

Book 1

MINUTES OF THE
FAR EASTERN COMMISSION

Meeting 1-50th

ATTENDANCE
First FEC Meeting

February 26, 1946

AUSTRALIA

Sir Frederic Eggleston
Major J. Plimsoll
Dr. John Andrews
Mr. H. W. Bullock

CANADA

Mr. E. Herbert Norman
Brig. N. E. Rodger
Mr. R. E. Collins

CHINA

Dr. Wei Tao-ming
Dr. Liu Shih-shun
Dr. C. L. Hsia
Dr. Timothy T. Mar
Mr. Tsui Tswen-ling
Mr. Mao Yun-An

FRANCE

Mr. Paul E. Naggiar
Mr. Francis Lacoste
Mr. Robert Douteau
Mr. Pierre Sauvageot

INDIA

Sir Girja Shankar Bajpai
Mr. R. R. Saksena
Col. M. S. Rajendrasinhji
Mr. A. Menon
Mr. Humphrey Trevelyan

NETHERLANDS

Dr. A. Loudon
Dr. A. D. A. de Kat Angelino
Dr. G. A. P. Weyer

NEW ZEALAND

Sir Carl Berendsen
Col. G. R. Powles
Air Commodore J. L. Findlay

PHILIPPINES

Brigadier General Carlos Romulo
Mr. Manuel A. Adeva
Dr. Jose F. Imperial

UNITED KINGDOM

Sir George Sansom
Mr. H. A. Graves
Mr. F. C. Everson
Col. W. A. Howkins
Mr. M. B. Thresher

UNITED STATES

Gen. Frank R. McCoy
Mr. E. R. Dickover
Col. C. Stanton Babcock
Col. James McCormack Jr.
Dr. Geo. H. Blakeslee
Mr. Robert W. Barnett

U.S.S.R.

Mr. Nikolai V. Novikov
Mr. F. T. Orakhov
Mr. Ermolev Anatoli
Mr. P. K. Koulakov

SECRETARIAT

Mr. Nelson T. Johnson
Mr. Harold W. Moseley
Mr. Hugh D. Farley
Mr. Richard D. Weigle
Mr. Carl H. Pfuntner
Miss Ann McGuigan

Also:

Lt. S. S. Stratton
Mr. Trepagnier
Mr. Hugh Borton (State Dept.)
Mr. J. K. Penfield (State Dept.)
Miss Koontz (Court Reporter)

GUEST SPEAKER

Sec'ty. of State James F. Byrnes
accompanied by
Mr. John Carter Vincent

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COPY NO. _____

Minutes of
First MeetingFAR EASTERN COMMISSION

MINUTES OF FIRST MEETING OF THE FAR EASTERN COMMISSION,
HELD IN MAIN CONFERENCE ROOM 2516 MASSACHUSETTS AVENUE, N. W.,
TUESDAY, FEBRUARY 26, 1946

REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman (U.S.)
His Excellency Sir Frederic Eggleston (Australia)
Mr. E. Herbert Norman (Canada)
His Excellency Dr. Wei Tao-ming (China)
His Excellency Paul Emile Naggiar (France)
The Honorable Sir Girja Shankar Bajpai (India)
His Excellency Dr. A. Loudon (Netherlands)
Sir Carl Berendsen (New Zealand)
Brigadier General Carlos Romulo (Philippine)
Sir George Sansom (U.K.)
Mr. Nikolai V. Novikov (U.S.S.R.)

SECRETARY GENERAL

Mr. Nelson T. Johnson

Minutes 1st Mt'g.

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E N C L O S U R E

MINUTES OF FIRST MEETING OF THE FAR EASTERN COMMISSION,
HELD IN MAIN CONFERENCE ROOM 2516 MASSACHUSETTS AVENUE N. W.,
TUESDAY, FEBRUARY 26, 1946

GENERAL MCCOY called the meeting to order at 10:30 a.m.

ITEM 1 - WELCOME BY THE SECRETARY OF STATE OF THE UNITED STATES

SECRETARY BYRNES formally welcomed the members of the Far Eastern Commission. (Text of the address of welcome in Enclosure "A".) SECRETARY BYRNES invited General McCoy to act as temporary chairman of the Commission for the organization of work under the Terms of Reference.

GENERAL MCCOY opened the meeting as Acting Chairman and called attention to Item 1 on the Agenda, the Terms of Reference for the Commission.

ITEM 2 - TERMS OF REFERENCE OF THE COMMISSION

MR. JOHNSON, temporary Secretary General, read a memorandum from the United States Department of State, addressed to the United States Representative, Far Eastern Commission, enclosing the text of the Terms of Reference of the Commission. (Text of memorandum and Terms of Reference in Enclosure "B").

ITEM 3 - MEMBERSHIP OF THE COMMISSION

MR. JOHNSON read further from the memorandum from the United States Department of State, in which a report was made as to acceptances by the various Governments of the invitations to participate on the Commission.

MR. EGGLESTON stated that although Australia had accepted the invitation extended by the United States Government to become a member of the Far Eastern Commission, he desired to express his regret that the Terms of Reference had been agreed upon without prior reference to all interested nations.

MR. BERENDSEN pointed out that there had been no change in the viewpoint of his Government regarding the veto provision contained in the document.

Minutes 1st Mt'g.

4 March 1946

FAR EASTERN COMMISSION

CORRIGENDUM

TO

MINUTES OF FIRST MEETING

Note by the Secretary General

1. The attached page is a revision, embodying changes requested by the Australian Delegate, of page 1 of the Minutes of the first meeting of the Far Eastern Commission.
2. All delegates are requested to substitute the attached page for page 1 of the Minutes of the first meeting.

NELSON T. JOHNSON
Secretary General

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ENCLOSURE

MINUTES OF FIRST MEETING OF THE FAR EASTERN COMMISSION
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MR. EGGLESTON stated that although Australia had accepted an invitation by attending the Commission, it regretted that the terms of reference were drawn up without consultation with other Powers concerned, and that voting procedure, which provided for concurrent vote of four Great Powers, was not consistent with Australia's position as a party principal in the Pacific war.

MR. BERENDSEN pointed out that there had been no change in the viewpoint of his Government regarding the veto provision contained in the document.

Minutes 1st Mt'g.

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(Page revised 4 March 1946)

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MR. BAJPAI called attention to the concluding sentence in the second paragraph of the covering memorandum from the Department of State enclosing the Terms of Reference: "It is assumed that the other participating Governments will put on record with the Commission any observations they may desire to make regarding the French position." MR. BAJPAI said that he felt the time was at hand for the participating Governments to make any such observations. GENERAL MCCOY replied that such observations might be expressed at any time.

MR. NAGGIAR expressed a preference for the immediate settlement of the questions raised by the position of the French Government as set forth in the paragraph referred to by Mr. Bajpai. GENERAL MCCOY urged that the Commission proceed immediately with matters concerning its organization. He suggested to Mr. Naggiar that the question raised by the French position might be discussed later by the Chairman and interested delegates.

GENERAL ROMULO inquired as to whether the statement in the memorandum from the Department of State to the effect that, "... it is not the intention of the United States Government to introduce into the Commission's deliberations matters affecting Southeast Asia, including Indochina, which are not related to the control of Japan" meant that matters affecting Southeast Asia were ruled out for the present or permanently. GENERAL MCCOY replied that the Commission as now constituted was free to raise any matter for discussion at any time, although the Terms of Reference would govern the Commission in any action it might take.

ITEM 4 - ELECTION OF CHAIRMAN

GENERAL MCCOY opened the meeting for nominations for the position of Chairman of the Commission.

MR. WEI moved, and MR. LOUDON seconded the motion that General McCoy be elected Chairman of the Commission. MR. NOVIKO supported the motion. GENERAL ROMULO moved that the election of General McCoy be considered unanimous.

28 February 1946

FAR EASTERN COMMISSION

CORRIGENDUM

TO

MINUTES OF FIRST MEETING

Note by the Secretary General

1. The attached page is a revision, embodying changes requested by the French Delegate, of page 2 of the Minutes of the first meeting of the Far Eastern Commission.

2. All delegates are requested to substitute the attached page for page 2 of the **Minutes of the first meeting.**

NELSON T. JOHNSON
Secretary General

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MR. BAJPAI called attention to the concluding sentence in the second paragraph of the covering memorandum from the Department of State enclosing the Terms of Reference: "It is assumed that the other participating Governments will put on record with the Commission any observations they may desire to make regarding the French position." MR. BAJPAI said that he felt the time was at hand for the participating Governments to make any such observations. GENERAL MCCOY replied that such observations might be expressed at any time.

MR. NAGGIAR expressed a preference for the immediate expression of any observations which members of the Commission would like to make on the French reservations, as recorded by the memorandum issued by the State Department. GENERAL MCCOY urged that the Commission proceed immediately with matters concerning its organization. He suggested to Mr. Naggiar that the question might be discussed later by the Chairman and interested delegates.

GENERAL ROMULO inquired as to whether the statement in the memorandum from the Department of State to the effect that, "... it is not the intention of the United States Government to introduce into the Commission's deliberations matters affecting Southeast Asia, including Indochina, which are not related to the control of Japan" meant that matters affecting Southeast Asia were ruled out for the present or permanently. GENERAL MCCOY replied that the Commission as now constituted was free to raise any matter for discussion at any time, although the Terms of Reference would govern the Commission in any action it might take.

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ITEM 4 - ELECTION OF CHAIRMAN (contd)

THE COMMISSION unanimously elected General McCoy as Chairman.

ITEM 5 - ELECTION OF SECRETARY GENERAL

MR. NAGGIAR nominated Mr. Nelson T. Johnson as Secretary General of the Commission. MR. BERENDSEN seconded this motion. GENERAL ROMULO moved that Mr. Johnson be elected unanimously.

THE COMMISSION unanimously elected Mr. Nelson T. Johnson as Secretary General.

ITEM 6 - ORGANIZATION OF THE SECRETARIAT

MR. JOHNSON invited the attention of the Commission to the opening paragraph of FEC-101, "Organization of the Secretariat of the Far Eastern Commission" and said that he would welcome the addition to the staff of the Secretariat of any personnel that any of the delegations might care to supply.

MR. EGGLESTON suggested that a committee be appointed to study the question of an international secretariat. MR. SANSON suggested that this question be left open for the time being.

GENERAL MCCOY endorsed Mr. Sanson's remark and added that Mr. Johnson and his staff should proceed with the duties of the Secretariat, subject to possible later re-examination of the Secretariat's organization.

MR. NAGGIAR said that his Government stood ready to supply a secretary for the purpose of preparing French texts of documents.

ITEM 7 - ORGANIZATION OF COMMISSION'S WORK

MR. JOHNSON informed the Commission that its new quarters contained a limited amount of space that might be made available for the use of the delegates.

MR. JOHNSON requested that each delegation supply him with the name of a member to serve on a proposed Steering Committee to organize the work of the Commission.

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ITEM 7 - ORGANIZATION OF COMMISSION'S WORK (contd)

MR. BAJPAI requested that the Steering Committee consider as a matter of priority the composition of a tribunal to be set up for the trial of Japanese war criminals.

THE COMMISSION appointed a Steering Committee with the following members:

Australia

Sir Frederic Eggleston
Major J. Plimsoll (Alternate)

Canada

Mr. E. Herbert Norman
Mr. R. E. Collins (Alternate)

China

Dr. Liu Shih-shun

France

Mr. Francis Lacoste

India

Sir Girja Shankar Bajpai

Netherlands

Dr. A. Loudon
Dr. A. D. A. de Kat Angelino (Alternate)

New Zealand

Col. G. R. Powles

Philippines

Brig. Gen. Carlos Romulo
Mr. Tomas Confesor (Alternate)

U.S.S.R.

Mr. Nikolai V. Novikov

United Kingdom

Sir George Sansom
Mr. H. A. Graves (Alternate)

United States

Dr. Geo. H. Blakeslee

MR. JOHNSON called a meeting of the Steering Committee for 10:00 a.m., February 27, 1946.

ITEM 8 - REPORT ON TRIP TO JAPAN

MI-22, "Summary Report on Trip to Japan" was distributed to the Commission at the meeting.

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ITEM 9 - INFORMAL BUSINESSa. Former FEAC Documents

MR. SANSOM said he hoped the various documents already distributed by the Commission might be constituted, in the meeting of the Steering Committee, as documents available for the use of the new Commission. MR. NOVIKOV suggested that the matter of former documents be deferred for detailed discussion by the Steering Committee.

b. Reparations

GENERAL ROMULO requested that the Steering Committee consider the subject of reparations as a matter of priority. MR. BERENDSEN said he was sure that all delegates shared General Romulo's feeling that discussion of reparations should take place immediately in view of the fact that the entire question of the Japanese economic structure remained in doubt until an agreement had been reached on reparations.

c. Time of next meeting

At the suggestion of General Romulo, the Commission agreed to refer the matter of Commission meetings to the Steering Committee.

The meeting adjourned at 11:40 a.m.

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ENCLOSURE "A"

ADDRESS OF WELCOME BY THE HONORABLE JAMES F. BYRNES,
SECRETARY OF STATE TO THE MEMBERS OF THE FAR EASTERN
COMMISSION AT THEIR FIRST MEETING AT 10:30 A.M.,
E. S. T., FEBRUARY 26, WASHINGTON, D. C.

It is a pleasure for me to be here today and to extend a cordial welcome to you who have been designated by your governments to serve on the Far Eastern Commission.

The agreement reached at Moscow for the establishment of this policy-making group to take the place of the Far Eastern Advisory Commission was one of the major accomplishments of that meeting. The Moscow agreement laid the foundation on which all the Allied involved in the Pacific war could unite for the control of Japan. Therefore, the convening of this Commission, comprised of representatives of Great Britain, the Soviet Union, China, France, the United States, the Netherlands, Australia, New Zealand, Canada, India, and the Philippines is a source of genuine gratification. Even though the task of crushing the Japanese end of the Axis fell largely upon the United States, this government always desired that the control of Japan should become an Allied responsibility. The same unity of action and of purpose that won the war must be maintained if we are to root out the seeds of possible future wars, wherever they may be planted.

Peace in the Pacific is an essential cornerstone to a stable world structure. The guidance of Japan to a position of peaceful association with other nations is therefore a task of major responsibility. That responsibility now belongs to you of the Far Eastern Commission.

As the meeting of this new Commission opens a new phase in the control of Japan, I should like to commend to you the progress thus far made. The directives issued and the administration established by the Supreme Allied Commander represent sound and significant contributions to the transformation of Japan. While we can, I believe, view our accomplishments to date with considerable satisfaction, we should not for a moment lose sight of the important job that lies ahead.

The weapons of war can be destroyed with relative ease. But the social habits, the economic order, the governmental structure which were party to forging those weapons are not so easy to change. The old structure of power and rule in Japan can not be eliminated in a matter of weeks or even of months.

The creation of conditions under which political and economic democracy can flourish and survive is a continuing task. The importance of this creative process is so vital to the security and future well-being of us all that it can not be over-emphasized. The Terms of Reference agreed to last December in Moscow placed the final and ultimate responsibility for formulating the policies and principles upon which the peace and security of the Pacific may well be based, in your hands.

The mere fact of your presence here signifies the solution of one of the many issues we have faced in concert with our Allies since the end of the war. The results of your labors will, I am sure, result in the solution of many more of the problems that are fast becoming milestones as we continue our march along the road of international cooperation.

I shall now ask General McCoy, the representative of the United States on this Commission, to act as your temporary chairman in order that you may proceed with the business of organizing yourselves for work under your Terms of Reference.

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ENCLOSURE "B"I. MEMORANDUM FOR THE UNITED STATES REPRESENTATIVE,
FAR EASTERN COMMISSION

The Foreign Ministers of the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America at their meeting in Moscow in December 1945, with the concurrence of the Government of China, agreed to establish a Far Eastern Commission, to function under the Terms of Reference appended hereto. It was also agreed that the Government of the United States on behalf of the four Powers should present the Terms of Reference to the Governments of France, the Netherlands, Canada, Australia, New Zealand, India, and the Philippine Commonwealth and invite them to participate in the Commission.

In accordance with this agreement the Government of the United States on December 28, 1945, invited the Governments named above to participate in the Far Eastern Commission on the basis of the Terms of Reference agreed upon at the conference. All the Governments accepted the invitation. The French Government, however, based its acceptance on its interpretation that the phrase "other matters" in paragraph II-A-3 of the Terms of Reference referred to matters relative to the control of Japan and stated that if the provisions of this paragraph should be invoked in order to extend the jurisdiction of the Commission to any matter which might bring directly into question French interests in the Far East, the French Government would consider itself justified in claiming, in so far as the voting procedure provided for in paragraph V-2 is concerned, a status identical with that enjoyed by the other Powers in the Pacific which are permanent members of the Security Council of the United Nations Organization. The United States Government has informed the French Government that it understands "other matters" as used in paragraph II-A-3 of the Terms of Reference to apply to matters relating to control of Japan and that it is not the intention of the United States Government to introduce into the Commission's deliberations matters affecting Southeast Asia, including Indochina, which are

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ENCLOSURE "B" (contd)

not related to the control of Japan. It is assumed that the other participating Governments will put on record with the Commission any observations they may desire to make regarding the French position.

All the Nations comprising the Far Eastern Commission having agreed to participate in the work of the Commission on the basis indicated, the Secretary of State has informed the participating Powers, through their diplomatic representatives in Washington, that the initial meeting of the Commission is to be held in Washington at 10:30 a.m. February 26, 1946, at 2516 Massachusetts Avenue, Northwest.

/s/ John Carter Vincent

II. TERMS OF REFERENCE OF THE FAR EASTERN COMMISSIONI. 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.

II. Functions

A. The functions of the Far Eastern Commission shall be:

1. 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.

2. To review, on the request of any member, any directive issued to the Supreme Commander for the Allied Powers or any action taken by the Supreme Commander involving policy decisions within the jurisdiction of the Commission.

3. To consider such other matters as may be assigned to it by agreement among the participating Governments reached in accordance with the voting procedure provided for in Article V-2 hereunder.

B. The Commission shall not make recommendations with regard to the conduct of military operations nor with regard to territorial adjustments.

C. The Commission in its activities will proceed from the fact that there has been formed an Allied Council for Japan and will respect existing control machinery in Japan, including the chain of command from the United States Government to the Supreme Commander and the Supreme Commander's command of occupation forces.

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ENCLOSURE "B" (contd)III. Functions of the United States Government

1. The United States Government shall prepare directives in accordance with policy decisions of the Commission and shall transmit them to the Supreme Commander through the appropriate United States Government agency. The Supreme Commander shall be charged with the implementation of the directives which express the policy decisions of the Commission.

2. If the Commission decides that any directive or action reviewed in accordance with Article II-A-2 should be modified, its decision shall be regarded as a policy decision.

3. The United States Government may issue interim directives to the Supreme Commander pending action by the Commission whenever urgent matters arise not covered by policies already formulated by the Commission; provided that any directives dealing with fundamental changes in the Japanese constitutional structure or in the regime of control, or dealing with a change in the Japanese Government as a whole will be issued only following consultation and following the attainment of agreement in the Far Eastern Commission.

4. All directives issued shall be filed with the Commission.

IV. Other Methods of Consultation

The establishment of the Commission shall not preclude the use of other methods of consultation on Far Eastern issues by the participating Governments.

V. Composition

1. The Far Eastern Commission shall consist of one representative of each of the States party to this agreement. The membership of the Commission may be increased by agreement among the participating Powers as conditions warrant by the addition of representatives of other United Nations in the Far East or having territories therein. The Commission shall provide for full and adequate consultations, as occasion may require, with representatives of the United Nations not members of the Commission in regard to matters before the Commission which are of particular concern to such nations.

2. The Commission may take action by less than unanimous vote provided that action shall have the concurrence of at least a majority of all the representatives including the representative of the four following Powers: United States, United Kingdom, Union of Soviet Socialist Republics and China.

VI. Location and Organization

1. The Far Eastern Commission shall have its headquarters in Washington. It may meet at other places as occasion requires, including Tokyo, if and when it deems it desirable to do so. It may make such arrangements through the Chairman as may be practicable for consultation with the Supreme Commander for the Allied Powers.

2. Each representative on the Commission may be accompanied by an appropriate staff comprising both civilian and military representation.

3. The Commission shall organize its secretariat, appoint such committees as may be deemed advisable, and otherwise perfect its organization and procedure.

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ENCLOSURE "B" (contd)VII. Termination

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.

COPY NO. _____

CONFIDENTIALMinutes of
2nd FEC MeetingFAR EASTERN COMMISSIONMinutes of Second Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Wednesday, 6 March 1946REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman (U.S.)
His Excellency Sir Frederic Eggleston (Australia)
His Excellency Lester B. Pearson (Canada)
His Excellency Dr. Wei Tao-ming (China)
His Excellency Paul Emile Naggiar (France)
The Honorable Sir Girja Shankar Bajpai (India)
His Excellency Dr. A. Loudon (Netherlands)
Sir Carl Berendsen (New Zealand)
Mr. Manuel A. Adeva (Philippines)
Mr. Nikolai V. Novikov (U. S. S. R.)
His Excellency Lord Halifax (U. K.)

SECRETARY GENERAL

Mr. Nelson T. Johnson

Minutes 2nd FEC Mt'g.

CONFIDENTIAL

ENCLOSURE

Minutes of Second Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Wednesday, 6 March 1946

GENERAL MCCOY called the meeting to order at 10:30 a.m.

ITEM 1 - APPROVAL OF MINUTES OF FIRST MEETING

THE COMMISSION approved the minutes of the first FEC meeting.

ITEM 2 - COMMISSION AGENDA

MR. JOHNSON presented FEC-004 to the Commission as a recommendation of the Steering Committee. He explained that the proposed schedule for committee meetings on pages 3 and 4 had been added by the Secretariat after the approval by the Steering Committee of the rest of the document.

SIR FREDERIC EGGLESTON said that, in view of his early departure from Washington, he would suggest that Major J. Plinsoll be designated his alternate as chairman until the new Minister had arrived.

MR. ADEVA suggested that the time for all morning Commission and committee meetings should be 10:30 a.m.

Several delegates pointed out difficulties in meeting the proposed schedule for committee meetings. It was suggested that the various Chairmen of committees might, in consultation with members, call meetings at times convenient to those members.

MR. NOVIKOV referred to the paragraph in FEC-004 on Committee No. 4 and said that the Steering Committee had not approved the change in title of this committee from "Strengthening of Democratic processes" to "Reorientation". He said that he favored the former title.

GENERAL MCCOY said that he favored the title "Reorientation" because a reference to "democratic processes" might lead to misunderstanding. He said he would accept the title "Strengthening of Democratic processes" only if a more precise definition of democratic processes were spelled out.

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ITEM 2 - (Contd)

LORD HALIFAX referred to paragraph (10) of the Potsdam Declaration and suggested that its language might be used with modifications as follows:

"Strengthening of Democratic tendencies among the Japanese people, including freedom of speech, of religion and of thought, as well as respect for the fundamental human rights."

THE COMMISSION approved FEC-004 with amendments and an exception as follows:

- a. Chairman of Committee No. 1, Major J. Plimsoll as alternate to the Chairman.
- b. Time for morning meetings of Commission and Committees -- 10:30 a.m.
- c. Committee No. 4, Chairman and Deputy Chairman approved. Title and subject matter referred to the Steering Committee for further consideration.

ITEM 3 - PRESS RELATIONS

MR. JOHNSON presented FEC-005 to the Commission.

SIR CARL BERENDSEN suggested that all plenary meetings of the Commission should be open to the press except when the Commission specifically decided otherwise.

GENERAL MCCOY explained that the plan set forth in FEC-005 was designed not to exclude the press, but to facilitate transmission of news regarding the Commission to the press.

THE COMMISSION approved FEC-005.

ITEM 4 - COMMISSION MEETINGS

THE COMMISSION approved FEC-006, with the understanding that the next Commission meeting would be on Thursday, 14 March 1946.

ITEM 5 - OFFICIAL LANGUAGES

MR. JOHNSON presented FEC-008 and said that arrangements could be made with the U. S. Department of State for verifying the authenticity of translations.

MR. NAGGIAR suggested that documents be distributed as soon as they were translated so that the process of verification would not occasion delay. Any changes necessary as a result of verification could be noted later.

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ITEM 5 - (Contd)

THE COMMISSION approved FEC-008 and agreed that translated documents might be distributed prior to verification by the Translating Office of the U. S. Department of State.

ITEM 6 - COMMISSION DOCUMENTS

THE COMMISSION approved FEC-009.

ITEM 7 - ESTABLISHMENT OF A SEPARATE COMMITTEE ON REPARATIONS

MR. JOHNSON presented FEC-010, a proposal by the United Kingdom delegate to refer FEC-17, a document of the Far Eastern Advisory Commission, to the Reparations Committee for consideration.

THE COMMISSION agreed to refer FEC-010 to the Reparations Committee for consideration.

ITEM 8 - OTHER BUSINESSa. Vice Chairman of Commission

MR. NOVIKOV asked whether the delegates were prepared to discuss the question of establishing the post of Vice Chairman of the Far Eastern Commission.

GENERAL MCCOY said that he understood this matter was still pending for discussion by the Steering Committee, and that the Steering Committee had not yet reported to the Commission on the subject.

b. Terms of Reference

MR. NOVIKOV referred to the French position in accepting the Terms of Reference (FEC-002, page 1, second paragraph) and to the French delegate's request for observations on the French reservations (Minutes of First FEC Meeting, revised page 2, paragraph 2). He said that his Government had authorized him to communicate its views as follows:

"In connection with the request of the Representative of France to express observations regarding the sphere of extension of the Far Eastern Commission's jurisdiction, I have been instructed to make clear that in the opinion of the Soviet Government the activities of the Far Eastern Commission, according to the decision by the Moscow Conference of the Three Ministers, are confined, naturally, only to the questions connected with the implementation of the occupation policy toward Japan, i.e. the Japanese Islands!"

CONFIDENTIAL

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MR. NOVIKOV referred to the French position in accepting the Terms of Reference (FEC-002, page 1, second paragraph) and to the French delegate's request for observations on the French reservations (Minutes of First FEC Meeting, revised page 2, paragraph 2). He said that his Government had authorized him to communicate its views as follows:

"In connection with the request of the Representative of France to express observations regarding the sphere of extension of the Far Eastern Commission's jurisdiction, I have been instructed to make clear that in the opinion of the Soviet Government the activities of the Far Eastern Commission, according to the decision by the Moscow Conference of the Three Ministers, are confined, naturally, only to the questions connected with the implementation of the occupation policy toward Japan, i.e. the Japanese Islands."

MR. NAGGIAR pointed out that the point of view expressed by Mr. Novikov brought forth no objection from him. However, he wished to indicate that the request for observations on the French Government's reservations emanated originally from the memorandum of the State Department (Minutes of the 1st plenary meeting of the Commission, February 26, 1946, Annex B)

CONFIDENTIAL

ITEM 8 - (Contd)

c. Japanese General Election

SIR CARL BERENDSEN urged the early discussion of the Japanese general election scheduled for March 31. GENERAL MCCOY said that he had taken this matter up personally with General MacArthur and added that he would be willing to show the reply from General MacArthur to any of the delegates who might be interested.

d. Allied Council for Japan

MR. NAGGIAR asked whether the Allied Council for Japan had been established, and if so, whether it was functioning. GENERAL MCCOY referred this question to COLONEL BABCOCK who replied that to his knowledge, the Allied Council had not yet been constituted.

e. Steering Committee Meeting

THE COMMISSION agreed that the Steering Committee should hold its next meeting on Friday, 8 March 1946, at 10:30 a.m.

ITEM 9 - PRESS STATEMENT

In accordance with instructions from the delegates, the Secretary General released the following statement to the press:

"At its weekly meeting today, the Far Eastern Commission made substantial progress toward the establishment of Committees and the allotment to the Committees of its work."

"The Commission agreed to the following procedure on press relations:

"The Secretary General is authorized to prepare formal statements on behalf of the Commission for issuance to the press. The last item on each agenda of Commission meetings will be "Press Release", at which time the Commission may issue particular instructions to the Secretary General with respect to the release for that meeting. The releases will be given to the press through the U. S. Department of State Press Room, which has contact with all interested agencies. This authorization is for official releases only and does not limit in any way the freedom of members to make such statements to the press individually as they in their judgment may care to make."

"Henceforth, the Russian, Chinese, and French language will be recognized, equally with English as official languages for verbal statements at sessions of the Commission and of its committees, and for Commission documentation. This will, of course, make necessary the services of interpreters and translators, and such personnel will be supplied by the appropriate delegation to assist the Secretariat staff in its work."

The meeting adjourned at 12:30 p.m.

Minutes of
3rd FEC Meeting

FAR EASTERN COMMISSION

Minutes of Third Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Thursday, 14 March, 1946

REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman (U. S.)
His Excellency Sir Frederic Eggleston (Australia)
His Excellency Lester B. Pearson (Canada)
His Excellency Dr. Wei Tao-Ming (China)
His Excellency Paul Emile Naggiar (France)
The Honorable Sir Girja Shankar Bajpai (India)
Dr. A. D. A. de Kat Angelino (Netherlands)
Sir Carl Berendsen (New Zealand)
Dr. Jose F. Imperial (Philippines)
Mr. Nikolai V. Novikov (U. S. S. R.)
Sir George Sansom (U. K.)

SECRETARY GENERAL

Mr. Nelson T. Johnson

Minutes 3rd FEC Mt'g.

E N C L O S U R E

Minutes of Third Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Thursday, 14 March 1946

GENERAL MCCOY called the meeting to order at 10:30 a.m.

ITEM 1 - APPROVAL OF MINUTES OF SECOND MEETING

THE COMMISSION approved the minutes of its second meeting.

ITEM 2 - JAPANESE GENERAL ELECTION (FEC-021)

GENERAL MCCOY asked Mr. Novikov, in his capacity as chairman of Committee No. 4, to report to the Commission on the discussion that had taken place in Committee No. 4 and had led to the recommendation that the question of the date of the Japanese general election be considered by the Commission.

MR. NOVIKOV said that in the discussion at the last meeting of Committee No. 4 doubt had been expressed as to the expediency of holding the general election as early as April 10, as presently scheduled.

MR. NOVIKOV said that, speaking in his capacity as representative of the Soviet Union, he thought it would be premature to hold elections before democratic forces in Japan had had time to develop significantly. It was the opinion of his Government; he said that the elections scheduled for April 10 did not conform completely to the common purpose of the Commission to strengthen democratic tendencies in Japan.

SIR CARL BERENDSEN said that he doubted the suitability of an early election for the four following reasons:

- (1) The process had only begun of trying to turn Japan from a feudalistic into a democratic nation. Early elections would give an overwhelming advantage to the reactionary parties.
- (2) The type of economic structure to be permitted in Japan still awaited the decision of the Commission. The problems of what industries were to be retained and reparations to be exacted should be settled before a general election.
- (3) The purge of reactionary elements which had been ordered by the Supreme Commander should be completed before a general election.
- (4) Repatriation of Japanese troops should be completed before a general election took place.

ITEM 2 - Contd.

In addition to the above reasons he said, the announcement of the new Constitution as a document approved by the Supreme Commander constituted a further argument against an early election. The Japanese electorate, in his opinion, could not possibly develop an intelligent opinion of this constitution between the time of its announcement and the date set for the election, particularly when the Supreme Commander had publicly approved the proposed constitution, and thereby given the present reactionary government an advantage. Whatever might be ambiguous in the terms of reference of the Commission, it was clear that matters of basic policy were within the purview of the Commission, and Sir Carl deemed the decision on a general election to be unquestionably a matter of basic policy.

SIR CARL BERENDSEN made the following motion:

"In existing circumstances the Far Eastern Commission is of the opinion that there should be a further postponement of the Japanese elections, but before further considering the matter, requests that a very early expression of the Supreme Commander's views be obtained through proper channels."

SIR GEORGE SANSOM expressed his personal agreement with the view of Sir Carl Berendsen. He said, however, that he was unable to say what the view of his Government might be without more information from the Supreme Commander.

DR. de KAT said that he favored Sir Carl's motion as to the request for an expression of views of the Supreme Commander, but he thought the Commission should refrain from an expression of opinion until after the views of the Supreme Commander had been obtained.

MR. NAGGIAR said the Commission should make known to the Supreme Commander its view that the general election should take place under such circumstances as would allow all democratic parties a fair chance in the election. The Commission, should not, however, concern itself with the detail of fixing an election date. The date was a question of execution of policy, he said, and was properly within the purview of General MacArthur and the Allied Council. DR. WEI agreed with Mr. Naggiar.

ITEM 2 - Contd.

GENERAL MCCOY pointed out that under the present Japanese Constitution the date could not be sufficiently delayed to meet the points raised by Sir Carl Berendsen. Article XLV states:

"When the House of Representatives has been ordered to dissolve, Members shall be caused by Imperial Order to be newly elected, and the new House shall be convoked within five months from the day of dissolution."

He also said that the Diet could not finally adopt any Constitution without approval by the Commission.

At the request of the Chairman for background information, MR. NORMAN said that the question of a general election had first been raised by the Japanese late in 1945, without the sanction of the Supreme Commander and that they had proposed an election date of January 15, 1946. The Supreme Commander had regarded this date as premature, particularly since the purge directive of January 4 would have made the election a chaotic one.

SIR GIRJA BAJPAI agreed with Mr. Naggiar and Dr. Wei that the question of fixing a date was a detail but that the decision as to whether or not circumstances were right for a democratic election was matter of policy for the Commission to consider. He said that the answer of the Supreme Commander should be obtained to the question of whether the time was appropriate for a democratic election even though the decision of the Supreme Commander on the fixing of a date might override the opinion of the Commission.

MR. PEARSON proposed a resolution to the effect that the Commission call the attention of the Supreme Commander to the essential requirement that all democratic parties have an opportunity to express their views in any election that might be held, and ask the Supreme Commander whether in his view this requirement could be met if the elections were held on the suggested date. If his answer should be in the affirmative, information should be requested from him as to the basis of his conclusion.

SIR GEORGE SANSOM moved that the entire discussion be referred to Committee No. 4 for study and recommendation to the

ITEM 2 - Contd.

Commission at its next meeting. The motion was adopted unanimously.

ITEM 3 - THE JAPANESE CONSTITUTION (FEC-023)

MR. NORMAN explained that the question which had arisen in the discussion at the meeting of Committee No. 3 had been whether or not the Supreme Commander's announcement approving the draft constitution was in accordance with the Moscow Declaration. Committee No. 3 had referred the whole question to the Commission for clarification on the power of the Commission to approve the constitution.

SIR FREDERIC EGGLESTON said the position should be asserted that any constitution proposed must be approved by the Commission. Further, since the Supreme Commander had approved the draft constitution without considering an alternative constitution, he proposed the following motion:

"The Far Eastern Commission desires that the Supreme Commander inform the Japanese people that his approval of the proposed Constitution put forward by Cabinet does not mean that any other acceptable draft would not meet with similar approval, and that it is hoped that the work of constitutional revision will proceed under democratic conditions of the fullest and most free discussion of all suggestions both among the people and in the Diet."

GENERAL MCCOY said that the Supreme Commander's approval was not binding. It was only personal approval, and the constitution would have to be considered by the Diet. However, General McCoy agreed with Sir Frederic that the Constitution should be considered by the Commission. He suggested that the Supreme Commander might be informed that a Committee was studying the constitution.

MR. NAGGIAR inquired whether the Commission should lay down a set of general principles to be followed in a proposed constitution, or whether it should concern itself with the details of drafting a desirable constitution. SIR GIRJA BAJPAI replied that Committee No. 3 might decide on how best to approach the question and present the result of its study for amendment or amplification by the Commission.

ITEM 3 - Contd.

THE COMMISSION agreed to refer the question of the new Japanese constitution to Committee No. 3 for study in the light of the foregoing discussion, together with Sir Frederic Eggleston's motion

ITEM 4 - VICE CHAIRMEN OF THE COMMISSION (FEC-018)

THE COMMISSION approved FEC-018.

ITEM 5 - SCHEDULE OF COMMITTEE MEETINGS (FEC-004/2)

MR. JOHNSON presented FEC-004/2 as a schedule subject to change at any time on the part of any committee. He added that the Secretariat would distribute a weekly schedule of meetings on Mondays.

THE COMMISSION approved FEC-004/2 as a provisional schedule of weekly committee meetings.

ITEM 6 - PROPOSED SUBJECT MATTER OF REPARATIONS COMMITTEE
(FEC-004/3)

MR. NOVIKOV requested that FEC-004/3 be referred to the Steering Committee.

THE COMMISSION agreed to refer FEC-004/3 to the Steering Committee.

ITEM 7 - PROPOSED VOTING PROCEDURE IN COMMITTEES (FEC-022)

THE COMMISSION approved FEC-022.

ITEM 8 - TITLE OF COMMITTEE NO. 4 (FEC-004/4)

THE COMMISSION approved FEC-004/4.

ITEM 9 - PROPOSED PRESS RELEASE (FEC-005/1)

MR. NOVIKOV suggested that the paragraph under Committee No. 1 be amended to read as follows:

~~Seizure-and-disposition-of-Japanese-overseas-property-and-and-investments;-goods-and-materials-within-Japan;~~ Reparation of goods and materials; restitution of looted property; and related topics.

SIR FREDERIC EGGLESTON proposed that the sentence under Committee No. 6 be amended to read as follows:

Friendly aliens: Neutrals: Enemy nationals other than Japanese.

ITEM 9 - Contd.

THE COMMISSION approved FEC-005/1 as amended and instructed the Secretary General to include FEC-005/1, with the addition of the Chairman and Vice Chairmen of each Committee, in the press release covering the meeting.

ITEM 10 - COMMISSION AGENDA (FEC-004/5)

MR. NOVIKOV suggested that FEC-004/5 be referred to the Steering Committee.

THE COMMISSION referred FEC-004/5 to the Steering Committee.

ITEM 11 - OTHER BUSINESSa. New Australian Delegate.

SIR FREDERIC EGGLESTON said that he was returning to Australia and that Lt. Gen. Sir John Lavarack would represent Australia on the Commission, with Major Plimsoll as alternate.

ITEM 12 - PRESS RELEASE

In accordance with instructions of the delegation the Secretary General released the following statement to the press: "At the third meeting of the Far Eastern Commission today it was agreed that the three vice chairmen of the Commission should be:

Mr. Andrei A. Gromyko (USSR)
Dr. Wei Tao-ming (China)
Lord Halifax (UK)

The order in which the vice chairmen should serve will be decided among them in consultation with the Chairman of the Far Eastern Commission.

Committee No. 1: Reparations

Chairman: Lt. General Sir John Lavarack (Australia)
Deputy Chairman: Mr. G. A. Ph. Weyer (Netherlands)

Reparation of goods and materials; restitution of looted property; and related topics.

Committee No. 2: Economic and Financial Affairs

Chairman: Sir George Sanson (United Kingdom)
Deputy Chairman: Mr. Kenneth Galbraith (United States)

Extent and character of Japanese industry, commerce and agriculture necessary for a viable economy in Japan; measures necessary to establish such an economy; financial problems; and related topics.

ITEM 12 - Contd.

Committee No. 3: Constitutional and Legal Reform

Chairman: Sir Girja Bajpai (India)
Deputy Chairman: Mr. Herbert Norman (Canada)

The Emperor, Diet, Cabinet, local government, political parties, a Bill of Rights, machinery for drafting a new constitution, electoral system and reform of the policy system and related topics.

Committee No. 4: Strengthening of Democratic Tendencies

Chairman: Mr. Nikolai V. Novikov (USSR)
Deputy Chairman: Dr. P. P. Ma (China)

Establishment of freedom of speech, of religion and of thought, and respect for the fundamental human rights; positive policy for the reorientation of the Japanese; other measures to strengthen democratic tendencies and related topics.

Committee No. 5: War Criminals

Chairman: Dr. C. L. Hsia (China)
Deputy Chairman: Mr. Melquiades Gamboa (Philippines)

Identification, apprehension and trial of persons suspected of war crimes.

Committee No. 6: Aliens in Japan

Chairman: Mr. Francis Lacoste (France)
Deputy Chairman: Mr. F. C. Everson (United Kingdom)

Friendly aliens: Neutrals: Enemy nationals other than Japanese.

Meeting adjourned at 12:30 P.M.

Minutes of
4th FEC Meeting

FAR EASTERN COMMISSION

Minutes of Fourth Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.,
Wednesday, 20 March 1946

REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman (U.S.)
Lt. Gen. Sir John Laverack (Australia)
Mr. E. Herbert Norman (Canada)
His Excellency Dr. Wei Tao-Ming (China)
His Excellency Paul Emile Naggiar (France)
Mr. James Vasugar (India)
Dr. A.D.A. de Kat Angelino (Netherlands)
Colonel G.R. Powles (New Zealand)
Dr. Melquiades J. Gamboa (Philippines)
His Excellency Mr. Nikolai V. Novikov (U.S.S.R.)
Sir George Sansom (U.K.)

SECRETARY GENERAL

Mr. Nelson T. Johnson

27 March 1946

FAR EASTERN COMMISSION

CORRIGENDUM

TO

MINUTES OF FOURTH MEETING

Note by the Secretary General

The Far Eastern Commission at its fifth meeting, 27 March 1946, approved the Minutes and the Annex to the Minutes of its fourth meeting with the following changes:

- a. Page 3, Item 6, 1st line, change "Mr. Novikov" to "Mr. Norman".
- b. Page 6 of the Annex, second paragraph, twelfth line, change "25000" to "2,500".
- c. Page 6 of the Annex, second paragraph, thirteenth line, change "45,000" to "4,500".

NELSON T. JOHNSON
Secretary General

Minutes of Fourth Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.,
Wednesday, 20 March 1946

GENERAL MCCOY called the meeting to order at 10:30 a.m.

ITEM 1 - APPROVAL OF MINUTES OF 3RD MEETING

THE COMMISSION approved the minutes of its third meeting.

ITEM 2 - REMARKS BY BRIGADIER GENERAL KEN. R. DYKE, CHIEF
OF CIVIL INFORMATION AND EDUCATION SECTION, SCAP GHQ

GENERAL DYKE addressed the Commission on current topics in Japan and answered questions from the delegates. (Gen. Dyke's remarks and answers to questions will be circulated as an annex to these minutes.)

ITEM 3 - COMMISSION DOCUMENTS (FEC-030)

GENERAL MCCOY presented FEC-030 and said that although, under the provisions of the document new papers need not come before the Commission but might be referred by the Secretary General to the appropriate committee, nevertheless any delegate who so desired might present a document directly to the Commission before its reference to a Committee.

THE COMMISSION approved FEC-030.

ITEM 4 - ORGANIZATION OF THE SECRETARIAT (FEC-029)

GENERAL LAVARACK reminded the Commission that Australia had previously advocated that the Secretariat eventually become international. He said he did not object to FEC-029 but desired to record this reservation on behalf of his Government.

THE COMMISSION approved FEC-029.

ITEM 5 - JAPANESE GENERAL ELECTION (FEC-021/1)

MR. VESUGAR suggested that this item be dealt with together with Item 6, since Item 6 involved both the election and the constitution. If the Commission should not find it desirable to combine the items, he suggested that Item 6 be considered first.

MR. NOVIKOV said the two items concerned two distinct problems which should be discussed separately.

ITEM 5 - Contd.

SIR GEORGE SANSOM said that FEC-021/1 simply proposed an enquiry to obtain facts from the Supreme Commander, whereas FEC-031 dealt with a policy decision of the Commission.

GENERAL MCCOY ruled that FEC-021/1 should be discussed first as a separate item.

GENERAL MCCOY said that while he would not oppose the sending of such a query as was contained in FEC-021/1 to General MacArthur, he nevertheless believed the enquiry was futile because of the short time now remaining before the date of the election, and also because the establishment of a date for an election did not clearly involve a policy decision within the jurisdiction of the Commission.

COLONEL POWLES referred to Sir Carl Berendsen's statement at the last meeting of the Commission, in which Sir Carl had enumerated the reasons why it seemed to him proper that the election should be postponed. COLONEL POWLES said that the discussion following Sir Carl's statement had resulted in a general consensus that some form of enquiry should be dispatched to General MacArthur, and with that in mind the matter had been referred to Committee No. 4.

COLONEL POWLES moved that FEC-021/1 be approved by the Commission. SIR GEORGE SANSOM seconded the motion with the addition of the words "at this late date" after the word "desirable" in the second line of paragraph 3, page 2. The motion as amended was carried unanimously.

GENERAL MCCOY suggested that this action by the Commission be understood as consultation with the Supreme Commander, with reference to paragraph VI, 1 of the Terms of Reference: "It [The Far Eastern Commission] may make such arrangements through the Chairman as may be practicable for consultation with the Supreme Commander for the Allied Powers." As such, the action of the Commission should be transmitted by the Secretary General to the Chairman, the latter to make arrangements for consultation with the Supreme Commander. The Commission unanimously approved this interpretation.

ITEM 6 - JAPANESE CONSTITUTION (FEC-031)

^{Morman}
MR. ~~NOVIKOV~~ explained that several drafts of proposed messages to the Supreme Commander had been submitted by representatives at a meeting of Committee No. 3. A draft submitted by the United Kingdom representative had been amended and adopted as set forth in the enclosure to FEC-031.

GENERAL MCCOY said that he agreed that the Commission should dispatch as soon as possible a statement of policy on the Japanese Constitution to the Supreme Commander. He distributed copies of a draft containing a substitute text for FEC-031.

Various changes in the wording of General McCoy's draft were proposed. MR. NAGGIAR pointed out that under paragraph III, 1, "The United States Government shall prepare directives in accordance with policy decisions of the Commission and shall transmit them to the Supreme Commander through the appropriate United States Government agency." Therefore, he said, the Commission need not concern itself with details of phraseology appropriate for a message to the Supreme Commander, but only with a clear statement of broad policy.

MR. NORMAN moved and MR. NOVIKOV seconded his motion that General McCoy's draft, with agreed amendments, be approved as follows:

"The Commission has received from the United States Government the text of a draft constitution which appears to have been drawn up in compliance with an Imperial rescript, the text of which has also been supplied by the United States Government, along with the Supreme Commander's comments on that text.

"The opening sentences of this draft indicate to the Commission that it will be presented to the first session of the Japanese Diet which will be chosen at the forthcoming general elections. The Commission therefore assumes that this and possibly other texts will be debated in the Diet and that amendments may be offered and perhaps other proposals introduced.

"The Commission, therefore, desires that the Supreme Commander keep it informed of the progress and development of this and other drafts that may be considered by the Diet.

"For mindful of its responsibilities under its Terms of Reference for the formulation of policy in regard to the implementation of the surrender terms, and of the important bearing which this or any other proposed changes in the constitutional structure of Japan may have upon the decisions in carrying out that responsibility, the Commission desires that the Supreme Commander for the Allies make clear to the Japanese Government that the Far Eastern Commission must be given an opportunity to

ITEM 6 - Contd.

pass upon the final draft of the Constitution to determine whether it is consistent with the Potsdam Declaration and any other controlling document before it is finally approved by the Diet and becomes legally valid.

"The Commission believes that in this way hasty action by the Japanese Diet will be prevented and time given for all elements inside and outside the Diet to consider this very important question and bring to that consideration all available thought produced by the freely expressed will of the Japanese people.

"In this connection the Commission notes the encouragement given to the Japanese people in the Supreme Commander's announcement that this draft of a proposed constitution has his personal approval. It is somewhat apprehensive that this approval may be misunderstood by the Japanese public and taken to mean that this particular draft has the approval of the Powers represented on this Commission.

"As such is not necessarily the case and as the Commission does not want to take any action in regard to this or any other draft constitution that might prejudice Japanese public opinion for or against any proposal of this nature, it considers that the Supreme Commander for the Allied Powers should in some appropriate manner make it known to the Japanese people that while this draft of a proposed constitution is a document of obvious merit and is available now for consideration and study, the fact that it is a draft prepared by the Government does not preclude favorable consideration of other proposals or drafts which may be submitted to the Diet for study and comparison.

"The Commission requests that the United States Government inform the Supreme Commander of its views as expressed above, and since the constitutional issue is one that is likely to influence the votes of the electors, it do so with a minimum of delay."

The motion was carried unanimously.

GENERAL MCCCY suggested that this action be understood as a policy decision by the Commission with reference to paragraph II, A, of the Terms of Reference: "The functions of the Far Eastern Commission shall be: 1. 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," and with reference to paragraph III, 1: "The United States Government shall prepare directives in accordance with policy decisions of the Commission and shall transmit them to the Supreme Commander through the appropriate United States Government agency." As such, the action of the Commission should be transmitted by the Secretary General to the Secretary of State in order that directives might be prepared by the United States Government in accordance with this policy decision for transmittal to the Supreme Commander. The COMMISSION unanimously approved this interpretation.

ITEM 7 - OTHER BUSINESS

There was no other business.

ITEM 8 - PRESS RELEASE

THE COMMISSION agreed that the press release should contain a paragraph to the effect that General Dyke addressed the Commission and replied to questions from the delegates. The texts of FEC-029 and FEC-030 were made available to the press.

The meeting adjourned at 12:45 p.m.

22 March 1946

FAR EASTERN COMMISSION

ANNEX

TO

MINUTES OF FOURTH MEETING OF THE FAR EASTERN COMMISSION

Note by the Secretary General

The enclosure, a transcript of the remarks by Brigadier General Ken R. Dyke at the fourth meeting of the Far Eastern Commission on March 20, 1946, is circulated for the information of the Far Eastern Commission.

NELSON T. JOHNSON
Secretary General

E N C L O S U R E

GENERAL DYKE: It is a great pleasure for me to meet many of you gentlemen again, and some for the first time. I remember at the occasion of the first session, I approached it in trembling and fear, and found it was only about as bad as a one-hour dentist session.

The situation as it now is, as compared with what it was when many of you gentlemen were out there, has not changed substantially, but it has progressed, as those things do, from the early stages of the so-called primitive and original work known as the "Era of Directives" into what is now becoming the "Pick and Shovel" stage. I think we will all agree that what we have done to date has been merely to plot out the pattern of things to come and to draw, if you will, on the blackboard for the benefit of the Japanese and for the world what the Allied Powers expect of the Japanese.

That was the purpose of the issuance of the Directives. The rapidity with which the Directives were issued, I would say might be well compared to the strategy that you employ in any combat, and this is still combat. I mean that we are still engaged in a war of sorts over there, and it is not just a peaceful operation. That is, in combat you try to keep the other fellow off-balance, and after you deliver a good right jab, the idea is to deliver a left jab before he has completely recovered. We have no intention of allowing the Japanese to thoroughly absorb a Directive before they get another presented for their education.

Now the pattern has been laid broadly. Certainly no one can say that all the Directives have been issued, but all the basic Directives, I believe, have been issued and from here on out we will have not so many Directives. But the basic job, and this is for you and for us, is to make the Directives work and to see that the understanding of the people in the cities and villages becomes at least as adequate as we hope the understanding is of the Japanese Government officials, in Tokyo.

The occupation obviously from here on out is not going to be as spectacular except in rooms like this where you will recognize that things much more important are now going on than went on when the newspapers were getting the headlines.

As to the Japanese people, I would say that at the present time there is not any of the Japanese leaders who knows exactly what the status of the Japanese average citizen's mind is. I would compare it to, say, a bar of steel that has been exposed to an atomic bomb, or some other outside influence. Outwardly it looks the same. Inside, until it is pretty closely examined, nobody knows what has happened in the structure of that particular steel bar. Even the old Japanese hands admit that in the Japanese mind today which has gone through all the frustrations of war, the changes--things such as the statements the Emperor made on New Year's Day--a complete and rather vital and important change has taken place.

I stress that not merely because I am engaged in it, but it seems to me that the fundamental, long-time job, to which all these other things contribute, is: What is the Japanese going to think about in two or three years? What are his mental processes going to be? And unless we know more about them and study them constantly, we will not be able to put the cocktail together correctly, either out there nor will you gentlemen be able to give us the guidance that we need.

I think I mentioned this at the meeting out there, General, that there are two questions which almost every Japanese asks you, and they do it in the order and in this manner. The first is: "Dyke-san how long you stay in Japan?" It started out with, "20 years? 10 years?" and now there has been a slight change. Now it is: "Dyke-san how long you stay in Japan--10 years, 5 years, 2 years?" The second question is, "What is democracy?" Both of those questions are almost impossible to answer in a very glib phrase. The answer to the first one, of course, is going to be one we have been giving; namely, until the mission is accomplished. The best definition of when is the mission accomplished, let us say, is when Japan, in the opinion of the Allied Powers, is fit to be accepted back into the so-called "Family of Nations".

The answer to "What is Democracy?"--if you gentlemen have not tried it lately, I suggest it as a fine after-dinner sport. Try to define democracy in 15 or 20 well-chosen words that someone like a Japanese, who has not lived in a democracy, will understand. That of course gets us down to our problem of taking democracy from Webster and making it a working thing and a living thing and something that people can understand.

That gets us to the thing, I think, that is so true of all this type of work. It is not so much what you say; it is not so much what is written in beautiful Atlantic-Charter language; it is how you do it. It is the manner in which this job is done that is as important, if not more important, than the very tenets of the mission itself. That is the only way, in my opinion, that we can encourage democratic tendencies and that we can convince these people to take specific things, whatever they are, and try to work with them to show them this is manner and the way in which it is done, this is the manner and the way in which the rights of individuals can be done, in a way that is sound and practical.

I do not know whether you gentlemen are going to be able to answer today or ever the first question, but I throw it out at this time as the problem of an operator. You cannot plan many things without evaluating the factor of time. You do things a certain way if you are going to do them in two years, and another way if you are going to do them in five years. We are, of course, having merely to assume a time, and for our own work we are assuming several times. All right, if we are going to be permitted to stay there for two years, that is one thing. We have got to accomplish certain basic things in that time. Five years or twenty years? If you want my honest opinion--and I think most of you would share it--as to how long it is going to take to make basic changes in the Japanese method of thinking and of the attitude towards Government, and their attitude towards other matters--it certainly seems to me a guess of a generation or twenty years, or however you want to evaluate in that area, is my guess and my very sincere feeling.

I have not been back here very long--just long enough perhaps to get the impact of the newspapers and the magazines and the reactions of my own particular friends and acquaintances. I am disturbed naturally with their wanting everyone to come back. It seems to me a perfectly normal aftermath of the war, psychologically, but people just aren't interested in such problems as the occupation of Japan. After they have asked you, "How did General MacArthur look the last time you saw him?" and "What is he really like?" the hour's conversation they want to have with you generally gets down to their telling you about Joe's latest baby or who divorced whom. It is very disturbing.

It seems to me that one of the problems you gentlemen have, and we have, is the importance of this picture. It has got to be kept in front of the peoples of the world. If it is not, then your constituencies are certainly going to lose interest. I think that the public relations job and the interpretation job is one which this body certainly can well consider and concern itself with. It will help us, obviously.

Well, that is a very broad general picture of the show. The educational activity is progressing. It is a long, tough job as you all know. We are dealing in factors of 40,000 schools, 400,000 teachers, 16,000,000 students, and again, as I said in Tokyo, it is like trying to perform an appendix operation when the body is running around on the table. The schools are running, the kids are going to school, the teachers are teaching, and we are trying to perform an operation which most authorities would certainly agree would take about three or four years to plan in some quiet spot in a desert where you are not bothered with the screams of the children and the protests of the teachers. But it is progressing.

Many of the teachers have resigned because of the fear of what was to come. We have tried to work out both with the Japanese Government and by ourselves a proper and practical plan of screening these 400,000 teachers, and we have not finished it yet.

We have now decided this: If we make the wrong move, we will put ourselves back many years. If you will be patient with us, we will get there. We are going to try out a test area plan in a prefecture. We are going to get the bugs out of this. If the plan is wrong, we will find it out and we will only jeopardize one area. If at the end of 90 days the plan seems practical, and we hope it will, we will extend it of course to Japan. That is good, sound business practice, and it is good, sound practice in almost anything. The results will be slow, but we would rather, and we believe you will agree, be sure of what we are doing. If you make the wrong move, it will take literally months and years to undo that part of the job.

The textbook situation again is progressing. As you know, we have suspended three subjects, history, that is Japanese history, geography and so-called ethics and morals from the schools until proper textbooks can be written and provided. I noticed that some of the papers picked this up and wrote editorials on the fact that MacArthur was burning the books. "What kind of mumbo-jumbo is this? The old Nazi way. You can't kill ideas by burning the books". We are not burning the books. We are pulping the books because we have a paper shortage. We are taking the books out of the schools that can no longer be used. We are tearing them into paper pulp so we can make more textbooks. It seems to us sensible and practical. We are not burning books. We are not taking them out of the libraries where adult minds can sit down and do all the comparative reading they want to do. We believe that is sound and sensible. That phase is in hand or about there.

The Educational Mission has now arrived in Japan. It is only one of a series of such missions that we hope will come over there. We hope again to learn a lot out of the first visit of this mission. We have split it up into four committees and have selected paralleling committees from the Japanese side, and those two committees will work with each other on certain broad basic things, and will come up with recommendations which we hope will be helpful to us.

On the information end, the media of newspapers, magazines, motion pictures, radio are all still in process of being unscrambled. We just get rid of one set of controls and find another set of wires all arranged on the bottom, and we have to scratch those off, but I think the press is coming along. There seems to be much more satisfactory handling of world news. One point which I am sure you are all familiar with and which I do want to stress, because particularly in your thinking on education and information it is so important, and I believe I stressed it at your meeting in Tokyo, and that is, let us get out of our idea that we have 99.6% literacy of Japanese. That is true, 99.6% literacy means they can read, but the \$64 question is not can they read, but how much can they read, and how do they read. If you forget that, you will visualize beautiful documents reprinted in the papers, in the magazines, and you will assume the job is done, and that is just not true. Out of the 15,000 characters that the Japanese took over from the Chinese to form their written language, the average Japanese cannot today understand at the top, for the average Japanese, more than 2000.

When you run into such startling facts as these, that the pilots of the Japanese Army Air Force, only 25% of them could read their own technical manuals on their own planes; when an associate editor of one of the big Tokyo newspapers today admitted to me he could not write a single editorial without referring to the dictionary; then you start to get a picture that the language barrier is not only a barrier between us and the Japanese, but a barrier between the Japanese and the Japanese. That is where you will find that such things as radio, such things as the encouragement of discussion groups, are vitally important at this stage of the game. The newspapers who agreed, as I think Mr. Norman will remember, to hold their number of characters down to around ^{2,500}~~25,000~~, slipped up during the war to ^{4,500}~~45,000~~ characters. Over and above that, they usually used the side writing, phonetic side writing, so if the man did not remember the character, he could use the side writing. That was dropped out.

During the early days of the occupation it was dropped out on the things we wanted them to read, the directives, and the reports of legislation. The very things that were important for the people to know were the things they were hardly able to read. Whether the answer is going to be Romaji, the use of phonetic Romanized alphabet, I do not know. I am not in a position to say, but we will certainly explore it and experiment with it.

There are certain figures that do come up, things that have been tried since we have been there, that seem to indicate a child can perhaps remember as much of reading by the use of Romaji in six weeks as he can learn through the conventional Japanese characters in two years. If those things are true, we are on the road to doing something that is most important, and it may have a very far-reaching effect. In itself it does not appear in any tenets of democracy or democratic principles or anything else. It is a basic, fundamental thing. If we can uncork a few of those things maybe we will make tremendous progress.

Well, General, that is about all I have on my mind. I will be glad to answer any question that you Gentlemen may have.

SIR GEORGE SANSOM asked what methods were used to control domestic and foreign broadcasts. GENERAL DYKE replied that there was no overseas broadcasting, except to unrepatriated Japanese soldiers. For the time being, all domestic broadcasting emanated from Tokyo, where all programs might more easily be controlled by censorship or review. This control had also facilitated the rescheduling of programs so that those which should act as a stimulus to democratic political activity were presented at hours of the day when they might reach the maximum number of listeners. While short-wave pickup of desirable topical programs must continue, with the accompanying hazards of reception conditions, GENERAL DYKE said that programs of a less topical nature might be recorded in this country for rebroadcast by the Tokyo radio.

Minutes
5th FEC Meeting

FAR EASTERN COMMISSION

Minutes of Fifth Meeting of the Far Eastern Commission, Held
in Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Wednesday, 27 March 1946

REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman (U.S.)
Lt. Gen. Sir John Lavarack (Australia)
Mr. E. Herbert Norman (Canada)
Dr. Lia Shih-shun (China)
His Excellency Paul Emile Naggiar (France)
Mr. James Vesugar (India)
His Excellency Dr. A. Loudon (Netherlands)
Colonel G. R. Powles (New Zealand)
Dr. Melquiades J. Gamboa (Philippines)
His Excellency Mr. Nikolai V. Novikov (U.S.S.R.)
Sir George Sansom (U.K.)

SECRETARY GENERAL

Mr. Nelson T. Johnson

Minutes 5th FEC Mt'g.

E N C L O S U R E

Minutes of Fifth Meeting of the Far Eastern Commission, Held
in Main Conference Room, 251b Massachusetts Avenue, N. W.,
Wednesday, 27 March 1946

ITEM 1 - APPROVAL OF THE MINUTES OF THE FOURTH MEETING

THE COMMISSION agreed to amend the minutes of the fourth meeting as follows:

- a. Page 3, 1st paragraph, substitute "Mr. Norman" for "Mr. Novikov".
- b. Page 6 of the annex to the minutes of the fourth meeting, second paragraph, twelfth line, substitute "2500" for "25,000".
- c. Page 6 of the annex to the minutes of the fourth meeting, line thirteen, substitute "4500" for "45,000".

THE COMMISSION approved the minutes of its fourth meeting with the above amendments.

ITEM 2 - COMMISSION AGENDA (FEC-004/6)

MR. JOHNSON requested that delegations notify him as soon as possible of their membership on Committee No. 7: Disarmament of Japan.

GENERAL MCCOY said that, to expedite the work of Committee No. 7 he would like to refer FEC-017/1, a United States paper on "Disarmament, Demobilization, and Disposition of Enemy Arms, Ammunition and Implements of War", to that committee. He said that he was also asking the United States Government to furnish complete reports on the disarmament and demobilization which had already taken place. He commented that in his opinion investigation by the Committee should include the question of disarmament and demobilization of Japanese troops wherever situated. He added that such investigation would confirm the fact that disarmament which had already taken place in Japan had been miraculously thorough.

MR. JOHNSON pointed out that to preserve in the document a clear distinction between formulation of basic policy and implementation of such policy, the words "carrying out a" should be deleted in the seventh line of the paragraph under "Subjects" under Committee No. 2: Economic and Financial Affairs.

THE COMMISSION approved FEC-004/6 with the above deletion.

ITEM 3 - RESTITUTION OF LOOTED CULTURAL OBJECTS (FEC-011/2)

MR. JOHNSON pointed out that paragraph 3 of the enclosure to FEC-011/2 required the policy set forth in the preceding paragraphs to be transmitted to countries other than those represented on the Far Eastern Commission. Such communication was provided for in paragraph V. 1, of the terms of reference and would be handled by a note from the Secretary General, on behalf of the Commission, to the United States Secretary of State with a request that the latter communicate the policy to the other powers.

MR. NOVIKOV suggested that the word "advise" be substituted for the word "urge" in the third line of paragraph 2. The COMMISSION unanimously agreed to this change.

MR. NOVIKOV referred to paragraph 1 of the enclosure to FEC-011/2 and said that his Government objected to the date of 18 September 1931. This date, he said, would prevent the Soviet Government from recovering cultural objects looted by the Japanese between 1918 and 1924, when the Soviet Far East and Siberia had been occupied by the Japanese. GENERAL MCCOY suggested that the phrase "without prejudice to the subsequent extension of the scope of restitution" would cover the point raised by Mr. Novikov. MR. NOVIKOV felt, however, that the extension referred to meant an extension to include objects other than cultural objects rather than an extension in time.

MAJOR PLIMSOLL, as chairman of Committee No. 1, which prepared FEC-011/2, explained that the phrase "without prejudice to the subsequent extension of the scope of restitution" meant both that earlier periods of time might be included and that other types of objects might be included.

MR. NOVIKOV asked what objection might exist to the restitution of cultural objects looted from the Soviet Government earlier than 18 September 1931. MAJOR PLIMSOLL replied that there was no objection in principle to such restitution but that the difficulty of identification increased greatly, the further back the time was extended. He suggested that FEC-011/2 be approved and that the Soviet delegate present his case for an extension of the time limit at the next meeting of the Committee No. 1.

ITEM 3 - Contd.

SIR GEORGE SANSON said that since the policy had been formulated to apply to objects which had been looted, the period of time was of less importance than the circumstances under which the objects had been taken. He suggested that the date be omitted and the type of removal be more specifically described as "by force or fraud". MAJOR PLIMSOLL said that the inclusion of such a phrase would greatly slow down the process of restitution, as SCAP would have to investigate the circumstances of removal in each case.

GENERAL MCCOY said that SCAP was at present operating under a policy similar to that in FEC-011/2 on the restitution of looted cultural objects removed since 1937. He said the United States Government had approved moving the date back to 1931, but that if the Commission now proposed to set the date further back, he would have to consult his Government again.

GENERAL LAVARACK moved and MR. NOVIKOV seconded the motion to refer FEC-011/2 back to Committee No. 1 for further consideration. The motion was carried unanimously.

ITEM 4 - OTHER BUSINESSa. Japanese General Election

MR. NOVIKOV asked whether the message agreed by the Commission at its last meeting for transmittal to General MacArthur on the Japanese general election had been transmitted, and if so, the date of transmittal, whether an answer had been received from General MacArthur, and if not, when such answer was expected.

GENERAL MCCOY replied that the message had been transmitted by the United States government but that no reply had yet been received. MR. NOVIKOV inquired further as to the date of transmittal. GENERAL MCCOY said that he did not like to question in detail the actions of his Government, but that since an inquiry had been made, he would request information as to the details of the transmittal of the message. He requested the Secretary General to put in writing the precise details to be ascertained after consultation with Mr. Novikov.

ITEM 3 - OTHER BUSINESSa. PRESS RELATIONS

SIR CARL BERENDSEN asked whether each delegate should feel free to discuss with the press anything that transpired at a meeting of the Commission or whether he should restrain himself to reference to his own remarks. MR. JOHNSON replied that the established policy (FEC-005) was for the Commission to agree at each of its meetings on a formal press statement to be released by the Secretariat, but that individual Commission members were at liberty to give any information they desired to the press.

SIR CARL said that if members were to have such wide discretion, the press should be invited to attend the meetings. GENERAL MCCOY said that the established policy had proven satisfactory in that there had been an absence of sensationalism in references by the press to the Commission.

THE COMMISSION agreed to continue the policy established in FEC-005 to issue a formal press release at each meeting, with each delegate left free to give to the press what information he desired as to what transpired at meetings of the Commission.

b. APPREHENSION, TRIAL AND PUNISHMENT OF WAR CRIMINALS IN THE FAR EAST (FEC-007/3)

THE COMMISSION agreed to defer consideration of FEC-007/3 until its next meeting.

c. PRESS RELEASE

THE COMMISSION approved the following press statement:

1. At a special meeting this morning, called by the Chairman, General McCoy, after consultation with the Commission's Steering Committee, the Far Eastern Commission considered a reply by General MacArthur, the Supreme Commander for the Allied Powers, to an earlier inquiry by the Commission as to his views with respect to the date of the forthcoming Japanese general election scheduled for April 10, 1946.
2. In its inquiry to the Supreme Commander, the Commission had indicated that it considered the election an important matter, that it had made a preliminary and tentative study of the subject and that it wished the views of the Supreme Commander in order to give the subject further consideration.
3. The Supreme Commander's reply gave the Commission the information it had requested, and it was to consider this information that the Commission met today.
4. Upon due consideration, the Commission agreed that any action on its part in connection with the date of the forthcoming election on April 10, was unnecessary.

ITEM 3 - Contd.

THE COMMISSION agreed that the original query to General MacArthur regarding the date of the Japanese General Election (FEC-021/2, Enclosure "A") and the reply from General MacArthur (FEC-021/3, 021/4, and 021/5) should be released, and requested the Chairman to secure from the United States Government declassification of the reply from General MacArthur for this purpose.

The meeting adjourned at 12:15 P.M.

Minutes of
7th FEC Meeting

FAR EASTERN COMMISSION

Minutes of Seventh Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Wednesday, 3 April 1946

REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman (U.S.)
Lt. Gen. Sir John Lavarack, (Australia)
His Excellency Lester B. Pearson, (Canada)
Dr. Wei Tao-ming, (China)
His Excellency Paul Emile Naggiar, (France)
The Honorable Sir Girja Shankar Bajpai, (India)
His Excellency Dr. A. Loudon, (Netherlands)
Sir Carl Berendsen, (New Zealand)
Dr. Melquiades J. Gamboa, (Philippines)
His Excellency Mr. Nikolai V. Novikov, (U.S.S.R.)
Sir George Sanson, (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

E N C L O S U R E

Minutes of Sixth Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Saturday, 30 March 1946

GENERAL MCCOY called the meeting to order at 10:30 a.m.

ITEM 1 - APPROVAL OF THE MINUTES OF THE FIFTH MEETING

THE COMMISSION approved the minutes of its fifth meeting.

ITEM 2 - JAPANESE GENERAL ELECTION (FEC-021/3, 021/4, and 021/5)

SIR CARL BERENDSEN said that though little time remained before April 10, the date now set for the general election, he would nevertheless recommend that the election be postponed. He said that he would have advocated such postponement while he was in Japan with other members of the Far Eastern Advisory Commission, had the date been set at that time.

MR. NOVIKOV said that he was not convinced by the reasons set forth in FEC-021/3 - 021/5, inclusive, that the election should be held on April 10. He said that the election would be carried out by a government partially composed of suspected war criminals and that such a government was unsatisfactory from the point of view of the Potsdam Declaration. He said he had studied the electoral system under which the election would be carried out, and that in his opinion it was not as democratic a system as the Supreme Commander had affirmed it to be, principally because of the numerous restrictions on the electorate.

MR. NOVIKOV moved that the Supreme Commander be informed that the Far Eastern Commission had agreed that the Japanese General Election should be postponed to a date later than April 10. There was no second to this motion.

GENERAL MCCOY inquired who should make a decision on a new date for the election, if agreement were reached that postponement was desirable. MR. NOVIKOV replied that such a date might be fixed by SCAP, under direction of the U. S. Government after general conditions of reform of the Japanese Government, which should be laid down by the Far Eastern Commission, had been met.

ITEM 2 - Contd.

GENERAL MCCOY referred to the provision (Article XLV) of the Japanese Constitution which had been pointed out by Sir Frederic Eggleston in a previous meeting which stated:

"When the House of Representatives has been ordered to dissolve, Members shall be caused by Imperial Order to be newly elected, and the new House shall be convoked within five months from the day of dissolution."

He said that under this provision there was not time for another postponement of the election.

GENERAL LAVARACK said that, although Sir Frederic Eggleston had, from a legalistic point of view, noted this provision in the Constitution, he was expressing his personal views and not necessarily the position of the Australian Government. General Lavarack's own view was that Allied victory made it possible to ignore any provisions in the Japanese Constitution. He said that he opposed postponement of the election for the three following reasons: 1) It was necessary to have a Diet if the present system of Allied control were to be maintained; 2) It might reasonably be expected that a better Diet would result from the election; and; 3) Should the results of the election prove unsatisfactory, the Diet might be dissolved by SCAP and a new election called.

GENERAL MCCOY said that up to the present General MacArthur had operated under his own interpretation of the Basic Directive of September 21, 1945, from the United States Government, whereby he governed through the existent organs of the Japanese Government. He pointed out that a violation of the Japanese Constitution would dissolve the present agreement between the Supreme Commander and the Japanese Government.

GENERAL MCCOY referred to the last paragraph of FEC-021/5 in which the Supreme Commander reaffirmed that, should the election prove unsatisfactory, he could dissolve the Diet and call another election at any time. This statement, he said, made it clear that the Supreme Commander regarded the election as a step toward better government, and not the establishment of a finally satisfactory government.

ITEM 2 - Contd.

MR. ADEVA recalled that the election had been postponed twice, and he thought that a third postponement would create an atmosphere of distrust and doubt on the part of the Japanese people of the ability of the Supreme Commander to carry through a program. He said that no date could ever be chosen that would be agreeable to all interested parties, and, since the Supreme Commander could call another election at any time, should the one of April 10 prove unsatisfactory, he did not feel that further postponement was justified.

DR. LIU said that the position of Dr. Wei had been that the decision to hold an election was a matter of policy and therefore within the purview of the Far Eastern Commission, and the setting of a date for such election was an executive decision to be made by the Supreme Commander. He said the reply from the Supreme Commander supplied adequate justification of the Supreme Commander's conclusion to proceed with the election on April 10.

SIR GIRJA BAJPAI said that the date of the election was more than an administrative detail; since it was determined by broad considerations of policy. Such broad considerations had been presented to the Commission by the Supreme Commander in his reply to the query by the Commission, and, while these considerations might reasonably lead to different conclusions, and while he felt that were he "writing on a clean slate" he might disagree with the conclusions of SCAP, nevertheless, since developments had gone so far, the decision of the Supreme Commander should not be overruled at this time.

SIR GEORGE SANSOM said he was in substantial agreement with Sir Girja Bajpai. He said the arguments of the Supreme Commander for proceeding with the election on April 10 were, on the whole, convincing.

DR. de KAT agreed that most of the arguments of the Supreme Commander were convincing and that the election should not be postponed.

ITEM 2 - Contd.

MR. NAGGIAR reiterated the view that the Commission should study over-all policy, but that the fixing of a date was an administrative matter not within the province of the Commission. He pointed out that the fixing of an election date was properly a matter for consideration by the Allied Council for Japan.

MR. PEARSON said he agreed that the election should not be postponed. He said that the dangers that might result from postponement outweighed the dangers of the election of an unsatisfactory Diet, since the Supreme Commander could dissolve such a Diet. He inquired how a decision would be reached as to whether the new Diet met the requirements of the Potsdam Declaration. SIR GIRJA BAJPAI replied that such a decision might be made by the Commission, based on a report of the results of the election, which the Supreme Commander should submit together with an appraisal of the new Diet's conformity to the requirements set forth in the Potsdam Declaration.

MR. NOVIKOV suggested that, failing agreement to recommend postponement of the date of the election, the Commission should inform the Supreme Commander of its desire that he make the announcement mentioned in the third paragraph of FEC-021/5, to the effect that the forthcoming election would be regarded as a test of the ability of Japan to produce a responsible and democratic government, and that further elections would be held at a later date.

SIR CARL BERENDSEN and SIR GIRJA BAJPAI agreed that the Supreme Commander should make such an announcement, which should emphasize to the Japanese people that, should they elect an undemocratic government it would be dissolved by the Supreme Commander and a new election called.

THE COMMISSION agreed that action on its part in connection with the date of the forthcoming Japanese General Election was unnecessary.

ITEM 5 - PRESS RELEASE

THE COMMISSION unanimously approved the following press release:

The Far Eastern Commission, in its regular weekly meeting today considered reports by several of its committees and established a new committee on the disarmament of Japan. This committee will be concerned with the disarmament and dissolution of the Japanese armed forces, the disposition of armaments and military equipment, and the long-range control of armaments necessary for internal police security in Japan.

Minutes of
6th FEC Meeting

FAR EASTERN COMMISSION

Minutes of Sixth Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Saturday, 30 March 1946

REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman (U.S.)
Lt. Gen. Sir John Lavarack, (Australia)
His Excellency Lester B. Pearson, (Canada)
Dr. Liu Shih-shun, (China)
His Excellency Paul Emile Naggiar, (France)
The Honorable Sir Girja Shankar Bajpai, (India)
Dr. A. D. A. de Kat Angelino, (Netherlands)
Sir Carl Berendsen, (New Zealand)
Mr. Manuel A. Adeva, (Philippines)
His Excellency Mr. Nikolai V. Novikov, (U.S.S.R.)
Sir George Sansom, (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

E N C L O S U R E

Minutes of Seventh Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Wednesday, 3 April 1946

GENERAL MCCOY called the meeting to order at 10:30 a.m.

ITEM 1 - APPROVAL OF MINUTES OF THE SIXTH MEETING

THE COMMISSION approved the minutes of its sixth meeting.

ITEM 2 - AGENDA FOR COMMISSION MEETINGS (FEC-041)

THE COMMISSION approved FEC-041.

ITEM 3 - APPREHENSION, TRIAL AND PUNISHMENT OF WAR CRIMINALS
(FEC-007/3)

SIR CARL BERENDSEN referred to paragraph 1 a of FEC-007/3 and asked why the wording differed from the wording contained in the Charter of the International Military Tribunal for the Far East established by the Supreme Commander in a Special Proclamation (General Orders No. 1) of 19 January 1946. He said that the wording in the Supreme Commander's Charter was better than that in FEC-007/3 in that it referred to war "declared or undeclared" and war "in violation of international law" as well as "in violation of international treaties". SIR GEORGE SANSON explained that the wording had been drafted to conform to the policy under which the Nuremberg trials were being held.

SIR CARL BERENDSEN inquired why Italy was included in paragraph 3 as a nation which might bring charges of war crimes. GENERAL LAVARACK replied that Italy, though not one of the United Nations, had declared war on Japan.

SIR CARL BERENDSEN referred to paragraph 5 (b) of FEC-007/3 and pointed out that the wording of the 13th and following line required that the Supreme Commander consult with the Allied Council for Japan and the representatives in Japan of the other powers which were members of the Far Eastern Commission before he could approve sentences imposed on war criminals. He said he thought it unnecessary for the Supreme Commander to consult any other authority before expressing approval of such sentences.

ITEM 3 - Contd.

SIR CARL BERENDSEN referred to paragraph 3 and said that although this paragraph empowered any of the United Nations or Italy to charge any individual with war crimes, it should be understood that the Supreme Commander should take no action against the Japanese Emperor without a further directive from the United States Government. In other words, paragraph 17 of the existing directive (FEC-007) should remain in force.

GENERAL MCCOY said that he would point out to the United States Government that paragraph 3 of FEC-007/3 should not be construed to authorize any action against the Emperor as a war criminal.

THE COMMISSION approved FEC-007/3, with the understanding that the directive to be forwarded to the Supreme Commander should be so worded as to exempt the Japanese Emperor from indictment as a war criminal, without direct authorization.

ITEM 4 - OTHER BUSINESSa. Organization of the Secretariat

At the request of General Lavarack, THE COMMISSION deferred discussion of FEC-029 until its next meeting.

b. Coordination between SCAP and the FEC

SIR GIRJA BAJPAI said that there should be some method of consultation between the Supreme Commander and the Commission before announcement of policy decisions by the Supreme Commander or by the United States Government. He said possible methods of establishing such consultation should be discussed at a later meeting of the Commission.

c. Acceleration of work of Committees

SIR GIRJA BAJPAI said that the work of Committee No. 1 and Committee No. 2 should be accelerated and that their work should be concerned with decisions being made by various governments. He referred to the decision by the United States Government to permit exports of cotton to Japan and said that other cotton exporting countries should have been consulted in formulating this program. He said that this matter also was one for more detailed discussion by the Commission at its next meeting.

11 April 1946

FAR EASTERN COMMISSION

CORRIGENDUM

TO

MINUTES OF SEVENTH MEETING

Note by the Secretary General

1. The attached page is a revision, embodying amendments suggested by Sir Girja Bajpai, at the eighth meeting, 10 April 1946, of page 2 of the minutes of the seventh meeting.
2. All delegates are requested to substitute the attached page for page 2 of the minutes of the seventh meeting.

NELSON T. JOHNSON
Secretary General

Minutes of
8th FEC Meeting

FAR EASTERN COMMISSION

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

REPRESENTATIVES PRESENT

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

SECRETARY GENERAL

Mr. Nelson T. Johnson

ITEM 3 - CONTD.

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THE COMMISSION approved FEC-007/3, with the understanding that the directive to be forwarded to the Supreme Commander should be so worded as to exempt the Japanese Emperor from indictment as a war criminal, without direct authorization.

ITEM 4 - OTHER BUSINESSa. Organization of the Secretariat

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c. Acceleration of work of Committees

SIR GIRJA BAJPAI said that the work of Committee No. 1 and Committee No. 2 should be accelerated and coordinated with decisions being made by the U.S. Government or by the Supreme Commander. He referred, as an example, to the decision by the United States Government to permit exports of cotton to Japan and said that other cotton exporting countries should have been consulted in formulating this program. He said that this matter illustrated the need for consultation to which he had referred earlier.

ITEM 4 - Contd.

d. Photograph of the Commission

THE COMMISSION agreed to permit the National Geographic Society to photograph the Commission in session at a later meeting.

e. Periodicals from Japan

SIR CARL BERENDSEN recalled that representatives of the Supreme Commander had agreed to forward various periodicals to the Commission in Washington. He asked what had been done to expedite the reception of these periodicals. MR. JOHNSON and COLONEL BABCOCK replied that two letters and a telegram had been forwarded to SCAP Headquarters requesting that the periodicals be forwarded. MR. HORMAN said that press translations prepared by the Allied Translations Interpreters Section, were being received.

f. Release of FEC 021/3, 021/4 and 021/5 to the Press

GENERAL MCCOY referred to the request of the Commission that the Chairman secure permission to publish the reply of General MacArthur to the query from the Commission regarding the general election in Japan (Minutes, 6th FEC Meeting, page 6). He said that General MacArthur had no objection to the publication of his reply, which had therefore been given to the press. Further, General MacArthur had said he had no objection to publication of any similar replies in the future. He would, however, like to be informed of such releases beforehand, so that he could give identical and simultaneous statements to the press.

ITEM 5 - PRESS RELEASE

GENERAL MCCOY asked whether FEC 007/3 should be released immediately to the press or whether it should be withheld until the directive to the Supreme Commander had been issued. MR. NAGGIAR suggested that FEC 007/3 be withheld until the Supreme Commander had received the directive. SIR GIRJA BAJPAI said that publication of all such policy decisions should be simultaneous with publication by the Supreme Commander, with the understanding that the Supreme Commander should not publish

ITEM 5 - Contd.

major decisions emanating from his headquarters before consultation with the Commission regarding such decisions. GENERAL LAVARACK said that all the governments represented on the Commission should be informed of policy decisions by the Commission or the Supreme Commander early enough to permit simultaneous publication by them also. MR. JOHNSON suggested that General Lavarack's desire might be met by setting a date in connection with each policy decision before which the policy should not be published.

THE COMMISSION approved the following press release:

The Far Eastern Commission, at its regular weekly meeting today, unanimously approved a policy for the apprehension, trial and punishment of war criminals in the Far East. The text will be made available at a later date.

The meeting adjourned at 11:45 a.m.

which indicated action taken by the Supreme Commander in this regard.

b. Time of Next Meeting

GENERAL MCCOY suggested that, since Thursday, May 30 was a national holiday, the next meeting of the Commission might take place on Wednesday, May 29.

THE COMMISSION unanimously agreed to hold its next meeting on Wednesday, May 29.

c. Applicability of Extraordinary Tax Laws to Non-Japanese Individuals and Corporations

GENERAL MCCOY referred to the discussion at the last meeting of the Steering Committee (Pages 2 and 3, Minutes, 14th SC Mt'g) as to the propriety of the action of the United States Government in sending to the Supreme Commander a directive regarding the applicability of Japanese extraordinary tax laws to non-Japanese individuals and corporations. He said that this interim directive had been sent in response to a request from the Supreme Commander for instructions in regard to the matter and that at the time of making the request the Supreme Commander had said he considered the matter as one of urgency. However, GENERAL MCCOY continued, when he called the attention of the appropriate officials in the U.S. Government to the fact that the subject was under active consideration in the Far Eastern Commission, the following communication had been prepared and handed to the appropriate authorities on 22 May for transmission to the Supreme Commander:

"In view of further consideration of subject, it is requested that action be deferred pending further guidance to you. If action has already been taken, it is requested that you withhold further action insofar as practicable and advise what action has been taken."

ITEM 6 - PRESS RELEASE

THE COMMISSION unanimously approved the following press release:

"I. The Far Eastern Commission today unanimously approved a policy statement concerning 3 additional

industries, which will form part of the over-all Interim Reparations Removals Program for Japan. (Texts enclosed.) These policies, on the machine tool industry, the sulphuric acid industry, and the shipbuilding industry, supplement the two initial policy statements which the Commission approved and released to the press last week. The Reparations Committee of the Commission still has additional policies relating to the Interim Reparations Removals Program under consideration, and the Commission will continue to release these statements as agreement is reached. The Commission has now taken action on 6 of the 10 industries covered by the Pauley report.

"II. The commission also unanimously agreed today to request its Chairman to secure certain information as to the extent to which certain policies and directives relating to civil liberties in Japan had been implemented. The request arose in Committee No. 4 of the Commission which has been considering the broad subject of civil liberties.

"III. The Commission received on May 17, 1946, the reply of the United States Government to the Commission's earlier policy decision on the subject of "Food Supply for Japan", which was released to the press on April 25, 1946. (Text of Assistant Secretary of State Hilldring's letter enclosed.) The Steering Committee of the Commission considered the reply of the United States Government and unanimously agreed to lay the subject on the table."

The meeting adjourned at 11:15 A. M.

Minutes of
13th FEC Meeting

FAR EASTERN COMMISSION

Minutes of the Thirteenth Meeting of the Far Eastern Commission,
Hold in Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Wednesday, 29 May 1946

REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman, (U.S.)
Right Honorable Herbert V. Evatt, (Australia)
His Excellency Lester B. Pearson, (Canada)
Dr. Timothy T. T. Mar, (China)
Mr. Francis Lacoste, (France)
Mr. Jamshed Vesugar, (India)
His Excellency Dr. A. Loudon, (Netherlands)
His Excellency Sir Carl Barendsen, (New Zealand)
Dr. Melquiades J. Gamboa, (Philippines)
His Excellency Mr. Nikolai V. Novikov, (U.S.S.R.)
Sir George Sansom, (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

Minutes of Thirteenth Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Wednesday, 29 May 1946

GENERAL McCOY opened the Meeting at 11:00 A.M.

GENERAL McCOY welcomed Dr. H. V. Evatt, Australian Minister for External Affairs who, during his visit in Washington, would sit with the Far Eastern Commission as the Representative for Australia.

ITEM 1 - APPROVAL OF THE MINUTES OF THE TWELFTH MEETING

MR. VESUGAR requested that the Minutes of the Twelfth Meeting be amended to include a comment made by him with respect to his Government's position that income from looted property should be used for reparations purposes.

THE COMMISSION approved the Minutes of its Twelfth Meeting with the amendment proposed by Mr. Vesugar.

ITEM 2 - INTERIM REPARATIONS REMOVALS - BALL AND ROLLER BEARING INDUSTRY
(FEC-059/6)

THE COMMISSION unanimously approved FEC-059/6.

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

MR. SAKSENA, speaking as the Chairman of an ad hoc sub-committee of the Steering Committee which had drafted SC-011/1, presented the document as a purely procedural paper.

GENERAL McCOY emphasized that the document merely represented the effort to expedite the procedural processes of the Commission and that it was subject to change at any time after due consideration.

In reply to an inquiry from Mr. Novikov, MR. JOHNSON explained that SC-011/1, as approved by the Commission, would be reissued to include all amendments which had been approved and should properly be considered part of the document.

THE COMMISSION unanimously approved SC-011/1 and FEC-067/1.

ITEM 4 - OTHER BUSINESS

a. STATEMENT BY THE U.S.S.R. REPRESENTATIVE WITH RESPECT TO SC-018
(CONSULTATION WITH SCAP ON THE EFFECT OF THE TOURS OF THE JAPANESE
EMPEROR)

MR. NOVIKOV presented the following statement:

"In accordance with the Potsdam Declaration of July 26, 1945 the final form of the Japanese governmental system should be established, after the surrender of Japan, by the free expression of will

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

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

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

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

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

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

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

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

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

can sign of discussion of the Constitution drafts.

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

MR. NOVIKOV said further that SC-018 had been unanimously approved by Committee No. 3 but that the Steering Committee nevertheless had decided that no further action should be taken. He expressed doubt as to the power of the Steering Committee to suspend action on any document without reference either to the Commission or back to the originating Committee. He referred to the Commission Agenda (FEC-004/6) and said that the Steering Committee was charged with "Organization of Commission business, including the establishment of appropriate committees, assignment of policy subjects with priorities to such committees, and coordination of the work of the committees in order to carry on effectively the business of the Commission;" He also referred to the decision (FEC-043) to empower the Chairman of the Steering Committee to decide whether a report by a Committee might go directly to the Commission or whether the Steering Committee should consider the subject first. These decisions, he said, did not empower the Steering Committee to suspend consideration of a Committee report; such report should be forwarded to the Commission, even though forwarded with a negative recommendation.

SIR CARL BERENDSEN said that he felt sympathy for the view of the Soviet Representative, although he had thought the authority conferred on the Chairman of the Steering Committee included the authority to decide that no further action was necessary.

DR. EVATT said that the question had arisen in other international commissions as to whether, in exercising procedural powers, a Steering Committee might suppress discussion of the substance of a committee report. He suggested that in deference to the viewpoint of the Soviet Representative, the report in question be placed on the Agenda of the next meeting.

GENERAL McCOY said that the Commission should never find itself in the position of being hampered by its own procedural rules.

MR. NOVIKOV moved and DR. EVATT seconded the motion that the paper, Consultation with the Supreme Commander for the Allied Powers on the Effect of the Tours of the Japanese Emperor (SC-018), be placed on the Agenda for the Fourteenth Meeting of the Far Eastern Commission. The motion was carried unanimously.

b. QUESTION BY MR. NORMAN, DEPUTY CHAIRMAN OF COMMITTEE NO. 3 ON BEHALF OF COMMITTEE NO. 3 REGARDING FEC-031/3 (PROPOSED COMMUNICATION TO THE SUPREME COMMANDER FOR THE ALLIED POWERS REQUESTING CONSULTATION ON PROCEDURES FOR THE ADOPTION OF A JAPANESE CONSTITUTION

MR. NORMAN, speaking as Deputy Chairman of Committee No. 3, said that Committee No. 3 had carried a motion to inquire (C3-004) with respect to FEC-031/3.

GENERAL MCCOY referred to the minutes of the Eleventh Meeting of the Commission (Item 5 a, page 9, Minutes 11th FEC Meeting).

He said he was not yet prepared to report in full, but presented the following letter from the State Department as relevant to the point in question:

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

SIR CARL BEREENDSEN said that a policy decision with respect to the Constitution was urgently needed and that consequently immediate contact with the Supreme Commander with respect to this question was necessary. With reference to the letter just presented by General McCoy, he said that if only those on the spot were in a position to deal with the constitutional situation, the inference was that the Commission could not deal with this matter. The necessity for "on the ground observation" emphasized the need for close liaison with the Supreme Commander and with the Allied Council for Japan. In his personal view, such liaison could best be established by an exchange of permanent liaison officers. He said that complete bewilderment would result if no means existed to obtain the views of the Supreme Commander and if, therefore, the Commission could not deal with the question.

GENERAL McCOY said that he hoped within a short time to have arrangements for liaison completed which would be satisfactory to the Commission.

MR. VESUGAR referred to the letter just presented by General McCoy and said that if the situation in Japan were as fluid as was stated in the letter, he questioned whether it was appropriate at present for the Japanese to try to frame a constitution. GENERAL McCOY replied that the criteria for a Japanese constitution (FEC-031/7), approved at the Eleventh Meeting of the Commission, probably constituted the Commission's answer to the doubts expressed by Mr. Vesugar.

DR. LOUDON referred to the reference in the letter from the State Department to rapid demobilization and said that if, for this reason, the Supreme Commander was unable to assign a key officer to the Commission, the Commission might assign a liaison representative to the Supreme Commander. SIR GEORGE SANSON agreed that a committee or a representative might go to Japan to consult with the Supreme Commander.

GENERAL McCOY said that it was apparent from the letter he had just presented that the Supreme Commander had given his personal attention to the constitutional question, and that consequently he, General McCoy, was trying to arrange for closer working arrangements between the Supreme Commander and the Commission.

DR. LOUDON pointed out that two types of liaison were involved:

- (1) General liaison between the Commission and the Supreme Commander; &
- (2) Liaison on the subject of the Constitution.

The latter of these types of liaison was of much greater urgency than the former.

THE COMMISSION unanimously agreed that the letter from the Department of State should be referred to Committee No. 3 for consideration in the light of the discussion by the Commission, and that Committee No. 3 should report back to the Commission at its next meeting.

ITEM 5 - PRESS RELEASE

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

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

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

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

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

"The request of the Far Eastern Commission that General MacArthur send to Washington a staff officer to confer with the Commission on the matter of Japanese constitutional reform contained in your letter of April 12, 1946, has been referred to the Supreme Commander and a reply has now been received from General MacArthur in which he states that he is in full agreement with the need for a closer working arrangement and understanding between SCAP and the Commission and stands ready to do everything in his power to further this end. He states, however, that it is impossible for him to send an officer to act as his deputy in the broad matters involving constitutional reform, as he has given his personal attention to this question and there is no officer in a position to express in detail his views.

ITEM 5 - PRESS RELEASE (Contd)

Furthermore, due to the rapid demobilization of officer personnel, the release of a key officer for this purpose could not be effected without impairment to the Command. He also adds that the situation in Japan is a fluid one, necessitating constant on-the-ground observation to permit a comprehensive understanding of it from day to day."

The Commission referred the reply to Committee No. 3 for consideration and report at the next meeting of the Commission.

The Chairman informed the Commission that he was engaged in completing arrangements whereby there might be closer liaison between the Commission and the Supreme Commander, who had agreed that a closer working arrangement and understanding was desirable

The meeting adjourned at 12:00 noon.

Minutes of
14th FEC Meeting

FAR EASTERN COMMISSION

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

REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman, (U.S.)
Right Honorable Herbert V. Evatt, (Australia)
His Excellency Lester B. Pearson, (Canada)
Dr. Timothy T. Mar, (China) .
His Excellency Paul Emile Naggiar
Mr. Jamshed Vesugar, (India)
Dr. A. D. A. de Kat Angelino
His Excellency Sir Carl Berendsen, (New Zealand)
Dr. Melquiades J. Gamboa, (Philippines)
Mr. H. A. Graves, (United Kingdom)
Mr. G. G. Dolbin, (U.S.S.R.)

SECRETARY GENERAL

Mr. Nelson T. Johnson

their Governments would favor the proposal suggested by Mr. Naggiar, they would have to withhold their approval pending instructions from their Governments.

GENERAL MCCOY presented the following statement:

"Heretofore, the United States Government has, in its interim directive regarding Restitution of Looted Property Found in Japan used the date 1937. That date was given because it was felt that any earlier date would greatly complicate implementation of the policy by General MacArthur. Upon further consideration of the matter, in the light of opinions expressed by members of the Reparations Committee and after consultation with representatives of the War Department, the United States is now prepared to recommend that no date at all be mentioned in the policy statement regarding Restitution of Looted Property, providing it is recognized by the Commission that this proposal in no way establishes a precedent for Commission jurisdiction when similar problems arise of Commission jurisdiction in matters such as, for example, reparations."

MRI VESUGAR said that his Government's position was that income derived by the Japanese from looted property should be applied to the payment of reparations. However, he said that he would present this view later in the appropriate committee.

THE COMMISSION agreed, pending confirmation by the United Kingdom and Netherlands Representatives, to delete the phrase "during the rec conflict" in paragraphs 1 and 2 in FEC 011/8, and to refer FEC 011/8 and FEC 011/9 back to the Steering Committee for reconsideration as a whole.

ITEM 4.- INFORMATION ON CIVIL LIBERTIES IN JAPAN (FEC 062)

THE COMMISSION unanimously approved FEC 062, as a request to the Chairman for information as to the extent to which policies and directives relating to civil liberties in Japan had been implemented.

ITEM 5 - OTHER BUSINESS

a. Preservation of Japanese Equipment for Possible Allocation as Reparations (MI 025)

GENERAL MCCOY referred to the query by Dr. Wei (Page 1, Minutes, 11th FEC Mt'g) as to what action had been taken by the Supreme Commander to protect for reparations purposes unhoused Japanese machinery, and invited the attention of representatives to MI 025, which contained a list of references to various orders from the Supreme Commander to the Japanese Government, all of which had been circulated to the Commission and

3 June 1946

FAR EASTERN COMMISSION

CORRIGENDUM

TO

MINUTES OF TWELFTH MEETING

Note by the Secretary General

1. The attached page is a revision, embodying changes requested by the Indian Representative, of page 2 of the minutes of the twelfth meeting of the Far Eastern Commission.

2. All members are requested to substitute the attached page for page 2 of the minutes of the twelfth meeting.

NELSON T. JOHNSON
Secretary General

Minutes of Twelfth Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Thursday, 23 May 1946

GENERAL MCCOY opened the meeting at 10:30 A.M.

ITEM 1 - APPROVAL OF THE MINUTES OF THE ELEVENTH MEETING

THE COMMISSION unanimously approved the minutes of its eleventh meeting.

ITEM 2 - INTERIM REPARATIONS REMOVALS - MACHINE TOOL INDUSTRY;
SULPHURIC ACID INDUSTRY; SHIPBUILDING INDUSTRY (FEC 059/4)

THE COMMISSION unanimously approved FEC-059/4.

ITEM 3 - RESTITUTION OF LOOTED PROPERTY (FEC-011/8 and FEC 11/9)

MR. NAGGIAR suggested, as a solution to the disagreement over the interpretation of the phrase "during the recent conflict," that this phrase be omitted in FEC-011/8 and also that all reference be omitted to a date prior to which claims against Japan for the restitution of looted property would not be valid. He said that the validity of such claims might be allowed, at the discretion of the Supreme Command for the Allied Powers, to depend on the evidence adduced with respect to such looting.

ADMIRAL RMISHVILI said that although his Government would prefer incorporation in the document of the date of 1918, there would be no objection to the omission of any specific date and to the omission of the phrase "during the recent conflict." He emphasized that any agreement reached on the subject of restitution of looted property should not be considered to establish a precedent for an approach to the problem of reparations.

SIR CARL BERLINDSEN expressed agreement with the proposals suggested by Mr. Naggiar. He said that the question as to whether property had been looted might be left to the determination of the responsible authorities.

MR. GRAVES and DR. deKAT said that, although they felt

their Governments would favor the proposal suggested by Mr. Naggiar, they would have to withhold their approval pending instructions from their Governments.

GENERAL MCCOY presented the following statement:

"Heretofore, the United States Government has, in its interim directive regarding Restitution of Looted Property Found in Japan, used the date 1937. That date was given because it was felt that any earlier date would greatly complicate implementation of the policy by General MacArthur. Upon further consideration of the matter, in the light of opinions expressed by members of the Reparations Committee and after consultation with representatives of the War Department, the United States is now prepared to recommend that no date at all be mentioned in the policy statement regarding Restitution of Looted Property, providing it is recognized by the Commission that this proposal in no way establishes a precedent for Commission jurisdiction when similar problems arise of Commission jurisdiction in matters such as, for example, reparations."

THE COMMISSION agreed, pending confirmation by the United Kingdom and Netherlands Representatives, to delete the phrase "during the recent conflict" in paragraphs 1 and 2 in FEC - 011/8, and to refer FEC-011/8 and FEC-011/9 back to the Steering Committee for reconsideration as a whole.

ITEM 4 - INFORMATION ON CIVIL LIBERTIES IN JAPAN (FEC-062)

THE COMMISSION unanimously approved FEC-062, as a request to the Chairman for information as to the extent to which policies and directives relating to civil liberties in Japan had been implemented.

ITEM 5 - OTHER BUSINESS

a. Preservation of Japanese Equipment for Possible Allocation as Reparations (MI-025)

GENERAL MCCOY referred to the query by Dr. Wei (Page 1, Minutes, 11th FEC Mt'g) as to what action had been taken by the Supreme Commander to protect for reparations purposes un-housed Japanese machinery, and invited the attention of representatives to MI-025, which contained a list of references to various orders from the Supreme Commander to the Japanese Government, all of which had been circulated to the Commission and

Minutes of
12th FEC Meeting

FAR EASTERN COMMISSION

Minutes of Twelfth Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.,
Thursday 23 May 1946

REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chariman (U.S.)
Lt. Gen. Sir John Lavarack (Australia)
Mr. E. Herbert Norman (Canada)
Dr. Wei Tuo-ming (China)
His Excellency Paul Emile Naggiar (France)
Mr. Jamshed Vesugar (India)
Dr. A. D. A. de Kat Angelino (Netherlands)
His Excellency Sir Carl Berendsen (New Zealand)
Dr. Melquiades J. Gamboa (Philippines)
Rear Admiral S. S. Ramishvily (U.S.S.R.)
Mr. H. A. Graves (U.K.)

SECRETARY GENERAL

Mr. Nelson T. Johnson

This amendment, he said, would eliminate the necessity for paragraph 2, and would make unnecessary any provision for a Constituent Assembly.

MR. NORMAN emphasized the necessity of reaching agreement before the Diet convened on 16 May. He suggested that paragraph 1 be agreed upon with, if possible, some additional explanation in the nature of an exegesis of the general policies laid down in paragraph 1.

Following a short recess, GENERAL MCCOY said that he could approve paragraph 1 with the change of the word "machinery" to the word "criteria" and the change throughout the paragraph of the phrase "the constitution" to a "a constitution". He presented the following draft as a substitute for paragraph 2:

2. "If the Japanese people should desire to adopt a new Constitution through media other than the present Diet they should not be discouraged from so doing, provided complete legal continuity is maintained from the Constitution of 1889 to the new Constitution."

DR. LOUDON said that reference to "a new constitution" implied that the provisions of FEC-031/5 were directed toward any constitution which might be adopted in the future, even in the year 2045 A.D. Furthermore, he said, the phrase "If the Japanese people should desire" in the first sentence of General McCoy's draft proposal raised the question as to how such a desire on the part of the Japanese people could be expressed. He said no provision for the expression of such a desire existed under the Constitution of 1889.

The Commission agreed that the phrase "the new Constitution" in paragraph a should be changed to read "a new constitution" and that other references to the former phrase should remain unaltered.

COLONEL POWLES referred to GENERAL MCCOY'S proposed substitute for paragraph 2 and suggested that it be amended as follows:

2. "If the Japanese people should desire to adopt a new Constitution through media other than the present Diet they should ~~not be discouraged from so doing~~, be encouraged to do so, provided complete legal continuity is maintained from the Constitution of 1889 to the new Constitution."

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SIR GIRJA BAJPAI suggested that Colonel Powles's amendment might be more acceptable if the phrase "be encouraged to do so" were changed to read "be given every opportunity to do so."

GENERAL MCCOY said that Sir Girja Bajpai's suggestion would be acceptable to him.

MR. GALLEGO said that he approved paragraph 1 and considered that paragraph 2 dealt with procedures for implementing paragraph 1. He referred to the history of constitution making, and especially to the experience of his Government, and said that, inasmuch as the only means of insuring free expression of the will of the people were preparation of a draft constitution by a constitutional convention and submission of such a draft to a referendum by the people, there should be included in FEC-031/5 the explicit statement that a constituent assembly must be set up and that any draft prepared by such an assembly must be subjected to referendum by the people. He said that the idea must be removed that any draft approved by the Emperor was authoritative.

MR. NAGGIAR referred to the amendment of paragraph 2 proposed by General McCoy and said that the amendment apparently took for granted that the present Diet was the proper body to pass on the new constitution unless the Japanese people should positively entertain another opinion. He said that he did not see the necessity for a second reference to the maintenance of legal continuity with the Constitution of 1889 since such reference was already contained in paragraph 1 b. He pointed out that under Article 73 of the old constitution only the Emperor could initiate consideration of a new constitution.

GENERAL MCCOY said that the reference to legal continuity represented an effort to maintain continuity of the Japanese Government under the Terms of Surrender. He said that he could not accept the paragraph without this additional reference in paragraph 2.

COLONEL POWLES referred to the provision of the present constitution under which only the Emperor could initiate consideration of a new constitution, and pointed out that the present Diet, to preserve legal continuity and to disassociate the Emperor from the new constitution, should propose the necessary amendment to Article 73 of the old constitution.

MR. NORMAN suggested that paragraph 2, as proposed by GENERAL MCCOY, be amended to read: "The Commission feels that the Japanese people should be encouraged to consider the advisability of adopting a constitution through other media than the present Diet, provided complete legal continuity is maintained from the Constitution of 1889 to the new constitution." GENERAL MCCOY said that he could not accept the revision proposed by MR. NORMAN.

MR. NOVIKOV said that, since no statement was included in the draft proposed by GENERAL MCCOY with respect to the means by which the Japanese people might express a desire to adopt a new constitution, he would support the revision proposed by MR. NORMAN.

MR. NORMAN moved and MR. GRAVES seconded the motion that paragraph 1 and the draft of paragraph 2 as proposed by General McCoy and amended by Sir Girja Bajpai be approved by the Commission.

MR. NOVIKOV moved and DR. VEI seconded the motion that paragraph 1 be approved as amended, and that paragraph 2 be referred back for reconsideration by COMMITTEE NO. 3 in the light of discussion in the present meeting. The motion was passed unanimously.

COLONEL POWLES suggested that, since no policy statements had been adopted by the Commission on the constitution, the present agreed policy should contain the following provision: "No new constitution for Japan shall be finally adopted until it has been approved by the Far Eastern Commission." He said that he thought such a provision was necessary, although FEC-031/1 contained the provision that "... the Far Eastern Commission must be given an opportunity to pass upon the final draft of the constitution to determine whether it is consistent with the Potsdam Declaration and any other controlling document before it is finally approved by the Diet and becomes legally valid." He felt that this statement expressed merely a desire on the part of the Commission, and not a firm policy. Furthermore, General MacArthur in his address to the Allied Council for Japan, had not made it clear that the draft constitution would be submitted to the Far Eastern Commission.

MR. NORMAN suggested that paragraph 2, as proposed by General McCoy, be amended to read: "The Commission feels that the Japanese people should be encouraged to consider the advisability of adopting a constitution through other media than the present Diet, provided complete legal continuity is maintained from the Constitution of 1889 to the new constitution." GENERAL MCCOY said that he could not accept the revision proposed by Mr. Norman.

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* MR. NOVIKOV moved and DR. WEI seconded the motion that paragraph 1 be approved as amended, and that paragraph 2 be referred back for reconsideration by COMMITTEE NO. 3 in the light of discussion in the present meeting. The motion was passed unanimously.

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GENERAL MCCOY said that the Supreme Commander had twice state publicly that the Far Eastern Commission must given its approval to any proposed constitution for Japan, and that Secretary Byrnes had made the same public statement once. He said that he could not approve the provision suggested by Colonel Powles for inclusion in the policy statement just approved. He said he felt no doubt whatever that the Far Eastern Commission was vested with authority to approve or disapprove any Japanese constitution.

GENERAL LAVARACK said that Colonel Powles' suggested provision should be considered by Committee No. 3 in conjunction with its consideration of paragraph 2.

ITEM 5 - OTHER BUSINESS

a. Request for Consultation

In connection with Item 4 above, GENERAL MCCOY referred to the request by the Commission (FEC-031/3) for the dispatch by the Supreme Commander of a liaison officer who would confer with the Commission on the subject of the Japanese Constitution. He explained that General MacArthur had replied to this request promptly and that the responsibility for delay was with his Government in Washington where, due to a misunderstanding, the request to General MacArthur had been delayed. Certain administrative objections which had been brought to the attention of the United States Government were now being discussed with General MacArthur. GENERAL MCCOY said he hoped to make a report to the Commission in the near future on this subject.

b. Proposed Policy on Sources of Japanese Imports

GENERAL MCCOY invited the attention of the Commission to a paper on Sources of Japanese Imports (circulated as FEC-060), which he was submitting to the Commission for reference to Committee No. 2.

c. Food Supply for Japan

GENERAL MCCOY referred to the request for information contained in FEC-026/2 and explained that the food situation in Japan was now being thoroughly reviewed by the United States Government and that an answer would be presented as soon as possible.

d. Proceedings of Allied Council for Japan

GENERAL MCCOY announced that he had received one copy each of the Agenda, Summary of Proceedings, and Verbatim Minutes of the Allied Council for Japan of April 5 (inaugural session), April 17, and April 19, 1946. These documents, he said, as well as minutes of subsequent sessions of the Council, which, were to be forwarded to the Commission by the Chairman of the Council, would be held in the permanent files of the Secretariat, and might be consulted by representatives at anytime.

e. Time of Next Meeting

THE COMMISSION agreed to cancel its normally scheduled meeting of 16 May, and to convene next on 23 May.

The meeting adjourned at 12:50 P.M.

d. Proceedings of Allied Council for Japan

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ITEM 6 - PRESS RELEASE

THE COMMISSION unanimously approved the following press release:

"1. The Far Eastern Commission today unanimously approved two initial policy statements which will form parts of the over-all Interim Reparations Policy for Japan, which the Commission is still considering. (Texts of FEC-059 and FEC-059/1 were released to the press.) Both of these policies are based on the original Pauley report to the President recommending an Interim Reparations Removal Program for Japan. The statement on army and navy arsenals, aircraft industry, and light metals industry is a modification of a proposal submitted to the Commission by the United States Government. This policy should be understood as constituting but one part of an Interim Reparations Program; the Reparations Committee has for several weeks been considering other industries too, such as machine tools, iron and steel, and shipbuilding, and the Commission will release additional policies on these as agreement is reached.

"2. The second of these policy statements (Removal of Facilities From Japan for Reparations -- Priority According to Ownership or Control) was also proposed to the Commission by the United States Government and, after modification, was agreed to by the Commission. This statement relates reparations removals to the general policy under which the Supreme Commander for the Allied Powers has been directed to dissolve monopolies, cartels, and combinations of economic power. The present statement, of course, is only an incidental part of the complete program to be determined with respect to the Zaibatsu.

"3. The Commission also unanimously approved the attached policy with respect to criteria for the adoption of a new Japanese constitution. (Text of FEC-031/5 was released to the press) The Commission is studying the matter of the constitution further with the view of reaching agreement on additional policies in this regard."

The meeting adjourned at 12:50 P.M.

21 April 1946

FAR EASTERN COMMISSION

CORRIGENDUM

TO

MINUTES OF ELEVENTH MEETING

Note by the Secretary General

1. The attached pages are revisions of pages 6, 8, and 10 of the minutes of the eleventh meeting of the Far Eastern Commission.

2. All representatives are requested to substitute the attached pages for pages 6, 8, and 10 of the minutes of the eleventh meeting.

NELSON T. JOHNSON
Secretary General

Minutes of Eleventh Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2510 Massachusetts Avenue, N. W.,
Monday, 13 May 1946

GENERAL MCCOY opened the meeting at 10:30 A.M.

ITEM 1 - APPROVAL OF THE MINUTES OF THE TENTH MEETING

THE COMMISSION unanimously approved the minutes of its tenth meeting.

ITEM 2 - INTERIM REPARATIONS REMOVALS -- ARMY & NAVY ARSENALS;
AIRCRAFT INDUSTRY; LIGHT METALS INDUSTRY (FEC-059)

MAJOR PLIMSOLL, speaking as Chairman of Committee No. 1, said that FEC-059 represented only the first stage of a program on reparations, and that Committee No. 1 would present agreements on other phases of the program as they were formulated.

MR. NAGGIAR asked whether FEC-059 would go through the Secretary General to the United States Government as a policy statement, or whether it would be held in abeyance pending agreement on an over-all policy. GENERAL MCCOY replied that the document would go from the Secretary General to the United States Secretary of State, to be put in the form of a directive and forwarded to the Supreme Commander.

DR. WEI pointed out that damage surveys in Japan had indicated that while only 30% of Japan's total machinery had been injured in the war, 70% of the factories housing this machinery had been so damaged as to leave great quantities of machinery unsheltered. He asked what action had been taken to protect and preserve for reparations purposes this unhoused machinery. GENERAL MCCOY replied that he knew that the Supreme Commander had made a special effort to make an inventory of machinery and to care for exposed machinery. He said that he would try to obtain more detailed information regarding the program.

THE COMMISSION unanimously approved FEC-059

ITEM 3 - REMOVAL OF FACILITIES FROM JAPAN FOR REPARATIONS --
PRIORITY ACCORDING TO OWNERSHIP OR CONTROL (FEC-059/1)

THE COMMISSION unanimously approved FEC-059/1.

ITEM 4 - PRINCIPLES GOVERNING THE MACHINERY FOR THE ADOPTION OF A NEW JAPANESE CONSTITUTION (FEC-031/5)

GENERAL MCCOY said that he had been authorized to approve paragraph 1 of FEC-031/5, with the substitution in the first sentence of the word "criteria" for the word "machinery". He said that the two leading reasons for the decision by the United States Government not to concur in paragraph 2 were: (1) that the paragraph dealt with implementation of policy rather than with policy and therefore, according to the Terms of Reference, dealt with matters which fell within the jurisdiction of the Supreme Commander of the Allied Powers; and (2) that to forbid approval of the new Constitution by the present Diet, even after full discussion, and to thereby compel approval only by a Constituent Assembly, a second Diet, or a plebiscite, would constitute an intrusion into an area of discretionary jurisdiction which should be left to the Japanese. GENERAL MCCOY said that the United States Government had no objection to a provision that the new Constitution should be given final approval by a Constituent Assembly or a second Diet, including possible ratification by a plebiscite, provided that the Japanese favored these measures and that such measures could be made consistent with legal continuity from the present Constitution to the new Constitution. SIR GEORGE SANSOM said that the United Kingdom Government approved the principles expressed in paragraph 1 but did not agree with paragraph 2, in general for the reasons enumerated by GENERAL MCCOY and particularly because it was felt that paragraph 2 was contrary to the principle of legal continuity as set forth in paragraph 1. The method of adoption of a new constitution, he said, should be left to the decision of the Japanese people.

MR. NOVIKOV said that his government approved the entire document and did not consider paragraph 2 to be solely concerned with implementation as distinguished from policy.

GENERAL MCCOY referred to paragraph II c of the Terms of Reference where it was stated, "The Commission in its activities will proceed from the fact that there has been formed an Allied Council for Japan and will respect existing control machinery in Japan, including the chain of command from the United States Government to the Supreme Commander and the Supreme Commander's command of occupation forces." He said that the entire field of the implementation of policy was clearly within the purview of the Supreme Commander together with the Allied Council for Japan. The Allied Council, he reminded members, was advising the Supreme Commander regularly. Furthermore, almost all the countries represented on the Commission were also represented on the Allied Council. Should a difference of opinion develop on the Council in regard to one of the reserved questions, such disagreement would be referred to the Commission.

SIR GIRJA BAJPAI referred to the substitution suggested by General McCoy of the word "criteria" for "machinery" and said that while he did not object to the substitution, he considered the use of the word "criteria" in the title to be repetitious.

As to whether paragraph 2 of FLC 031/5 dealt with implementation or policy, he said that from the viewpoint of strictly legal interpretation it was perhaps true that the paragraph dealt with implementation. He referred to General McCoy's statement that the United States Government did not object to a provision that a new constitution be given formal approval by a Constituent Assembly or a second diet, including possible ratification by a plebescite, if the Japanese people desired such a provision. He suggested that paragraph 2 be referred back to Committee No. 3 for redrafting in the light of this statement by General McCoy.

GENERAL MCCOY referred to the viewpoint expressed in previous meetings that, because the Diet was being convened on May 16, the Commission must make a decision on policy for the adoption of a new constitution before that date. He pointed out that the adoption of a constitution would not be permitted in Japan without adequate consideration and that months would elapse before any conclusive action would be taken on this matter.

GENERAL LAVARACK said that since it was the understanding that draft constitutions in addition to the one which had already been drafted might be considered by the Japanese people, the phrase "the Constitution" throughout FEC 031/5 should be changed to read "a Constitution." He said although paragraph 1 was too general to stand as a complete document, he did not approve paragraph 2 as it stood, and he therefore agreed with the suggestion of SIR GIRJA BAJPAI that paragraph 2 be referred back to Committee No. 3 for consideration.

MR. NAGGIAR said that even though all members might agree that the Far Eastern Commission had no authority over the implementation of policy, there was still a difference of opinion as to whether paragraph 2 should be interpreted as dealing with implementation or with policy. He agreed that it should be referred back to Committee No. 3 for decision on this point as well as for discussion of its substance.

DR. LOUDON said that it was of fundamental importance that the Japanese be governed under a constitution which would be the result of their freely expressed will and not a constitution imposed on them from without. During the discussion of the formulation of a constitution, changes in the viewpoint of the Japanese electorate would inevitably emerge, and a Diet elected before such discussion took place would not necessarily reflect these changes in the viewpoint of the electorate. He cited various precedents in the history of constitution making and suggested that subparagraph c of paragraph 1 be expanded to provide that a new constitution be submitted to a referendum of the Japanese voters and be approved by a new Diet. He said that although such a provision would contain details of method, these details would be provided to insure the successful attainment of a Japanese constitution which would be the result of free expression of will by the Japanese electorate, and they should not be considered implementation.

COLONEL POWLES said that FEC 031/5 had already received ample consideration by various committees.

He said that if agreement could not be reached at present in the Commission he did not believe that any purpose would be served by referring the document again to Committee No. 3. It must be assumed that a statement on the constitutional issue would be put before the Diet at its opening session, and he believed that whatever agreement could now be reached by the Commission should be put before the Diet at that time.

He pointed out that discussion in the Commission of the distinction between implementation and policy arisen largely over matters on which no policy directives had been issued by the United States Government. Consequently, for the Commission to study such matters gave the impression that the Commission was concerning itself with implementation, especially since the Supreme Commander had frequently been forced to take action on such matters in the absence of any specific policy directive. He reminded the members that no United States directives had been issued on the subject of constitution. As a general principal, he said, all policy was implementation of higher level policy, and he could not agree that paragraph 2 dealt merely with implementation.

COLONEL POWLES referred to paragraph 6. of the Terms of Reference of the Allied Council for Japan which, he said, made it clear that the Council had a real controlling voice in the actions of the Supreme Commander only in the implementation by him of policy decisions taken by the Far Eastern Commission on the three reserved questions. Consequently, no subject could be considered a reserved subject unless the Commission had agreed on a relevant policy decision.

COLONEL POWLES asked whether General McCoy and Sir George Sansom were prepared to accept the first sentence of paragraph 2 in lieu of the entire paragraph.

DR. WEI said that he agreed with the statement of principles set forth in paragraph 1. In his opinion, paragraph 2 dealt with implementation. He suggested that sub-paragraph c of paragraph 1 be amended to read "The new constitution should be adopted ~~in-such-a-manner~~ as through a referendum to demonstrate that it affirmatively expresses the free will of the Japanese people."

Minutes of
11th FEC Meeting

FAR EASTERN COMMISSION

Minutes of Eleventh Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2510 Massachusetts Avenue, N. W.,
Monday, 13 May 1946

REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman (U.S.)
Lt. Gen. Sir John Lavarack (Australia)
Mr. E. Herbert Norman (Canada)
Dr. Wei Tao-ming (China)
His Excellency Paul Emile Naggiar (France)
The Honorable Sir Girja Shankar Bajpai (India)
His Excellency Dr. A. Loudon (Netherlands)
Colonel G. R. Powles (New Zealand)
Congressman Manuel V. Gallego (Philippines)
His Excellency Nikolai V. Novikov (U.S.S.R.)
Sir George Sansom (U.K.)

SECRETARY GENERAL

Mr. Nelson T. Johnson

Minutes of
11th FEC Meeting

FAR EASTERN COMMISSION

Minutes of Eleventh Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Monday, 13 May 1946

REPRESENTATIVES PRESENT

Major General Frank R. McCoy, Chairman (U.S.)
Lt. Gen. Sir John Lavarack (Australia)
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The Honorable Sir Girja Shankar Bajpai (India)
His Excellency Dr. A. Loudon (Netherlands)
Colonel G. R. Powles (New Zealand)
Congressman Manuel V. Gallego (Philippines)
His Excellency Nikolai V. Novikov (U.S.S.R.)
Sir George Sansom (U.K.)

SECRETARY GENERAL

Mr. Nelson T. Johnson

Minutes of Tenth Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Thursday, 25 April 1946

GENERAL MCCOY opened the meeting at 11:30 a.m.

ITEM 1 - APPROVAL OF MINUTES OF THE NINTH MEETING

THE COMMISSION unanimously approved the minutes of its ninth meeting.

ITEM 2 - FOOD SUPPLY FOR JAPAN (FEC-026/2)

GENERAL MCCOY presented the following statement as an expression of the viewpoint of the U. S. Government in regard to FEC-026/2:

"The Commission has before it this morning a statement on food supply for Japan which has been adopted by the Steering Committee and forwarded to the Commission for its action this morning. This statement was the third to be considered by the Steering Committee, the first being one growing out of discussions in the Economic Committee, committee No. 2, and the second being presented by the United States Government. The paper before you represents a proposed revision of the Economic Committee's draft prepared by the representative from New Zealand. After study of this draft the United States member on the Steering Committee proposed minor amendments which were unanimously accepted by the other members of that Committee. The United States Government wishes to support the statement before you but wishes to have it understood and recorded in the minutes of this meeting that the statement of principle embodied in paragraph #1 is fully in accord with principles upon which the United States Government in the past has acted."

THE COMMISSION unanimously approved FEC-026/2 as a statement of policy to be transmitted by the Secretary General to the U. S. Government.

ITEM 3 - JURISDICTION OF FAR EASTERN COMMISSION WITH RESPECT TO LOOTED PROPERTY (FEC-011/4)

MR. NAGCIAR said that paragraphs 2 and 3 of FEC-011/4 were in contradiction, and he suggested that the contradiction be resolved either by deleting the words "including claims by Siam, Korea and Portugal" at the close of paragraph 2, or by adding to the paragraph the words "subject to priority rights of those nations that participated in the war against Japanese aggression." He said, however, that discussion of his proposal would be more appropriate in Committee No. 1.

ITEM 3 - Contd.

GENERAL MCCOY asked whether a decision on FEC-011/4 should be postponed until consideration had been given a proposal by the U. K. Representative (FEC-011/5) which had just been received for reference to Committee No. 1. MR. GRAVES replied that the two papers bore on different aspects of the subject of restitution of looted property. GENERAL MCCOY suggested that the Commission might reach a decision on FEC-011/4 without further delay.

MR. NOVIKOV pointed out that since Committee No. 1 was considering the entire question of basic principles with respect to restitution of looted property, FEC-011/4 should be referred to Committee No. 1 for consideration in the light of Mr. Naggiar's suggestion.

THE COMMISSION unanimously agreed to refer FEC-011/4 to Committee No. 1 for consideration in the light of the proposal of Mr. Naggiar.

ITEM 4 - PRESS RELATIONS (FEC-005/3)

THE COMMISSION unanimously approved FEC-005/3.

ITEM 5 - ESTABLISHMENT OF INTER-ALLIED REPARATIONS COMMITTEE
(FEC-010/1)

GENERAL MCCOY said he was submitting this proposal as an embodiment of the views of his Government for study and due consideration by Committee No. 1.

MR. NAGGIAR asked whether it was envisaged that the Inter-Allied Committee proposed in FEC-010/1 would replace Committee No. 1 or whether the two would function concurrently. GENERAL MCCOY replied that the whole question of the status of the proposed committee and its relation to other bodies would be open for consideration by Committee No. 1

DR. LOUDON said that the Commission might want to instruct Committee No. 1 as to whether it should consider FEC-011/4 or FEC-010/1 first. He pointed out that should the committee consider FEC-010/1 first, and should the policy of inviting the presentation of reparations claims as provided in paragraph 1 b (1) (b) of FEC-010/1 be accepted, the effect on restitution policy to be adopted later might be prejudicial.