

Tokyo's No. 252,
April 30, 1948.

- 2 -

He emphasized the importance of the law and stated that a perusal of the bill had indicated to him that the more sensational details of earlier press reports as to its contents were inaccurate. He concluded, however, by saying that the principles involved in the legislation were important enough to have warranted some prior advice either to members of the Council or the Far Eastern Commission.

In answer I stated that there seemed to be an implication in the statement of the British Commonwealth Member that the Supreme Commander had acted beyond his authority in this case. I then described the view of the United States Government that the Supreme Commander's authority is derived from four sources: United States directives issued to him before the establishment of the Far Eastern Commission, directives based on Far Eastern Commission policy decisions, interim directives issued by the United States Government, and the general authority of the Supreme Commander as "the sole executive authority for the Allied Powers in Japan." I stated that the Supreme Commander's general authority empowered him to act when the administrative necessities of the occasion required even though he had received no applicable directive. There is a somewhat wide area in which the Supreme Commander and the Far Eastern Commission both have jurisdiction; a Far Eastern Commission policy decision is controlling, but where there is no applicable policy, the Supreme Commander can act pending a Far Eastern Commission policy decision. In this instance the Supreme Commander was acting to meet the administrative necessities of the Occupation of Japan and was therefore within his authority in permitting passage of this law by the Japanese Diet.

I said there was nothing in the Terms of Reference of the Allied Council making it mandatory or necessarily desirable that the Supreme Commander give prior advice to the Council in cases of this sort. I noted that no directive had been issued to the Japanese Government to provide for the establishment of a Maritime Safety Authority, and that the function of General Headquarters was in this case confined to consultative assistance with a view to carrying out an obviously necessary administrative measure. I pointed out that the law under discussion had been sent to the Far Eastern Commission as a matter of routine and had been circulated to the Commission on April 9, 1948, and added that it was now the prerogative of the Far Eastern Commission to consider the problem and not that of the Allied Council.

As for the law itself, I observed that its purpose was to fill a hiatus in the Japanese police system caused by the abolition of the former Japanese water police, and that police measures to control illegal traffic in near-by Japanese waters were obviously necessary.

In conclusion I stated that there had been no transgression in fact or in spirit of any policy decision of the Far Eastern Commission and that it was inappropriate for the Allied Council, a subordinate and consultative body, to enter upon a parallel discussion with the Far Eastern Commission, the ultimate policy-making authority.

The

UNCLASSIFIED

Tokyo's No. 252,
April 30, 1948.

- 3 -

The Chinese Member emphasized the importance of the law in assuring maritime safety and stated that in accordance with the primary objective of the Occupation to ensure that Japan be a peaceful nation, great care should be taken to guard against an abuse of power by the Japanese leading to a resurgence of their naval strength. Supervision of the technical details of the law, in his opinion, should be left to Headquarters.

The Soviet Member opened a formal statement by asserting that there was no necessity for the Supreme Commander to act unilaterally, without consultation, and prior to a decision of the Far Eastern Commission on this matter. He could not agree that the Supreme Commander had authority to ignore the Allied Council, for this was in violation of paragraphs one, five and six of the Terms of Reference of the Council. In contrast to his usual procedure of pausing at the end of each sentence for a translation into English, the Soviet Member then proceeded to complete a rather lengthy statement in Russian.

He said first, that it was necessary to point out other unilateral acts by the Supreme Commander and instances where the Supreme Commander unilaterally allowed the Japanese to act. I interrupted the interpreter and insisted that the Soviet Member confine himself to the subject on the agenda. The Soviet statement then described the expansion of the Japanese police force, referring to special armed police units and to plans for further strengthening of the police. I again insisted that remarks of the Soviet Member be confined to the subject on the agenda, namely, the Maritime Safety Authority Law. The Soviet statement proceeded by referring to articles in the Japanese press commenting on plans for further police expansion and additional arms, including even cannon. I stated that these reports were not true.

Turning to the law under discussion, the Soviet statement asserted that the wording of Article IV was sufficiently vague to permit armament of these vessels authorized by the provisions of the law. The Soviet Member claimed that the Supreme Commander was helping the Japanese to rearm and pointed to a directive issued to the Japanese Government on April 22, 1947 (SCAPIN 1622) which authorized the Japanese Government to use thirty-eight disarmed naval small craft for patrol purposes. In conclusion, the Soviet Member recommended that enforcement of the Maritime Safety Authority Law be suspended until the Far Eastern Commission reached a decision on the matter.

I then distributed photographs of one of the twenty-eight submarine chasers to be used as patrol boats and described its specifications; I emphasized that the vessels were not armed and were not capable of being used for military purposes.

The British Commonwealth Member stated that he did not wish to question the authority of the Supreme Commander nor the basic purpose of this legislation, but that the question of how far this law squared with Far Eastern Commission policy decisions was a matter for the Far Eastern Commission to decide. He also stated that there was a considerable difference between the authorization permitted by SCAPIN 1622 and the authority conferred by the law under discussion. He said that he could not accept the contention

that

UNCLASSIFIED

Tokyo's No. 252,
April 30, 1948.

- 4 -

that since there had been no order to the Japanese Government, there was no need to consult with the Allied Council, and reiterated that some prior advice would have been appropriate.

I pointed out that the maritime law was designed to cover several activities and hence a seemingly large number of people would be required for its implementation. I adduced statistics as to the number of illegal entrants into Japan actually apprehended during the last two years in order to show the need for a coast guard patrol.

The Chinese Member briefly reiterated the position he had taken earlier, and in the absence of further comment, the meeting was adjourned.

Respectfully yours,

For the Acting Political Adviser:

David C. Berger
David C. Berger
Foreign Service Officer

Enclosures: *ATT act vll*

1. Five copies of Agenda, Fifty-seventh Meeting of the Allied Council for Japan, April 28, 1948.
2. Five copies of the Corrected Verbatim Minutes, Fifty-seventh Meeting of the Allied Council for Japan, April 28, 1948.
3. Five copies of Agenda, Fifty-eighth (Special) Meeting of the Allied Council for Japan, April 28, 1948.
4. Five copies of the Corrected Verbatim Minutes, Fifty-eighth (Special) Meeting of the Allied Council for Japan, April 28, 1948.
5. Five copies of the Maritime Safety Authority Law, April 15, 1948.
6. Letter dated April 23, 1948 from Mr. Patrick Shaw.

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Original and ozalid to the Department

cc: American Embassy, London
American Embassy, Nanking
American Embassy, Moscow
American Embassy, Canberra
American Embassy, New Delhi
American Legation, Wellington

UNCLASSIFIED

Enclosure No. 6 to Despatch No. 252
dated April 30, 1948 from the Office
of the United States Political Adviser
at Tokyo.

Letter from Mr. Patrick Shaw,
British Commonwealth Member,
Allied Council for Japan.

23rd April 1948.

Dear Mr. Sebald:

I have been instructed by my Government to raise with you the question of the Maritime Safety Authorities Bill which was passed by the Diet on the 15th April. My Government desires that the publication of the ordinance determining the day upon which the law shall come into effect shall be delayed pending further discussion of this law.

My Government has also requested that the matter be discussed at a meeting of the Allied Council for Japan.

Yours sincerely,

/s/ Patrick Shaw

W. J. Sebald, Esq.,
Chairman,
Allied Council for Japan,
TOKYO.

Enclosure No. 1 to Despatch No. 252 dated April 30, 1948 from
the Office of the United States Political Adviser at Tokyo.

57-428

AGENDA

for the

FIFTY-SEVENTH MEETING

ALLIED COUNCIL FOR JAPAN

To be held in the Meiji Building, Tokyo
Wednesday, 28 April 1948, at 1000 Hours

- I APPROVAL OF THE CORRECTED VERBATIM MINUTES OF THE
FIFTY-SIXTH MEETING (1 Session, numbered 56-414).
- II PROCEDURAL MATTERS
None held over or submitted as subjects for this Agenda.
- III OFFICIAL MATTERS
None held over or submitted as subjects for this Agenda.

By Direction of the Chairmen:

Thos. G. Dobyns

THOS. G. DOBYNS
Colonel, Cavalry
Acting Secretary-General

23 April 1948

- Enclosure No. 2 to Despatch No. 252 dated April 30, 1948
from the Office of the United States Political Adviser at Tokyo.

57-428

CORRECTED
VERBATIM MINUTES
of the
FIFTY-SEVENTH MEETING
ALLIED COUNCIL FOR JAPAN

Meiji Building, Tokyo, Wednesday, 28 April 1948, at 1000 Hours

MEMBERS PRESENT

- Mr. William J. Sebald, Deputy for the Supreme Commander, Chairman,
and Member for the United States
- His Excellency General Shang Chen, Member for China
- Mr. Patrick Shaw, Member representing jointly the United Kingdom,
Australia, New Zealand and India
- Major General A. P. Kislenco, representing the Member for the
Union of Soviet Socialist Republics

ACTING
SECRETARY-GENERAL

Colonel Thos. G. Dobyms

Office of the Secretariat
Allied Council for Japan
28 April 1948

THE CHAIRMAN: The meeting will please come to order.

The Corrected Verbatim Minutes of the Fifty-sixth Meeting have been circulated among the Members and in the absence of objection (Fause) are approved.

Are there any procedural matters?

As there are no official matters, that concludes the business of the Fifty-seventh Meeting.

The meeting is adjourned.

(The meeting adjourned at 1001 hours.)

Enclosure No. 3 to Despatch No. 252 dated April 30, 1948 from
the Office of the United States Political Adviser at Tokyo.

58-428

AGENDA
for the
FIFTY-EIGHTH MEETING (SPECIAL)
ALLIED COUNCIL FOR JAPAN

To be held in the Meiji Building, Tokyo, Wednesday,
28 April 1948, following the Fifty-Seventh Meeting

I OFFICIAL MATTERS

1. A Discussion of the Maritime Safety Authorities Bill.

By Direction of the Chairman:

Thos. G. Dobyns
THOS G. DOBYNS
Colonel, Cavalry
Acting Secretary-General

1 Incl. - Agenda Item 58-428-1

23 April 1948

ALLIED COUNCIL FOR JAPAN
Proposed Discussion Agenda

- I AGENDA ITEM NO. 58-428-1
- II PROPOSED BY: MR. PATRICK SHAW, Member representing jointly the United Kingdom, Australia, New Zealand and India.
- III SUBJECT PROPOSED FOR DISCUSSION: A Discussion of the Maritime Safety Authorities Bill.
- IV DATE PROPOSED FOR DISCUSSION: Wednesday, 28 April 1948.

Inclosure #1

Encl. No. 4 Despatch 252, April 30, 1948.
From US Polad, Tokyo.

58-428

CORRECTED
VERBATIM MINUTES
of the
FIFTY-EIGHTH MEETING (SPECIAL)
ALLIED COUNCIL FOR JAPAN

Meiji Building, Tokyo, Wednesday, 28 April 1948, at 1001 Hours

MEMBERS PRESENT

Mr. William J. Sebald, Deputy for the Supreme Commander, Chairman,
and Member for the United States

His Excellency General Shang Chen, Member for China

Mr. Patrick Shaw, Member representing jointly the United Kingdom,
Australia, New Zealand and India

Major General A. P. Kislenko, representing the Member for the
Union of Soviet Socialist Republics

ACTING
SECRETARY-GENERAL

Colonel Thos. G. Dobyms

Office of the Secretariat
Allied Council for Japan
30 April 1948

THE CHAIRMAN: The Fifty-eighth Special Meeting will please come to order.

The special meeting has been called at the request of the British Commonwealth Member.

Under official matters, "A Discussion of the Maritime Safety Authorities Bill."

In accordance with our rules of procedure, I will ask MR. SHAW if he desires to make a statement.

MR. SHAW: MR. CHAIRMAN, in bringing before the Allied Council the question of the recently passed Maritime Safety Authorities Bill, I have no wish to embark on a detailed examination of the purposes of the Act or its provisions. I understand that this legislation is being discussed by the Far Eastern Commission which is a more appropriate place to consider in detail the technical aspects of the subject matter involved. All I wish to do is to draw the attention of the Council to the importance of this bill which authorizes the re-establishment of the Coast Guard force under the control of the Japanese. Unfortunately the first public statements about this bill were contained in Japanese press reports repeated by foreign correspondents which gave to the world an exaggerated account of the Japanese forces contemplated under the bill. The first accurate information which I obtained was a Japanese text of the bill as presented to the Diet. A perusal of this bill indicated that the more sensational details of the earlier press reports were inaccurate. The fact remains, however, that the principles involved in the legislation were important enough to warrant some prior advice at least either to the Members of this Council or to the Far Eastern Commission.

That is all.

THE CHAIRMAN: It appears to me that there is an inescapable implication in your statement, MR. SHAW, that the SUPREME

COMMANDER may have acted beyond his authority in this case. In order that we may set the record straight, it might be well briefly to review the derivation of the authority of the SUPREME COMMANDER.

It has consistently been the view of the United States Government that the authority of the SUPREME COMMANDER is derived from the following sources:

- (1) The directives of the United States Government issued before the establishment of the Far Eastern Commission;
- (2) The policy decisions of the Far Eastern Commission;
- (3) The interim directives issued by the United States Government in accordance with the Terms of Reference; and
- (4) The general authority of the SUPREME COMMANDER as "the sole executive authority for the Allied Powers in Japan."

In the view of my Government, it is the SUPREME COMMANDER's status as "the sole executive authority for the Allied Powers in Japan," recognized in the Terms of Reference, which empowers him, pending a policy decision of the Far Eastern Commission, inter alia, to permit passage of legislation of the kind under discussion by the Japanese Diet. As the sole executive for the Allied Powers in Japan, he necessarily must take action in many instances when the administrative necessities of the occupation require it, although he has received no controlling directive expressing a policy decision.

Consequently, there appears to be a somewhat wide area of subjects in which both the Far Eastern Commission and the SUPREME COMMANDER have jurisdiction. If the Far Eastern Commission passes a policy decision in regard to a subject within this area, it is

controlling. If it does not do so, the SUPREME COMMANDER is competent to take action pending a Far Eastern Commission policy decision.

In the view of my Government, the SUPREME COMMANDER, in the instant case, was acting to meet the administrative necessities of the Occupation of Japan, and further, was acting within his authority as the sole executive for the Allied Powers in Japan when he allowed this legislation to be considered by the Japanese Diet and duly adopted as law in accordance with legislative process.

Notwithstanding your contention that the SUPREME COMMANDER might have or should have consulted with the Allied Council prior to allowing the Japanese Diet to enact this legislation into law, I find nothing in the Terms of Reference for the Allied Council which, in a matter of this kind, would make it mandatory, or even necessarily desirable, for the SUPREME COMMANDER to give prior advice to the Council. No orders have been issued by the SUPREME COMMANDER or his General Headquarters to provide for the establishment of a Maritime Safety Authority; the Japanese Government has not been directed to enact legislation to that effect. It therefore appears to me that any discussions which may have taken place on this subject between the relevant Japanese authorities and General Headquarters were limited to consultative assistance, with a view to carrying out an obviously essential administrative measure.

In this connection, copies of hundreds of laws, ordinances and related matters have already been sent to the Far Eastern Commission as a matter of routine procedure for its information, perusal, and study. In the same manner, a copy of the Maritime Safety Authority Bill was circulated in the Far Eastern Commission under date of April 9, 1948. This copy, I repeat, was sent to

the Far Eastern Commission as a matter of routine. If it were thought that this law represents an extraordinary law requiring special attention, such attention would henceforth be the prerogative of the Far Eastern Commission. I do not consider that it is a prerogative of the Allied Council for Japan.

Without examining into the detailed provisions of the law under discussion, I would say that its broad purpose is to fill the hiatus left by the reorganization of the Japanese police force. It should be obvious that police measures are necessary to control the numerous cases of smuggling, illegal entry, and other illegal traffic in nearby Japanese waters. Furthermore, with the abolition of the former Japanese Water Police, the Japanese Government has seen fit to create the Maritime Safety Authority to take its place as an overall measure relating to maritime subjects, as stated in the law itself. As you have a copy of the law, the law itself would not appear to require further discussion.

To revert to the Terms of Reference of the Allied Council. It is provided in Paragraph 5, in effect, that the SUPREME COMMANDER will consult and advise with the Council in advance of the issuance of orders on matters of substance, the exigencies of the situation permitting. It is also provided in the same paragraph that his decisions upon these matters should be controlling. In the instant case there has been no issuance of orders, and in so far as the SUPREME COMMANDER is concerned, this matter is considered as one of administration in carrying out the over-all objectives of the Occupation. We should not forget that the SUPREME COMMANDER is "the sole executive authority for the Allied Powers in Japan."

Even a most careful scrutiny of the details of this law fails to reveal the slightest transgression, in spirit or in

fact, of any basic policy decision of the Far Eastern Commission. Although I am not informed concerning the extent of discussion of this law in the Far Eastern Commission, nor in fact would it be proper for us, here, to disclose such discussion if information were available, I can only say that it appears entirely inappropriate to me that the Allied Council, a subordinate and consultative body, should now enter upon a parallel discussion when, as I have already indicated, the ultimate policy making authority, except as otherwise shared with the United States Government, rests with the Far Eastern Commission.

GENERAL SHANG, do you have any remarks or comments you would like to make?

GENERAL SHANG: MR. CHAIRMAN, The Maritime Safety Authorities Bill, passed by the Japanese Diet on April 15 and proposed by MR. SHAW for discussion at this meeting is indeed important in insuring maritime safety and preventing, detecting, and suppressing violations of laws of the Japanese Government in her coastal waters.

While admitting the necessity of safeguarding the Japanese coastal waters, we must not, however, overlook the ultimate objectives of the Occupation. The first of which is to prevent Japan from becoming a menace to the peace and security of the world. Therefore, the Japanese Government and the Maritime Safety Board must be instructed to understand that the Maritime Safety Authority Law has granted them authority no more than the limited policing power in Japan's coastal waters.

Meanwhile, our attention should be focused on necessary precautionary measures in order to guard against any possible abuse of power on the part of the Japanese Government which might lead to a resurgence of Japan's naval strength. It is of paramount importance that strict supervision should be taken to

forestall such a potential threat.

As to the problems of technical details such as construction of vessels, equipment, weight, speed, tonnage, selection and training of personnel, numerical strength, and so forth, which involve policy implementation; they are primarily the task of the GHQ, SCAP and should be worked out by the GHQ, SCAP.

THE CHAIRMAN: Is that all, GENERAL SHANG?

GENERAL SHANG: Yes.

THE CHAIRMAN: I think the law itself provides the necessary safeguards of which you have spoken. But, in any event, you may rest assured that the SUPREME COMMANDER and his General Headquarters are fully alive to the connotations which you have mentioned.

GENERAL KISLENKO, do you care to make any statement?

MAJOR GENERAL KISLENKO: Yes.

MR. CHAIRMAN, GENTLEMEN, I am firmly convinced that there was no necessity for the SUPREME COMMANDER to decide this issue unilaterally without any consultation with the Members of the Allied Council for Japan and prior to the decision of the Far Eastern Commission on that subject. I cannot agree with the contention advanced by MR. CHAIRMAN as to the authority of the SUPREME COMMANDER to ignore the Allied Council for Japan because this is an obvious violation of the Terms of Reference as may be seen from the following:

SOVIET INTERPRETER: MR. CHAIRMAN, GENERAL KISLENKO is quoting from the Terms of Reference. Unfortunately, I haven't got the English copy. Can I borrow it from you?

THE CHAIRMAN: Yes, certainly.

MAJOR GENERAL KISLENKO: Paragraph 1:

"There shall be established an Allied Council with its seat in Tokyo under the chairmanship of THE SUPREME COMMANDER

FOR THE ALLIED POWERS (or his Deputy) for the purpose of consulting with and advising the SUPREME COMMANDER in regard to the implementation of the Terms of Surrender, the Occupation and control of Japan, and of directives supplementary thereto; and for the purpose of exercising the control authority herein granted."

Paragraph 5: ". . . He will consult and advise with the Council in advance of the issuance of orders on matters of substance, the exigencies of the situation permitting. His decisions upon these matters shall be controlling."

Paragraph 6: "If, regarding the implementation of policy decisions of the Far Eastern Commission on questions concerning a change in the regime of control, fundamental changes in the Japanese constitutional structure, and a change in the Japanese Government as a whole, a Member of the Council disagrees with the SUPREME COMMANDER (or his Deputy), the SUPREME COMMANDER will withhold the issuance of orders on these questions pending agreement thereon in the Far Eastern Commission."

Thank you very much, MR. CHAIRMAN.

In connection with the subject placed for discussion on the agenda of today's meeting of the Council and linked up with the unilateral decision of such important political issues as the establishment of Japanese maritime police forces, I believe it is necessary to invite the attention of the Members of this Council to the fact that it is not for the first time we are confronted with similar unilateral actions on the part of the SUPREME COMMANDER in the decision of issues of that kind.

I do not propose today to mention all those cases in which the SUPREME COMMANDER took decisions, or endorsed the decisions taken by the Japanese Government, on the most essential problems

pertaining to the policy of the Occupation without consulting with the Allied Council.

Today I would like to call your attention only to a number of facts showing the unilateral actions of a similar nature in the organization--

THE CHAIRMAN: May I interrupt? I am afraid the Soviet Member is getting a little far afield from the subject of discussion of the Maritime Safety Authority Act. Now, if the Acting Soviet Member wishes to discuss instances where the SUPREME COMMANDER has acted unilaterally, I would suggest that he place that subject on the agenda.

MAJOR GENERAL KISLENKO: MR. CHAIRMAN, I ask that you allow me to finish the translation. It is merely a matter of courtesy.

THE CHAIRMAN: It is not a question of courtesy. It is a question of procedure.

MAJOR GENERAL KISLENKO: I don't see anything in this that violates the procedure adopted by the Council. If you allow, MR. CHAIRMAN, to continue the translation of my statement, then it will be quite clear that it deals only with the subject placed on the agenda of today's meeting.

THE CHAIRMAN: Is it specifically related to the Maritime Safety Authority Law?

MAJOR GENERAL KISLENKO: If you allow me to continue, then you will see very clearly what my statement was bearing upon.

THE CHAIRMAN: That is quite obvious, but the Acting Soviet Member has not answered my question.

MAJOR GENERAL KISLENKO: I must repeat again, MR. CHAIRMAN, that my statement bears exclusively upon the subject placed on the agenda of today's meeting.

THE CHAIRMAN: With the Acting Soviet Member's assurance that the statement specifically relates to the Maritime Safety

Authority Law, I, of course, have no objection.

MAJOR GENERAL KISLENKO: --of Japanese police forces in general.

It is well known that the Japanese Diet as far back as December 8, 1947, passed a law on the establishment of a "new police system" effective March 8, 1948. This law fixes the total strength of the Japanese police at 125,000, which figure is almost twice above the strength of the Japanese police and gendarmerie prior to Japan's surrender.

There is no doubt that a legislation of such importance could not have been passed by the Japanese Diet without being properly approved by the SUPREME COMMANDER.

Having secured a sanction to build up such a strong police force, the Japanese Government is seeking to proceed even farther. Thus, for example, Saito, director of the National Police Board, testifying before a Diet committee, declared at its session on March 23, 1948, that the Japanese Government contemplates to organize special armed police units, each numbering 10,000 men, which "should undergo a special training and be kept in constant readiness."

Besides the organization of the national and municipal police, the Japanese Government also established the so-called railway police--

THE CHAIRMAN: Are we discussing the Maritime Safety Authority Law or the Japanese Police force?

MAJOR GENERAL KISLENKO: MR. CHAIRMAN, may I be allowed to ask a question? Should I make statements at the Allied Council on the basis of the outline provided by you? Do I have the elementary right of freedom of speech at the meetings of the Allied Council? This subject is very much written about.

THE CHAIRMAN: I think the Acting Soviet Member is being

very naive. He knows rules of procedure as well as I do.

MAJOR GENERAL KISLENKO: If this is naive, MR. CHAIRMAN, then I am unable to understand what is considered serious by you.

THE CHAIRMAN: I do not see under Official Matters on the agenda a subject entitled "The Japanese Police Force." If the discussion is to be germane to the item under Official Matters placed on the agenda by the British Commonwealth Member, well and good; but I do not understand why we should go so far afield as to enter into a long detailed discussion concerning the Japanese police force.

MAJOR GENERAL KISLENKO: MR. CHAIRMAN, I am not making an attempt to draw the Members of the Allied Council into a detailed discussion of the subject. But, in my submission--

THE CHAIRMAN: Of what subject?

MAJOR GENERAL KISLENKO: --of police forces in general. But I think that it is impossible to discuss the establishment of the new police organization without previously discussing the measures connected with the organization of police in general,--

THE CHAIRMAN: I don't quite understand what is meant by the "new police organization."

MAJOR GENERAL KISLENKO: I mean the Maritime Safety Board. This is the new organization.

THE CHAIRMAN: Is it a police force?

MAJOR GENERAL KISLENKO: It can't be understood otherwise.

THE CHAIRMAN: Is it under a police authority?

MAJOR GENERAL KISLENKO: I don't think it is necessary, MR. CHAIRMAN, to discuss this matter further. I would ask you to allow me to continue the translation of my statement.

THE CHAIRMAN: Very well.

MAJOR GENERAL KISLENKO: --the establishment of which was

approved by the SUPREME COMMANDER even earlier. And, finally the passage by the Diet of a new law on the establishment of "The Maritime Safety Board," the personnel of which shall perform police function, confronts us with the fact of the official institution in Japan of maritime police too.

All this goes to prove that the Japanese Government, of course, not without a sanction on the part of GHQ, SCAP, is steadily increasing its police forces.

Thus, for example, a short while ago the NIPPON TIMES and other Japanese papers reported that the decision had been taken to increase the strength of the Tokyo police by 7,100.

The Japanese press is now being engaged in a wide discussion of the armament of both the police personnel and vessels detailed for police and patrol duties, referring in that connection to light and heavy machine guns and even cannons which are allegedly necessary for the armament of the police.

THE CHAIRMAN: I cannot understand why we must have statements of that kind. You know that they are not true.

MAJOR GENERAL KISLENKO: MR. CHAIRMAN, if you allow me to continue the translation of my statement, then all the implications and all that is contained in the statement will be quite clear. May I continue?

THE CHAIRMAN: Yes.

MAJOR GENERAL KISLENKO: The fact that in the law passed by the Japanese Diet on April 15, 1948, on the establishment of the maritime police there is no direct indication as to the nature of the armament of patrol craft, does not at all mean that the armament of those craft will not be carried out. On the contrary, the elastic wording of Article 4 of the above law which says that these "vessels shall be suitable in construction and equipment" for the performance of their function, allows

the Japanese Government freedom of action both in deciding the question of the armaments of vessels and the choice of the kinds of arms. It is absolutely clear that this strength of the Japanese police and an incessant increase of its units and arms (to which I have just referred) confront us with the fact of the revival of the Japanese armed forces.

In this connection, I cannot but point out that obvious fact that GHQ, SCAP not only unilaterally sanctions the expansion of the Japanese police forces on a large scale but assists the Japanese Government in equipping this police.

Thus, for example, as early as autumn, 1947, the Japanese naval patrol service (maritime police) received for its use, with the approval of the SUPREME COMMANDER, 28 submarine chasers of Japan's former Navy out of the vessels to be divided among four powers.

All said above shows that such important issues of the Occupation policy as the police system, the strength of police force and its organization or the establishment of the Maritime Safety Board are decided by GHQ SCAP unilaterally, by-passing the FEC and without any consultation with the Allied Council.

In view of the fact that the drafting and passing of the Maritime Safety Authority Law, that is, the establishment of the Maritime Police, were sanctioned by the SUPREME COMMANDER without any consultation with the Allied Council for Japan and without any proper decision of the FEC, I submit the following recommendation for the SUPREME COMMANDER:

To suspend the enforcement of "The Maritime Safety Authority Law" until the Far Eastern Commission has reached decision on this issue.

THE CHAIRMAN: As a matter of interest I wonder if the Acting Soviet Member has ever seen one of these so-called

"warcraft" of which he speaks. I would like to pass among the Members photographs of the 38 vessels which the Japanese Government has been allowed to utilize for the purposes enumerated in the Maritime Safety Authority Law. From the description of the Japanese Coast Patrol vessel which I have before me I find the size of the 38 vessels is 78 tons. I understand that ten of the 38 vessels are larger by 3 tons, making 81 tons gross. They have a length of 87 feet, an average speed of ten to eleven knots. I have been told that none of these vessels is able to go as fast as ten knots. Engines are Diesel, horsepower 400; cruising radius 1,000 miles; crew: 4 officers and 12 men; armament: none.

The Acting Soviet Member has quoted extensively from the Terms of Reference of the Allied Council for Japan. In so far as this particular issue, if it is an issue, is concerned, I would say that paragraph 6 is entirely irrelevant, paragraph 5 does not apply, and paragraph 1 is descriptive only, but likewise does not apply. I would therefore ask the Soviet Member which article of the Terms of Reference of the Allied Council for Japan applies to this particular case.

MAJOR GENERAL KISLENKO: The articles which I cited. I don't want to argue with you, MR. CHAIRMAN, on that subject. I would like to say only that I have my own opinion of the Terms of Reference which, of course, follows from what is written in the document.

THE CHAIRMAN: I am afraid the Acting Soviet Member plays very loosely with words. The Acting Soviet Member made several references to rearmament and similar matters. Does he imply that the SUPREME COMMANDER is not aware of the basic directives?

MAJOR GENERAL KISLENKO: No, sir, I don't want to say that. What I wanted to say, I have already said.

THE CHAIRMAN: MR. SHAW, do you have anything further to add?

MR. SHAW: MR. CHAIRMAN, I have no wish to question the executive authority of the SUPREME COMMANDER in this matter, nor the various bases of his authority that you have outlined; nor, do I wish to question the basic purpose of this legislation. We all know that the work of carrying out the control of Japanese coasts has indeed placed a very onerous burden on the sea, air and land forces of the Occupation, both the British and the American, and we can well see the need for relieving our forces of some of these tasks. As to the question of how far the Maritime Safety Authorities Bill squares with FEC directives, I think that is for that body alone to consider, which in fact it is considering. I cannot, however, accept the contention, that as there was no order to the Japanese on this subject, that there was no obligation to consult the Council.

THE CHAIRMAN: MR. SHAW, I didn't understand the first part of your last sentence.

MR. SHAW: I said I could hardly accept the contention that as there was no order to the Japanese Government on this question, there was no obligation to consult the Council. The subject matter of this bill was considered of sufficient importance to warrant the issuance of a SCAPIN directive to the Japanese Government a little over a year ago.

THE CHAIRMAN: What you mean is the question of patrolling nearby waters as provided in the Maritime Safety Authority Bill?

MR. SHAW: No, I refer to SCAPIN 1622.

THE CHAIRMAN: 1622 which allowed the Japanese 38 craft--

MR. SHAW: 38 craft.

THE CHAIRMAN: --for the purpose of preventing illegal entry, smuggling and so forth, but the Maritime Safety Authorities Law

is not mentioned therein, is it?

MR. SHAW: No, but the subject matter is the same as that of the Maritime Safety Bill.

THE CHAIRMAN: As one segment of the bill?

MR. SHAW: One segment of the bill, yes. As a matter of fact a few months ago I received an inquiry from my Government about the question of the establishment of a Japanese Coast Guard service and I informed them at the time that the situation was covered by SCAP Instructions 1622, 22 April 1947. There is a great deal of difference between a force of 38 vessels authorized by SCAPIN 1622 and that of 125 vessels and ten thousand men authorized by the Maritime Safety Authorities Bill. I am, however, prepared to accept the explanation as to the scope and purposes of the bill which have been advanced since its passage. My only contention, which I repeat, is that on a matter of such importance, some prior advice would have been appropriate.

THE CHAIRMAN: I would like to make one comment in order that there may be no misunderstanding. I think you made a statement to the effect that the allowance to the Japanese Government of 38 vessels is one thing, but when you increase the personnel to ten thousand, that is another matter. Actually, of course, the ten thousand men are not solely for this mythical police force which has been discussed a few moments ago; the ten thousand men covers numerous maritime objectives, including lighthouse services, manning of lighthouses, safety, hydrographic officials, clerical personnel, and so forth. Ten thousand total personnel for all the purposes enumerated in Article 6 of the law would appear to be the very minimum number that could be expected to handle those matters.

MR. SHAW: I am not questioning that.

THE CHAIRMAN: In connection with the patrolling of nearby

waters, which appears to be the main bone of contention in this entire discussion, and which I repeat is only a small segment of the entire Maritime Safety Authority Board's jurisdiction, it might be interesting to the Members of the Council to know that in the period from 1 April 1946 to 31 March 1947 the total number of illegal entrants actually caught on their way into Japan was 23,197; during the year 1 April 1947 to 31 March 1948 the actual number caught was 7,303; during the first 24 days of April 1948, 956 have been caught.

GENERAL SHANG, do you have anything further you would like to say?

GENERAL SHANG: With reference to the question as to whether the SUPREME COMMANDER FOR THE ALLIED POWERS is, in this instance, acting within his authority, I believe that THE CHAIRMAN has made the point clear. But as I said before, GHQ, SCAP should take every precautionary measure to prevent the Maritime Safety Board from being organized as a military establishment. As to the details, I have stated previously they are technical problems which should be referred to GHQ, SCAP for solution.

THE CHAIRMAN: Thank you.

GENERAL KISLENKO, do you have anything further?

MAJOR GENERAL KISLENKO: No, sir.

THE CHAIRMAN: The meeting is adjourned.

(The meeting adjourned at 1114 hours)

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SUMMARY OF RECOMMENDATIONS AND
SUGGESTIONS FOR SCAP

ITEM I - "A Discussion of the Maritime Safety Law."

MAJOR GENERAL A. P. KISLENKO made the following recommendation: To suspend the enforcement of "The Maritime Safety Authority Law" until the Far Eastern Commission has reached decision on this issue.

GENERAL SHANG suggested that SCAP should take every precautionary measure to prevent the Maritime Safety Board from being organized as a military establishment.

END

No. **2**

United States Political Adviser for Japan,
June 17, 1948.

UNCLASSIFIED

REQUIRED
(Required by Department's Circular
Instruction of November 12, 1947)

MAIL VIA POUCH

REC'D
JUN 21

QUARTERLY REPORT ON TEA

Prepared by David H. Lane, Foreign Service Officer.

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I. CROP ESTIMATES AND FORECASTS:

In view of the fact that ample quantities of fertilizer were made available to the tea plantations during the 1947 crop season (May 1947 to April 1948), the quality of the first crop of the 1948 season (May 1 to May 20, 1948) is expected to be fairly good. Actual production figures for the first crop have not been established as yet; however, the Japanese Ministry of Agriculture and Forestry estimates that it will total about 39,000,000 pounds. The same Ministry has also estimated total production for the 1948 crop season (May 1948 to April 1949) at 71,250,000 pounds, of which 70,000,000 pounds represents green tea and 350,000 pounds black tea. The carry-over from the 1947 crop season amounted to about 6,500,000 pounds. Although approximately 8,000,000 pounds of green tea have been programmed for export during the 1948 crop season by the Foreign Trade and Commerce Division of the Economic and Scientific Section of this Headquarters, ten or twelve million pounds can be exported if the demand exists.

II. EXPORTS OF JAPANESE GREEN TEA FOR THE 1947 CROP SEASON (Unit: Pounds)

<u>Month</u>	<u>U. S. A.</u>		<u>Canada</u>		<u>North Africa 1/</u>	
December	494,375	\$163,370.00	---	---	648,775	\$217,068.00
January	469,915	137,032.00	62,150	\$17,402.00	512,845	152,395.60
February	41,215	11,725.00	37,855	10,599.40	592,250	167,181.37
March	8,170	2,186.80	---	---	303,750	87,419.25
April	<u>113,000</u>	<u>31,640.00</u>	---	---	<u>188,000</u>	<u>53,225.00</u>
Total	1,126,675	\$345,953.00	100,005	\$28,001.40	2,245,620	\$677,290.22

NOTE: 1/ Shipments to Tangier and/or Casablanca in transit, final destination unknown.

Approved:

David H. Maynard
Economic Adviser

David H. Lane
Foreign Service Officer.

Sources: Japanese Ministry of Agriculture and Forestry,
Foreign Trade and Commerce Division, ESS, GHQ, SCAP.

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