and Omura Seiichi".

FEC-070/1

24 June 1946

FAR EASTERN COMMISSION

COMPOSITION OF THE NEW JAPANESE GOVERNMENT

Note by the Secretary General

1. At the 15th Meeting of the Far Eastern Commission on 12 June 1946, the Chairman was requested to obtain information as to the Supreme Commander's reasons for permitting the three individuals named in FEC-070 to hold office. The Chairman agreed to obtain this information.

2. The Supreme Commander has been consulted in this connection and his reply is circulated herewith as the enclosure, for the information of the Commission, and is referred to COMMITTEE NO. 4: STRENGTHENING OF DEMOCRATIC TENDENCIES for consideration in connection with FEC-070.

NELSON T. JOHNSON
Secretary General

FEC-070/1

E N C L O S U R EREPLY OF THE SUPREME COMMANDER FOR THE ALLIED
POWERS RELATIVE TO THE SOVIET STATEMENT
CONCERNING THE NEW JAPANESE GOVERNMENT
(FEC-070)

The Japanese Government screened all the ministers in the present Cabinet before they were appointed in accordance with the January 4 purge directive. SCAP has reviewed the information which is available and supports completely the action of the Government in this connection. The allegations made in the Soviet paper before the Far Eastern Commission would not bring the ministers referred to within the purview of the January 4 directive nor make them subject to purge in accordance with that directive. The directive states that to be purged a person must have been "a founder or national officer, a national director, a national committee chairman or a leading official" or "an editor of a publication or organ" of a prescribed association. None of the ministers fall within these categories. The other positions specified by the Soviet paper are not included in the January 4 directive as a basis for purge.

FEC-070/224 July 1946FAR EASTERN COMMISSIONCOMPOSITION OF THE NEW JAPANESE GOVERNMENTNote by the Secretary General

1. The Far Eastern Commission at its 15th Meeting on 12 June 1946 directed Committee No. 4: Strengthening of Democratic Tendencies to consider FEC-070 and FEC-070/1 on the subject of the composition of the new Japanese Government and to report back to the Commission via the Steering Committee.

2. Committee No. 4, at its 14th Meeting on 17 July 1946, decided that in the cases of HITOTSUMATSU Sadayoshi, HOSHIJIMA Jiro, ISHIBASHI Tanzan, or OMURA Seiichi, information so far available does not justify their elimination from political activity in accordance with the terms of the directive issued by the Supreme Commander for the Allied Powers on 4 January 1946. It was agreed that if additional information should alter the situation, the matter would be reopened. Committee No. 4 therefore recommended to the Steering Committee that no action be taken on this question for the present.

3. The Steering Committee, at its twenty-second meeting, 23 July 1946, unanimously approved the recommendation of Committee No. 4.

4. The enclosure, a Soviet Statement explaining its position and the above recommendation of the Steering Committee is forwarded herewith for the consideration of the Far Eastern Commission.

NELSON T. JOHNSON
Secretary General

FEC-070/2

E N C L O S U R ESTATEMENT BY SOVIET MEMBER OF COMMITTEE NO. 4
ON STRENGTHENING DEMOCRATIC TENDENCIES OF NEW
JAPANESE GOVERNMENT

The Soviet Group, as is already pointed out in its statement FEC-070, proceeding from the intention to facilitate by every means the full and earliest implementation of the provisions of the Potsdam Declaration and attaching great political importance to the question of the composition of the new Japanese Government, in full compliance with the jurisdiction of the Far Eastern Commission, considered it necessary to discuss at the Far Eastern Commission the question of the newly composed Japanese Cabinet and pass on this matter a policy decision. In accordance with the data at its disposal the Soviet Group has ascertained that the four members of the Japanese Cabinet should have been affected, in its opinion, by the Supreme Commander's purge order of January 4, 1946 and therefore proposed to raise the question of removal of the said persons from the Cabinet.

The Supreme Commander's reply to our statement and the explanation presented by the U.S. member assert that the persons in question, however being former members of the associations at present dissolved and prohibited, have not occupied any leading positions in such associations and consequently are not affected by the provisions of the purge order. Making a note of these statements the Soviet Group cannot help expressing its conviction in that such politicians as:

Ishibashi Tanzan, present minister of finance;
Hoshijima Jiro, minister of trade and communications;
Hitotsumatsu Sadakichi, minister without portfolio, and

Omura Seiichi, minister of Home Affairs, all being former members of the prohibited associations, could not hold in their time only secondary positions in such associations. It is quite obvious that these persons have actually been influential members of these associations and have escaped the purge, however, rightly deserved by them, only for merely formal reasons as not having held any of the official positions affected by the Supreme Commander's order. Though by letter of the law all these persons are not subject to purge, by spirit of the Supreme Commander's purge order, however, and by its principal idea, they should have been removed from the Government.

FEC-070/3

26 July 1946

FAR EASTERN COMMISSION

COMPOSITION OF THE NEW JAPANESE GOVERNMENT

Note by the Secretary General

The Far Eastern Commission at its twenty-first meeting, 25 July 1946, unanimously adopted the recommendation of the Steering Committee, to the effect that no further action be taken for the present on the question of the elimination from political activity of the four individuals enumerated in paragraph 2 of FEC-070/2.

NELSON T. JOHNSON
Secretary General

FEC-070/3

June 1946

FAR EASTERN COMMISSION

POSTAL COMMUNICATION WITH JAPAN

Note by the Secretary General

1. The enclosure, a statement relative to postal communication with Japan, made by the United States member of the Steering Committee, at the seventeenth meeting of the Committee, 11 June 1946, is forwarded herewith for the consideration of the Far Eastern Commission.

2. The Steering Committee unanimously agreed to forward the enclosure to the Commission without recommendation.

NELSON T. JOHNSON
Secretary General

E N C L O S U R ESTATEMENT BY THE UNITED STATES MEMBER OF THE STEERING COMMITTEE

The United States Government, after consultation with the Supreme Commander for the Allied Powers is planning to propose to interested governments that limited civilian mail service be resumed with Japan. Mail matter for the present would be restricted to postcards. It is proposed that the service be resumed about the middle of July, after adequate notice has been given to other interested governments.

This would appear to be primarily a matter of administration and not of policy. The United States Government, however, before taking action in the premises, desires to ascertain whether or not the Commission wishes to establish a policy in regard to the resumption of civilian mail service with Japan.

Does the Steering Committee wish to refer this matter to the proper committee or will it be satisfied to leave the matter in the hands of the United States Government?

FEC-071/1

13 June 1946

FAR EASTERN COMMISSION

POSTAL COMMUNICATION WITH JAPAN

Note by the Secretary General

The Far Eastern Commission, at its fifteenth meeting, 12 June 1946, unanimously agreed that the question of the resumption of limited postal communications with Japan was one of administration by the United States Government and the Supreme Commander for the Allied Powers, and did not call for a policy decision by the Commission. The Secretary General was instructed to keep the Commission informed of developments.

NELSON T. JOHNSON
Secretary General

FEC-071/1

CONFIDENTIALFEC-071/24 September 1946FAR EASTERN COMMISSIONPOSTAL COMMUNICATION WITH JAPANNote by the Secretary General

1. The Far Eastern Commission, at its fifteenth meeting, on 12 June 1946, unanimously agreed that the question of the resumption of limited postal communications with Japan (FEC-071) was one of administration by the United States Government and the Supreme Commander for the Allied Powers, and did not call for a policy decision by the Commission. The Secretary General, however, was instructed to keep the Commission informed of the details of the resumption of postal communications.

2. The enclosure, the text of a statement by the United States Government with respect to the details of the establishment of restricted mail service from the United States to Japan, scheduled for release to the press at noon on 5 September 1946, has been received by the Secretary General, and is circulated herewith for the information of the Far Eastern Commission.

3. Because of the time designated for official release of the enclosure to the press, it has been classified as "Confidential" and its disclosure to unauthorized persons or to the press prior to noon of 5 September 1946 is prohibited.

HUGH D. FARLEY
Acting Secretary General

FEC-071/2

CONFIDENTIAL

ENCLOSURE

PRESS RELEASE ON ESTABLISHMENT OF RESTRICTED
MAIL SERVICE FROM UNITED STATES TO JAPAN

(Not to be released before noon, 5 Sept. 1946)

Effective September 10, 1946, a restricted mail service will be established from the United States to Japan. This service will be limited to post cards and ordinary unregistered and uninsured gift parcels and will extend only to the islands of Honshu, Kyushu, Shikoku, and Hokkaido.

Post card communications are restricted to messages of a personal or family nature written in English, Chinese, Japanese, French, Korean, Russian, or Spanish.

Gift parcels must not exceed 11 pounds in weight and only one parcel per week may be sent by or on behalf of the same sender to or for the same addressee. The parcels will be subject to the postage rate of 14¢ per pound or a fraction thereof.

Contents of gift parcels are limited to essential relief items such as nonperishable foods, clothing, soap, and mailable medicines.

The parcels and relative customs declarations must be conspicuously marked "gift parcel" by the sender who must itemize the contents and value of the customs declarations.

Parcels which are undeliverable will not be returned to senders, but will be turned over to authorized Japanese relief agencies.

Post cards and parcels should be addressed in English, but it will be permissible for the addresses to be shown also in any of the other languages listed in the second paragraph of this order, provided those addressed in Chinese, Japanese, Korean, or Russian languages bear an interlined translation in English of the names of the post office, island, and country of destination.

The export control regulations of the Office of International Trade, Department of Commerce, Washington 25, D. C., are applicable to parcels for delivery in Japan.

FEC-071/3RESTRICTEDFEC-071/330 December 1946FAR EASTERN COMMISSIONEXTENDED POSTAL COMMUNICATIONS WITH JAPAN
(Reference: FEC-071/1)Note by the Secretary General

1. The enclosure, a projected press release relative to the relaxing of certain restrictions against business and commercial communications with Japan and Germany, is circulated herewith by the Secretariat for the information of the Far Eastern Commission.
2. This additional information relative to postal communications with Japan was obtained by the Secretary General pursuant to the Commission's instructions of 12 June 1946.
3. The text of the enclosure will be released to the press by the United States Departments of State and Treasury on 2 January 1947.
4. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of the information contained therein to unauthorized persons or to the press before 2 January 1947.

NELSON T. JOHNSON
Secretary General

FEC-071/3

RESTRICTEDE N C L O S U R EEXTENDED POSTAL COMMUNICATIONS WITH JAPAN
(For Release 2 January 1947)

The State and Treasury Departments today announced the issuance of Public Circular No. 34 relaxing certain wartime restrictions against business and commercial communication with Germany and Japan. This action was made possible by the decision of the Allied Control Council in Germany that postal communications limited to the ascertainment of facts and the exchange of information should be permitted between Germany and other countries. Similar action has been taken with respect to Japan by the Supreme Commander for the Allied Powers. It was stated, however, that all communications will be subject to censorship in Germany and Japan. Under the regulations in effect in Germany, correspondence with Germans relative to German external assets, even of a simple informational character, will not be passed by censorship. A similar restriction is in effect in Japan. In addition telecommunication service with Japan with similar limitations as to content of communications, has now been opened, with the provision that payment for messages be made in dollars.

Examples of communications which may freely be exchanged are reports concerning the status of property located in Germany and Japan, information with respect to trade prospects, and other messages looking toward the resumption of business relations with Germany and Japan. The transmission of documents such as birth, death, or marriage certificates, wills, legal notices, etc. is also authorized under today's action.

Existing prohibitions on transactional communications will continue in effect in Germany, Japan and the United States. These prohibitions include any communication which constitutes or contains authorizations or instructions to effect any financial, business or commercial transaction, as well as the transmission of powers of attorney, proxies, payment instructions, transfer orders, checks, drafts, bills of exchange, currency, money orders and the like.

RESTRICTED

Although inquiries with respect to possible trade relationships, such as the nature, quantity and availability of goods, are authorized by today's action, attention was directed to the fact that any trade transactions arising out of such communications must be effected through governmental agencies. Private commercial transactions will be authorized when arrangements for resumption of private trade have been made.

It was pointed out that except for the activities authorized under Public Circular No. 34, any financial, business, trade, or other commercial activity on behalf of enemy nationals who are within Germany and Japan continues to be prohibited. Outstanding Treasury general licenses do not authorize any transactions which involve business or commercial communication with Germany or Japan unless they contain a waiver of General Ruling No. 11.

A separate announcement is being made by the Post Office Department with respect to the postal facilities now open between Germany, Japan, Korea and the United States. Announcement will also be made of any changes affecting the presently authorized weight of postal communications.

FEC 072

19 May 1946

FAR EASTERN COMMISSION

REPORT ON JAPANESE EXTERNAL ASSETS

(Reference: SC 019/1)

Note by the Secretary General

1. The enclosure, a proposal relative to reports on Japanese external assets, approved by the Steering Committee at its seventeenth meeting, 11 June 1946, is forwarded herewith for the consideration of the Far Eastern Commission.

2. The Soviet member of the Steering Committee disapproved the enclosure and requested that it be postponed one week and then placed on the Commission agenda as he had not yet received instructions from his government relative to it.

NELSON T. JOHNSON
Secretary General

FEC 072

ENCLOSUREREPORTS ON JAPANESE EXTERNAL ASSETS

1. The Supreme Commander should furnish to the Far Eastern Commission the best immediate available information on Japanese External Assets.

2. The Far Eastern Commission requests all member governments to supply information in a form similar to that used in reports for German reparations (see appendix) in regard to the types and values of Japanese external assets within their territories or which at any time have come under their control.

3. Countries not represented on the Far Eastern Commission and likely to have Japanese external assets should be asked through appropriate channels to supply information in a form similar to that used in reports for German reparations (see appendix) to the Far Eastern Commission in regard to the types and values of such assets in their territories.

APPENDIX

Suggestions on presentation of data concerning Japanese assets or holdings abroad immediately before the date of the entry of that country into the war or its occupation by the enemy (based on reports for German reparations).

The following information is desired:

1. List of firms in which Japanese have interest.
 - a. Total value of assets locally owned by such firms;
 - b. Total value of foreign holdings of such firms;
 - c. Total value of Japanese interest in such firms.

This list should classify these firms as follows:

- a. Industrial.
- b. Banks, insurance, finance or holding companies;
- c. Merchandising establishments, retail or wholesale;
- d. Transport companies, travel and other service

establishments.

2. Japanese bank balances, securities holdings, etc.

- a. Bank balances.

If full information is not readily available, please supply such information as is available.

(1) Of Japanese State in clearings, of official funds of any sort.

(2) Of Japanese State controlled institutions or companies.

(3) Of Japanese nationals (or on behalf of same).

b. Securities accounts, safe deposits held in name of or on behalf of Japanese.

c. Gold on deposit, other types of holdings.

3. Patents, Trademarks, Copyrights.

(Give such details as are possible with respect to ownership of such industrial property, licensing arrangements, royalty arrangements or agreements, actual users of such property rights, and relation to foreign patents, trademarks or copyrights).

4. Real Estate Holdings, Participation in Trusts and Estates, Holdings of Works of Art. (List total values in each category of property)

5. Merchandise held for Japanese account.

6. Other assets.

7. Pre-war claims against and debts due from and to Japan and Japanese.

NOTES

1. The word "Japanese" as used above means any person of whatever nationality who has lived in Japan during the course of the war and whose property is regarded as enemy property, as well as any Japanese national resident anywhere whose property is so regarded.

2. In connection with this questionnaire, please also give a brief summary of the status of Japanese property and of the local governmental controls exercised over it. Please list Japanese property under the control of an enemy property custodian or similar official (whether vested, sequestered, etc.), property already liquidated (with statement of proceeds), properties being operated under governmental control, balances or other types of liquid assets which are blocked or frozen, and other information which would be of value in forming a clear picture of the amount and status of Japanese properties of interests therein.

FEC-07324 June 1946FAR EASTERN COMMISSIONDIPLOMATIC STATUS OF THE FAR EASTERN COMMISSIONNote by the Secretary General

1. The enclosure, a statement by the Representative of the Soviet Union on the diplomatic status of the Far Eastern Commission, is circulated for the information of the Commission and referred, at the request of the Soviet representative, to the STEERING COMMITTEE for consideration.

NELSON T. JOHNSON
Secretary General

FEC-073

E N C L O S U R EDIPLOMATIC STATUS OF THE FAR EASTERN COMMISSION

In accordance with the Order of the President of the United States of America of February 19, 1946 some international organizations, to a great extent similar to the Far Eastern Commission, such as:

The United Nations

The Food and Agriculture Organization of the United Nations

The International Labor Organization

The Pan American Union and

The United Nations Relief and Rehabilitation Administration are entitled to enjoy the diplomatic privileges, exemptions and immunities.

The Far Eastern Commission set up in implementation of the decision of the Moscow Meeting of the Three Foreign Ministers, is an international political organization with the membership of the eleven countries - members of the United Nations.

On the basis of the universally accepted standards of international law it can be assumed that in order to carry out their fundamental functions successfully, the representatives of the member countries of the Far Eastern Commission and their responsible co-assistants possessing diplomatic ranks, but not belonging to the diplomatic missions accredited with the Government of the United States of America should also have the right to enjoy the usual diplomatic privileges, exemptions and immunities equally with the representatives and responsible co-assistants members of the diplomatic agencies of the respective countries.

As the Far Eastern Commission was organized and began to function after the said order of the President of the United States of America had been issued it was not included in the list of organizations, entitled to the above mentioned privileges. As a result of this some responsible representatives on the Far

Eastern Commission possessing diplomatic ranks but not being members of the appropriate diplomatic agencies are deprived of the diplomatic privileges, enjoyed, according to international law, by the members of the diplomatic agencies.

The representative of the U.S.S.R. suggests that the Far Eastern Commission should approach the United States Government with the request to include the Far Eastern Commission into the above mentioned list of international organizations.

FEC-073/1

26 June 1946

FAR EASTERN COMMISSION

DIPLOMATIC STATUS OF THE FAR EASTERN COMMISSION

(Reference: FEC-073; SC-021)

Note by the Secretary General

1. The Steering Committee at its nineteenth meeting, 25 June 1946, considered the Soviet proposal FEC-073 Diplomatic Status of the Far Eastern Commission and the State Department press release in SC-021, and unanimously approved a motion that "the Far Eastern Commission should request the United States Government to include the Far Eastern Commission in the list of International Organizations granted diplomatic status by the Executive Order of 19 February 1946".

2. The above motion is forwarded herewith for the consideration of the Far Eastern Commission.

NELSON T. JOHNSON
Secretary General

FEC-073/1

FEC-073/3

6 August 1946

FAR EASTERN COMMISSION

DIPLOMATIC STATUS OF THE FAR EASTERN COMMISSION

Note by the Secretary General

1. The Far Eastern Commission, at its 17th meeting on 27 June 1946 unanimously agreed to request the United States Government to extend the privileges, exemptions and immunities of the International Organizations Immunities Act to the Commission.
2. The enclosure, the reply of the Acting Secretary of State, to the Secretary General's letter transmitting this request, is circulated herewith for the consideration of the Far Eastern Commission.
3. Because of the limited number of copies of Public Law 291, 79th Congress, that are available only one is circulated herewith to each delegation. Additional copies may be obtained, on request, from the files of the Secretariat.

NELSON T. JOHNSON
Secretary General

FEC-073/3

E N C L O S U R EDIPLOMATIC STATUS OF THE FAR EASTERN COMMISSION

August 2, 1946

My dear Mr. Johnson:

The receipt is acknowledged of your letter of June 28, 1946 concerning the desire of the Far Eastern Commission to be included among the public international organizations entitled to enjoy certain privileges, exemptions and immunities under the International Organizations Immunities Act (Public Law 291, 79th Congress approved December 29, 1945).

This Government is desirous of facilitating in every way feasible the important work which the Far Eastern Commission is carrying on, and very careful consideration has been given to the situation with regard to the Far Eastern Commission as set forth in your letter.

I enclose a copy of Public Law 291. Under Title 1, Section 1, of that Act provision is made that "the term 'international organization' means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation". In view of the fact that the United States does not participate in the Far Eastern Commission pursuant to a treaty and that the Congress has not thus far had occasion either by act or by a specific appropriation to add its endorsement to the United States' participation in the Commission, it appears that there is at the present time no legal basis upon which the Department could recommend that the Far Eastern Commission be designated as a public international organization to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act.

It is my understanding that a number of the representatives of other countries on the Far Eastern Commission now enjoy diplomatic status as members of the diplomatic missions of their

respective countries and that it is possible that additional representatives may be so designated by their governments. Many of the privileges, exemptions, and immunities provided for in Public Law 291 may not, under the terms of that law, be accorded to officers and employees of an international organization if they are citizens of the United States. Under these circumstances, it is believed that the activities of the Far Eastern Commission should not be seriously affected as a consequence of the Commission's inability to qualify as a public international organization under Public Law 291. If, however, the Far Eastern Commission finds that the effective performance of its duties is impaired because it has not been so designated, I shall be glad to receive further information from you and to give consideration to any possible means by which any impediments to its work may be removed.

Sincerely yours,

For the Acting Secretary of State:

/s/ Charles Fahy
CHARLES FAHY

Enclosure:

Copy of Public Law 291

The Honorable
Nelson T. Johnson
Secretary General,
Far Eastern Commission,
2516 Massachusetts Avenue, N.W.,
Washington 8, D. C.

FEC-073/2

23 June 1946

FAR EASTERN COMMISSION

DIPLOMATIC STATUS OF THE FAR EASTERN COMMISSION

Note by the Secretary General

1. At its seventeenth meeting, 27 June 1946, the Far Eastern Commission unanimously agreed to request that the United States Government extend the privileges, exemptions and immunities of the International Organizations Immunities Act to the Commission.
2. The letter of transmittal of the Secretary General to the Secretary of State of the United States Government forwarding this request is circulated herewith as the enclosure.

NELSON T. JOHNSON
Secretary General

FEC-073/2

ENCLOSURELETTER OF TRANSMITTAL

28 June 1946

The Honorable James F. Byrnes
Secretary of State
Washington, D. C.

My dear Mr. Secretary:

At its seventeenth meeting on 27 June 1946, the Far Eastern Commission unanimously agreed to approach the United States Government with the request that the Far Eastern Commission be included among those public international organizations to which certain privileges, exemptions and immunities are extended under the provisions of the International Organizations Immunities Act, approved December 29, 1945 (Public Law 291, 79th Congress), and specified by the President in his Executive Order of February 19, 1946. Accordingly, as Secretary General, I hereby make formal application for such inclusion on behalf of the Far Eastern Commission.

I am informed that the provisions of the law lay down certain requirements which a public international organization must meet in order to be eligible for consideration under this law. These are set forth in Press Release No. 128 of the Department of State, dated February 20, 1946. The status of the Far Eastern Commission with respect to the five specifications set out in this press release is as follows.

With respect to the second, third and fourth specifications, the Far Eastern Commission was created by the Moscow Agreement of Foreign Ministers of the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America on December 27, 1945. The portion of the agreement establishing the Far Eastern Commission reads, in part, as follows:

" A. Far Eastern Commission
Agreement was reached, with the concurrence of China, for the establishment of a Far Eastern Commission to take the place of the Far Eastern Advisory Commission. The Terms of Reference for the Far Eastern Commission are as follows:

" I. Establishment of the Commission

"A Far Eastern Commission is hereby established composed of the representatives of the Union of Soviet Socialist Republics, United Kingdom, United States, China, France, the Netherlands, Canada, Australia, New Zealand, India, and the Philippine Commonwealth."

With regard to the details of the organization and business of the Far Eastern Commission, its principle function according to the Terms of Reference is to "formulate the policies, principles and standards in conformity with which the fulfillment by Japan of its obligations under the terms of surrender may be accomplished." The Terms of Reference further provide (Article VI, para. 1) that "The Far Eastern Commission shall have its headquarters in Washington."

In accordance with the Moscow Agreement and the Terms of Reference, the Commission was formally inaugurated at its headquarters at 2516 Massachusetts Avenue, N.W., Washington, D.C. on February 26, 1946, and has been functioning at that location

over since. Each of the eleven countries represented on the Commission has nominated a delegation of several representatives to represent it in the work of the Commission. Although some of these representatives are already members of the diplomatic missions of their respective countries in the United States, a number of them do not have diplomatic status at the present time.

The Commission has been functioning regularly since its inception; with one meeting of the Commission itself being held each week, and the remainder of the week devoted to the work of the several committees of the Commission, which include a Steering Committee, a Committee on Strengthening of Democratic Tendencies, a Committee on Constitutional and Legal Reform, a Committee on Reparations, a Committee on War Criminals, a Committee on Aliens in Japan, and a Committee on Disarmament of Japan. The Commission has also established a full-time Secretariat Staff, which is located at the Commission headquarters in Washington. At the present time the Staff consists of thirty-six individuals.

The principal officers of the Far Eastern Commission include the Chairman, Major General Frank R. McCoy, who also serves as United States representative on the Commission with the personal rank of Ambassador, the Secretary General, Nelson T. Johnson, and the Deputy Secretary General, Mr. Hugh D. Farley.

The activities of the various delegates of the Commission, and of the staff are similar to those of other organizations of an international character functioning in the United States and already designated by the Executive Order of February 19, 1946, and the members of the Commission feel that the privileges, exemptions and immunities granted by the International Organizations Immunities Act to these other organizations are likewise required in the performance of their duties on the Far Eastern Commission.

With respect to the fifth specification in the Department of State press release, that "The applicant organization must not be scheduled for liquidation in the near future," your attention is invited to Article VII of the Terms of Reference of the Far Eastern Commission which states:

"The Far Eastern Commission shall cease to function when a decision to that effect is taken by the concurrence of at least a majority of all the representatives including the representatives of the four following Powers: United States, United Kingdom, Union of Soviet Socialist Republics and China. Prior to the termination of its functions the Commission shall transfer to any interim or permanent security organization of which the participating governments are members those functions which may appropriately be transferred."

I am enclosing for your information a copy of Department of State publication No. 2448, which is a report of the Secretary of State on the Moscow Meeting of Foreign Ministers and includes the Terms of Reference of the Far Eastern Commission, and also a copy of the latest roster of the Commission and Secretariat personnel.

Sincerely yours,

Nelson T. Johnson
Secretary General