

of them in order to assist and cooperate with the American Government and the Supreme Commander. It is felt very strongly by many of us that General MacArthur should reciprocate and should assist us in our part--to handle this matter through the mechanism of the secret sessions of the Far Eastern Commission. Therefore, this paper is an initial attempt to obtain the essential information so that we can operate the mechanisms of the Far Eastern Commission in a way which will assist General MacArthur.

I, therefore, formally move the adoption of this paper, Mr. Chairman.

GEN. MCCOY: Before we go further--I followed you with interest and certain consideration. I think the resolution is a proper way of getting information and, as you say, an initial effort. However, I would go with you down to the last line. There I would like to make a change for your consideration and, if possible, to embody in your motion.

Reading the last line, I would like to change it slightly to: "The Commission would appreciate the receipt of this information, if possible, in time for presentation to the Steering Committee at its next meeting on 24 December 1946."

MAJOR PLIMSOLL: That would be quite acceptable to me, Mr. Chairman, yes.

GEN. MCCOY: Having accepted that change, the motion is now before you. Is there a second?

COL. POWLES: I second it, Mr. Chairman.

GEN. MCCOY: The motion is moved and seconded.

5

Is there any discussion around the table?

ADM. RAMISHVILI: Mr. Chairman, I would ask the Major to repeat the motion. Thank you very much.

GEN. MCCOY: I am hoping that there will be plenty of time to do what you want. I think there will be when we get this information, because I am informed that the legislation has been gradually put before the Diet but they haven't acted on it yet and they won't be able to do it before the holiday and before they adjourn, I assume.

I have had some information bearing on the point which came in this morning, and part of it I hadn't seen. The part I had seen was a radiogram from SCAP with information that: "Bills for the following laws have been forwarded:" That is, forwarded to this Commission. "Cabinet Law, the Imperial Household Law, the House of Councillors Law, Imperial Household Economy Law, and the bill for the Diet Law will be forwarded when it is introduced into the Diet in about three days." This information covers four of the important laws to implement the constitution. They have been forwarded by courier at various dates and the first of these bills, according to the time normally required for courier service, may be expected about the end of this week. I told you that same thing almost at the last meeting, but I once more was unable to be accurate. These bills will be distributed to the Commission as soon as they are received. I think there was a suggestion on your part that they go directly to the committee also.

6

MAJOR PLIMSOLL: Yes, Colonel Powles suggested it. It was a very good one.

GEN. MCCOY: Now, since that came, another dispatch has been received on the same subject as to the status of the bills. "The House of Councillors Election Law was passed by the House of Peers on the 16th of December. The Imperial Law bill is under consideration by the House of Peers. It has already passed the House of Representatives. The Imperial House Economic Bill was approved by the Privy Council. It was submitted to the House of Representatives also. The latest available information on the Cabinet Law indicated that it was in committee in the House of Representatives. No additional information on any other bills." Now that is the latest we have received from SCAP.

SIR GIRJA BAJPAI: I wonder, Mr. Chairman, whether this information could be circulated to us as a Commission paper for purposes of our record. We treat everything as confidential and we will treat this as confidential too.

GEN. MCCOY: Yes. We will do that. Mr. Secretary General, did you note that?

MR. JOHNSON: Yes.

GEN. MCCOY: That information doesn't affect your resolution in general.

MAJOR PLIMSOLL: No. The legislation is passing through these Houses but we want to be able to express an opinion on them.

GEN. MCCOY: This is the present status and you

want the estimated.

MAJOR PLIMSOLL: We want to know what the deadline for our consideration is in each of these laws.

GEN. MCCOY: Yes. Is there any discussion in connection with the resolution for consultation before the Commission?

MR. RODRIGUEZ: Mr. Chairman, in the Steering Committee I reserved the position of the Philippine Government on this resolution in the absence of instructions, and also because of certain doubts that we had as to the practicability of securing such information within such a short time. But, at this meeting, Mr. Chairman, we will be ready to vote in its favor.

GEN. MCCOY: If there are no objections, this will be made a matter of consultation on the part of the Chairman, as set forth in the resolution.

COL. POWLES: Mr. Chairman, before you leave that subject, may I ask whether your information-- I didn't quite gather it all--states that a copy of the House of Councillors Bill is on its way? I noted that you said that the House of Councillors Bill had been passed by the House of Peers.

MR. DICKOVER: It is on its way. The only one which isn't on its way is the Diet Law. But it hasn't been introduced yet.

COL. POWLES: I asked that particularly because you will probably recall that when we passed the final draft of the constitution, Sir Carl Berendsen, on behalf of the New Zealand Government, made the particular point

8

that we desired specifically to see the House of Councillors Bill, with reference to the relation of the House of Councillors to the House of Representatives, and I think, too, that the Commission is on record in a statement to that effect. So that, one would hope that, even though the bill has been passed by the House of Peers, it doesn't necessarily mean that it has been enacted yet as a law.

MAJOR PLIMSOLL: I think it is possible that that was introduced in the House of Peers and has not yet gone to the House of Representatives.

COL. POWLES: It may be so, yes.

GEN. MCCOY: Well, I think it is in committee of the House of Representatives. Isn't that the statement.

MR. DICKOVER: It was introduced and passed by the House of Peers and has now gone to the lower House.

GEN. MCCOY: We'll make note of that statement.

SIR GEORGE BANSOM: Mr. Chairman, before we leave the subject, I think that this has a bearing on the general subject. Have we any information as to the extent to which SCAP himself and his office is scrutinizing this legislation with the object of ascertaining how far it is consistent with the principles of the constitution?

GEN. MCCOY: Well I haven't the slightest doubt but that it has been a very fair scrutiny. But General MacArthur has been very consistent throughout, you remember, in not admitting any interference with Japanese legislation with regard to the constitution.

But surely, with the action of this Commission before him and the scrutiny that is desired here, I haven't the slightest doubt but that he and his staff have been very conscious of the legislation in scrutinizing it very carefully.

SIR GEORGE SANSOM: I should think that if it were possible we could get some indication of the results of their study of the bills. It might be very useful to the Commission here.

SIR GIRJA BAJPAI: Mr. Chairman, I was going to follow up what Sir George Sansom said just now. The resolution before us asks for information regarding the estimated dates of passage in the Japanese House of Representatives, etc., and we seek that information in order to be able to discharge our responsibility of scrutinizing these measures before final action is taken. Now I am quite sure that in the process of examination of these measures, whether it be by the Steering Committee or any other committee or the Commission itself, it would be of the utmost help to us to know what the attitude of SCAP is with regard to these measures. I mean, the mere knowledge that they have scrutinized the measures I think would not be enough. I think it would be useful to know how they review the provisions of these bills for otherwise what will happen is that we shall have to refer the matter back to the Supreme Commander to find out what he thinks about these matters and that involves delay.

GEN. MCCOY: I am able now, with the help of representatives of the departments concerned, to state

10

definitely that he is very conscious of this concern of the Commission and is scrutinizing all legislation in the light of the Potsdam Declaration, the Terms of Surrender, and the principles and bases of policy laid down by the Far Eastern Commission.

ITEM 3 - OFFICIAL JAPANESE AND ENGLISH TEXTS OF THE CONSTITUTION (FEC-087/14, -087/15)

GEN. MCCOY: Item 3 remains on the agenda if there is no objection.

ITEM 4 - PROPOSED UNITED STATES PLAN FOR REPARATIONS CONFERENCE (FEC-081 series)

GEN. MCCOY: Item 4 also remains on the agenda.

ITEM 5 - REPORT ON JAPANESE EXTERNAL ASSETS (FEC-072)

GEN. MCCOY: Item 5, Report on Japanese External Assets, the same.

ITEM 6 - OTHER BUSINESS

GEN. MCCOY: The Secretary General calls my attention to the next meeting, which would naturally fall the day after Christmas, and at the last meeting, you will remember, I suggested that we not have the regular meeting unless--rather I put it that I hoped the Commission would permit me to call a meeting to meet the conditions and that I would consult and receive any suggestions from members of the Commission. Have you received any?

MR. JOHNSON: Not yet, sir.

GEN. MCCOY: Therefore, if there are no objections I will still leave it that way. For instance, to meet

11

this emergency--if we receive these things in the next few days, there might be action of Committee No. 3 so quickly that I could call a meeting to consider that, after consultation with representatives here. I will be glad to hear any suggestion. In other words, there won't be a meeting next Thursday necessarily unless you hear further from the Secretary General. But, in the meantime, we would welcome any suggestions, and if it is necessary I can call or will call an emergency meeting to meet this particular situation.

Is there any other business before the Commission?
There seems to be none.

We stand adjourned, gentlemen.

(Whereupon the meeting adjourned at 11:05 A.M.)

FAR EASTERN COMMISSION

Transcript of Thirty-Ninth Meeting of the Far Eastern Commission,

Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.

Thursday, January 2, 1947

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REPRESENTATIVES PRESENT

Maj. Gen. Frank R. McCoy, USA, Chairman	(United States)
Major Plimsoll	(Australia)
His Excellency Mr. H. H. Wrong	(Canada)
Dr. S. H. Tan	(China)
Mr. Paul Guerin	(France)
The Honorable Sir Girja Shankar Bajpai	(India)
Mr. O. Reuchlin	(Netherlands)
The Honorable Sir Carl Berendsen	(New Zealand)
His Excellency Carlos P. Romulo	(Philippines)
Mr. H. A. Graves	(United Kingdom)
Rear Admiral S. S. Ramishvili	(U.S.S.R.)

SECRETARY

Mr. Nelson T. Johnson

Reporter: R. Holtz, Department of State

1

(The meeting convened at 10:40 A.M.)

GEN. MCCOY: Good morning, gentlemen, the session now opens. I am very glad to welcome back our ambassadors and ministers who have been before the United Nations. I hope they will come back with an experience that will be helpful to us here. I also want to welcome the Canadian Ambassador, who sits in with us for the first time, the Honorable Hume Wrong. I will say, Mr. Ambassador, you have been well represented here heretofore, not only by your predecessors but by Mr. Thompson and Mr. Collins. I am glad that Mr. Collins still sits in with us.

I had a very nice newspaper note to read, but in the absence of Sir George I will read it twice--once now--and I would like to read it when he comes back, because he has been honored by his own Government, and, as we all know, most well merited. The only thing that concerns me is that it sounds as though he were about to be retired. I sense that is the case with a servant of the British Empire that has served so long and well when he is given the Grand Cross or a corresponding decoration. I will read the article now just for your interest: "Sir George Bailey Sansom, Minister at the British Embassy in Washington, and adviser to the British Ambassador on Far Eastern Affairs, was created a Knight Grand Cross of the Order of the British Empire in the King's New Years list of honors." I think Sir George has had a recurrent reward for ~~of~~ his services from his Government. In fact, he and I belong to the same order ~~up~~ up to this moment. I can't join him

2

in the Order of the British Empire, but I think he is of the Order St. Michael and St. George, isn't he?

MR. GRAVES: Yes.

GEN. MCCOY: I was honored by the British Army in the First World War.

MR. GRAVES: May I have the pleasure of saying that Sir George is in New York meeting Lady Sansom who has just returned from England on the Queen Elizabeth.

GEN. MCCOY: Yes, the Queen Elizabeth brought many distinguished visitors.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 38TH MEETING

GEN. MCCOY: If it is your pleasure I will make of record the minutes of the last meeting unless there are observations or corrections to be made. There seem to be none and the minutes will be made a matter of record.

ITEM 2 - REPLY OF SUPREME COMMANDER FOR THE ALLIED POWERS TO COMMISSION'S CONSULTATION RELATIVE TO TIMETABLE OF IMPLEMENTING LEGISLATION (FEC-100/1, 100/3, 100/4; MI-072)

GEN. MCCOY: Item No. 2 goes ~~in~~ into the delays that we have been conscious of in the reply from Tokyo. The replies that have already been received have been circulated. FEC-100/3 is the reply of the Supreme Commander to queries raised by the Commission in 100/1. It was presented to the Steering Committee at its meeting this week and the Steering Committee agreed to forward it for consideration by the Commission. MI-072 contains additional information regarding the status of implementing legislation received from the Supreme Commander on the 31st of December.

SIR CARL BERENDSEN: Mr. Chairman, this is the last, and so far as I am concerned the word is accurate

3

the last of a lengthy series of instances in which successive attempts by the Far Eastern Commission to exercise what it conceives to be its functions have been stultified; the last of a long series in which it has been obvious that the means and the degree of cooperation in their respective spheres between the Commission and the Supreme Commander of the Allied Powers in Japan are highly unsatisfactory. I have, on several occasions, urged that an effort be made to improve these means of cooperation, but no effective action has been taken. And it now seems to me to come to a point when the Commission is entitled, indeed bound, to consider whether, for this and other reasons, the Commission can consider its competent adequately to fulfill its functions, and there is, I suggest, nothing to be gained by pretending that the Commission is what it is not, or that it can do what it cannot do. Many, and some of the most serious, of the Commission's difficulties have been inherent in the terms of this Constitution, many others are due to the action or inaction of the Commission itself or its members, many more have clearly been the result of this lack of cooperation between the Commission and the Supreme Commander.

No one around this table will, I venture to say, affirm that the Commission has been able to fulfill its functions as it should have been able to fulfill them. I am making no suggestion as to where the fault, if any, lies, and in order to avoid a misunderstanding that has arisen on previous occasions I wish to affirm

4

myself as one who has always firmly and consistently admired, not only the Supreme Commander himself, but the work that has been done by the Supreme Command. I am making no criticism of General MacArthur, or indeed, of the Supreme Command~~s~~. Indeed, I cannot believe, and I do not believe, that the difficulties which the Commission has met in its relations with the Supreme Command have been the wish of the Supreme Commander, or, indeed, of the United States Government, or that what have, from time to time, appeared to be deliberate discourtesies have indeed been intended to be such. I am simply calling attention to what must be obvious to all of us, that the situation as it exists today, whatever the reason, is in a high degree unsatisfactory.

In this particular case -- and in the meantime I confine myself to this case -- it was unquestionably known to the Supreme Command that the Commission, in the light of what it regarded as ambiguities or omissions in the text of the Japanese Constitution, considered itself, rightly or wrongly, to be concerned with the text of the implementing legislation. And this was not the view of one or two members of the Commission, perhaps ignorant or ill-advised -- it was the unanimous view of the whole Commission, including the representative of the United States. Now, in normal circumstances there should, I suggest, be no necessity for the Commission itself to seek timely copies of this draft legislation -- they should, in any normal course of events, have been made available automatically and

5

immediately, but I understand that a series of efforts were made through you, Sir, to obtain from the Supreme Command the text of this implementing legislation in time to enable the Commission to consider that legislation before it was passed, and that ample, and more than ample, time elapsed from the date of the first of such efforts to enable these texts to have been dispatched in time for such consideration. The text of legislation relating to the relations between the two Houses of the Diet, in which the Commission is particularly interested, has not even yet come to hand, and the text of four of the laws in question has now arrived after these four laws had been passed by the Diet, leaving to the Commission no option but to accept the situation as it is, or "should the Commission consider that the legislation does not comply with the terms of the governing documents) to embark upon the much more, and unnecessarily more, difficult task of endeavoring to bring about, through the Diet, alterations in the legislation that has been accepted by the Diet. There must be some reason for, some explanation of, these apparently significant facts, and the Commission is, I suggest, entitled to know it.

There is much that, at the appropriate time, may have to be said on this particular incident and on the status and capacity of the Far Eastern Commission generally, but I should think it proper, and certainly the wisest course in the first place, to ask the United States Government who have, I understand, through you, Mr. Chairman, been in the forefront in an endeavor to obtain from the Supreme Command the text of this legislation, what their views are on this particular incident,

3

and what action, if any, they would think it proper for the Commission to take.

Now I want to make two final additions. I do not expect, Sir, and I do not ask an immediate reply and if you thought it proper that this inquiry should be made through other channels, I should be very ready to take that course. And finally, I want to say this-- I could not ~~give~~ believe that any member of the Commission will disagree to what I have just said. If such there be, I invite him, I challenge him to say so. Thank you, Sir.

MAJOR PLIMSOLL: Mr. Chairman, I think Sir Carl Berendsen's disquiet is shared by every member around this table today. The Commission has made known from the very beginning of its existence its interest in the constitution and in the implementing legislation. Throughout all the time that the Japanese constitution was before the Constitutional Committee and before this Commission, every member around this table has to some degree or other made known his interest in the implementing legislation, and many of us have said that we were alarmed by the extent to which the constitution left important matters to be carried out by implementing legislation passed by the Diet and subject to amendment by the Diet. The Government of China, in a formal statement before this Commission on the 21st of September drew particular attention to this point and reserved its position regarding implementing legislation, and said, and I think this was the view of every member around this table: "It is the understanding of the Chinese delegation that the words 'shall be made available' as used in the Report of Committee 3, as revised

by the Steering Committee, denote that implementing laws will be made available to the Far Eastern Commission in such a manner as will give it opportunities to study and scrutinize them." At the same meeting the United Kingdom representative said that his Government attached very great importance to the transfer of imperial property to the State, and I expressed similar views there for the Australian Government.

The Far Eastern Commission on the 25th of September passed a policy decision, FEC-087/9, in which it said it considered essential its continuing right to scrutinize implementing legislation very carefully to insure that such predominance is not established, and then on the 19th of November in the Steering Committee I raised the question of implementing legislation. I raised it again on the 1st of November in the Far Eastern Commission itself. And on the occasion I raised it in the Steering Committee, Dr. Blakeslee replied for the United States in a statement with which later you associated yourself, Mr. Chairman, and he said: "Among other things with respect to procedure, he did not believe the Steering Committee or the Commission could do anything until the drafts of the bills had been received." And we agreed with that, and he also said it was a view of his Government, and he felt sure it was also the view of the Steering Committee and the Commission, that it was better to inquire into possible inconsistencies between the draft legislation and basic policy before such draft legislation become acts of the Diet, in order to

8

obviate the Far Eastern Commission's having to make a policy decision to ask the Supreme Commander to ask the Japanese Government to revoke a law which had already been passed. Now that was stated as the view of the United States Government and I know that every other country around here associated itself with it. When I raised the matter in the Commission on the 21st of November, Mr. Chairman, I suggested that there were two courses to be followed. The first was that we should receive the legislation early so that we could express an opinion, and you agreed with that, and I know that you made great efforts to get the legislation and we are not in any way ~~criticizing~~ criticizing you, Mr. Chairman. Secondly, I suggested that there should be some delay in Japan so that we would have an opportunity to express our views before it was passed finally by the Diet. Now I suggested on that occasion that we might have a delay of a fortnight or three weeks between the time it passed one house and the bill was submitted to the next house. I think that would have given the Commission an opportunity to express a view and at the same time would have avoided any delay arising from inability in the Commission to express a view. I think we would all agree that if the Commission had had a fortnight or three weeks in which to express a view and if the Commission was unable to come to a decision, then the Commission had received every opportunity and had no complaints to make. And when we look at the schedule which had been distributed as

a reply from the Supreme Commander, SMI-072, we find that in many cases delay could have been accomplished if we had the legislation without causing any inconvenience in Japan. The Imperial House Law passed the lower House on 14 December and did not pass the House of Peers for another ten days, on the 24th of December. And if we had had the draft legislation, we could have, I suggest, passed an opinion by the 24th of December. The Constitutional Committee has examined this since it was received here and I think we all agree we could have come to a decision very quickly, and similarly with other legislation, if they had been spaced a little bit more and if we had had the legislation the Commission could have acted.

Now, I suggest, Mr. Chairman, that the Commission has made its views known from the beginning. It has made its desire to examine this legislation fully known and when we ask ourselves why the Commission is in the present position, I think the answer must be clearly not that they did not know our views--not that we were inefficient ourselves. The sole reason the Commission is in its present position is because of the desire to cooperate with the Supreme Commander to the fullest and the countries around here, their rights to the fullest where those countries felt that the exercise of those rights would impede the Supreme Commander. There were a number of courses open to us. As I have pointed out before, it could have been raised in the Allied Council in Tokyo. We could have raised the question in the Allied Council whether these laws

10

conform to the Potsdam Declaration and other policies laid down in the Commission. That would have meant dragging it out into the open--the whole question of the interference of the Far Eastern Commission with the constitution-making in Japan. We could have laid down policy decisions in the Commission and I think many of us felt, and I think this is also the view of the United States Government, that the Commission could not do that. We could have said that but we preferred to let them evolve laws suitable to themselves. The purposes of examination by the Far Eastern Commission, I think, are obvious enough. It allows Allied participation in the formulation of these laws. I think in point of fact that remarkably few changes would be made in these laws. The Supreme Commander I don't think has very much to worry about in referring things to the Commission. We are not here to snipe at him and to make caustic criticism. But I think we do want the right to participate in the formulation of policy in Japan, if only to suggest changes. It allows the Supreme Commander to draw upon the abilities and knowledge and experience of people from other countries. As it is now the Government Section of the Supreme Commander's Headquarters consists entirely of American officers. There is no Allied participation and some of us feel that some of those officers, at least, do not have adequate experience of the working of a constitutional monarchy and of an executive that is responsible to the legislature.

11

We saw when we were debating whether the question of whether cabinet ministers should be members of the Diet, that the Supreme Commander's Headquarters had no conception at all of the role of a cabinet minister in an executive responsible to the legislature. And secondly, I think in our examination of this legislation we shouldn't confine ourselves solely to the question of whether it conforms to the Potsdam Declaration and the basic policies of the Commission. I think we are interested in the efficiency of this legislation. It may be that inefficient legislation does not technically conflict with the Potsdam Declaration, but that is of great importance that the constitutional machinery of Japan works efficiently and in a way that is not going to discredit the whole purpose of democratic government. And, therefore, there should be, I think, to a greater extent than there is at present an exchange of views between the Supreme Commander and the Commission, not necessarily in the Commission laying down strict policy decisions, but we should be able to make suggestions to the Supreme Commander, where we do not want to go to the extent of forcing a decision. And, therefore, we have pursued--the Commission has pursued the policy of treating the Supreme Commander as a partner. That is the right policy. We have not endeavored throughout to dot our i's meticulously, to make sure that we preserve our position completely with the Supreme Commander. We are not dealing with the Supreme Commander as an enemy power. We don't feel that we have got to

12

preserve our position with him or against him, and I suggest that there should be some reciprocity in return. The Commission cannot be the body that is always making the concessions. The Far Eastern Commission is also a body that has been set up to share responsibility with the United States for the Government of Japan and the countries around this table cannot be expected to share that responsibility unless they are given an opportunity to share in the formulating of the decisions, the formulating of the policy for Japan. And my Government feels, Mr. Chairman, that the Commission has not been given as great an opportunity as it might have to examine the implementing legislation and to participate in any of the laws or any of the policies that control this legislation. It is true that we now have the right to amend this legislation but the exercise of that right--the power to exercise that right, the practicability or even the desirability of exercising the right to amend the legislation is a very different matter and I feel sure that it will be very difficult for the Commission to make any change in the implementing legislation now that it has been passed.

And finally, I think this shows how extremely fortunate it is that the Commission passed the policy decision that calls for a compulsory review of the constitution by the Japanese people and by the Far Eastern Commission, and I think the episode has given us some experience--some full knowledge of how we can expect the Commission's power of review to be exercised unless we take some steps to insure that

13

the review by the Japanese people is an effective one. And I think it is strengthened still more the case for immediate and complete and unrestricted publication in Japan of the Commission's policy decision on review. I shall raise this matter at a later meeting of the Commission. But I repeat, in conclusion, Mr. Chairman, that we are not criticizing the Supreme Commander in general. As I have pointed out, we are in this difficulty today, this mess partly because the Commission has not exercised its rights to the fullest and because it has desired, even at the expense of the power of this Commission, it has foreborne to do anything which will embarrass the Supreme Commander. Now, that ~~it/had~~ the right policy, Mr. Chairman, and I might say that if we had to do this over again, even though it means the Commission has not fulfilled the role it is entitled to, if we had to do it over again, I still would not adopt any other course in the past. And secondly, I repeat again that we are not criticizing you, Mr. Chairman, we know that you have represented the Commission very adequately and have done all in your power to prevent these occasions arising.

GEN. MCCOY: Are there any other comments on this question at this time?

SIR GIRJA BAJPAI: Well, Mr. Chairman, I shall not attempt to emulate the vigor of our colleague from New Zealand or the comprehensiveness of the statement of our colleague from Australia. I am conscious of the difficulty which is inherent not only in the constitution but in the procedure under which

14

this constitution of the Commission functions, and I should like to state at the very outset that in anything that I say is not in criticism either of the Supreme Commander or you or of the Government of the United States. I might also say that my Government, and I am talking of the new government of India, is very definitely of the opinion that it is not for this Commission to frame a constitution for Japan, but my country, like other countries around this table, had a share in the struggle with Japan, a struggle which fortunately for ~~all~~ all of us ended in victory. And those of us who are near Japan naturally have a profound and vital interest in what for one more eloquent phrase I would describe as the democratization of Japan. Now I think it will be agreed that the democratization of Japan depends partly on psychology and partly on law. So far as the psychology of the Japanese people is concerned, I won't discuss that and I wouldn't attempt to say what steps should be taken in order to produce in the Japanese people a democratic frame of mind. But it is perfectly clear that if the Japanese are to have faith in this constitution which has been evolved for them now, whether it is the constitution itself or the implementing laws for the constitution, they must be at any rate ostensibly given to feel that the constitution is their own work, which makes it all the more necessary that any divergence of policy which this Commission takes and which it wishes to communicate in a confidential manner to the Japanese

15

people, should be communicated in time for the representatives of the Japanese people to take it into account before the law is framed. It seems to me that that is self-evident. There is no need for me to elaborate that particular statement or principle. That being ~~so~~ so, Sir, it is quite clear that unless laws and projects of laws are made available to the Commission before the Diet takes action on them or the cabinet approves of them, every time that we feel it necessary to suggest a modification of the constitutional law or implementing laws we would appear as dictating to the Japanese people what is good for them. That, in my judgment, Sir, is a thing which is of fundamental importance and that is a thing which it is important for us to avoid. But, in the context of events as they have moved so far, it is perfectly evident that on every occasion we have found it impossible to satisfy that condition for the very simple reason that laws have come to us after they have passed the Diet. Now, Sir, it may be that we come to the conclusion that the best thing for us to do is to leave this entirely to the Japanese people. Well, if that is so and if that is made clear and agreed to by the members of the Far Eastern Commission here, there would be nothing further for us to say. But, so long as the Moscow Agreement stands--so long as the Potsdam Agreement stands the responsibility does rest upon this Commission to help the Japanese people without offense to their pride and their self-respect--to help the Japanese people in framing a

16

democratic constitution, and I submit that time and again we are confronted with the situation when we can't do it in the way in which we ought to do it because action has already been taken in Japan. That, Sir, is the point which I wish to emphasize. Our colleague from New Zealand and our colleague from Australia said that it is important that this should be avoided in the future. I am rather doubtful of whether there is very much to avoid in the future. The constitution has already become law. These implementing laws which we are considering have already been passed by the Diet. Not very much left so far as the constitution is concerned, and, therefore, again I say in no spirit of criticism but with profound regret I have to express the same opinion as these others have expressed, that with the best will in the world to cooperate, with every desire to initiate the Japanese people, as it were, into democratic ways by friendly and unoppressive guidance we have not been able to fulfill that objective of ours by the methods which have been adopted so far. I thought, Sir, that you would permit me to place my point of view before you. I have done it with as much moderation as I could. Thank you.

GEN. MCCOY: Well, certainly these statements have been made in good temper and for the constructive improvement of our work. Now, that remains to be done. Of course, leaving aside Sir Girja's point for the moment and referring to those of Sir Carl and Major Plimsoll, I will call attention to the fact that in no point of the countries here represented

17

is prejudiced finally by what has happened in the past. Under the Terms of Reference this Commission is still seized with the authority to review not only the constitution but the law, implementing laws, and I have no doubt that that will be a responsibility in our present procedures as these laws are scanned and scrutinized by the Constitutional Committee. I concede the point of Sir Carl and Major Plimsoll that we might have had leisure for consultation had the laws been before us, but they were not and they have now been passed. I assume they will have to be reviewed as laws rather than as tentative ones. I spoke several times to the Commission of my hope that we would meet these feelings and profession of concern and interest by improving our procedure and the liaison with the Supreme Commander's staff. I have waited--I was just about to do it, when so many of our representatives were obliged to be absent throughout the autumn at the United Nations, and now that we are back, I would very earnestly request your continued constructive criticism and suggestions for improving our procedure and with the hope that we might be more successful in cooperation. That is my great responsibility as Chairman in this international commission--to not only receive cooperation but to give cooperation and to bring about the joint action of the Commission. So that I will at a more favorable opportunity as for a meeting of the Commission itself to consider improvement of our procedure, having in mind the inherent difficulties in delays of getting eleven

18

countries to cooperate more or less effectively and reasonably. I never would use the word "quickly" with an international commission. But with due consideration, a year ago when we sat in the Advisory Commission, I stressed the fact the war was over and that I felt it was the duty of this Commission to give due consideration and not act in haste and heat, and I think in the main we have been able to do that. But certainly in all our committee work and in the work of the Commission we are conscious of the delays of all of our governments, mostly at a time before we can get the basis for action as a commission. And, of course, that goes once more to the inherent difficulties of international cooperation and that, as I want to emphasize again, is what I am mostly concerned about. These are mere incidents which I feel can be met under the Terms of Reference, which I think were wisely drawn by our foreign ministers. That is least so in Moscow, but I do think the Terms of Reference give us ground for better procedure and a more effective action when we are concerned over incidents rather than policies. But I want to repeat the fact that this is a continuing commission--that it has not failed nor is there grounds for failure. We can always continue to act and meet. If we can't meet the situation in one way, we can meet it in another. And that I will hope to discuss with you and answer some of the particular questions that Sir Carl has put before us and Major Plimsoll later. I will have this transcript thoroughly studied and brought to the attention of my Government, and in the meantime I and my staff

19

will endeavor to meet the situation as you have presented it.

GEN. ROMULO: Mr. Chairman, while we are on this subject, may we include in our examination of our deficiencies one important question that has struck my attention when I returned here today. In our agenda I find exactly the same items that we left when our other duties called us to attend the United Nations meetings at Lake Success. I think it was quite an understatement when you said that we did not act hastily.

GEN. MCCOY: Well, I think we are concerned with that and I don't think we can point the finger at anyone country. We are all involved there.

GEN. ROMULO: Mr. Chairman, in your introspection here today may we include a self-examination of why we still have these items that were here nine weeks ago? And I would like to make that of record.

GEN. MCCOY: Yes, that is unfortunately the case. But there have been many mincing steps taken in the meantime and the committees have done a great deal of very valuable work that will be ready when the jam is broken on the papers in question. I assure you that they haven't been just left there waiting for your return.

SIR CARL BERENDSEN: It might interest you to know that at the last meeting of the Steering Committee, the first I attended since my return, I met the same old friends that were on the agenda when I left and the Steering Committee was extremely

20

worried about the situation. We had thirteen items, if I am not exaggerating, on the agenda of the Steering Committee and every single one of them was postponed for further consideration. The committee itself was shocked and the committee itself is doing a little soul searching in the matter.

GEN. MCCOY: Yes, but there were a great many that went through in your absence that are not there.

SIR CARL BERENDSEN: That may be so and I am very much relieved to know.

SIR GIRJA BAJPAI: If I might strike a ~~little~~ literal note, Mr. Chairman, when I see these items appearing before me, I think of a composition of Walter Savage Landor entitled "The Old Familiar Faces" and I confess that these faces may grow in familiarity, yes, when you look at them over and over again, but our affection for them doesn't grow greater every time that they appear again.

GEN. ROMULO: Nor does it make them any more handsome.

SIR GIRJA BAJPAI: Well, it depends on whether age does or does not. (Laughter).

SIR CARL BERENDSEN: It depends on whether you like whiskers. They are certainly growing whiskers.

GEN. MCCOY: Well, I think since you were absent, you must recall, the foreign ministers were absent from their departments, so that I expect when the foreign ministers get back home that some of these things will be settled and we will get some instructions. I know that Mr. Byrnes has been absent, if you recall,

21

I think with a few days interval for some six months in Paris and, in fact, I am conscious of the fact that in the year that I have been chairman that I think he has been absent ninety percent of the time at international conferences himself. And that goes with the other countries too. So that I am hoping that our governments will find some way of acting without their foreign ministers in the future because it looks as though they will continue to be absent much of the time. However, they are all back home now, I think, and we can hope that instructions will come through on a number of the papers that we are so familiar with.

ITEM 3 - OFFICIAL JAPANESE AND ENGLISH TEXTS OF THE CONSTITUTION (FEC-087/14, -087/15)

GEN. MCCOY: Item 3 is the Official Japanese and English Texts of the Constitution, FEC-087/14 is the official English language text of the new constitution and FEC-087/15 is the official Japanese language text. The Commission four weeks ago reaffirmed its decision to retain these documents on this agenda.

ITEM 4 - PROPOSED UNITED STATES PLAN FOR REPARATIONS CONFERENCE (FEC-081 series)

GEN. MCCOY: Item 4 is the Proposed United States Plan for Reparations Conference. This subject has remained on the agenda pending the outcome of negotiations.

ITEM 5 - REPORT ON JAPANESE EXTERNAL ASSETS (FEC-072)

GEN. MCCOY: Item 5 is the Report on Japanese External Assets, FEC-072. This paper has also been

22

continued on the agenda, its consideration pending decision on the reparations conference proposal.

ITEM 6 - OTHER BUSINESS

GEN. MCCOY: Is there any Other Business, gentlemen?

ITEM 7 - PRESS RELEASE

GEN. MCCOY: Have you anything, Mr. Secretary General?

MR. JOHNSON: No, I have nothing, Sir.

GEN. MCCOY: What is the time for our breakfast? Gentlemen, it is our pleasure to invite you to breakfast with us today at noon, and to wish you all a Happy New Year and better performance on the part of ourselves. We stand adjourned, gentlemen.

(Whereupon the meeting adjourned at 11:25 A.M.)

FAR EASTERN COMMISSION

Transcript of Fortieth Meeting of the Far Eastern Commission,

Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.

Thursday, January 9, 1947

FAR EASTERN COMMISSION

Transcript of Fortieth Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, January 9, 1947

REPRESENTATIVES PRESENT

Maj. Gen. Frank R. McCoy, USA (Ret.), Chairman	(United States)
Major J. Plimsoll	(Australia)
Mr. R. E. Collins	(Canada)
Dr. S. H. Tan	(China)
Mr. Francis Lacoste	(France)
Mr. J. Vesugar	(India)
Dr. G. A. Ph. Weyer	(Netherlands)
The Honorable Sir Carl Berendsen	(New Zealand)
Mr. F. Rodriguez	(Philippines)
The Honorable Sir George Sansom	(United Kingdom)
Rear Admiral S. S. Ramishvili	(U.S.S.R.)

SECRETARY

Mr. Nelson T. Johnson

Reporter: R. Holtz, Department of State

1

(The meeting convened at 10:35 A.M.)

GEN. MCCOY: Gentlemen, the time is here and we will open our session.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 39TH MEETING

GEN. MCCOY: What is your wish with regard to the routine of the minutes? Are there any corrections or observations? There seems to be none and if there is no objection the minutes will be made a matter of record.

ITEM 2 - PROPOSED CONSULTATION WITH THE SUPREME COMMANDER FOR THE ALLIED POWERS REGARDING THE ELECTION OF MEMBERS OF THE HOUSE OF COUNCILLORS (FEC-102)

GEN. MCCOY: Item 2 is Proposed Consultation with the Supreme Commander for the Allied Powers Regarding the Election of Members of the House of Councillors, FEC-102. This paper was approved by the Steering Committee at its meeting this week. I assume that it was on behalf of the working committee. The paper is before you. It seems to be a pertinent inquiry, and if there is no objection, the wishes of the Committee will be followed.

ITEM 3 - OFFICIAL JAPANESE AND ENGLISH TEXTS OF THE CONSTITUTION (FEC-087/14, -085/15)

ITEM 4 - PROPOSED UNITED STATES PLAN FOR REPARATIONS CONFERENCE (FEC-081 series)

ITEM 5 - REPORT ON JAPANESE EXTERNAL ASSETS (FEC-072)

GEN. MCCOY: Items 3, 4 and 5 are all old subjects on the agenda and will be continued, if there is no objection.

ITEM 6 - OTHER BUSINESS

GEN. MCCOY: Is there any other business before

2

you from any of the delegates?

SIR CARL BERENDSEN: Mr. Chairman, might I ask whether the representative of the United States is able to answer the inquiries I made at the last meeting of the Commission with reference to the implementing legislation of the constitution?

GEN. MCCOY: Well, my understanding was that we were to give it very careful consideration. But that is one of the problems that I want to take up with the Commission at a special session, including your recent constructive paper presented to the Steering Committee. And I would like to have a personal talk about that after the meeting. But I think that though both the paper before the Steering Committee and your statement, and Major Plinsoll's, are very important for our consideration, with the hope that other members will also present their views on that, when I had this long talk about the meeting of the Commission--I assure you that that has been in my mind all autumn. But so many of you were absent, that is of the delegates themselves, that I felt that I ought to wait until I could have the titular members of the Commission back before we took it up. But, I welcome any suggestions or criticism for improving not only our administration but also for the basic policy of the Commission and the way it should be considered in the future. In the meantime, the staff is preparing full information for such a meeting. I am not yet ready to have the special meeting for that purpose, but I will keep in touch with all of you on that subject, hoping that we can have

3

more before us when we do have it--more constructive criticism as well as suggestions.

Are there any questions or information desired on the part of any member?

I might add that the Department has received word from the Supreme Commander that, in answer to inquiry, the action of the Commission with reference to the review paper has been carried out and the review paper issued to the Japanese Government.

Is there anything before the Secretary?

MR. JOHNSON: No, nothing, Sir.

GEN. MCCOY: If there is no other business, I will adjourn until our next meeting, with the hope that we may at that meeting have more basic policies to dispose of. We stand adjourned.

(Whereupon the meeting adjourned at 11:45 A.M.)

FAR EASTERN COMMISSION

Transcript of Forty-First Meeting of the Far Eastern Commission,

Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.

Thursday, January 16, 1947

FAR EASTERN COMMISSION

Transcript of Forty-First Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.
Thursday, January 16, 1947

REPRESENTATIVES PRESENT

Dr. George H. Blakeslee, Chairman <u>pro tem.</u>	(United States)
Major J. Plimsoll	(Australia)
Mr. R. E. Collins	(Canada)
His Excellency Dr. V. K. Wellington Koo Dr. S. H. Tan	(China)
Mr. Francis Lacoste	(France)
The Honorable Sir Girja Shankar Bajpai	(India)
His Excellency Dr. A. Loudon	(Netherlands)
The Honorable Sir Carl Berendsen	(New Zealand)
Mr. F. Rodriguez	(Philippines)
Mr. H. A. Graves	(United Kingdom)
Mr. G. G. Dolbin	(U.S.S.R.)

SECRETARY

Mr. Nelson T. Johnson

Reporter: R. Holtz, Department of State

(The Secretary General called the meeting to order at 10:40 A.M.)

MR. JOHNSON: Gentlemen of the Commission, the Chairman is out of town and asked me to inform you that he had asked Dr. Blakeslee to act as his alternate at the meeting today. Therefore, it is necessary that I invite you to proceed to elect a Chairman pro tem.

MAJ. PLIMBOLL: I nominate Dr. Blakeslee.

MR. GRAVES: I second that.

MR. JOHNSON: Dr. Blakeslee has been nominated Chairman pro tem for the meeting today and the nomination has been seconded. Those in favor--opposed? The ayes have it.

DR. BLAKESLEE: Gentlemen, I very much appreciate your confidence. The first item is the approval of the minutes of the fortieth meeting.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 40TH MEETING

DR. BLAKESLEE: It is a voluminous document, as you may remember or if you have it before you. Are there any suggestions or corrections or additions? If none, the minutes are approved.

ITEM 2 - CHAIRMAN OF COMMITTEE NO. 2: ECONOMIC AND FINANCIAL AFFAIRS (FEC-004/22)

DR. BLAKESLEE: In a letter (SC-050) to the Secretary General, Sir George Sanson announced his resignation from the Chairmanship of Committee No. 2, and nominated Mr. F. C. Everson as his successor. Committee No. 2 unanimously agreed to recommend that Mr. Everson be appointed, and this recommendation was unanimously endorsed by the Steering Committee at its meeting this

week. The recommendation of the Steering Committee is before the Commission. What is your wish in the matter?

SIR GIRJA BAJPAI: I move, Mr. Chairman, that we accept the recommendation of the Steering Committee and Committee No. 2.

DR. LOUDON: Seconded.

DR. BLAKESLEE: It has been moved and seconded that the Commission approve the recommendation of the Steering Committee and appoint Mr. Everson as Chairman to replace Sir George Sanson as Chairman of Committee No. 2. All those in favor please signify by raising their hand. Opposed. That is a vote.

ITEM 3 - PROPOSED CONSULTATION WITH THE SUPREME COMMANDER FOR THE ALLIED POWERS RELATIVE TO IMPERIAL HOUSE ECONOMY LAW: ASSIGNMENT OF STATE PROPERTIES (FEC-104, FEC-101/3)

DR. BLAKESLEE: This paper was approved unanimously by the Steering Committee at its meeting this week. This paper is before you. What action do you wish to take in regard to it?

SIR CARL BERENDSEN: Mr. Chairman, I wouldn't oppose this paper at all. But I wonder--are we quite confident that this type of query is within the functions of the Commission? And I wonder--isn't it possible that the Supreme Commander might feel that this is a matter of implementation and not a matter of policy?

DR. BLAKESLEE: Let's see--Sir Girja, you were Chairman of this Committee--

SIR GIRJA BAJPAI: It so happens, Mr. Chairman, that on the occasion when this paper was discussed, I was unfortunately conspicuous by my absence. So I

suggest that we ask Mr. Collins, who presided over Committee No. 3, to explain the position.

DR. BLAKESLEE: Will Mr. Collins favor the Commission by an explanation to answer Sir Carl's query?

MR. COLLINS: Dr. Blakeslee, the committee itself, I regret to say, never considered the question raised by Sir Carl as to whether this actually falls within the scope of the Commission. It has a fairly long history. I believe it was originally a question which was raised some time ago by the United Kingdom representative on the Constitutional Committee and has been a matter of continuing concern, particularly to the United Kingdom. It has been felt that it would be extremely useful for the purpose of the Commission in considering the constitution and its implementing legislation with regard to the Imperial Household, if we could know exactly what the nature of the properties are which are being dealt with in order to assure ourselves that the provision in the constitution and also the implementing legislation on the Imperial Household Economy law really covered all of the property that it appeared to cover on the face of it. I should think it fell within the scope of the Commission to obtain factual information of this sort.

DR. BLAKESLEE: Mr. Graves, might I ask you to comment on this? I believe you admitted in the Steering Committee that you drafted this.

MR. GRAVES: I drafted part of it, Mr. Chairman, but you will recollect that when we were reviewing the constitution, Article 88 was the pertinent article, and Sir George Sansom expressed some doubts as to whether Article 88 was sufficiently explanatory--that it revealed

everything that ought to be revealed in regard to the transfer of imperial properties, and in agreeing to the constitutional policy paper, he made the reservation that he would have to scrutinize the implementing legislation very carefully to see whether the points he had in mind were covered. When the implementing legislation came forward, the first paragraph of it ~~it~~ did not disclose fully what we had in mind. Well, really what we want to know is what property has been assigned. And there is an obvious gap in the phraseology and this was drafted in order to make sure that we are not losing sight of a lot of very important properties that may have been put aside, and we thought that by asking for this information, we could assure ourselves that all these very important properties and sums have been brought within the effective control of the Diet. I don't see any other way to ask specifically for this information. I don't see any other way of assuring ourselves that our point is met.

DR. BLAKESLEE: Any other comment?

MAJ. PLIMSOLL: I think some of us also felt, Mr. Chairman, that once we received this reply, if it was satisfactory, we might ask the Supreme Commander to have this statement tabled in the Diet by the Japanese Prime Minister, so that henceforward there would be no doubt or obscurity in either the Japanese or the United Powers as to exactly what property the Emperor had and what property the Japanese State had control of. The fear that a lot of us had, of course, is that the Japanese Emperor might retain considerable assets which he can dispose of for secret service or for militaristic purposes or other purposes without any

control by the Diet. The Australian Government, you will remember, associated itself with the United Kingdom reservation on this point in the constitution. We are very interested in it.

DR. BLAKESLEE: Any other discussion? Any other comment on this paper, following Sir Carl's query?

The view of our Government is that we wish as close cooperation between the Far Eastern Commission and the Supreme Commander as possible. We would like a better liaison. So, whatever consultation message is proposed and recommended by Committee No. 3, we will favor unless there is some particular reason in the form of the resolution or some other particular reason for raising an objection to it. Sir Carl, would you care to comment a little further regarding the point that you raised?

SIR CARL BERENDSEN: No. I am quite content if the Commission is.

DR. BLAKESLEE: Ambassador Koo, we welcome you back. We wonder whether you have any comment on this paper.

DR. KOO: Thank you. We find that this consultation is very useful and I think we will be most interested to receive a detailed and complete schedule, that has been proposed, which will give us the necessary information for our further study. We are in favor of this proposal.

DR. BLAKESLEE: Is the Commission ready for a vote on the paper? I suppose it is formally before the Commission by resolution of the Steering Committee. Perhaps we need a second.

MR. COLLINS: I second it.

DR. BLAKESLEE: It has been moved and seconded that the consultation paper be adopted. Any further discussion? All those in favor of adopting this consultation paper kindly raise their hand. Opposed? The paper is passed.

ITEM 4 - PRESS ARTICLE RELATIVE TO FAR EASTERN COMMISSION POLICIES ON THE JAPANESE CONSTITUTION (FEC-103, MI-075)

DR. BLAKESLEE: Committee No. 3, at its meeting on 13 January, agreed to refer MI-075 to the Steering Committee without recommendation as to action. The Steering Committee agreed, by a vote of 8 to 1, to recommend that, in view of the fact that the press account in question had disclosed the existence of the review policy, the policy be released to the press.

Since the United States member on the Steering Committee voted in opposition to this paper, perhaps an explanation may be due, if I might change my cap for a second. I suppose every one of us agrees that he must follow his instructions, and the United States has taken a definite position in regard to the publication at this time of the paper providing for a review of the constitution within a period from one to two years after the constitution goes into effect. So, we stand bound by those instructions. However, we shall be much pleased to submit to our Government the new developments in regard to the question of publication. Those new developments are, as we view it--the fact that there has been publication of information that a policy decision on review has been passed by the Far Eastern Commission, and second, the formal expression in the Steering Com-

mittee of the views of nearly all the members of the Committee, all the delegations, the representatives of the various countries in the Commission, that they are in favor of this publication. Might I, then, move that this paper be continued on the agenda in order to give General McCoy and his staff an opportunity of referring to the United States Government the new developments which have taken place? We will do that without any commitment, of course, as to what action the United States Government would take and without prejudice to the situation in any way. That is, an attempt to present to our Government the new situation, the new facts, and see whether our Government wishes to reconsider the position which it has taken.

MAJ. PLINSOLL: Mr. Chairman, I would support your motion because it is obviously undesirable to put the matter to a vote at this stage if the United States is obliged to vote against it, whereas there is apparently a strong possibility that at the next meeting the United States would be able to support this complete publication. The arguments in favor of publication have been gone into at great length and there is no point in doing it again, but I think this leakage illustrates that the longer we defer publication the more and more we are going to get into the mire. The attitude of the Commission is going to be misrepresented; the attitude of the Allied Powers is going to be misrepresented, and the longer we postpone it the more things we have got to explain away. The Australian press has already received one version of this, which was cabled out by correspondents in Washington. Some of them interviewed me and they

also saw the State Department. I don't know what they got from the State Department, but I felt it desirable to say that the provision on Sovereignty was not altogether correct and that the Commission had not said that the retention of the emperor system was not in keeping with the broad ^{that} ~~sins~~ of the Japanese people should possess Sovereignty. I saw no point in allowing the Australian press to go off on a wild goose chase on that which would possibly be embarrassing to the Australian delegation. And the longer we postpone publication the more ^{of} these rumors we have got to deny. And if we deny some things and don't deny others, the things we don't deny obviously appear to be the things that are correct. I, therefore, strongly urge the American representative to agree to publication at the next meeting.

DR. BLAKESLEE: It has been moved and seconded that this paper be continued on the agenda of the Commission. It is, therefore, formally before the Commission for discussion. Possibly other members of the Commission would like to record for the minutes of the Commission, if for no other purpose, their views on this question of publication as soon as possible of the policy decision passed by the Commission some time ago providing for a review of the constitution by both the Commission and the Diet within the period of one year to two years after the constitution goes into effect.

SIR CARL BYRENDSSEN: Mr. Chairman, I am not at all sure, if this publication is decided upon, whether we should restrict publication to that one policy paper only. I am inclined to think that if we are to publish at all, we should publish all the decisions of the Com-

mission arrived at on this particular matter. I am not expressing any final opinion. I am merely thinking ~~aloud~~ aloud. But, on the whole, that would be my judgment.

DR. BLAKESLEE: That is a new item. Any comment on that or on any other aspect of this paper?

SIR GIRJA BAJPAI: I wouldn't, Mr. Chairman, be happy if I were understood as making a specific suggestion as to what exactly the content of any publicity that may take place on this subject should be. But it seems to me that if we are seeking to combat the misrepresentation that has actually occurred as a result of the publication of this paper, we will have to take into account something more. We shall have to take into account something more than the mere decision of the review of the constitution because there are definite allegations in the body of this paper of a lack of agreement between the Commission and the Supreme Commander on a variety of matters. And I think that if the truth has to be told, then the whole truth ought to be told and not only a part of the truth.

DR. BLAKESLEE: Any other comment?

MR. COLLINS: Mr. Chairman, I have been sharing the same doubts as those expressed by Sir Carl and Sir Girja on this question. On the other hand, I think it would be rather below the dignity of the Commission to attempt specifically to answer the various mistakes brought forward in this one article, which, in itself, ^{apparently} had no great currency. I think it is symptomatic of leakages that are presumably occurring in Tokyo, and the real danger is that adequate information as to the accurate

situation of affairs will not be available. I should think that perhaps the publication of our criteria on the constitution as well as the statement of the policy decision on the review would fairly well cover the points involved and wouldn't involve us in any detailed explanation as to our various maneuverings between the Supreme Commander and the actual course of finally passing the constitution.

SIR GIRJA BAJPAL: Mr. Chairman, I don't wish to talk too much, but I have been misunderstood. It was not my idea that we should point by point, ~~centre work~~ ^{controversy} every statement which has been made in the body of this paper. But there is a broad suggestion in this article to the effect that there is a deep division between the Commission and the Supreme Commander, and what I had in the back of my mind was that when the statement on the subject of review was made, possibly our Chairman, as in the past, would have some kind of a press conference and would then take it upon himself to tell the press correspondents what the Commission has been aiming at and what I hope the Supreme Commander and the Far Eastern Commission has always been aiming at--continued, consistent cooperation. That is really what I was aiming at more than anything else.

DR. BLAKELEE: Might I make a little comment. Shortly before the meeting one of the members of the Commission, talking over this paper, suggested that, if and when the Commission decided to publish this paper, in view of the fact that some time has passed, it would be appropriate to issue the text of this policy decision together with a statement which might cover

the whole field, and that that statement ought to be presented to the Commission for the Commission's action. Might I ask Sir Girja what he would think of that suggestion?

SIR GIRJA BAJPAI: I should be entirely agreeable.

DR. BLAKESLEE: Any other comment on any of these interesting points which have been presented?

MR. GRAVES: I share the views which you have just stated, as indorsed by Sir Girja, Mr. Chairman.

DR. LOUDON: May I raise a point, Mr. Chairman. If we are considering what action we are going to take with this paper, it wouldn't perhaps be out of place to raise the question--who permitted or made the leakage and why? If we are able to answer those things then we can perhaps consider what action shall be taken, because action ought to be in proportion and ought to remedy the state of affairs from the point of "who" and "why". Only when I know those--then I can say what I am going to do. If I don't know it, I have got to be very careful the next thing because this may work as a system. If there would be a system, the system could be advantageously used by any party who would like to use any misunderstanding or any difficulties or difference of opinion as between the Far Eastern Commission and the Supreme Commander to adopt that sort of thing to force any action in the future. So, if we are going to say to the press and make statements on what has been said here, we can only do it, in my humble opinion, if we had the full knowledge of two question which I raised--the "why" and "who".

DR. BLAKESLEE: Any other comment before we have

a vote on this paper?

MR. LACOSTE: Mr. Chairman, if it were only for just this article and its reproduction in a Buffalo newspaper, I don't think it would be really worth our while to go to the length of publishing anything on the part of the Commission. But we have been told that it was quite likely or at least quite possible that questions may be asked in foreign parliaments about this question, and there the situation would become extremely embarrassing. Therefore, I do believe that it is advisable that we should publish the paper, and it may be quite appropriate to ask the Secretary General to prepare the statement for the consideration of the Commission that would explain and present the publication of this paper.

DR. BLAKESLEE: Perhaps the Secretary General will be good enough to accede informally to the request by the French representative.

MR. RODRIGUEZ: Mr. Chairman, when this subject was discussed in the Steering Committee, I abstained from voting for the reason that we have not had revised instructions on the matter in view of the recent developments. And moreover, we felt that we should have time in scrutinizing to what extent this new development would require a change in the previous decision that has been made, by the decision to defer publication of the review policy. We also felt that we should look further into the extent to which this leakage, as we might call it, has been published in Japan, because one of the basic ideas that prompted the withholding of this review policy from publication was the effect that it would have on the Japanese people. And we

thought that if the leakage has not had wide publicity in Japan that would result in the public knowledge of such a review policy, that idea or that knowledge would have an influence in the determination of whether at this stage the point has really been reached when we have to make a public announcement of the review policy in Japan. Another point which I consider, Mr. Chairman, is what you have already explained to the Commission, and that is, if the Commission is going to decide finally that the review policy will be published, then it is essential that not only should the policy be published but also a full statement covering the underlying philosophy behind the review policy; the intention that was in the minds of the Commission; the fear that the early publication of this policy might have an undesirable influence upon the Japanese people. All of these factors should be included in a statement that must be drafted and approved by the Commission. It is only in that manner that the complete stand of the Commission will be given public knowledge, and there will then be no room for any misunderstandings or any distortion of facts as would otherwise be liable to occur if a full statement which has the sanction of the Commission is not prepared and issued for the press.

DR. BLAKESLEE: I think that is a very interesting suggestion. I think we have heard from everyone except the Soviet representative. Any comment?

MR. DOLBIN: Our point of view is very clear. It has been expressed several times. We are always in favor of publishing any policy decision of the Far Eastern Commission. In any case, we are in favor.

DR. KOO: Mr. Chairman, on this question I would like to state the view of our delegation as has been previously stated by my collaborator, Dr. Tan, here, but I will not go into details. I am merely making a comment containing two parts. First, as regards this particular article--I am rather inclined to agree with the view that perhaps we did not make any specific reference to it. It may have been the occasion for our discussing the question, but perhaps, in our view, it would not be a very good policy to make a specific reference to it because today we have this article. We don't know--a week later there may be some other article, and if we should try to answer one and not answer another, it would leave room for misinterpretation. On the other hand, if the Commission should try to answer every press article, then obviously that would be very difficult for the Commission to do. In the second place, we are in favor of publishing the policy decision as regards the review, but we consider it very desirable that any such publication should be done with the full agreement not only of the Commission but also of SCAP. So that, if and when it is published, the fact of its publication would have the fullest effect. On the other hand, if the Commission should proceed to publish a policy decision about which there was a great deal of misapprehension and objection on the part of SCAP, I think we would lose a great deal of the effect of such publication, and it might even give rise to all sorts of misinterpretation which we would like to avoid. So, we are in favor of publication, but publication with the agreement of SCAP also, because I think we

appreciate the situation here. I have gone through the papers--the minutes of all the discussions which have taken place--there are good arguments on both sides, and the reasons which have been advanced in favor of immediate publication and in favor of a delay in publication carry with me a great deal of weight. The mere fact of publication is a simple thing once we make a decision, and if we insist we might proceed to publish it. But it is the effect of such publication that we should really consider beforehand. And so, Mr. Chairman, that is the second point which we would like to bring forward and emphasize. I might add that, in view of the fact that the constitution has been promulgated, we are no longer so pressed as we were at the time when we would have liked to see the publication--at the time simultaneously with the promulgation of the constitution. Since that time has already passed, we might just as well take a little time to consider this question more fully, with due regard to the considerations which have been presented to us by SCAP in his reply to us. And, therefore, on the specific point suggested, we are in favor of that. I think that a paper could be prepared by the Secretary General and presented to the Commission for further consideration. We would welcome it.

DR. BLAKESLEE: Thank you, Dr. Moo. I should not be at all surprised if the United States Government, when asked to consider the new facts in the situation, should wish to consult with SCAP. The motion before the Commission is to postpone this paper and to continue it on the agenda. Are we ready for a vote?

SIR GIRJA BAJPAI: Before you ask for a vote, Mr. Chairman, I would like to say a word or two again. Our Chinese colleague is rich in experience and rich in wisdom and anything that he says demands the utmost attention. Now, I would like to say this, that if it were merely a case of publication in an isolated newspaper or in two newspapers, then, perhaps, speaking for myself, I wouldn't press any kind of publicity at all. We know what the views of the Supreme Commander with regard to the publication of this particular decision are and it is hardly likely that he would have changed those views in the course of the last few weeks. But the situation with which we are confronted is this, and it was mentioned by the Australian representative. I happen to know that this particular article or the substance of it has been telegraphed to India. I am speaking for my own country. Some enterprising newspaperman got hold of it and sent it. From the twentieth of this month we have had a sitting of our legislative assembly. We can't prevent anybody from asking a question: a. Does a policy decision exist; b. Is there a suggestion that there is a difference in opinion of the Far Eastern Commission and the Supreme Commander? Is that allegation correct? Now, what is my Minister for Foreign Affairs to say in regard to that question? He can't say, "I refuse to answer it". I mean, that is an aspect that ought to be borne in mind by the Government of the United States when they approach the Supreme Commander.

DR. BLAKESLEE: We will see that it is. Any other comment?

SIR CARL BERKENDSEN: Mr. Chairman, I didn't want to say any further point in this discussion. I am entirely in accordance to postpone it for the purposes that you have mentioned. My Philippine colleague has done a very admirable summing up of the situation. He referred to the fears--the quite legitimate fears--that some harm might be done by publication. That is a point to which our attention was directed by the Supreme Commander and a point to which the utmost weight was properly attached by this Commission, as, indeed, indicated by the fact that no publication has taken place. There are also other fears, quite live fears, in the minds of some of us that unless there is publication, the honor of the Commission and the honor of the countries represented on the Commission may be compromised--that the Japanese in time to come may quite properly turn around and say, "Well, we should have been told of this at the time". What seems to me to have been the proper time is now passed. But, that doesn't, in my mind, lessen the desirability. I agree, in cooperation with the Supreme Commander, in publishing these decisions at the earliest possible moment.

Now, Sir, something turns on where this document emanated and the extent to which it has been made public. If it was published with the knowledge of the Supreme Commander, then I should imagine that the Supreme Commander's objection, ^{his} ~~the~~ quite proper objections--quite legitimate objections--have been removed. If the document has been published in Japan, and I must assume, in view of the fact that it came from Tokyo, that it was, though that may not be the consonance of the facts, if it has been published in Japan, then clearly something

has got to be done. The Japanese have got to be told and told promptly that these statements are correct or that they are not correct. And if they are told that they are not correct, then it seems to me that we are obliged to go on and say what. Having said that, Sir, I am quite content to have the matter postponed.

DR. BLAKESLEE: It will be a real pleasure to call to the attention of our Government the views presented by the members of the Commission this morning. If you are ready for the vote then, the motion is to continue on the agenda this paper. Will those in favor please raise their right hand? Those opposed? It appears to be a vote.

ITEM 5 - JAPANESE RESEARCH AND ACTIVITY IN THE
FIELD OF ATOMIC ENERGY (FEC-024/6)

DR. BLAKESLEE: This proposed policy decision was approved by the Steering Committee at its meeting this week. The Soviet position is reserved.

MR. GRAVES: Mr. Chairman, I would like to mention that this paper, of course, has been sent to my Government and I am not yet in a position to say whether they agree to it or not. So our position is necessarily reserved also.

DR. BLAKESLEE: Might I ask--is the Soviet position still reserved?

MR. DOBSON: We keep our reservation.

DR. BLAKESLEE: Two positions--the Soviet Union and the United Kingdom--are reserved on this paper.

MR. LACOSTE: Mr. Chairman, I would like to state that I had been in hopes to receive instructions, and that is why I did not mention anything at the meeting

of the Steering Committee. I have been in hopes of receiving instructions from my Government but I haven't received them either. So I would like to also reserve my position.

DR. BLAKESLEE: Three reservations. Is it the wish of the Commission, then, to continue this paper on the agenda?

SIR GIRJA BAJPAI: It seems to me to be inevitable, Mr. Chairman.

DR. BLAKESLEE: We go through the formula. We might assume that it has been moved and seconded that this paper be continued on the agenda, and if there is no objection it is so ordered.

ITEM 6 - THE WORK OF THE COMMISSION (FEC-105, SC-049/2)

DR. BLAKESLEE: FEC-105 is a resolution relative to expediting the work of the Commission, proposed by the New Zealand member of the Steering Committee, amended by the Steering Committee at its meeting this week and approved by a vote of 7 to 2, with the United States member reserving his position, and the United Kingdom member abstaining. SC-049/2 is a summary report of the history of papers delayed in the FEC and committees, which was prepared by the Secretariat at the request of the New Zealand member in connection with his resolution.

MR. RODRIGUEZ: Mr. Chairman, FEC-105 states that the Philippine member abstained from voting. I would request that that be corrected inasmuch as the Philippine member voted in favor of the amendment.

DR. BLAKESLEE: That was a slip. It was the United Kingdom member who abstained from voting.

SIR CARL BERENDSEN: Mr. Chairman, might I formally

move that the Commission approve the resolution proposed by the Steering Committee.

DR. KOO: Mr. Chairman, I would like to state that I have a correction I would like to propose on the last line on page 5. It says: "9 January. Forwarded to Steering Committee subject to China, French, and U.S.S.R. reservations." With regard to our position, Mr. Chairman, we withdrew our reservation on the question concerned before January 9th. I think it was done on December 31, the 45th meeting of the Steering Committee. Therefore, I would propose, Mr. Chairman, that the name of my country be omitted from the last line.

DR. BLAKESLEE: I assume the Commission wishes to accede to the request of the Chinese representative.
other
Any/comment, Dr. Koo.

DR. KOO: No sir.

DR. BLAKESLEE: The paper is before the Commission. It has been suggested by some of the other members, in an informal conversation, that, in view of the fact that the Chairman of the Commission, who ~~is~~ greatly regrets that he cannot be here today, and who plans to be here at the next meeting, is very deeply interested in this whole question of delay and the best methods of obviating the delay, it would be advisable from every point of view to continue this paper on the agenda until the return of the Chairman of the Commission.

MR. COLLINS: Mr. Chairman, I think that would be most appropriate as a matter of fact, in view of the fact that it obviously is of deep interest to the Chairman of the Commission. I would move that the matter be held until next week for that reason.

DR. BLAKESLEE: Are either of these two motions seconded?

DR. KOO: I second that motion.

DR. BLAKESLEE: It has been moved and seconded that this paper be continued on the agenda until next week. Since General McCoy will return to Washington on Wednesday evening, I don't know whether he will be in a position to make an appropriate proposal at the next meeting, but it will be brought at once to his attention and then he can make whatever suggestion he wishes, if that is the will of the Commission. We have then this motion before us. The members may wish to express their views on this question or may wish to settle the matter by an early vote.

SIR CARL BERENDSEN: I have no objection at all to postponing the matter until the Chairman is present. In fact, I think that is the wise course to adopt. But I am bound to point out that it is not a good method of eliminating delay to initiate further delay.

DR. BLAKESLEE: Sir Carl's statements are always pertinent and to the point. Any other comment?

SIR GIRJA BAJPAI: Well, I would like to say this, Mr. Chairman, on what you have just now suggested-- namely, that this be continued until the next ~~next~~ week is agreeable to all of us. But, then you proceeded to inform us that the Chairman is not likely to get here until Wednesday evening, and therefore, when we reassemble exactly a week from today in the morning you are rather doubtful as to whether the Chairman will be in a position to say anything constructive at all. Well, the antithesis, of which my friend from New Zealand is a master, is

somewhat accentuated by the knowledge that, in effect, what we are doing is postponing consideration of this by a fortnight. Perhaps you could take some steps to lessen the delay, if possible.

DR. BLAKESLEE: We will do our best. The motion before the Commission is to continue this paper on the agenda for a week. All those in favor please raise their hand. Opposed. It is a vote.

I think we now are reintroduced to some old friends of ours--

ITEM 7 - OFFICIAL JAPANESE AND ENGLISH TEXTS OF THE CONSTITUTION (FEC-087/14, -/15)

ITEM 8 - PROPOSED UNITED STATES PLAN FOR REPARATIONS CONFERENCE (FEC-081 series)

ITEM 9 - REPORT ON JAPANESE EXTERNAL ASSETS (FEC-072)

DR. BLAKESLEE: What do you wish to do with these three papers? It has been moved and seconded that these three papers be continued on the agenda. Am I correct, Sir Girja?

SIR GIRJA BAJPAI: You are always correct, Dr. Blakeslee.

DR. BLAKESLEE: If there is no objection, these three papers are continued on the agenda.

ITEM 10 - OTHER BUSINESS

a. REPLY OF SCAP WITH RESPECT TO CONSULTATION REGARDING ELECTION OF MEMBERS OF HOUSE OF COUNCILLORS (FEC-102/1)

DR. BLAKESLEE: I would call to the attention of the Commission that the Supreme Commander, I think, with a good deal of celerity has replied to a consultation request. I had the privilege of reading this to the Steering Committee and it is now before the Commission and has been referred to the Constitutional Committee. It is before your body, Sir Girja?

SIR GIRJA BAJPAI: Why--I don't remember having received a copy, Mr. Chairman, yet, but I have no doubt that the appropriate committee, which is Committee No. 3, will take this paper under consideration at its next meeting.

b. CONSULTATION RELATIVE TO TIME TABLE OF IMPLEMENTING LEGISLATION

SIR CARL BERENDSEN: Mr. Chairman, might I ask whether the United States representative is yet in a position to reply to my inquiries concerning implementing legislation on the constitution?

DR. BLAKESLEE: I can make only this reply.

First--the United States Government has in adequate season requested the implementing legislation, particularly the Japanese texts of the laws. The United States Government is greatly distressed that these various documents have not been received. Secondly--after being acquainted with the communications between our Government and SCAP, I am convinced that the Supreme Commander believes that he has fulfilled every request of the Commission. Thirdly--the documents aren't here. I mean the Japanese texts aren't here and the fourteen additional laws which we desire are not here. But there may be a perfectly good excuse for that. Now, why, especially these texts are not here, I have no explanation and our Government has no explanation. I would simply remind the members of the Commission that in large organizations, where according to an established routine documents and papers have to go to one desk to another desk and to another desk, very strange delays do take place. I think it is a good philosophy in life to pass only bouquets and not brickbats. I would sug-

gest that a little imagination may remind us of rather long delays in which many members of the Commission have participated.

SIR CARL BERENDSEN: Don't look towards me, Mr. Chairman.

DR. BLAKESLEE: No, Sir Carl, I naturally turn to you, but not on this occasion. So, all we can say is first--that the United States Government has made the request and has followed the requests up, and next--strange as it may seem--I am perfectly convinced that the Supreme Commander believes--understands that he has fulfilled every request of the Commission--and the documents are not yet here. I might ask some of the other members of the Government if they can amplify that statement--

MR. BORTON: We are still pursuing the matter actively, Mr. Chairman.

DR. BLAKESLEE: Colonel Fahey from the War Department--?

COL. FAHEY: Yes, that is the fact, and something went out again yesterday on the same thing.

DR. BLAKESLEE: Colonel Fahey states, as I understand it, that everything I say is correct.

COL. FAHEY: One thing that you didn't add is that the thing is actively under consideration and inquiries went out yesterday.

DR. BLAKESLEE: Did you all hear Colonel Fahey's statement? We say, "that is that".

SIR CARL BERENDSEN: Well, that is certainly that, Mr. Chairman, yes.

MR. LACOSTE: So what?

DR. BLAKESLEE: Any other unfinished business?

This certainly is an unfinished business.

SIR CARL BERENDSEN: I think our French colleague's comments should be reported--"and, so what"?

SIR GIRJA BAJPAI: That is that.

MR. LACOSTE: So what?

SIR CARL BERENDSEN: Well, I take it we will hear something more in due course when these inquiries have been pursued to their conclusion.

DR. BLAKESLEE: Our Government is making, I know, earnest efforts to get these documents and to solve the difficulty, and we just don't know what is the difficulty.

SIR GIRJA BAJPAI: I suppose, Mr. Chairman, the exercise of the imagination should not exclude such factors as the width of the Pacific and the uncertainties of labor and the liabilities of aeroplanes to crash--those are all contributing factors, I suppose, to the delay in documents reaching us.

DR. BLAKESLEE: Any other unfinished business?

ITEM 11 - PRESS RELEASE

DR. BLAKESLEE: Next is an item of press release. We did something--one or two things this morning, didn't we? Mr. Secretary General, is there anything about a press release?

MR. JOHNSON: No press release, Mr. Chairman.

DR. BLAKESLEE: Well then, gentlemen, if there is no other business and no press release, the very happy meeting of the Commission is terminated.

(Whereupon the meeting adjourned at 11:35 A.M.)

FAR EASTERN COMMISSION

Transcript of Forty-Second Meeting of the Far Eastern Commission,

Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.

Thursday, January 23, 1947

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Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, January 23, 1947

REPRESENTATIVES PRESENT

Maj. Gen. Frank R. McCoy, USA (Ret.), Chairman	(United States)
Major J. Plimsoll	(Australia)
Mr. R. E. Collins	(Canada)
Dr. S. H. Tan	(China)
Mr. Francis Lacoste	(France)
The Honorable Sir Girja Shankar Bajpai	(India)
Mr. O. Reuchlin	(Netherlands)
The Honorable Sir Carl Berendsen	(New Zealand)
Mr. F. Rodriguez	(Philippines)
Mr. H. A. Graves	(United Kingdom)
Rear Admiral S. S. Ramishvili	(U.S.S.R.)

SECRETARY

Mr. Nelson T. Johnson

Reporter: R. Holtz, Department of State

(The meeting convened at 10:35 A.M.)

GEN. MCCOY: Gentlemen, we are all here, and with your approval we will proceed to the business of the day.

ITEM 1 - APPROVAL OF THE MINUTES OF THE FORTY-FIRST MEETING

GEN. MCCOY: Having in mind the usual recording of the minutes, that is the minutes of the previous meeting, are there any objections or corrections?

MR. RODRIGUEZ: Mr. Chairman, on page 3 I would request the addition of these words to the end of the fifth paragraph: "...and in deferring publication to a later date." Therefore it will read: "If it should be decided to publish the review provision,... it should be accompanied by a full statement of the intentions of the Commission in formulating the provision and in deferring publication to a later date."

GEN. MCCOY: Any other corrections?

SIR GIRJA BAJPAI: The same page, Mr. Chairman, page 3, adverting to my remarks at the end of the page the last paragraph, the word "too" is misplaced and doesn't express my intention. What I said was "...said that he must also draw attention to the possibility..." In other words, between "must" and "draw" insert the word "also" in the first line of the last paragraph on page 3.

GEN. MCCOY: The correction of the Indian delegate will also be made as indicated. Are there any other corrections desired? The minutes, as amended, will be made a matter of record.

ITEM 2 - DETERMINATION OF THE PEACEFUL NEEDS OF JAPAN (FEC-106)

GEN. MCCOY: This paper was approved unanimously by the Steering Committee at its meeting this week. That is an encouraging agreement which I hope will find its counterpart in the full Commission. This is an important paper and I would feel that we were moving forward a considerable step if this meets with the approval of the whole Commission. This has been discussed for some months and it seems to me to be a broad and satisfactory one and will be of great assistance to the Commander in Japan.

MR. GRAVES: Mr. Chairman, I move its adoption.

GEN. MCCOY: Is there any objection, or is there any further discussed desired here in the Commission? Is there a second to the motion?

MAJ. PLIMSOLL: I second it, Mr. Chairman.

GEN. MCCOY: The motion has been made and seconded. If we have no discussion or objection, it will stand approved.

ITEM 3 - PRESS ARTICLE RELATIVE TO FAR EASTERN COMMISSION POLICIES ON THE JAPANESE CONSTITUTION (FEC-103, MI-075)

GEN. MCCOY: This was discussed by the Commission at its meeting last week. It was agreed to retain the paper on the agenda to afford the United States representative opportunity to refer to his Government for reconsideration in the light of new developments. That is the case again. That is, the due consideration is being given by my Government and I am not able yet to state their attitude. But I hope it will meet with your approval when I am able to get it. It seems a

matter that could be disposed of quickly. But it is one of those very things that an international commission meets for and my Government is giving very thorough consideration to the wishes of those who desire the publication of this paper. Is there any comment? But, I think we have had a pretty thorough discussion. I think my Government is well informed of the wishes of the Commission. I know how some of the delegates feel about it and I am only too glad to consider any further statement or wish that they may express during the consideration by the American delegation. I am sorry that it seems to take the United States Government some time to give its position on this paper, but I can assure you that it hasn't been forgotten by your Chairman or by the departments concerned in the United States Government.

ITEM 4 - JAPANESE RESEARCH AND ACTIVITY IN THE FIELD OF ATOMIC ENERGY (FEC-024/6)

GEN. MCCOY: This proposed policy decision was approved by the Steering Committee at its meeting on 14 January. The Soviet position at that time was reserved. Are we able to move on that, Sir?

ADM. RAMISHVILI: Yes.

GEN. MCCOY: Good. Glad to have your opinion.

SIR GIRJA BAJPAI: I am not quite clear, Mr. Chairman. Has the paper the approval of the Soviet delegate?

ADM. RAMISHVILI: Yes.

GEN. MCCOY: Well, we are getting two papers through this morning.

MR. GRAVES: Mr. Chairman, our position is still reserved on it.

GEN. MCCOY: Oh, you have a reservation too.

MR. GRAVES: Yes. I believe France also has a reservation.

MR. LACOSTE: No. I would be ready to vote for the paper now.

GEN. MCCOY: You wish action postponed until you can get further instructions?

MR. GRAVES: Yes, Mr. Chairman, it has only been before the Foreign Office in its present form one week. I hope to get instructions by the next meeting.

GEN. MCCOY: If there is no objection, this will be postponed for consideration at the next meeting, I hope.

ITEM 5 - THE WORK OF THE COMMISSION (FEC-105, SC-049/2)

GEN. MCCOY: This important consideration, I think, ought to be on the agenda always, but it is here at this time due to the resolution proposed by the New Zealand delegate. It was approved by the Steering Committee by a vote of 7 to 2, and is forwarded for the consideration of the Commission. The United States member reserved his position on the inclosure and the Philippine member abstained from voting. Is there any further comment for the moment on this?

SIR CARL BERENDSEN: Mr. Chairman, I formally move that the Commission approves the resolution of the Steering Committee.

GEN. MCCOY: Is there any second to this motion?

MAJ. PLIMSOLL: Mr. Chairman, I will second the motion. I assume that Sir Carl's primary intention is to have a discussion on it at this stage, so I

second the motion.

SIR CARL BERENDSEN: Mr. Chairman, I don't think that is my primary intention. I don't think it is a matter that we can usefully assist by discussion. My primary intention is that the Commission, if it agrees, do this with a view that each member of the Commission should report this resolution to his government.

GEN. MCCOY: Well, I don't think there is any doubt but that the members, as individuals, should do that. But, not on the action of the Commission. I would not be able to concur in that. I am sure that other members would like to have it considered more fully, with the implications that come from the importance of what I think ought to be considered from the point of view of the procedure and work of the Commission by itself. We are delegated by our governments to handle--that is what we are here for--to have free expression of our opinions and try to iron out our differences and get agreement. But this is a procedural matter and one that the Commission is fully empowered to act on. We have our Terms of Reference which covers all this. This embodies much more than that and goes to the root of all international cooperation.

I might remark, as my own opinion, we have no international cooperation where this basic point is not considered from the point of view of its coming along in a procedural way. It's an attack on the United Nations--on the Security Council--on every international commission that is trying to bring peace and get cooperation.

SIR CARL BERENDSEN: I must protest against that

statement, Mr. Chairman.

GEN. MCCOY: Well--I said that that is my personal opinion. It has been worked at with all the nations involved, first with the powers directly concerned at Dunbarton Oaks--San Francisco for a month or more. It has been the basis of all our meetings of Ministers trying to bring peace to this world. And now it's, from this point of view, trying to bring up this vital question which I am sure none of the responsible powers, that can bring peace to this world, would agree for a moment to change at this time. It's beside the mark, I think, and although I haven't consulted my Government on it, because I have been away, this is my personal opinion. I could not concur with the resolution in this form, much as I would be in favor of the idea that you have in mind of getting these hard and slow procedures that we have been operating under in the last year quickened and made more effective from the point of view of certain of the powers on this Commission which should be given thorough consideration and continuing consideration. But I take it we are all in favor of international cooperation, and if we didn't have hard problems and didn't go at them thoroughly and take time to do it--just off the bat to handle these important problems with world implications in hasty ways and not considering everybody, even the so-called larger powers here--and naturally the ones with more responsibility and power to act--we have got to consider that we have differences of opinion. I have the greatest consideration for the desire on the part of every individual here to move more quickly, but I

would deplore any hasty action on any subject that comes before this Commission. That is, the Commission is to give due consideration, and thank Heaven we have gradually begun to get agreement. The harder the knot the easier it is to cut with a snickersnee in some way. In every international commission I have ever been on the very nature of their work brings decided differences of opinion, and that is what they are there for--to cut the Gordian knot or to go around it in some way, and there I think this Commission has been very successful. I don't have the feeling of frustration in the larger problems. I still feel that my own Government and sometimes other governments are a little bit slow, but I have ceased to point the finger at anybody, being conscious of the mote in my own eye and realizing why it is there.

I have such a high regard for Sir Carl's effort from the beginning to get quicker action, and I sympathize with him in his feeling that he hasn't been able to get it, I am going to try to get it on the things that I feel we can move quickly. But on the larger problems I am ready to take any amount of time that is necessary, subject to the conditions in Japan that occasionally become emergent. I like to talk these things over. I have talked it over with Sir Carl personally and have thought very deeply and have brought his opinions to the consideration of my own authorities, and will continue to. And I think this paper gives us just what I have been asking for meeting after meeting--to get suggestions and criticisms so that we can meet together and see if we can improve

our procedure and our effectiveness. But I wouldn't be able to go along with the attack on the basic principles of international cooperation now.

SIR CARL BERENDSEN: I protest again, Mr. Chairman. There is no such attack.

GEN. MCCOY: Well--I don't think you intended to--

SIR CARL BERENDSEN: I am simply stating a fact. There is no such attack.

SIR GIRJA BAJPAI: Have you finished, Mr. Chairman?

GEN. MCCOY: Yes--for the moment.

SIR GIRJA BAJPAI: Well, that is really to give and take and debate. There is no finality. I can quite appreciate that.

I would like to say first, Mr. Chairman, that it is a misconception to regard this particular resolution which is before the Commission now as the expression of the views of a particular individual. If you will look at the record, you will find that seven members of the Committee voted for it. So, I don't think it is altogether right to fasten the responsibility for this proposition on Sir Carl Berendsen. True--he took the initiative, but others, perhaps being completely misguided, did take the step of supporting him. It might be right or it might be wrong--that is another matter. But I think it is desirable to put the thing in its correct perspective, the first point being that it is not the solitary effort or initiative of Sir Carl Berendsen. That is the first point I would like to bring.

The second point, Sir, that I should like to make is that it is not, at least so far as I am concerned,

and I am speaking for India now, put forward by me in my individual capacity as Sir Girja Shankar Bajpai, for Sir Girja Shankar Bajpai is meaner than the meanest of worms. He has no business making any proposals or propositions here at all. If I speak I speak on behalf of my Government. I supported this particular resolution on behalf of the Government of India.

The third point which I should like to make, Sir, is that no one around this table having a sense of responsibility, and I think it will be agreed that none but with the sense of responsibility would be honored by his Government to sit around this table, is unconscious either of the importance of international cooperation or the complexity with which international cooperation, certainly in the present atmosphere of the world, is beset. I do hope that you have that in mind--that none of us, to broach your own expressive phrase used on an earlier occasion, really rejoices in the sport of "throwing monkey wrenches into the works". That is not the idea at all, Sir. The point is that the Commission has certain important tasks to discharge and in the very nature of things--in the discharge of those responsibilities difficulties and differences of opinion would arise. What we are trying to urge is, and I speak with especial reference to the economic problems within the field of this Commission--reparations, international trade, this, that, and the other--I want to emphasize the fact that we cannot, none of us, complain of haste in the handling of these matters. As I indicated the other day, if you take the Far Eastern Advisory Commission or its spirit of existence into account, this has gone

on for sixteen months. If you take the Far Eastern Commission as it exists into account, it has gone on for a year. Surely, Sir, it is not fair to suggest that a matter which has been under consideration for a total period of sixteen months is being dealt with in haste. I wouldn't carry the matter any further at this stage.

You have expressed your opinion with your usual force, and I recognize that it is open to you, not merely as a representative of the Government of the United States, but as Chairman, to admonish us on the importance and the desirability of international cooperation. I would, however, submit that the views which we have expressed are as carefully pondered as the views which have been expressed by anybody else of the countries about this table. And I would also like to emphasize that we are animated by the same deep solicitude for international cooperation as you are. I do hope that you would do us the honor and the courtesy of placing our views before your Government, and then perhaps giving us the considered views of your Government at a later stage, but I hope as soon as possible. Thank you.

GEN. MCCOY: I have delayed putting before the Commission--the Committee as a Whole--just such problems, hoping to get everybody back from the United Nations and having back our Soviet Ambassador. There is one thing that has been held up for months. So that we can't go ahead on more important work due to delays not of the veto power. It takes constant effort to iron out the little things so that the larger things can move. We have been held up here for months by a

mere minor matter which is interfering with all these important problems. Now, if I can get that ironed out--I have been patient beyond words, in my endeavor to satisfy the wishes of one of our temporary delegates and I shall continue to be patient, hoping that I will be helped in working this out together in a reasonable way. And, in the meantime, I don't want to hold the special meeting for considering these problems until we have to sit in with us the Soviet Ambassador--and that is still delayed. So that this problem and many others that I hope will help us in the future--and I will say again, I would like somebody else to also criticize and suggest and help in a constructive way, so that when we do get together we will have something to go on besides these that are now before us. In the meantime, I ask the indulgence once more of one of the responsible and veto powers, so-called, for the ~~postponement~~ postponement of any action but not postponement of discussion. The more discussion we have the better it suits me. In that way we will get before us constructive procedure.

DR. TAN: Mr. Chairman, I would call attention to the very lengthy discussion of this subject at the Steering Committee. At that time I said that the Chinese delegation, for one, is very anxious to have the work of the Commission to go as quickly as possible and as expeditious as possible. And naturally, as a general principle, we are in favor of seeing some success on our part. So the general motive that we should cooperate to the best extent and to expedite the work, I think, we all agree on this point. But, here comes

the question of the method to bring this about and the wording of this paper, etc.--perhaps our opinions differ. It seems to me, as I said last time, that while the motive of this paper is excellent, there is perhaps room for improvement of this wording. So, at that time the Canadian representative, Mr. Collins, proposed to delete paragraph 3. I supported him ardently, supported the motion, but, unfortunately, it was not carried. Mr Chairman, I think we all agree and we all realize that the work of the Commission is rather slow and that we should do our best to accelerate it. There is no doubt about that. But, in regard to the content of it, and I do feel the same way that Mr. Collins felt, that paragraph 3 is not quite in harmony with the motive for which this paper was prepared.

MR. LACOSTE: Mr. Chairman, I would like to point out that in the drafting of this paragraph 3, which has just been singled out by our Chinese colleague, we were very careful in the Steering Committee to eradicate anything that might seem to be aggressive to hold over the veto powers, and I for one proposed, and I was followed by my colleagues in this, that instead of the drafting of this paragraph 3 in this way, "Notes that the Commission is unable to adopt policies, etc...", which might have applied a criticism of our Terms of Reference, I just suggested that we write it the way it is: "Notes that the Commission, being unable to adopt policies without the unanimous concurrence of the four Powers which possess the veto, this unanimity has not so far been attained on any of the foregoing papers," which is a mere statement of fact and is not

anything that might be construed as an attack.

MR. GRAVES: Mr. Chairman, I would like to support you, Sir, in asking for further indulgence in the Commission on this problem, and I hope that the Commission will be able to agree that it should be left to you and to many of your colleagues to discuss what is a very important fundamental paper before us. Paragraph 4 of the proposed resolution asks us to inform our governments of the gravity of the position. I think every one of us has done that and done it very thoroughly. So the object of the paper, excluding the issue of the veto, seems to have been provided for already. I don't know that we should gain very much by adopting the paper in this form. But, I should like to endorse what you said about claiming a little further indulgence of the Commission.

GEN. MCCOY: I think that the idea that Sir Carl really intended there is a good one, and I would like to have others, not only unite with him in the procedural effort, and, of course, I can say with you that I have certainly taken it up with my Government along these lines and I have no doubt the Soviet representative has taken it up with his. Is that not the case, Admiral?

ADM. RAMISHVILI: Yes Sir, it is well understood. As I have already stated, it is already before our Government any decision which might take place here in this particular case, Mr. Chairman, if I am allowed to say a few words. I have already stated two times, personally, I think the question was put up with the best of intentions to improve our procedure and everybody agrees that we have had delays several times. But, as

I stated once and I would like to repeat it here, the point of view of my Government and my delegation is that this has nothing to do with the veto power or anything else. Any delay which we have is due of design to decide questions better, and any question which is under consideration is most carefully considered--and I hope that we will have decisions on those questions. Personally, I think there are many other reasons for delays. For instance, I am just now talking from the point of view of my delegation--our delays must be qualified only as an endeavor and our desire to decide questions the best way. As I stated last time, there are many other reasons which may be referred to. All the members of the Commission--I am not pointing out any delegation here--have hindered and provoked delays on questions--for instance, the reparations question and the disarmament, etc., etc. Finally, Mr. Chairman, I think that this is the view of my Government that though the anxiety and desire to speed the work up of the Commission is proper and perfectly all right--raising this question here and discussing it--we are always ready and this, I think, is the undeniable duty of everybody to hear the opinion of each of us here--we think that this particular paper won't help us much to speed up or to solve our delays. It is the opinion of my Government that this special resolution is not necessary, though the question was raised properly and we should discuss it.

MAJ. PLIMSOLL: Mr. Chairman, I would be agreeable, in fact, very happy if a vote on this paper were deferred today. I think that a very useful purpose has been

served by bringing it up here, and I think that Sir Carl's aim was to bring clearly before the Commission the complete picture of the work of the Commission, in the way in which it is being delayed, and, even, listing in this way the ten basic papers which have been held up, I think he has given us a rather terrifying picture of important matters that confront Japan none of which we have reached a decision on the paper that was prepared. And the paper then served as a good basis for discussion of the things that have been delaying the Commission. One, I think, is the weakness of liaison with the Supreme Commander, and there are others. But we could hardly make any realistic survey of the situation if we did not refer in our discussion, if not in a resolution, to the veto power that exists in this Commission. Nor, I don't see myself that we can do very much about the veto. The veto is one of the facts of life that we just have to accept. And you will remember that at the first meeting of the Commission, both Sir Frederic Eggleston and Sir Carl Berendsen, on behalf of their Governments, stated their objection to the veto power as it was incorporated in the Terms of Reference. Nevertheless, we accepted it because it was the only way in which we could get a commission established which had the Big Four Powers and the other powers that are interested in the Pacific. As far as the veto is concerned, I think the objection of most of us is not to the power of these four countries to disallow decisions of the Commission. I think we would agree that if there was--some of us might agree at any rate that if there were any matter that fundamentally

affected the interests or the safety of one of the big powers, it is reasonable for that power to have some major voice in the determination of that matter. I think even before you had an international organization where vetoes existed you had the situation where no decision would be reached or there would be a decision if the major powers interested were not involved. Our action, I think, is not so much as to the power of disallowance but to the delay which results from that power of disallowance. It is possible for a country that is possessed of the veto to hold things up indefinitely not by ~~saying~~ objecting to a paper but simply by deferring a decision on it. Now, there is nothing that the rest of us can do about that. The matter can be forced to a vote, but I think Sir Carl and many of us wanted to prepare a list of all the papers that were before us and point out the fact that they are held up in that way.

Now--I am a little bit more hopeful than when this paper was prepared because we have already gotten one of them out of the way--that is the Determination of the Peaceful Needs of Japan, and I think there is a good possibility that we may have another out of the way next week--that is the one on Food that is held up by the United States at the moment, and which I gather your Government is almost in a position to accept, Mr. Chairman. b., which is being held up by the Soviet--we have now got the Soviet views and I think there is a good chance there to compromise. g. and h. we may also get out of the way possibly next meeting. And so we have already got this big log jam

moving with different major papers still held up. Basic Policy, though, is moving, and I think the mere compilation of this list may have helped towards that end. At any rate it has given us a clear position of the situation to date. Therefore, Mr. Chairman, I would be prepared to allow the matter to stand for another week also, while there is further discussion and consideration of it.

DR. TAN: Mr. Chairman, I should like also to point out that in the 47th meeting of the Steering Committee, I, on behalf of my Government, made a statement that what I said at that time was simply to the interests of general harmony, and insofar as the Chinese Government is concerned, we were ready and we are ready to vote on each one and all of those papers. So that is really the intention of the Government that way. I may point out that to take this question, Determination of the Peaceful Needs of Japan, this paper which we passed today. There was an amendment to this paper which was first brought to our attention on Monday, I think. And so, when we had the Steering Committee meeting last time, I made a statement that I have no objection to having the paper brought to the attention for action by the Far Eastern Commission. That was for action today, and today, as you notice, Mr. Chairman, we cast our vote for it. But, as a matter of fact, the paper as it appears is not to the liking of my Government. We did it simply because we wanted action. We wanted the work of the Commission to be done as quickly as possible, and that is the only way that we can induce action--by giving up some of our own ideas for

the good of the Commission as a whole. That goes to show that there is nothing to do with the special privilege indicated in the Terms of Reference of the Far Eastern Commission or with reference to some provisions of the United Nations Charter. As far as we are concerned, we never, although we have the privilege, attempted to make use of it, and the position of our Government was explained in very explicit manner in the last time of the assembly.

And then, following the thought of Major Plimsoll, we should like not only to have this log jam--some of these papers removed, but we want every papers there set in motion. For instance, we have had occasion to express here that we are deeply interested in the question of the Reparations Conference. That is g. here, and some others. We want that action be brought about quickly not only with reference to some of the papers but with all of them, so that we can justify our existence and that we can tell our respective governments that we are really working here.

SIR CARL BERENDSEN: Mr. Chairman, is the discussion over? I have deliberately waited until I conceived it was over in order, if I might, if possible, cool down a little. I would ask the privilege of a few words.

At the last meeting of the Commission, I think I offered the opinion that no member of this Commission could be satisfied with the progress made by this Commission, and I challenged any member of the Commission who disagreed with me to say so. I challenge them again and I pause-----Very well. If we are, therefore, not

satisfied with the progress that has been made, it seems to me that I am bound and it is my duty to endeavor to ascertain the cause of our comparative failure, and the particular duty has fallen upon me, not of my own choosing, in this connection, inasmuch as I have been honored with the Chair of the Steering Committee, one of the duties of which is to endeavor to facilitate the transaction of the Commission's work. As I see it, there are two causes--two main causes for the inability of the Commission properly to fulfill its functions. I have conceived it my duty to call attention to each of those causes. The first is the lamentable want of cooperation between this Commission and the Supreme Commander, with whose functions I am sure nobody around this table, and specifically myself, has any wish at all to infringe. But nobody can deny--if anybody wishes to deny, I hope he will take this occasion to do so--nobody can deny that that cooperation has been bad, and, in my opinion, unnecessarily bad. The second cause is due to what my Australian colleague has referred to as one of the facts of life--that in this Commission, as in one other body, there exists a power of veto. That is a fact which no sensible person can ignore, whether he agrees with it or whether he does not. It is a fact, and it is because of that fact and because of the state of affairs under which we have not been able to obtain the concurrence of a member of the Commission whose concurrence is necessary that many fundamental papers have not been disposed of. That is a fact.

Now, Sir, you accuse me--it is not the first time you have made an accusation against me--of attacking the veto. I have not attacked the veto. There is nothing in this paper that attacks the veto. The veto is open to attack and it is open to defense. This is not the proper place either to attack it or defend it. I have had no intention of doing so. The Steering Committee has had no intention of doing so, and, in fact, it has not been done. Very great care was exercised in the Steering Committee to insure that, by any carelessness of wording, no impression of such an attack should be given. The phrasing was altered not once but several times with that object, and I specifically disclaim any intention of attacking the veto in this place or that, in fact, it has been attacked. But, as responsible people we are entitled and bound to search our souls to ascertain why we have not been able to make more progress than we have made, and I suggest to you, and I suggest it with confidence, that those are the two reasons.

I don't expect everybody to agree with me. I don't expect, and if I did I should be frequently disappointed, that my colleagues would pay any particular attention to what I say. But I conceive it to be my duty in my personal capacity and my capacity as the representative of the New Zealand Government and in my capacity in the Steering Committee to raise these points for the consideration of the Commission. I may be quite wrong in my assumption that if the Commission were to pass this resolution it might conceivably do some good. I never had any good confidence that it would. But it

seemed to me that that was a possibility. And it is fair to point out, as has been pointed out previously, that seven members of the Steering Committee, which is charged with this responsibility, held roughly the same views on the matter as I do.

And now I come, Sir, to the real reason why I asked your attention. The word "admonished" has been used this morning. I think a stronger word could have been used but that word is too strong for me. I am not personally disposed to submit to admonishment and insults. And if I were, I am not appearing here as a private and undistinguished individual. I am appearing here as representing a government which is a member of this Commission, and in that capacity I will not submit to admonishment. That is all, Sir.

SIR GIRJA BAJPAI: Mr. Chairman, as the offender in the use of the word "admonition", might I say a word. As representatives of countries naturally we would not submit to admonition, because no government can admonish another government. And it was not my intention to suggest that you, as representing the United States, would admonish me as representing India or Sir Carl Berendsen as representing New Zealand. But, Sir, although there is a formal aspect to our meetings, there is also a personal aspect to these meetings, and all that I intended to convey was that for my part, I was quite prepared to let you, as Chairman of the Commission, by virtue of that position and by virtue of your age and responsibility, admonish me if you wished to. That is all.

GEN. MCCOY: Well I wasn't admonishing anybody. I was just having a difference of opinion with Sir Carl and we have had many differences of opinion, personally and formally. But that doesn't put me in the position of piping him down at all as to his opinions or as to his resolution. I don't object to this resolution. I am only giving my reason for not concurring. It is a difference of opinion and an honest one. I think the paper, as Major Plimsoll said, already has had a good effect and I am not taking exception to the paper or to the intent. I am simply giving my opinion where I don't agree with one part of it. I am a little bit on the defensive there because I represent one of the powers which is involved here, and, looking over my action as Chairman and also as the American representative, I don't remember any time that we haven't, when there was a difference of opinion, frankly expressed it. And at no time have we exercised a formal veto. We have simply stated that for the moment we don't concur. We have kept one thing on here for six or eight months and will continue to, I hope, and there has been no veto expressed against it. I simply, as Chairman, when anybody wants to postpone-- it doesn't make any difference what nation it is--have accepted it. It is not only the veto powers that ask for postponement or have reservations for long periods. Everybody around this table who has asked consideration for an opinion or for a formal action has had it, and there has been no veto against it. There is simply postponement, and gradually, by postponement and keeping them on the agenda, we finally get it through and reach

agreement--not always satisfactory to possibly a good many of us. That is the nature of our work--that we keep plugging away and finally get agreement. And I am sure that we will continue to. It is the only way that we can carry on. These particular items have been mostly postponed at the request of one or two of the veto powers. But every time there has been a request for postponement or reservations on the part of anybody we have kept it before the Commission, and gradually reached agreement. That is the nature of our work and that can't be changed. So that I would like to keep this paper before us, hoping that there will be others with constructive suggestions that we can put before the Commission as a whole from time to time, and I am prepared to receive any suggestions as to a better way of doing it, either in handling this or like papers or any other subject that comes up. I am very glad to have advice and suggestions--and our working committees have done a very good job in thrashing out these particular points and it is natural that in an important paper there should be differences of opinion. Now, as to the procedure, that, always, in every international commission can be improved. I agree with Sir Carl on his first point very decidedly and I will continue to agree with him on that.

Are there any other remarks on this paper for the moment? I will ask that it be kept on the agenda for continued consideration.

ADM. RAMISHVILI: Hoping that we will eliminate all this list, Mr. Chairman, and this paper will be unnecessary.

GEN. MCCOY: We will continue to be hopeful.

ITEM 6 - OFFICIAL JAPANESE AND ENGLISH TEXTS OF THE CONSTITUTION (FEC-087/14, -/15)

GEN. MCCOY: Has the Secretary anything to report on Item 6? Mr. Stratton, will you please state--

MR. STRATTON: Mr. Chairman, the Secretariat has received the Japanese texts of the five implementing laws that were introduced to the extraordinary session of the Diet in December. Three of those copies have already been photostated and have been circulated. Those were the Imperial Household Law, the Imperial House Economy Law, and the Diet Law. The Cabinet Law and House of Councillors Law are in the process of being photostated and should be available within the next day, I am informed. These have been referred to Committee No. 3, which is in the process of detailed consideration.

SIR GIRJA BAJPAI: I may be subject to correction, Mr. Chairman, but it seems to me that this particular caption, Official Japanese and English Texts of the Constitution, has become odious. I mean--what we are doing now is examining implementing legislation. We really are not examining English and Japanese texts, although, for those who are familiar with both languages unfortunately, there are very few-- it might be a most interesting occupation. I think what the Commission is really concerned with is the examination of this implementing legislation and I suggest for the consideration of the Secretariat that this rather inept

heading might be amended.

GEN. MCCOY: Yes, I agree with you. I am informed that this was kept on the agenda at your request, Admiral. Is that true? Do you wish that it be kept in this form?

ADM. RAMISHVILI: No. I have no interest in this since we have already passed the constitution.

GEN. MCCOY: You are ready to have the change made as suggested by Sir Girja, that is that it be changed to the implementing laws in connection with the constitution?

ADM. RAMISHVILI: I don't have any particular desire to keep it in this form.

GEN. MCCOY: Well, we will consult on that and see what we can do about it. Will you consult with us and tell us what you wish?

ADM. RAMISHVILI: I will.

MR. COLLINS: I would like to suggest on that subject, Mr. Chairman, that if it is agreeable to the Soviet representative to change this particular form of the item, that the entire item be deleted and implementing legislation be brought on to the agenda at such time as it comes up from the Steering Committee.

GEN. MCCOY: Is that agreeable to the Commission? If it is agreeable to you, I will have the Secretary General consult with the Admiral and see if he can arrange it that way.

ITEM 7 - PROPOSED UNITED STATES PLAN FOR REPARATIONS CONFERENCE (PEC-081 series)

GEN. MCCOY: There is nothing to report yet on this subject.

ITEM 8 - REPORT ON JAPANESE EXTERNAL ASSETS
(FEC-072)

GEN. MCCOY: With your permission this will be kept on the agenda.

ITEM 9 - OTHER BUSINESS

GEN. MCCOY: Is there any other business before the Commission? The Secretary General has an announcement to make.

MR. JOHNSON: There is to be a special meeting of Committee No. 3 to be held at 3:30 P.M. Friday and the meeting of Committee No. 6, originally scheduled for this week, has been canceled.

GEN. MCCOY: There is one point that I would like to put before the Commission in connection with a general review of our work and a hope for improvement of it. I think when we first met as a Commission, we met on Friday and then that was changed to Thursday. There have been several comments made about changing the meeting back to Friday. But I don't put it before you today--only for your consideration and for the consideration of the Secretary General. We will have it up again, and in the meantime please consider it.

ITEM 10 - PRESS RELEASE

GEN. MCCOY: Have you any press release?

MR. JOHNSON: I call attention, Mr. Chairman, to paragraph 2 on the cover sheet of FEC-106 which was adopted by the Commission today, which read: "Committee No. 2, Economic and Financial Affairs, considers that this document should not be released to the press as it is intended for the confidential guidance of the

of the Commission rather than for publication."

SIR GIRJA BAJPAI: I would like, Mr. Chairman, to ask whether the next meeting of the Commission will take place on Thursday?

GEN. MCCOY: Yes, unless there is some reason advanced by members for otherwise.

If there is no other business, I will declare the meeting adjourned.

(Whereupon the meeting adjourned at 11:45 A.M.)

FAR EASTERN COMMISSION

Transcript of Forty-Third Meeting of the Far Eastern Commission,

Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.

Thursday, January 30, 1947

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Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.
Thursday, January 30, 1947

REPRESENTATIVES PRESENT

Maj. Gen. Frank R. McCoy, USA (Ret.), Chairman	(United States)
Major J. Plimsoll	(Australia)
Mr. R. E. Collins	(Canada)
Dr. S. H. Tan	(China)
Mr. Robert Douteau	(France)
The Honorable Sir Girja Shankar Bajpai	(India)
His Excellency Dr. A. Loudon	(Netherlands)
The Honorable Sir Carl Berendsen	(New Zealand)
Mr. F. Rodriguez	(Philippines)
Mr. H. A. Graves	(United Kingdom)
Rear Admiral S. S. Ramishvili	(U.S.S.R.)

SECRETARY

Mr. Nelson T. Johnson

Reporter: R. Holtz, Department of State

(The meeting convened at 10:40 A.M.)

GEN. MCCOY: Gentlemen, the table is now complete. We will open the morning session.

At the last meeting Sir Carl and I had a little clash that concerned me and following that I had a heart to heart talk with Sir Carl, and we feel the same way toward each other, which has never varied with me in the sense of my confidence in him and his sincerity and whatever differences of opinion we might have at times. And I urged him to continue to work with us with that full confidence you and I know the Commission has in his work and his interest and his activity, both as a member of the Steering Committee, as Chairman, and as a member of this august body sitting around the table. I felt that I would like for you all to know that and be conscious of the confidence I have in my colleague.

SIR CARL BERENDSEN: Mr. Chairman, before we start the business, might I say that your statement of our position was unnecessary, and it was stated with your characteristic generosity. As far as I am concerned I am very grateful to you for having said what you did say, but, as I said when we had our little talk, it was quite unnecessary.

GEN. MCCOY: The session is now open and the minutes are before you.

ITEM 1 - APPROVAL OF THE MINUTES OF THE FORTY-SECOND MEETING

GEN. MCCOY: I understand there was a correction on your part in the minutes, Admiral.

ADM. RAMISHVILI: Yes, Mr. Chairman, on page 3,

I would like to make some changes in the wording.

MR. JOHNSON: Mr. Chairman, the text which the Admiral desires substituted for the text on page 3 of the minutes reads in full:

"Admiral Ramishvili said that, as he had stated previously, the raising of the question of the Commission's work was fully justified and could serve useful purposes. As to the delay of particular papers this might have taken place in some cases due to governments desiring to consider questions as thoroughly as possible in order to avoid passing any incorrect decision, and the question of 'veto' has nothing to do with such situation. Consequently, the adoption of a special resolution would be unnecessary and it would not help to solve the difficulties in the work of the Far Eastern Commission. He also added that consideration of the question itself of Commission's work was useful and he had no objection to such consideration."

GEN. MCCOY: Are there any other corrections or changes to be indicated? There seem to be none. The minutes will be recorded with the corrections just read.

ADM. RAMISHVILI: Mr. Chairman, on page 5, to be completely sure, though I am informed that now the minutes are recorded, I got the impression that in Item 6 we wanted to hear the final opinion of members of the Commission on withdrawing the constitution from the agenda. The Soviet delegation does agree with this but I got the impression that other members wanted to say the final word.

GEN. MCCOY: My remembrance is that the only point was the making sure that it was agreeable to the Soviet.

ADM. RAMISHVILI: Yes, it is agreeable, if with the other members.

ITEM 2 - CONSULTATION WITH THE SUPREME COMMANDER
FOR THE ALLIED POWERS RELATIVE TO THE
DRAFT DIET LAW (FEC-107)

GEN. MCCOY: Item 2 is a consultation paper which comes up from the Steering Committee unanimously approved. Is there any further discussion desired on that consultation paper? If there is no objection, it will be recorded as approved by the Commission and the necessary steps will be taken by the Secretariat to carry out the wishes of the Committee.

ITEM 3 - SUPPLY OF FOOD FOR CIVILIAN RELIEF IN
JAPAN (FEC-026/10)

GEN. MCCOY: There once more the United States Government reserved its position. I had hoped very much to be able to get final action this morning on that paper from my own Government, and I can only say that it was most earnestly considered, most of yesterday and part of this morning, and I am unable as yet to state the American opinion on it. So that I ask that it be postponed until I am able to state the position of my Government.

I think it might be added that there is no other reason that I can give for the moment beyond calling attention to the fact that this interest of the Commission, which has been a long one on that subject, is still concerned with a very complex situation in my own Government, where we are the implementing

Power and have to furnish most of the money and the food. That makes it a very complex question because one of the departments of my Government has to go before Congress to get any money. The war powers are off in that respect and it calls for definite consideration with the American Congress. There are other complications that I can't go into for the moment. But, I can only assure the Commission that its interest is understood and that most earnest efforts are being made to meet the situation.

I think you will remember that my Government was willing to go along on the paper that was presented to the Commission last October, and still stands on that. I haven't been able to follow through--that is with you--as to the reasons for the Government of the United States not being able to accept the amendments or changes brought forward by the Commission. But, there again, it is not thrown out the window. The Government, and I, as your Chairman, are keeping it alive with the idea of trying to get some way that we can agree on this paper.

So, with your approval, I will continue it on the agenda until we can do something definite about it beyond the position taken last October.

ADM. RAMISHVILI: Mr. Chairman, may I say a few words for information, though I am quite sure that everybody has read it in the newspaper, I believe in the Washington Post yesterday that a special commission is leaving the United States for Japan to revise the food situation in Japan. Does that have any connection with this problem?

GEN. MCCOY: I think it was incorrect in the sense of revising. It is a fact-finding commission and hasn't anything to do with policies, I understand. This is a statement that my Government makes about that.

"I am conscious of the interest of the Far Eastern Commission in Japan's food problem. Many of you know that Mr. Roswell Whitman departed from Washington for Tokyo on January 28 as a member of an American food mission. The composition of that mission is entirely American and its principal objective is to arrive at conclusions acceptable to the War, State and Agriculture Departments of the United States Government as to the justification which will be offered to our Congress for the appropriation of American funds to finance food imports required to prevent disease and unrest. You will agree with me, I think, that non-American participation in this particular food mission would have been inappropriate."

SIR GIRJA BAJPAI: As the point has been raised, Mr. Chairman, I wonder whether I could ask a question. I quite see that since the responsibility for the procurement of food for Japan has been the responsibility of the United States, there is no case for other countries wishing to be associated with the fact-finding commission that you sent. But would it be permissible-- I don't know whether we would be in a position to do it or not--but would it be permissible for the representatives of those countries around this table who also have representatives in Japan, if they feel so disposed, to submit such information as may be available to them to this fact-finding commission regarding the