

RESTRICTEDb. TIME OF NEXT MEETING

THE COMMISSION unanimously agreed that, in view of the fact that Thursday, 28 November was Thanksgiving Day, it would next meet at the call of the Chairman.

ITEM 12 - PRESS RELEASE

THE COMMISSION unanimously agreed that no statement of the foregoing proceedings be released to the press.

The meeting adjourned at 12:45 P.M.

RESTRICTED36th FEC Mtg.--Mins.6 December 1946

36

FAR EASTERN COMMISSION

Minutes of the Thirty-Sixth Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N.W.
10:30 A.M., 6 December 1946

REPRESENTATIVES PRESENT

Major General Frank R. McCoy (United States) (Chairman)
Major J. Flimsoll (Australia)
Mr. R. E. Collins (Canada)
Dr. S. H. Tan (China)
Mr. Francis Lacoste (France)
The Honorable Sir Girja Shankar Bajpai (India)
Dr. A.D.A. de Kat Angelino (Netherlands)
Col. G. R. Powles (New Zealand)
Mr. F. C. Rodriguez (Philippines)
Rear Admiral S.S. Ramishvili (U.S.S.R.)
Sir George Sansom (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

Minutes--36th FEC Mtg.

RESTRICTEDITEM 1 - APPROVAL OF THE MINUTES OF THE THIRTY-FIFTH MEETING

THE COMMISSION unanimously approved the minutes of its thirty-fifth meeting.

ITEM 2 - INTERIM REPARATIONS REMOVALS: STEEL ROLLING INDUSTRY (FEC-059/29): INTERIM REPARATIONS REMOVALS: TEMPORARY RETENTION OF ELECTRIC STEEL FURNACES (FEC-059/30)

THE COMMISSION unanimously approved the adoption of FEC-059/29 and FEC-059/30 as statements of policy.

ITEM 3 - PRINCIPLES FOR JAPANESE TRADE UNIONS (FEC-045/2, -045/4)

THE COMMISSION unanimously adopted FEC-045/2, with the substitution of proposal "A" of FEC-045/4 for Paragraph 7. (Subsequently circulated as FEC-045/5)

ITEM 4 - OFFICIAL JAPANESE AND ENGLISH TEXTS OF THE CONSTITUTION (FEC-087/14, -087/15)

THE COMMISSION unanimously agreed to retain this item on the agenda.

ITEM 5 - PROPOSED UNITED STATES PLAN FOR REPARATIONS CONFERENCE (FEC-081 series)

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 6 - REPORT ON JAPANESE EXTERNAL ASSETS (FEC-072)

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 7 - OTHER BUSINESSa. IMPLEMENTING LEGISLATION

GENERAL MCCOY said that the United States Government was making every possible effort to obtain draft legislation providing for the implementation of the constitution in order to lay it before the Commission as early as possible.

An official of the War Department had just returned from Tokyo, he continued, and had reported that definite arrangements had been made with the Supreme Commander for copies of such draft legislation to be sent to the Commission, both in English and Japanese, as soon as it had been approved by the Cabinet for submission to the Diet. Should it appear likely that the problem of translation would cause delay, in the case of any particular bill, the Japanese text of that bill would be sent ahead of the English text. GENERAL MCCOY said that, in addition to the report from the War Department official, a radio message dated 30 November had been received from the Supreme Commander in which it was stated that drafts of implementing legislation would be forwarded by air courier after introduction in the Diet. GENERAL MCCOY said that he had been informed by the State Department that these drafts were already on route from Tokyo. The message had also listed the Imperial Household Law, the Household Economy Law, the House of Councillors Election Law and the National Bank Law, as scheduled for consideration in the present session of the Diet.

RESTRICTED

GENERAL MCCOY said that the air courier service was the fastest communication available between Washington and Tokyo and that it regularly required between ten days and two weeks for documents to be transmitted by this method. He expressed the hope that the Commission would not again be embarrassed or hindered by the rapid approach of any deadline, as had occurred during the consideration of the constitution.

COLONEL POWLES asked whether he might assume that whenever texts of draft implementing legislation were received they would be immediately referred to Committee No. 3 for consideration. GENERAL MCCOY and MR. JOHNSON agreed that this would be the procedure followed.

b. NOTIFICATION OF CHANGE IN TIMES OF MEETINGS

SIR GIRJA BAJPAI requested that whenever possible delegations be notified at the earliest possible moment of any alteration in the schedule of meetings.

c. WELCOME TO MR. JUSTICE T. C. DAVIS

GENERAL MCCOY presented Mr. Justice T. C. Davis, former high commissioner for the Canadian Government to Australia and newly-appointed Canadian Ambassador to China. GENERAL MCCOY and DR. TAN congratulated Mr. Justice Davis on his appointment as Canadian Ambassador to China and welcomed him to the Commission.

ITEM 8 - PRESS RELEASE

The Commission unanimously agreed that the text of the policy decisions on Interim Reparations Removals and on Principles for Japanese Trade Unions (items 2 and 3 above) should be released to the press.

The meeting adjourned at 10:55 A.M.

RESTRICTEDITEM 1 - APPROVAL OF THE MINUTES OF THE THIRTY-SIXTH MEETING

THE COMMISSION unanimously approved the minutes of its thirty-sixth meeting.

ITEM 2 - ISSUANCE OF THE POLICY DECISION ON REVIEW OF THE JAPANESE CONSTITUTION (FEC-099/3)

MAJOR PLIMSOLL made the following statement:

"Mr. Chairman, I am very pleased to welcome the decision of the United States Government to support this paper. It represents a compromise on the part of all of the governments around this table. Some of us wanted immediate and complete publication in Japan, and General MacArthur and the American Government preferred that there should be no publication at all at this stage. Now we have all compromised, but I think the American Government has gone further, and very generously, because their compromise is irrevocable whereas the rest of us, under the second paragraph, will urge later on that there be complete public announcement.

"I should like to outline at somewhat greater length the views of my Government on this general question of constitutional review. There have been two problems that have confronted us throughout. One has been the contents of the constitution and the other has been its method of adoption. The Far Eastern Commission secured a number of very important alterations to the constitution and I think we can take a certain amount of pride in the way in which we have handled the whole situation. But I think, just as important as the changes we have secured in its method of adoption, and the policy we have laid down for its adoption. You will remember that on the 13th of May the Commission adopted a policy statement which laid down three points, one of which was that there should be full and ample discussion and the other of which was that it should be adopted in such a way as to indicate clearly that the constitution represented the free will of the Japanese people. General MacArthur made a public statement on the 21st of June, when he announced those principles, and I think we have all received reports from Japan, from our representatives and from other people there, that that statement had a very great effect on the Japanese people and upon the Japanese Diet. Up to that time there was a general skepticism in Japan as to the authorship of the constitution and as to the power of the Japanese people to secure changes. From that time on, the Japanese people, though still, I think, possibly feeling that they were under an obligation to pass the constitution, nevertheless began to discuss it much more freely and to suggest changes of their own accord. I have read recently the verbatim reports of a large number of sessions in the House of Peers on the Japanese constitutional bill, and I have been very pleasantly surprised by the quality of the discussion there. A lot of the Japanese peers spoke very intelligently, with considerable knowledge of political and international affairs and with a fairly broad outlook, and I think that there is a great deal of hope in Japan if we can encourage the Japanese people to consider the constitution and consider other problems. We see also that the implementing legislation that is before the Diet has provoked more discussion than we might have expected six months ago. There has been a long debate on whether the Imperial throne could be ascended in the future by a woman. That is very healthy.

RESTRICTED

"At the same time we have an indication of an inability on the part of some people to appreciate fully the situation in Japan today. In the Diet last Friday there was a statement by Isaja Tanaka, an Independent, who demanded to know why peace treaties with Germany and Italy were being concluded today by the Allies when those two countries do not have a constitution and Japan did, and his implication was that Japan had now fulfilled her obligation and had adopted a constitution and was now in a position to be independent again. I don't think Tanaka could have held that view if he had known of the decision of the Far Eastern Commission that the constitution was going to be subject to review later. The point I am trying to make now is that the constitution is a first stage--that there are other stages to be accomplished, some of which are possibly verbal changes to the constitution, but, more important, we have to make the constitution a living reality and see how it works in practice. That was, I think, the main idea of the Commission in adopting the review paper. We felt, or many of us felt, that the Japanese people were still inexperienced in democratic ways, the country was still unsettled, and we thought also the Japanese should see how the constitution works in practice. In other words, the review decision was not an attempt to impose Allied policy on the Japanese, but it was a step taken to insure that the Japanese people could exercise the rights promised them under the Potsdam Declaration, to choose a form of government of their own free will.

"General MacArthur argued very cogently, and I think we were persuaded--all of us--that there should be an immediate constitution, so that Japan could continue under its old government, but not under the Meiji constitution. He convinced all of us that we should allow a constitution to come into effect, but this review provision was added.

"There are two major problems confronting the occupation today. The first is that we must continue to make changes in Japan. The initial directive to the Supreme Commander, issued by the United States Government, was an excellent document. It reflects very great credit on Mr. Stimson, General Marshall and all of the advisers and officers who helped them in working on this document. It is one of the best military government documents that has ever been issued. And I think the way General MacArthur set about implementing it reflects the highest credit upon him and upon his country. Those of us who were in Japan last January must have been very impressed by the skillful way in which General MacArthur proceeded to make changes--to make one change and leave a short period for consolidation, and then go on and make further changes. Very great promise, I think, has been set by the initial steps taken by General MacArthur. It is important, very important I think, that the occupation should continue to allow and to encourage changes in Japan in the direction of a more democratic and a more liberal community. It is always a danger that the tendency becomes one of preserving the status quo instead of pressing for changes, and that is particularly a danger where you have an army in occupation. An army instinctively looks for tranquility, and when I say that I am not thinking particularly of the American Army. It is true of all armies. It is true of my own army and the British and every army. An army desires tranquility and there is a danger that an army forgets that it is in Japan or in any occupied country in order to secure changes--to bring about a political policy. There is the danger that the army, on the contrary, seeks quiet, seeks to maintain a status quo and a state of peace so that it won't have trouble. It takes a very exceptional military man to overcome that. I think General MacArthur is such a man and,

RESTRICTEDMinutes--37th FEC Mtg.12 December 1946FAR EASTERN COMMISSION

Minutes of the Thirty-Seventh Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N.W.
10:30 A.M., 12 December 1946

REPRESENTATIVES PRESENT

Major General Frank R. McCoy (United States) (Chairman)

Major J. Plimsoll (Australia)

Mr. R. E. Collins (Canada)

Dr. S. H. Tan (China)

Mr. Francis Lacoste (France)

Mr. Jamshed Vesugar (India)

Dr. A.D.A. de Kat Angelino (Netherlands)

Colonel G. R. Powles (New Zealand)

Mr. F. C. Rodriguez (Philippines)

Rear Admiral S. S. Ramishvili (U.S.S.R.)

Sir George Sansom (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

Minutes--37th FEC Mtg.

RESTRICTED

in point of fact, the United States Army has produced a remarkable number of really brilliant military governors over the last hundred and fifty years. You have had Winfield Scott in Mexico and Leonard Wood in Cuba, and in fact, Mr. Chairman, you yourself have had a very distinguished career in military government in Cuba and the Philippines.

"The first major problem is to continue to make these changes and the second problem is to throw the initiative more and more on the Japanese. Up to the time of the surrender the Japanese had instinctively looked to the Emperor to give them a lead. If the Emperor of Japan laid down a policy or declared himself in favor of a certain course, it was a natural tendency of most Japanese to follow that without any question. That looking to the Emperor is possibly a little weakened since the surrender, but there has been a transfer in many cases of this adoration from the Emperor to General MacArthur, so that you have the Japanese today taking a lead either from the Emperor or from General MacArthur, and the problem of the occupation, I think, is more and more to replace this adoration, or this following of a single individual, and to throw the initiative upon the individual Japanese. Until we do that we do not succeed in laying the basis of a democratic regime in Japan. It is not only on the constitution. It is in the whole economic and political and social reform of Japan that we have to transfer administration, but particularly transfer initiative and responsibility, from the occupying forces to the Japanese themselves.

"I raise these two points, Mr. Chairman, not in criticism of the Supreme Commander. I raise them because they are peculiarly functions which the Far Eastern Commission is able to exercise. The Far Eastern Commission is in a particularly good position to insure that the occupation does not become stagnant, that it continues to initiate reforms in Japan. It is also in a particularly good position to keep before the occupational authorities the desirability of transferring responsibility and power more and more to the Japanese. General MacArthur and his officers are tied up in the day-to-day administration of Japan. They are also somewhat isolated from world opinion. We, on the other hand, can look at things in a broader way, but, at the same time, sometimes are hampered by not having a completely clear appreciation of the detailed problems. And, therefore, I think differences of opinion between the Supreme Commander and the Far Eastern Commission from time to time are very natural. They are not to be shirked. They arise because we do look at things differently and it is inevitable that sometimes the Far Eastern Commission's views should prevail, and sometimes the Supreme Commander's should prevail. More often, I think, we shall get compromises. That is very desirable and not to be feared.

"In conclusion, Mr. Chairman, this review paper was an attempt, I think, by the Far Eastern Commission to exercise those two functions. It is a continuation of our previous policy--first, of bringing about changes in Japan, and secondly, of throwing initiative more and more on the Japanese people. We make it clear to them in this policy that the constitution as adopted is not a final document. It is subject to change and the Japanese people themselves can bring about these changes. The changes are not to be dictated by the Allied powers; they are to be brought about by the Japanese themselves.

RESTRICTED

And, therefore, Mr. Chairman, we regard publication of this policy as being just as important as the policy itself. The policy is important. It is all-important that the Japanese people themselves should be aware of this policy and should be encouraged to carry it out in due course. However, as the Supreme Commander and the American Government at this stage are not prepared to go as far as that, it would be churlish to press them at this stage. And, therefore, I am very pleased that your Government has taken this attitude and I welcome your decision to support the paper."

GENERAL MCCOY thanked Major Plimsoll for his resume of the issues involved in connection with publication of the review provision. He said that the United States Government would maintain its cognizance of the Australian position and the reasons for it. He felt that the Australian Government and Dr. Evatt, Australian Minister of External Affairs, were to be congratulated for having initiated and skillfully conducted negotiations to the end that a compromise agreement might be reached.

THE COMMISSION unanimously approved the adoption of FEC-099/3 as a policy decision.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 6 - OTHER BUSINESS

a. "OCCUPATION OF JAPAN: POLICY AND PROGRESS"

GENERAL MCCOY invited attention of representatives to a new United States Government publication, Occupation of Japan: Policy and Progress. Copies would be circulated to all representatives, he said, as soon as possible, and he thought the document would prove of interest to members of the Commission.

b. MEETING SCHEDULE DURING CHRISTMAS HOLIDAY

THE COMMISSION agreed to leave to the discretion of the Chairman the date of a Commission meeting during Christmas week.

ITEM 7 - PRESS RELEASE

THE COMMISSION unanimously agreed that no statement of the foregoing proceedings be released to the press.

The meeting adjourned at 10:55 A.M.

RESTRICTEDMinutes--38th FEC Mtg.19 December 1946FAR EASTERN COMMISSION

Minutes of the Thirty-Eighth Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N.W.
10:30 A.M., 19 December 1946

38

REPRESENTATIVES PRESENT

Major General Frank R. McCoy (United States) (Chairman)

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)

Dr. A.D.A. de Kat Angelino (Netherlands)

Colonel G. R. Powles (New Zealand)

Mr. F. C. Rodriguez (Philippines)

Rear Admiral S. S. Ramishvili (U.S.S.R.)

Sir George Sansom (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

Minutes--38th FEC Mtg.

RESTRICTED

ITEM 1 - APPROVAL OF THE MINUTES OF THE THIRTY-SEVENTH MEETING

THE COMMISSION unanimously approved the minutes of its thirty-seventh meeting.

ITEM 2 - CONSULTATION RELATIVE TO TIME TABLE OF IMPLEMENTING LEGISLATION (FEC-100)

MAJOR FLIMSOLL said that he appreciated the efforts of the Chairman to obtain copies of draft implementing legislation for consideration by the Commission before final passage in the Diet. However, he said, since none of this legislation had become available, and since there was danger that some of it would pass both Houses before review by the Commission, the present proposal for consultation was an attempt to learn, with respect to each bill, how much time remained for consideration by the Commission.

MAJOR FLIMSOLL pointed out that the legislation on the Imperial Household had already been passed by the House of Representatives and was now before the House of Peers. He thought that for each bill the Supreme Commander might arrange for, say, a three-week interval between passage by the House of Representatives and the beginning of consideration by the House of Peers, in order that the Commission might examine the legislation in the form approved by one House.

MAJOR FLIMSOLL pointed out that the Commission had the right to review and to require amendments in legislation even after its final passage by the Diet. There was also the right of any member of the Allied Council for Japan to express views on legislation, probably in public session. However, he said, with a realization of the difficulties confronting the Supreme Commander, the member Governments did not desire to exercise these rights to an extent which would embarrass him. There was a strong feeling, MAJOR FLIMSOLL continued, that the Supreme Commander should reciprocate by assisting the Commission in reviewing implementing legislation.

GENERAL MCCOY said that he considered the request for consultation to be the appropriate method of obtaining the desired information. He suggested that the last sentence of FEC-100 be amended as follows:

"The Commission would appreciate the receipt of this information, if possible, not later than 23-December-1946 in time for presentation to the Steering Committee at its next meeting on 24 December 1946."

GENERAL MCCOY said that he was informed that drafts of the Cabinet Law, the Imperial Household Law, the House of Councillors Law, and the Imperial Household Economic Law had been forwarded to the Commission by courier on various dates, and it could be expected that the first of the bills would arrive shortly. With regard to the status of certain of these bills, he said that he had just been informed that the House of Councillors Law had been introduced in the House of Peers and there passed on the 16th of December and had now gone to the House of Representatives; the Imperial Household Law had been passed by the House of Representatives and was before the House of Peers; the Imperial Household Economic Law had been approved by the Privy Council and submitted to the House of Representatives; the Cabinet Law was in committee in the House of Representatives. (Foregoing information subsequently circulated as FEC-100/2.)

RESTRICTED

SIR GEORGE SANSON inquired as to the extent of the scrutiny given draft legislation by the Supreme Commander and his staff. He thought some information regarding the results of such studies would be very useful to the Commission. SIR GIRJA BAJAJ agreed that knowledge of the views of the Supreme Commander concerning any proposed legislation would be of great help to the Commission in its examination of the measures, and would save time by obviating the necessity of consultation with the Supreme Commander, during the course of consideration of draft legislation, regarding his views.

GENERAL MCCOY said that the Supreme Commander had consistently pursued a policy of non-interference with the Japanese in regard to their implementing legislation. Nevertheless, GENERAL MCCOY continued, he had been informed that the Supreme Commander was scrutinizing all legislation in the light of the Potsdam Declaration, the Terms of Surrender, and the basic policy laid down by the Far Eastern Commission.

MAJOR PLIMSOLL moved and COLONEL POWLES seconded the motion that the Commission approve FEC-100, with the amendment suggested by General McCoy. The motion was carried unanimously.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 4 - PROPOSED UNITED STATES PLAN FOR REPARATIONS CONFERENCE
(FEC-031 series)

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 6 - OTHER BUSINESS

a. TIME OF NEXT MEETING

THE COMMISSION unanimously agreed that the time of its next meeting should be left to the discretion of the Chairman.

ITEM 7 - PRESS RELEASE

THE COMMISSION unanimously agreed that no statement of the foregoing proceedings be released to the press.

The meeting adjourned at 11:05 A.M.

RESTRICTEDMinutes--39th FEC Mtg.2 January 1947FAR EASTERN COMMISSION

Minutes of the Thirty-ninth Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N.W.
10:30 A.M., 2 January 1947

39

REPRESENTATIVES PRESENT

Major General Frank R. McCoy (United States) (Chairman)

Major J. Plinsoll (Australia)

His Excellency Mr. Hume Wrong (Canada)

Dr. S. H. Tan (China)

Mr. Paul Guerin (France)

The Honorable Sir Girja Shankar Bajpai (India)

Mr. O. Reuchlin (Netherlands)

His Excellency Sir Carl Berendsen (New Zealand)

His Excellency General Carlos P. Romulo (Philippines)

Rear Admiral S. S. Ramishvili (U.S.S.R.)

Mr. H. A. Graves (United Kingdom)

SECRETARIAT

Mr. Nelson T. Johnson

Minutes--39th FEC Mtg.

RESTRICTED

GENERAL McCOY opened the meeting at 10:30 A.M., and welcomed those representatives who had been absent attending sessions of the United Nations.

GENERAL McCOY welcomed the newly-appointed Canadian Ambassador, His Excellency Hume H. Wrong, who was for the first time attending a meeting of the Commission as the representative of his Government.

GENERAL McCOY expressed pleasure at the news report that Sir George Sansom had been created a Knight Grand Cross of the Order of the British Empire in the King's New Years list of honors.

ITEM 1 - APPROVAL OF THE MINUTES OF THE THIRTY-EIGHTH MEETING

THE COMMISSION unanimously approved the minutes of its thirty-eighth meeting.

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)

AIR CARL BERENDSEN presented the following formal statement:

"Mr. Chairman, this is the last -- and so far as I am concerned the word is accurate -- 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 itself 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 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. 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

RESTRICTED

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 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, 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 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 summarized the views that had been expressed in the Commission at earlier meetings with respect to the implementing legislation referring particularly to

RESTRICTED

statements by the Chinese, Australian, UK, and US members. Throughout the time that the constitution had been before the Commission, he said, representatives had made known their interest in the implementing legislation. Many had expressed alarm at the extent to which the constitution left important matters to be carried out by implementing legislation. On various occasions representatives had emphasized the importance of the Commission's receiving drafts of implementing legislation in such a manner as would give it opportunity for study and scrutiny.

From the extended discussion of implementing legislation, MAJOR PLIMSOLL continued, there had emerged agreement that it was better for the Commission to inquire into possible inconsistencies between draft legislation and basic policy before such legislation was passed by the Diet than for the Commission to pass any policy decisions to ask the Supreme Commander to have the Japanese Government revoke laws already passed.

MAJOR PLIMSOLL said that he fully realized that the Chairman had made great efforts to obtain the draft legislation in time for consideration by the Commission before its passage by the Diet, and that his remarks should therefore not be construed as criticism of General McCoy.

An additional course that might have been followed, MAJOR PLIMSOLL said, and one which he had previously suggested, would have been to request the Supreme Commander to bring about a delay of a fortnight or three weeks between the passage of a bill by one house of the Diet and its submission to the other house. Such delay would have given the Commission an opportunity to express its view on the bill in question.

MAJOR PLIMSOLL said that in no respect had the Commission failed to make known its desire to review draft implementing legislation. The present situation, in which the Commission was confronted with legislation finally passed by the Diet, was directly traceable to the Commission's forbearance to exercise its rights to the full. Member Governments could have raised the question of conformity of draft legislation to governing policy in the Allied Council in Tokyo, he pointed out, or could have laid down policy decisions in the Commission which would have prescribed the nature of the implementing legislation. But either of these courses, the first of which would have embarrassed the Supreme Commander and the second of which would have limited the initiative of the Japanese people, had been held undesirable.

MAJOR PLIMSOLL said that the purpose of examination of legislation by the Commission was to permit Allied participation in the formulation of the laws. The Commission had no intention of worrying the Supreme Commander by sniping at him or by caustic criticism. But by referring matters to the Commission the Supreme Commander was drawing on a fund of knowledge and experience relating to the working of a constitutional monarchy and a parliamentary executive not available within his own staff of exclusively American officers.

MAJOR PLIMSOLL said that examination by the Commission of implementing legislation should not be confined solely to the question of whether it conformed to the Potsdam Declaration and basic Commission policy, but should also go into the efficiency of the legislation. While inefficient legislation might not technically be in conflict with governing policy, it was nevertheless of great importance that the Japanese constitutional

RESTRICTED

machinery function efficiently so that democracy should not become discredited in Japan. MAJOR PLIMSOLL said there should be a greatly extended exchange of views and suggestions between the Supreme Commander and the Commission. In such a spirit, the Commission had treated the Supreme Commander as a partner, and had made no effort to preserve a strict position in relation to him. However, there should be reciprocity in the relationship: the Commission should not always be the one to make the concessions. The Far Eastern Commission was set up to share responsibility for occupation policies, but countries would not share responsibility in cases where they were not given an opportunity to share in formulating the decisions. In this connection, MAJOR PLIMSOLL said, his Government felt that the Commission had not been given adequate opportunity to examine the implementing legislation or to participate in its formulation. While the Commission was still vested with the right to amend the legislation, the practicability of exercise of the right was quite a different matter, and it was probable the Commission would find it extremely difficult to effect changes in legislation already finally passed.

MAJOR PLIMSOLL felt that review of the course of events emphasized the wisdom of the decision to require review of the Constitution by the Japanese people and by the Commission, and also strengthened the case for immediate, complete, and unrestricted publication in Japan of the policy decision on review.

In conclusion, MAJOR PLIMSOLL said that his remarks were not intended as criticism of the Supreme Commander in general. Moreover, although much of the present difficulty stemmed from the Commission's forbearance to do anything which would embarrass the Supreme Commander, such a policy was nevertheless the correct one.

SIR GIRJA BAJPAI expressed general agreement with the statements by Sir Carl Berendsen and by Major Plimsoll. His remarks should not be interpreted as criticism of the Supreme Commander, of the United States Government, or of the Chairman.

Although the new Government of India held the opinion that it was not for the Commission to frame a constitution for Japan, it nevertheless maintained a profound and vital interest in the democratization of Japan. As a step in the direction of democratization, the Japanese must be permitted to consider the new constitution and the necessary implementing legislation as their own work. Consequently, it was necessary that the views of the Commission, when they were divergent from draft law being considered by the Japanese, should be communicated confidentially to the representatives of the Japanese people in time to be taken into account before the law should be finally passed. Otherwise, each suggestion by the Commission of modification in the Constitution or implementing legislation would appear to be dictation to the Japanese, and SIR GIRJA BAJPAI considered it important to avoid any appearance of such interference. Up to the present, SIR GIRJA pointed out, implementing legislation had reached the Commission only after it had been finally passed by the Diet. Although it might be contended that the best course for the Commission to follow would be to leave the matter entirely in the hands of the Japanese, a responsibility rested on the Commission, under the terms of the Moscow Agreement and the Potsdam Declaration, to help the Japanese to frame a democratic constitution. SIR GIRJA did not think that this responsibility had been properly discharged, due to the failure to receive legislation well in advance of its final passage. Indeed, he added, he must express regret that there was little now left in

RESTRICTED

regard to the constitution or the implementing legislation which had not been passed by the Diet, so that there was little hope of the Commission retrieving its function in this field.

GENERAL McCOY reminded the representatives that the Commission remained empowered to review not only the Japanese Constitution but also the laws which were passed as implementing legislation. He agreed that it would have been better had the bills been before the Commission in ample time for consideration before their passage by the Japanese Diet. He assumed that the laws which had been passed would nevertheless be reviewed by the Commission.

GENERAL McCOY referred to the numerous occasions in the past when he had expressed an interest in improvement in the Commission's own procedure and in its liaison with the Supreme Commander. He recalled that he had been about to propose a meeting for the specific purpose of considering improvement in Commission procedure when many representatives had been called away by their United Nations duties. Now that these representatives had returned, he continued, he desired to renew his request for their continued constructive criticism and suggestions to the end that a higher order of cooperation would characterize the work of the Commission. He would later ask for a meeting of the Commission to consider improvements in its procedure. Effective and reasonable cooperation could realistically be sought, he pointed out, but a certain amount of delay was inherent in the organization of any international commission, and indeed, hasty action was never to be preferred over action taken after due consideration.

GENERAL McCOY said that the record of the present meeting would be referred to his Government for careful study with a view to evolving specific proposals in the matter of the implementing legislation.

GENERAL ROMULO called attention to the agenda, which, he said, contained many items which had been on it nine weeks ago, when he and other representatives had left to attend United Nations meetings. This fact should be borne in mind, he said, in connection with any consideration of improvement in Commission procedures. GENERAL McCOY replied that while it was true that these papers did still remain on the agenda, certain progress in the form of negotiation and committee work had been made, and that the matters in question had not merely been postponed from week to week. Much of the recent delay in the work of the Commission, GENERAL McCOY pointed out, could be traced to the absence of the foreign ministers from their capitals.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 6 - OTHER BUSINESS

There was no other business.

ITEM 7 - PRESS RELEASE

THE COMMISSION unanimously agreed that no statement of the foregoing proceedings be released to the press.

The meeting adjourned at 11:25 A.M.

FEC MINUTESRESTRICTEDMinutes--41st FEC Mtg.16 January 1947FAR EASTERN COMMISSION

Minutes of the Forty-first Meeting of the Far Eastern
Commission held in the Main Conference Room, at
2516 Massachusetts Avenue, N.W., Washington, D. C.
10:30 A.M., 16 January 1947

41

REPRESENTATIVES PRESENT

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

SECRETARIAT

Mr. Nelson T. Johnson

RESTRICTED

Minutes--41st FEC Mtg.

RESTRICTED

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

ITEM 1 - APPROVAL OF THE MINUTES OF THE THIRTY-NINTH MEETING.

THE COMMISSION unanimously approved the minutes of its thirty-ninth meeting.

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

THE COMMISSION unanimously approved FEC-102.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 6 - OTHER BUSINESS.

a. CONSULTATION RELATIVE TO TIMETABLE OF IMPLEMENTING LEGISLATION

SIR CARL BERENDSEN referred to his statement made at the last meeting of the Commission (Minutes, 39th FEC Meeting, pages 1 and 2) relative to obtaining from the Supreme Commander the texts of the implementing legislation, and asked whether the United States representative was in a position to answer his inquiries concerning the views of the United States Government concerning the endeavors to obtain the desired texts.

GENERAL McCOY said that he was not yet prepared to reply to Sir Carl's inquiry, but that the statements by Sir Carl and other representatives made at the last meeting of the Commission were receiving careful consideration by the United States Government. These statements, as well as the paper on the Work of the Commission (SC-049), which Sir Carl had laid before the Steering Committee, were relevant to the projected special session of the Commission to consider improvements in the administration of the Commission and future basic policy. This special session would be called, GENERAL McCOY said, at an early date.

b. ISSUE TO JAPANESE GOVERNMENT OF PROVISION FOR REVIEW OF CONSTITUTION

GENERAL McCOY informed the Commission that he had received word that the Supreme Commander had, in accordance with the terms of FEC-099/3, Issuance of the Policy Decision on Review of the Japanese Constitution, adopted by the Commission on 12 December 1946, issued to the Japanese Government the terms of the policy decision contained in FEC-031/41, Provisions for the Review of a New Japanese Constitution, which had been approved by the Commission on 17 October 1946.

ITEM 7 - PRESS RELEASE.

THE COMMISSION unanimously agreed that no statement of the foregoing proceedings be released to the press.

The meeting adjourned at 10:40 A.M.

RESTRICTED40th FEC Mtg.--Minutes9 January 1947FAR EASTERN COMMISSION

Minutes of the Fortieth Meeting of the Far Eastern Commission
Hold in the Main Conference Room, 2516 Massachusetts Avenue, N.W.
10:30 A.M., 9 January 1947

REPRESENTATIVES PRESENT

Major General Frank R. McCoy (United States) (Chairman)

Major J. Plimsoll (Australia)

Mr. R. E. Collins (Canada)

Dr. S. H. Tan (China)

Mr. Francis Lacoste (France)

Mr. Jamshed Vesugar (India)

Mr. C. Reuchlin (Netherlands)

His Excellency Sir Carl Berendsen (New Zealand)

Mr. F. C. Rodriguez (Philippines)

Rear Admiral S. S. Ramishvili (U.S.S.R.)

Sir George Sansom (United Kingdom)

SECRETARIAT

Mr. Nelson T. Johnson

RESTRICTED

In the necessary absence of the Chairman MR. JOHNSON opened the meeting at 10:30 A.M.

ELECTION OF CHAIRMAN PRO TEM

MAJOR PLIMSOLL moved and MR. GRAVES seconded the motion that DR. BLAKESLIFE serve as Chairman pro tem. The motion was carried unanimously.

ITEM 1 - APPROVAL OF THE MINUTES OF THE FORTIETH MEETING.

THE COMMISSION unanimously approved the Minutes of its Fortieth Meeting.

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

SIR GIRJA BAJPAI moved and MR. COLLINS seconded the motion that the recommendation of the Steering Committee that Mr. F. C. Everson be appointed Chairman of Committee No. 2: Economic and Financial Affairs to replace Sir George Sansom. The motion was carried unanimously.

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

SIR CARL BERENDSEN said that, while he was not opposed to the approval of the proposed consultation with the Supreme Commander for the Allied Powers relative to the Imperial properties, he desired to inquire whether representatives felt confident that the Commission was within its functions in requesting the detailed information regarding the Imperial House Economy Law outlined in FEC-104. He wondered whether such a request might not constitute an invasion of the Supreme Commander's sphere of implementation.

MR. COLLINS, speaking as Deputy Chairman of Committee No. 3: Constitutional and Legal Reform, said that the question raised by Sir Carl Berendsen had not been considered by Committee No. 3 but that it had been a matter of continuing concern to the Committee, and particularly to the United Kingdom member, to know whether the Imperial House Economy Law did in fact apply to all assets which had been within the control, directly or indirectly, of the Emperor, or whether certain assets might remain in the control of the Emperor. He said that in his opinion the Commission was competent to request the information asked for in FEC-104.

MR. GRAVES said that during the consideration of the new Constitution by the Commission Sir George Sansom had expressed doubt as to the adequacy of Article 88 and had reserved the right of the United Kingdom delegation to scrutinize the relevant implementing legislation with a view to ascertaining whether adequate provision was made for the removal from Imperial control of the property in question. The draft of the implementing legislation which had been before the Commission did not contain a detailed schedule of the assignment of assets under the control of the Emperor, and the desire for such a schedule had prompted the proposal contained in FEC-104.

MAJOR PLIMSOLL recalled that during the Commission's discussion of the Japanese Constitution the Australian Government had associated itself with the United Kingdom's opinion on Imperial property. He said that there had been a feeling in Committee No. 3 during consideration of the proposed consultation that, following receipt of reply from the Supreme Commander, it might be well to ask the Supreme Commander to have the statement of assets tabled in the Diet by the Japanese Prime Minister so that no obscurity would remain in Japan, or among the Allied Powers, as to exactly what

RESTRICTED

property was under the control of the Emperor and what was under the control of the Japanese Diet. The fear had been entertained that the Japanese Emperor would retain authority over assets which would be beyond the control of the Diet and which the Emperor might use for undesirable purposes.

DR. BLAKESLEE said that the United States Government desired as close cooperation as possible with the Supreme Commander and that in the absence of any particular objections would favor any consultation proposed by the Commission. His Government, therefore, was prepared to support the approval of FFC-104.

DR. KOO said that he considered the schedule of information envisaged in FFC-104 a useful piece of information which the Commission should seek and should study further when it had been received.

THE COMMISSION approved FFC-104.

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

DR. BLAKESLEE explained that the United States Government had consistently been opposed to publication of the provision for review of the Japanese Constitution. The United States delegation, would, however, be willing, if the Commission so desired, to submit the new developments that had occurred in the matter, namely, that there had been publication of the fact that a policy decision on review had been approved by the Far Eastern Commission and that views favoring immediate publication of the review provision had been formally expressed in the Steering Committee by nearly all members. These new developments would be submitted to the United States Government for consideration of its position regarding the review provision, but he could make no commitment as to the decision it might reach.

DR. BLAKESLEE moved and MAJOR PLIMSOLL seconded the motion that FFC-103 be retained on the agenda to afford the United States representative opportunity to refer it to the United States Government for reconsideration in the light of new developments.

MAJOR PLIMSOLL explained that he seconded Dr. Blakeslee's motion because he considered it undesirable to bring the matter to an immediate vote when there was a strong possibility that the United States representative would be prepared at the next meeting to support publication of the review provision. He said that the present incident of leakage of information threw new emphasis on the need for early publication of policy decisions in order to avoid repeated misrepresentations of the attitude of the Commission and of the Allied Powers. He said that Washington correspondents had cabled a version of the news story to the Australian press. These correspondents had interviewed him and he had abstained from comment, except to point out to them that the Commission had not said that the retention of the emperor system was not in keeping with the broad aim that the Japanese people should possess sovereignty. It was obvious, he said, that the longer publication was postponed the more rumors would have to be denied.

SIR CARL BREFNDSPN said that if publication was decided on, it might be found advisable to publish all the decisions of the Commission in regard to the Constitution and its review, rather than the one decision providing for review.

SIR GIRJA BAJPAI said that something more than the text of the review provision should be published in order to dispel the false impression created by the press article. Supplementary comment might be supplied by the Chairman at a press conference at the time of release of the text of the review provision.

RESTRICTED

RESTRICTED

23 January 1947

FAR EASTERN COMMISSION

CORRIGENDUM

TO

MINUTES OF FORTY-FIRST MEETING

Note by the Secretary General

1. The attached page is a revision, embodying changes requested by the Philippine and Indian representatives, of page 3 of the Minutes of the forty-first meeting of the Far Eastern Commission.

2. All representatives are requested to substitute the attached page for page 3 of the Minutes of the forty-first meeting of the Far Eastern Commission.

NELSON T. JOHNSON
Secretary General

Corrigendum-Minutes of
41st FEC Mtg.

RESTRICTED

MR. COLLINS agreed that publication of more than the text of the review provision was necessary. A detailed denial of the news story which had appeared he considered beneath the dignity of the Commission, and he suggested that publication of the policy decision on criteria for the Constitution in addition to the review provision might prove adequate.

MR. BLAKESLEE suggested that if publication were decided on, the views of representatives might be met by the release of a supplementary explanatory document which would have been approved by the Commission. SIR GIRJA BAJPAI and MR. GRAVES expressed satisfaction with this suggested course.

DR. LOUDON said that the question of who permitted the leakage of information and why it had been permitted should perhaps be investigated. Only with a fuller knowledge of the source of and the reasons for the leakage of information could the Commission intelligently decide its course in future. This leakage, he observed, was possibly a systematic method whereby misunderstanding was created in order to force action.

MR. LACOSTE observed that if only publication of a misleading news article in two newspapers were involved, he would not consider it necessary for the Commission to take any steps. However, in view of the fact that the article might lead to discussion in some of the parliaments of member Governments, he agreed that the review provision should be published, with a supplementary statement which might be prepared by the Secretary General for the approval of the Commission.

MR. RODRIGUEZ said that the Philippine member had abstained in the Steering Committee from voting on the proposal to release to the press the review provision, because the view of the Philippine Government in the light of the news article was not yet known. The Philippine delegation, furthermore, had desired to examine the effects which might result from the article and also the extent of publication of the article in Japan, since a basic reason for withholding publication of the review provision had been its anticipated effect on the Japanese people. If it should be decided to publish the review provision, MR. RODRIGUEZ continued, 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.

MR. DOLBIN said that the Soviet view was, as had been expressed on previous occasions, that all policy decisions of the Commission should be published.

DR. KOO said that the Commission should not embark on a policy of attempting to reply to specific press articles. He said that he favored publication of the policy decision on review of the Constitution, but only with the full agreement of the Supreme Commander. If publication should be undertaken without the concurrence of the Supreme Commander, DR. KOO feared that the effect in Japan would not be desirable, and he therefore suggested that the views of the Supreme Commander be given careful consideration.

SIR GIRJA BAJPAI said that he must also draw attention to the possibility of discussion of the news article arising in the legislative assembly of his Government. The substance of the article had been transmitted to India, and at any time questions might arise as to the existence of a policy decision on review and as to the existence of differences in opinion between the Commission and the Supreme Commander. The Indian Minister of Foreign Affairs could not refuse to answer such questions, and SIR GIRJA urged that this aspect of the situation be borne in mind by the United States Government in its reconsideration of the matter of publication of the review policy.

RESTRICTED

SIR CARL BERENDSEN referred to the fears which had been expressed in the past by the Supreme Commander with regard to the harm that might result from publication of the review provision. Those fears, he said, had been given due consideration by the Commission, and indeed, had been allowed to prevail, as indicated by the fact that no publication had taken place. However, there were other fears, SIR CARL BERENDSEN continued, in the minds of some representatives, that unless publication should take place the honor of the Commission and the honor of the member Governments would be compromised and the Japanese would be in a position to charge bad faith in that they had not been told of the review policy at the time of its passage. Although the best time, in his opinion, for publication had passed, it was nevertheless still desirable to announce publicly, in conjunction with the Supreme Commander, the policy decision on review of the Constitution.

SIR CARL BERENDSEN said that if the news article had been published with the knowledge of the Supreme Commander, then his objections to publication had obviously disappeared. If the article had appeared in Japan, it was clear that the Japanese must immediately be informed as to the validity of the article, and presented with the authentic text of the review provision.

DR. BLAKESLEE said that the foregoing expressions of view would be brought to the attention of his Government.

The motion to postpone further consideration of FEC-103 was unanimously carried.

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

MR. GRAVES, MR. DOLBIN, and MR. LACOSTE said that they were not yet prepared to state the positions of their respective Governments on FEC-024/6.

THE COMMISSION agreed unanimously to postpone further consideration of FEC-024/6.

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

MR. RODRIGUEZ pointed out that paragraph 2 of the cover page of FEC-105 should record an abstention from voting by the United Kingdom member rather than by the Philippine member.

DR. KOO referred to the last line of SC-049/2, which contained a reference to a Chinese reservation on the subject of Assured Production Capacity Levels. This reservation, he said, had been removed at the Steering Committee of 31 December 1946.

DR. BLAKESLEE said that the United States member of the Steering Committee had reserved his position when the resolution contained in FEC-105 had come to a vote. He referred to the concern that had been expressed at previous meetings of the Commission by the United States representative with regard to the delay in the work of the Commission, and said that it had been suggested that FEC-105 be continued on the agenda of the Commission until the return of the United States representative. He said that General McCoy would return to the city the evening before the next scheduled meeting of the Commission, that the matter would be taken up with him immediately upon his return, and that FEC-105 would appear on the agenda for consideration at the next meeting, but that it was possible that General McCoy would not be prepared to give a definitive view on the paper at the next meeting.

RESTRICTED

SIR CARL BERTNSEN conceded the advisability of postponing consideration of FFC-105 until the return of the Chairman. He observed that it was unfortunate that delay appeared to be necessary in the consideration of a paper designed to eliminate delay.

SIR GIRJA BAJPAI suggested that all possible measures be taken to minimize the delay resultant from the absence of the Chairman in connection with consideration of FFC-105.

THE COMMISSION unanimously agreed to postpone further consideration of FFC-105.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 9 - REPORT ON JAPANESE EXTERNAL ASSETS (FFC-072).

THE COMMISSION unanimously agreed to postpone further consideration of FFC-072.

ITEM 10 - OTHER BUSINESS.

a. REPLY OF THE SUPREME COMMANDER FOR THE ALLIED POWERS TO THE CONSULTATION REGARDING ELECTION OF MEMBERS OF THE HOUSE OF COUNCILLORS (FFC-102, FFC-102/1).

DR. BLAKESLEE called attention to the reply by the Supreme Commander to the Commission's consultation (FFC-102) regarding the House of Councillors Election Law. This reply had been circulated as FFC-102/1 and had been referred to the Committee on Constitutional and Legal Reform for consideration.

b. CONSULTATION RELATIVE TO TIMETABLE OF IMPLEMENTING LEGISLATION.

SIR CARL BERTNSEN referred to his statement made at the Thirty-ninth Meeting of the Commission (Minutes of the 39th FFC Meeting, pages 1 and 2) relative to obtaining from the Supreme Commander the texts of the implementing legislation, and asked whether the United States representative was in a position to answer his inquiries concerning the views of the United States Government regarding the endeavors to obtain the text of implementing legislation and what action, if any, was deemed proper for the Commission to take.

DR. BLAKESLEE replied that the United States Government had, in adequate season, requested copies of the implementing legislation, including the Japanese texts. He said that his Government was extremely distressed at the delay in receipt of the Japanese texts and the remainder of the draft implementing legislation. He was convinced that the Supreme Commander believed that he had fulfilled every request made of him by the Commission. He said that he had no satisfactory explanation as to the delay in the receipt of these papers, and he could only point to the inexplicable delays that often took place in the passing of documents from one governmental department to another. At his request, MR. BORTON and MR. FAHEY explained that the United States Government was making every effort to locate the cause of delay in the receipt of the documents, and that new inquiries on the subject had been dispatched to Japan the preceding day.

RESTRICTEDITEM 11 - PRESS RELEASE

THE COMMISSION unanimously agreed that no statement of the foregoing proceedings be released to the press.

The meeting adjourned at 11:35 A. M.

RESTRICTED

RESTRICTEDMinutes--42nd FEC Mtg.23 January 1947FAR EASTERN COMMISSION

Minutes of the Forty-Second Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
10:30 A.M., 23 January 1947

REPRESENTATIVES PRESENT

Major General Frank R. McCoy (United States) (Chairman)
Major J. Plimsohl (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)
His Excellency Sir Carl Berendsen (New Zealand)
Mr. F. C. Rodriguez (Philippines)
Rear Admiral S. S. Ramishvili (U.S.S.R.)
Mr. H. A. Graves (United Kingdom)

Secretary GeneralMr. Nelson T. JohnsonRESTRICTED

Minutes--42nd FEC Mtg.

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

MR. RODRIGUEZ requested that the last sentence of the fifth paragraph on page 5 be amended as follows:

"If it should be decided to publish the review provision, Mr. RODRIGUEZ continued, 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."

SIR GIRJA BAJPAI requested that the first sentence in the last paragraph on page 3 be amended as follows:

"SIR GIRJA BAJPAI said that he, ~~tee,~~ must also draw attention to the possibility of discussion of the news article arising in the legislative assembly of his Government."

THE COMMISSION unanimously approved the Minutes of its 41st Meeting with the above amendments.

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

MR. GRAVES moved and MAJOR PLIMSOLL seconded the motion that the Commission approve FEC-106. The motion was carried unanimously.

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

GENERAL MCCOY said that he was not yet prepared to state the position of his Government on FEC-103.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-103.

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

THE COMMISSION unanimously agreed to postpone further consideration of FEC-024/6, since all representatives were not yet prepared to state the positions of their Governments on the paper.

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

SIR CARL BERLINDSEN moved the adoption of FEC-105. MAJOR PLIMSOLL seconded the motion, in order to insure discussion of the subject.

GENERAL MCCOY said that each representative was at liberty to carry out the object of the resolution by informing his Government of the gravity of the situation with respect to delay. He considered that such communication was desirable and, indeed, assured that it had taken place. However, he could not concur in a resolution which would formally require such communication to each Member Government by its representative. He considered

RESTRICTED

the Commission to be composed of representatives who were already delegated by their respective governments to handle, under the Terms of Reference, precisely such problems as those pointed out in FEC-105.

GENERAL MCCOY said that in his personal opinion the proposed resolution contained an attack on the veto provision and consequently a threat to the possibility of international cooperation. The veto provision had been found to constitute a necessary part of the machinery of international cooperation in the establishment of all those international organizations through which it was hoped to maintain peace. Any realistic approach to the problem of delay, he thought, must involve an acceptance of the machinery of international cooperation which had been developed as the result of prolonged negotiation among the Allied Governments.

GENERAL MCCOY said that he fully understood, and, indeed, had himself proclaimed on previous occasions, the anxiety expressed in the resolution to expedite the work of the Commission and to obviate as much delay as possible. Nevertheless, the very nature of the work of an international commission meant the development of very decided differences of opinion, and it was in the patient and sometimes apparently tedious negotiations necessary to resolve these differences of opinion that the essence of the function of an international commission lay. All this emphasized, he said, the need for due consideration to which he had referred so often, and he, for one, would deplore hasty action by the Commission on any subject.

GENERAL MCCOY said that this resolution, which had been initiated by Sir Carl Berendsen, was an example of the kind of suggestion and constructive criticism with regard to the work of the Commission that he had asked for on previous occasions, and he considered discussion of the paper to be extremely valuable. However, as he had stated, he could not concur with what he felt to be an attack on a basic principle of international cooperation.

SIR GIRJA BAJPAI observed that FEC-105 should not be regarded as an expression of the views of any one individual. Although it had been initiated by Sir Carl Berendsen, seven members of the Steering Committee had voted for the resolution. Furthermore, these members had approved the resolution, not as individuals but as representatives of their respective governments. None of the members of the Steering Committee, or of the Commission itself, SIR GIRJA BAJPAI continued, was unaware of the importance of international cooperation or of the complexity of carrying out international cooperation, and none acted from motives other than the same deep solicitude for international cooperation which had been expressed by the Chairman.

SIR GIRJA BAJPAI said that the resolution in FEC-105 had been supported at the Steering Committee out of a concern for the completion of important tasks, particularly with regard to economic problems, which lay before the Commission and in which no progress had been made for over a year. He hoped that General McCoy would submit the point of view expressed in FEC-105 to the United States Government and would subsequently inform the Commission of the official views of the United States Government.

GENERAL MCCOY referred to his desire, which he had previously expressed, to call a special meeting of the Commission to consider the betterment of its functioning. He said he had delayed calling this meeting, awaiting the return of representatives from the United Nations deliberations, and was still delaying the meeting until the Soviet Ambassador might be able to attend. He asked the indulgence of representatives in some further delay, until the special meeting might be called.

RESTRICTED

DR. TAN referred to his statements made before the Steering Committee (page 8, Minutes forty-seventh Steering Committee). He repeated the view expressed there that the Chinese delegation was very anxious to expedite the work of the Commission as much as possible. On this general principle he felt sure that all agreed, but as to the best method for putting the principle into practice inevitable differences of opinion naturally arose. He considered the motive which had led to the initiation of the resolution in FEC-105 to be excellent, but he recalled that he had, at the Steering Committee, supported a motion to delete paragraph 3, which he did not consider to be in harmony with the over-all intention of the paper.

MR. LACOSTE also adverted to the discussion at the Steering Committee and explained that paragraph 3 had been carefully considered and amended in order to eradicate any tone of offensiveness toward the governments which possessed the veto power. He considered that paragraph 3 in its present form contained a mere statement of fact and nothing which might be construed as an attack.

MR. GRAVES referred to paragraph 4 of FEC-105 and said that undoubtedly all representatives had already informed their respective governments of the situation in regard to delay. The main object of the paper had thereby been achieved, and in his opinion nothing would be gained by formal adoption of the document in its present form. He therefore desired to endorse the Chairman's request for the Commission's indulgence in some further delay in calling a special meeting to discuss the betterment of the work of the Commission.

ADMIRAL RAMISHVILI said that, as he had stated previously, he felt that the paper had been initiated with the best of intentions. It was the Soviet position, however, that delays encountered by the Commission had resulted from the desire of member governments to give careful consideration to Commission matters, and that the question of the veto power was not involved. Passage of the resolution in FEC-105, he said, would therefore contribute little toward the obviating of delays. He agreed, however, that discussion of the general question of delay was very valuable and should continue.

MAJOR PLIMSOLL said that a very useful purpose had already been served by bringing FEC-105 before the Commission for discussion. The listing of the ten basic papers upon which action had long been delayed had emphasized to the Commission the necessity of finding some basis for an early decision on these vital matters. He agreed that there were causes of delay other than those enumerated in FEC-105, and he referred particularly to the poor liaison between the Commission and the Supreme Commander. However, he added, no realistic survey of the situation could have been made without reference to the veto power possessed by certain governments. He added, however, that the veto power constituted one of the "facts of life" of the framework within which the Commission must operate. He recalled that at the first meeting of the Commission both the Australian and New Zealand representatives had stated their objections to the veto power as incorporated in the Terms of Reference. Nevertheless, the member governments had accepted this provision since it seemed the only way in which an international commission consisting of the Big Four and other powers interested in the Pacific could be established. But, MAJOR PLIMSOLL continued, the present objection to the veto power was not directed primarily to the power of the four governments in question to disallow decisions of the Commission - most member governments had agreed that, in any matter which fundamentally affected the vital interests or safety of one of the

RESTRICTED30 January 1947FAR EASTERN COMMISSIONCORRIGENDUMTOMINUTES OF THE FORTY-SECOND MEETINGNote by the Secretary General

1. The attached page is a revision, embodying changes requested by the Soviet representative, of page 3 of the minutes of the forty-second meeting of the Far Eastern Commission.

2. All representatives are requested to substitute the attached page for page 3 of the minutes of the forty-second meeting of the Far Eastern Commission.

NELSON T. JOHNSON
Secretary General

Corrig. to Min. of
42nd FEC Mtg.

RESTRICTED

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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 decisions, and the question of "veto" had nothing to do with such a 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 added that consideration of the question itself of the Commission's work was useful and he had no objection to such consideration.

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RESTRICTED

big Powers, it was reasonable for that power to have a special voice in the determination of the matter. Objection was being raised, however, to the delay which resulted from the power to exercise a veto, since it was possible for such a government indefinitely to postpone Commission decision on any question simply by deferring its own decision.

MAJOR PLIMSOLL said that he now felt more optimistic about the work of the Commission than he had at the time of the initiation of FEC-105. The paper on Determination of the Peaceful Needs of Japan had just been approved, and there was a good possibility that the paper on Supply of Food for Civilian Relief in Japan would be approved next week. Prospects for acceptable compromise on the papers on Interim Import-Export Policies, Sources of Japanese Imports, and Destination of Japanese Exports, had improved, and Basic Policy was at last beginning to approach adoption. MAJOR PLIMSOLL felt that the very fact of compilation and discussion of the list contained in FEC-105 had contributed toward improvement in the general situation. Since this improvement might continue, he favored retention of the paper on the agenda for future discussion and consideration.

DR. TAN recalled that at the 47th Meeting of the Steering Committee he had stated that the Chinese delegation was ready to vote on any or all of the papers listed in FEC-105. He said that this was in keeping with the consistent intention of his Government to maintain harmony and expedite accomplishment on the Commission. He referred to the paper on Determination of the Peaceful Needs of Japan, which had just been approved by the Commission, and pointed out that an amendment to the paper had come to the attention of the Chinese delegation only on Monday, 20 January 1947. He had, nevertheless, stated at the Steering Committee on 21 January 1947 that there was no objection on his part to forwarding the paper to the Commission and he had today voted for the paper, although it was not entirely to the liking of his Government. The vote was in keeping with the Chinese position, he pointed out, that each government should be prepared to compromise some of its own ideas in order to get action by the Commission. There had been no attempt by the Chinese Government to exercise the veto power with which it was vested under the Terms of Reference, and the Chinese position had been definitely laid down in the United Nations Assembly that powers possessed of the veto should regard it as a privilege to be exercised with restraint and as sparingly as possible.

The Chinese Government, DR. TAN concluded, was very much interested in early action on all papers enumerated in FEC-105 and particularly in the plan for a reparations conference. He hoped that early action might be forthcoming on all the enumerated documents so that representatives would be in a position to report favorably to their respective governments on the work of the Commission.

SIR CARL BERENDSEN said that since general dissatisfaction with the progress of the Commission had been evinced, the duty had fallen upon him, as Chairman of the Steering Committee, to attempt to ascertain the causes of the comparative failure in the work of the Commission. In his opinion there were two main causes for the inability of the Commission properly to fulfill its functions. It had appeared to him as his duty to call attention to each of those causes. The first was the want of cooperation between the Commission and the Supreme Commander.

RESTRICTED

He felt that no one desired to infringe upon the functions of the Supreme Commander but that, on the other hand, no one could deny that cooperation with the Supreme Commander had been bad and, in his own opinion, unnecessarily bad. The second cause, he said, was the existence of the power of veto, and from the fact of the existence of this power stemmed the inescapable fact that many fundamental problems confronting the Commission had not been solved.

SIR CARL BERENDSEN said that he must protest the statement which had been made that he had attacked the veto power, or that paragraph 3 of FEC-105 contained an attack on the veto power. Great care had been exercised by the Steering Committee in revising paragraph 3 to ensure that no such impression of an attack be given. Nevertheless, as responsible people, the representatives of the member governments on the Commission were bound to attempt to ascertain the reasons for lack of progress by the Commission, and he was convinced that two of the reasons were those he had just enumerated.

GENERAL McCOY observed that the use of the veto power had not yet been resorted to on the Commission. When there had been a difference of opinion it had been frankly expressed, and any item upon which unanimous concurrence was not for the moment obtainable had been retained on the agenda. This had been done whenever any government, regardless of whether or not it was one of those which possessed the veto power, had requested postponement or had recorded a reservation. Following this course of retaining items on the agenda whenever unanimous consent could not be obtained had afforded opportunity for continued negotiation and ultimate agreement.

GENERAL McCOY suggested that FEC-105 be retained on the agenda for future consideration and he invited other representatives to submit additional suggestions with regard to improvement of the work of the Commission.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-105.

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

THE COMMISSION unanimously agreed that the official texts of the Constitution might be removed from the agenda, with the understanding that at any time any representative might reopen discussion of them.

ITEM 7 - PROPOSED UNITED STATES PLAN FOR REPARATIONS CONFERENCE
(FEC-081 Series)

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

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

THE COMMISSION unanimously agreed to postpone further consideration of FEC-072.

RESTRICTED

ITEM 9 - OTHER BUSINESS

a. Japanese Texts of Implementing Legislation

MR. STRATTON announced that the Japanese texts of the Diet Law, the Imperial House Economy Law, the Imperial House Law, the House of Councillors Law, and the Cabinet Law had been received and were in the process of being photostated and circulated for the consideration of COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM. (These texts were subsequently circulated as FEC-101/7, FEC-101/8, FEC-101/9, FEC-101/10, and FEC-101/11).

b. Time of Weekly Commission Meeting.

GENERAL McCOY said that a suggestion had been made that the normal meeting day for the Commission be changed to Friday. He asked that members bear this suggestion in mind in anticipation of subsequent discussion.

ITEM 10 - PRESS RELEASE

THE COMMISSION unanimously agreed that no statement of the foregoing proceedings be released to the press.

The meeting adjourned at 11:45 A. M.

FEC MINUTESRESTRICTED43rd FEC Mtg.--Minutes
30 January 1947FAR EASTERN COMMISSION

Minutes of the Forty-Third Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N.W.,
Washington, D.C., on Thursday, 30 January 1947, at 10:30 A.M.

REPRESENTATIVES PRESENT

Maj. Gen. Frank R. McCoy (United States) Chairman
Major J. Plimsoll (Australia)
Mr. R. E. Collins (Canada)
Dr. S. H. Tan (China)
Mr. Francis Lacoste (France)
Sir Girja Shankar Bajpai (India)
His Excellency Dr. A. Loudon (Netherlands)
His Excellency Sir Carl Barendsen (New Zealand)
Mr. F. C. Rodriguez (Philippines)
Rear Admiral S. S. Ramishvili (U.S.S.R.)
Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

RESTRICTED

MINUTES--43rd FEC Mtg.

RESTRICTED

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

GENERAL McCOY said that following the Commission meeting of the previous week Sir Carl Berendsen and he had discussed the differences of opinion which they had expressed at the meeting in connection with the work of the Commission. GENERAL McCOY desired all representatives to be aware that his firm personal regard for Sir Carl and his conviction of Sir Carl's sincerity continued, and that he placed great value on any expression of viewpoint from Sir Carl.

SIR CARL BERENDSEN acknowledged the statement by General McCoy as one which, while unnecessary, was characteristically generous.

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

ADMIRAL RAMISHVILI requested that the fourth paragraph on page 3 of the Minutes of the 42nd Meeting be amended to read as follows:

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 decisions, and the question of "veto" had nothing to do with such a 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 added that consideration of the question itself of the Commission's work was useful and he had no objection to such consideration.

THE COMMISSION unanimously approved the Minutes of the 42nd Meeting with the above amendment.

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

THE COMMISSION unanimously approved FEC-107.

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

GENERAL McCOY said that he was not yet prepared to state the position of his Government on FEC-026/10. He explained that consideration of this matter was continuing in various departments of the United States Government, but that due to the complexity of the subject and the number of authorities within the Government involved in the problem no definite position had yet been formulated. He therefore asked that the Commission postpone further consideration of this subject.

ADMIRAL RAMISHVILI asked concerning a special mission which, according to press reports, was on its way to Japan for the purposes of revising the food policy there.

GENERAL McCOY replied that the press account was erroneous insofar as it referred to the revision of the food policy. The mission had nothing to do with formulation of policy, and was, for that matter, a fact finding body. He presented the following formal statement:

RESTRICTED

"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 asked whether it would be considered appropriate for member governments which also had representatives in Japan to make arrangements for those representatives to submit information to the American food mission. GENERAL McCOY replied that he considered it quite proper for governments with representatives in Japan to arrange through diplomatic channels for such representatives to submit information to the food mission.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-026/10.

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

ADMIRAL RAMISHVILI said that he was now prepared to remove the Soviet reservation on FEC-024/6 and to vote for approval of the paper.

MR. GRAVES said that he had been instructed by his Government to offer the following statement as a clarification of the terms used in FEC-024/6:

"I am instructed to refer to paragraph 2A of the proposed policy and particularly to the words 'field of atomic energy'. If the term is intended to be used in the sense in which it is defined in the British Atomic Energy Act the prohibition would cover practically the whole field of nuclear physics and other activities also. We do not object to the rigid curtailment of fundamental physics research in Japan but we wish to ensure that there is consensus of opinion in the Commission as to the extent of the prohibition in order that the emergence of possible differences of opinion as to the meaning of the term shall be avoided.

"And then in paragraph 2A (1) and (2) the phrase 'all research or development which has for its purpose' occurs.

We suggest that the words 'which has for its purpose' might lead to subsequent difficulties, since it might possibly be claimed that a given branch of research which was intended for some entirely different purpose had unexpectedly given results of interest in the field of atomic energy. In view of this I am instructed to propose that the authority appointed to supervise the implementation of this policy decision, which for the time being will no doubt be the Supreme Commander for the Allied Powers, should be empowered to adjudicate as to whether any proposed piece of research or development has for its purpose matters connected with atomic energy."

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SIR GIRJA BAJPAI presented the following statement:

Mr. Chairman, when we considered this paper last time I was in the unfortunate position of not having yet received the views of my Government. I have those now, and with your permission I would like to submit them to you briefly.

"When the paper was being considered in the appropriate committee, I gather that some representative of the War Department or the State Department stated that in Germany what you might call fundamental nuclear research is permitted, but under strict control so as to ensure that that research is not either directly or indirectly utilized for warlike purposes or purposes that might endanger the peace. My Government feel that insofar as research is permitted in Germany in these facts there is no reason why, subject to similar control and supervision, it should not be permitted in Japan. They are no more interested in rearming Japan or increasing the war potential in Japan than anybody else around this table. As a matter of fact, we are all anxious that Japan's capacity for making war should be effectively and completely curtailed. All the same-- I am not a physicist and therefore I speak with great reserve and diffidence -- we have one or two rather good physicists in India and they went into this matter and they said that this may perhaps be too far-reaching although not insofar as research in pure physics and the structure of the atom is concerned. And so I have instructions to put this point of view before the Commission, but I am not insisting that this opinion be recorded or anything of that sort."

THE COMMISSION unanimously approved FEC-024/6, with the understanding that excerpts from the Minutes containing the statements presented by Mr. Graves and Sir Girja Bajpai would be forwarded to the Supreme Commander for the Allied Powers together with the statement of policy.

ITEM 5 - PRESS ARTICLE RELATIVE TO FAR EASTERN COMMISSION POLICIES ON THE JAPANESE CONSTITUTION (FEC-103, MI-075)

GENERAL McCOY said that he was not yet prepared to state the position of his Government with respect to the motion in FEC-103 that the text of the review provision be released to the press. His Government had requested, but had not yet received, the views of the Supreme Commander.

SIR CARL BERENDSEN said that, because of the distorted version of the facts which had been presented to the public by the press report, there should be recorded a decision in principle that the Commission should publish the review provision, and the other policy decisions on the Constitution, after consultation with the Supreme Commander. It was his opinion that sooner or later the Commission must, in justice to itself, publish its policy decisions, and particularly its policy decision with respect to review of the Japanese Constitution.

MAJOR PLIMSOLL pointed out that all member governments, except the United States and possibly the Philippines, were in agreement that the provision for the review of the Japanese Constitution should be published and that the main question had now become that of the method of publication.

MR. COLLINS supported the suggestion of Sir Carl Berendsen that all policy decisions on the subject of the Constitution should be published. The newspaper article which had appeared had given

RESTRICTED

a garbled version not only of the problem of review but of the entire position of the Commission with regard to the Constitution, and this situation could only be clarified by simultaneous publication of all the relevant policy decisions.

SIR CARL BERENDSEN asked whether any information was available as to the source of leakage which had resulted in the erroneous newspaper account and also whether there was any knowledge of the extent to which the article had been published in Japan. At the request of General McCoy, COLONEL LAMBERT replied that to his knowledge there had been no repercussions in Japan as a result of the article, and that it apparently had not received widespread publication in Japan.

GENERAL McCOY repeated that his Government was carefully considering all the points that representatives had raised, and he requested that further formal consideration by the Commission be postponed.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-103.

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

ITEM 7 - SUMMARY OF THE ACCOMPLISHMENTS OF THE FAR EASTERN COMMISSION (FEC-108)

These two items were considered together, FEC-108 having been circulated by the Secretariat as information relevant to the work of the Commission.

SIR CARL BERENDSEN suggested that any publication of the accomplishments of the Commission should also include a list of the subjects which had been considered by the Commission, but on which no conclusive action had been taken.

SIR GIRJA BAJPAI suggested that periodical reviews of the work of the Commission should be prepared, not merely for the benefit of representatives, but also for the information of the public. He pointed out that a supply of authentic information to the peoples represented by the member governments of the Commission was a fundamental requirement in any democratic system.

SIR CARL BERENDSEN reiterated his view expressed on former occasions that publicity should be given the activities of the Commission, with the understanding that closed meetings might take place when representatives desired.

THE COMMISSION unanimously agreed to postpone further consideration of the subject.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

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

THE COMMISSION unanimously agreed to postpone further consideration of FEC-072.

ITEM 10 - OTHER BUSINESS

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GENERAL McCOY said that it was with great sorrow that he had learned of Sir Girja Bajpai's imminent return to India. He recalled his pleasant personal associations with Sir Girja, and, on behalf of all representatives bade him an affectionate farewell. SIR CARL BERENDSEN and ADMIRAL RAMISHVILI joined in the expression of regret voiced by General McCoy.

SIR GIRJA BAJPAI expressed his appreciation of the remarks which had been made and said that he hoped that the future of the Commission might be more fruitful in the accomplishment of the task of a pacific settlement of the Japanese problem and might thereby contribute to the assured peace of the entire world.

ITEM 11 - PRESS RELEASE

THE COMMISSION unanimously agreed that a statement concerning the policy on Japanese Research and Activity in the Field of Atomic Energy (FEC-024/6) should be released to the press in the normal course.

The meeting adjourned at 11:30 A.M.

MINUTESRESTRICTEDMinutes--44th FEC Mtg.6 February 1947FAR EASTERN COMMISSION

Minutes of the Forty-Fourth Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N.W.
10:30 A.M., 6 February 1947

REPRESENTATIVES PRESENT

Major General Frank R. McCoy (United States) (Chairman)
His Excellency Norman J. O. Makin (Australia)
Mr. R. E. Collins (Canada)
His Excellency Dr. V. K. Wellington Koo (China)
Mr. Robert Douteau (France)
Mr. P. A. Menon (India)
His Excellency Dr. A. Loudon (Netherlands)
His Excellency Sir Carl Berendsen (New Zealand)
Mr. F. C. Rodriguez (Philippines)
Rear Admiral S. S. Ramishvili (U.S.S.R.)
Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

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Minutes--44th FEC Mtg.

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

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

THE COMMISSION unanimously approved the minutes of its 43rd meeting.

ITEM 2 - DELIVERY OF REPARATIONS GOODS IN JAPAN (FEC-094/1)

ADMIRAL RAMISHVILI proposed that the word "otherwise" in the last line of paragraph 1 of FEC-094/1 be deleted.

MR. MAKIN asked whether it was desired to delete the word because it was considered superfluous or because of some other reason. ADMIRAL RAMISHVILI replied that the reason for the proposal was simply that the word was considered superfluous.

GENERAL McCOY said that he was prepared to accept the Soviet proposal provided that it be recorded in the minutes that in the view of the United States Government the sense of the final sentence of paragraph 1 was in no way changed by the deletion of the word "otherwise".

THE COMMISSION unanimously agreed to the deletion of the word "otherwise" in the last sentence of paragraph 1 of FEC-094/1 in the light of the foregoing discussion.

DR. KOC said that he was not yet prepared to state the position of his Government on FEC-094/1. He did not expect objections to be raised by his Government, but desired to reserve his position until he had received the final views of his Government.

GENERAL McCOY observed that he understood the paper as amended to be acceptable to all representatives, with the exception of the Chinese reservation.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-094/1.

ITEM 3 - ASSURED PRODUCTION CAPACITY LEVELS FOR JAPAN
(FEC-083/2)

MR. DOUTEAU said that his delegation had no objection to the adoption of FEC-083/2 if the French reservation were recorded in the minutes to the effect that the figure of three million metric tons as the assured production capacity level for the Japanese sulphuric acid industry should be reduced to two and one-half million metric tons annually.

ADMIRAL RAMISHVILI suggested that FEC-083/2 be amended as follows:

(Paragraph 1, 4th line): "The Supreme Commander for the Allied Powers, upon consultation with the Allied Council for Japan, may ..."

(Paragraph 1 a., first two lines): "in the judgment of the Supreme Commander for the Allied Powers, upon consultation with the Allied Council for Japan, decides that the operation of these plants and establishments ..."

GENERAL McCOY said that in view of the amendments proposed by Admiral Ramishvili he did not desire to bring FEC-083/2 to a vote at the present meeting, but rather desired to consult further with his Government. He had,

RESTRICTED

indeed, been apprised informally of the amendments to be proposed and had already referred them to his Government for consideration. He therefore suggested that any action on the matter be postponed pending further consideration by his Government and further negotiation with the Soviet representative. He urged other representatives to express their views at the present meeting, however, since he thought an expression of such views would be helpful.

MR. GRAVES asked whether the intention of the proposed Soviet amendment was to make it incumbent on the Supreme Commander to consult with the Allied Council regarding all the operations described in the first paragraph of FEC-083/2.

MR. HAKIN asked whether the amendments proposed by the Soviet representative were intended to require the Supreme Commander to consult the Allied Council regarding detailed features of questions of the operation of plants and establishments, or whether it was intended that the Supreme Commander should submit to the Allied Council only certain broad general principles relative to the question of operation of plants.

ADMIRAL RAMISHVILI replied that the Terms of Reference for the Allied Council for Japan already provided (paragraph 5) that the Supreme Commander "will consult and advise with the Council in advance of the issuance of orders on matters of substance, the exigencies of the situation permitting." It was the opinion of the Soviet Government, ADMIRAL RAMISHVILI continued, that the matter covered by FEC-083/2 was of such importance as to be a "matter of substance" within the meaning of this provision of the Terms of Reference of the Allied Council. Accordingly, he said, it was the desire of his Government to call attention to this provision in the document itself. The Terms of Reference still left to the jurisdiction of the Supreme Commander the details of his presentation of any question to the Allied Council and the extent of the advice sought from the Allied Council, and the proposed amendment to FEC-083/2 did not encroach upon this jurisdiction.

GENERAL MCCOY asked whether the proposal offered by the Soviet representative to amend FEC-083/2 carried any implication that the Supreme Commander had not been consulting with the Allied Council. ADMIRAL RAMISHVILI replied that no such implication was intended.

MR. RODRIGUEZ referred to the first of the two amendments proposed by the Soviet representative and suggested that if it were adopted the wording of the paragraph would apparently require the Supreme Commander to consult with the Allied Council concerning the designation for retention of specific plants and establishments. He said that this would appear to exceed the intent of the Terms of Reference of the Allied Council for Japan.

ADMIRAL RAMISHVILI replied that in his opinion the proposed amendment did not go beyond the Terms of Reference of the Allied Council and he repeated that the Supreme Commander would be free to decide on the manner and degree of detail of reference of any question by him to the Allied Council.

SIR CARL BERENDSEN observed that the amendments proposed by the Soviet representative raised at least two matters of fundamental importance: first, whether the Commission had the authority to insert the provision desired by the Soviet representative; and second, if it had such authority, whether it would be wise to exercise that authority. He said that the amendment would unquestionably oblige the

RESTRICTED

Supreme Commander to consult with the Allied Council before he could designate any specific plant for retention. The Soviet representative had pointed out that it was the duty of the Supreme Commander to consult with the Allied Council on any matter of substance. His amendment, therefore, assumed that the designation of any specific plant was a matter of substance, a point upon which SIR CARL felt considerable doubt. He thought, indeed, that if the designation of a specific plant was a matter of substance upon which the Supreme Commander was obliged to consult the Allied Council, it might be suggested that there had been other matters of greater substance upon which the Supreme Commander had not felt it necessary to consult with the Allied Council nor had the Allied Council felt it necessary to protest. Whether or not the Commission was clothed with the power to lay down as a matter of policy that in certain circumstances the Supreme Commander must seek the views of the Allied Council, SIR CARL BERENDSEN concluded, the question of laying down such a mandatory rule was a matter upon which the Commission should exercise its most careful judgment. Although he was unhappy concerning the lack of success of the Allied Council he did not personally think that any power the Commission might have to make it incumbent upon the Supreme Commander to consult with the Allied Council with reference to each problem that might arise should be exercised.

DR. KOC suggested that observance of the Terms of Reference by the Supreme Commander could always be taken for granted. He thought, however, that the position of the Soviet representative might be met by rewording the first two lines of paragraph 1 a. to read:

"...in the ~~judgment~~ opinion of the Supreme Commander for the Allied Powers, acting in accordance with the Terms of Reference, operation of these plants and establishments..."

Such a rephrasing, he thought, would call attention to the Terms of Reference but would obviate the question of whether consultation by the Supreme Commander was obligatory in regard to each order issued by the Supreme Commander. He was personally prepared to accept the paragraph as it stood in FEC-083/2 but suggested the above rewording as a means of meeting the Soviet position.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-083/2.

ITEM 4 - INTERIM PRINCIPLES FOR RESTITUTION OF IDENTIFIABLE PROPERTY CONFISCATED IN JAPAN FROM ALLIED NATIONALS
(FEC-011/23)

GENERAL McCOY observed that agreement on FEC-011/23 was dependent upon settlement of the same point involved in the consideration of FEC-083/2; and he therefore suggested that discussion be postponed pending further negotiation on this point.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-011/23.

ITEM 5 - SUPPLY OF FOOD FOR CIVILIAN RELIEF IN JAPAN (FEC-026/10)

GENERAL McCOY said that he was not yet prepared to state his Government's position on FEC-026/10. He explained that the paper was receiving very careful consideration by the various interested departments of the United States Government, but for the moment his Government was not prepared to approve amendments to FEC-026/8, which had been presented by the United States Government on 12 November 1946.

RESTRICTED

THE COMMISSION unanimously agreed to postpone further consideration of FEC-026/10.

ITEM 6 - FIRST ANNUAL REPORT OF THE SECRETARY GENERAL TO THE FAR EASTERN COMMISSION (FEC-200)

GENERAL McCOY said that he realized that representatives had not yet had time for adequate consideration of the Annual Report, and he invited all to read it with a view to proposing whatever changes might be thought desirable. He thought the document would prove valuable in connection with the continuing study of methods of improving Commission procedure, and he hoped the Report would be read, altered if necessary, and put to use by the Commission.

SIR CARL BERENDSEN said that, from a hasty reading, he considered the Report an admirable and objectively written document. It was probably inevitable, however, he thought, that representatives would desire alterations in it.

DR. LOUDON suggested that the Annual Report be referred to the Steering Committee for consideration and possible reference of the several sections of the paper to the appropriate committees.

THE COMMISSION unanimously agreed to refer FEC-200 to the Steering Committee for appropriate action and subsequent report to the Commission.

ITEM 7 - PRESS ARTICLE RELATIVE TO FAR EASTERN COMMISSION POLICIES ON THE JAPANESE CONSTITUTION (FEC-103, MI-075)

GENERAL McCOY said that he was not yet prepared to state the position of his Government on FEC-103. He explained that his Government, in consultation with the Supreme Commander for the Allied Powers, was giving the document very careful consideration.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-103.

ITEM 8 - THE WORK OF THE COMMISSION (FEC-105/2, SC-049/2)

GENERAL McCOY observed that FEC-105/2 remained before the Commission in connection with its continuing consideration of ways and means to improve the work of the Commission.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-105/2.

ITEM 9 - PROPOSED UNITED STATES PLAN FOR REPARATIONS CONFERENCE (FEC-081 series)

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 10 - REPORT ON JAPANESE EXTERNAL ASSETS (FEC-072)

THE COMMISSION unanimously agreed to postpone consideration of FEC-072.

ITEM 11 - OTHER BUSINESS

a. Presentation of Mr. L. V. Thompson

GENERAL McCOY introduced Mr. L. V. Thompson, a member of the Australian House of Representatives, to the Commission. MR. THOMPSON acknowledged the introduction and spoke briefly to the Commission regarding the great interest felt by his

RESTRICTED

Government and by his people in the success of the Far Eastern Commission and other similar international bodies in arriving not only at lasting solutions of the problems in the Pacific but in bringing all nations together and ensuring the lasting peace of the world.

b. Proposal to Hear Remarks by Father Byrne

GENERAL McCOY said that he had recently been visited by Father Byrne of the Maryknoll Fathers, who had lived in Japan during the war. He thought that Father Byrne's comments on Japanese public opinion during and since the war might be of interest and value to the representatives on the Commission.

THE COMMISSION unanimously agreed that the Chairman should arrange for Father Byrne to appear at a subsequent meeting.

c. Proposed Change in Schedule of Commission Meetings

DR. LICO said that because of the short time between Steering Committee and Commission meetings documents and Commission agenda were often received by the delegations only shortly before the time of Commission meetings. He wondered whether, by holding Commission meetings on Fridays, time would not thereby be provided for adequate consideration of documents arising from Steering Committee action before discussion at the subsequent Commission meeting.

MR. MUMFORD pointed out that if Commission meetings should be changed to Fridays, no action could be taken on any decisions reached by the Commission until three days later, the next following Monday.

SIR CLIVE BERKENDSEN suggested that the desire for more time between meetings might be met by changing the time for Steering Committee meetings to Monday.

GENERAL McCOY observed that the United States member of the Steering Committee would find it extremely impracticable to obtain instructions in time for a Steering Committee meeting on Monday.

MR. JOHNSON said that the present schedule of meetings was most suitable for the Secretariat but that the Secretariat would undertake to expedite the distribution of documents and agenda for Commission meetings.

ITEM 12. PRESS RELEASE

THE COMMISSION unanimously agreed that no statement of the foregoing proceedings be released to the press.

The meeting adjourned at 12:05 P.M.

MINUTES-FECRESTRICTEDMinutes--45th FEC Mtg.13 February 1947FAR EASTERN COMMISSION

Minutes of the Forty-Fifth Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N.W.,
10:30 A.M., 13 February 1947

REPRESENTATIVES PRESENT

Major General Frank R. McCoy (United States) (Chairman)

His Excellency Norman J. O. Makin (Australia)

Mr. R. E. Collins (Canada)

His Excellency Dr. V. K. Wellington Koo (China)

Mr. Robert Douteau (France)

Mr. F. A. Menon (India)

Mr. O. Reuchlin (Netherlands)

His Excellency Sir Carl Berendsen (New Zealand)

Mr. F. C. Rodriguez (Philippines)

Rear Admiral S. S. Ramishvili (U.S.S.R.)

Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

RESTRICTEDMinutes--45th FEC Mtg.

RESTRICTEDINFORMAL SESSIONa. PRESENTATION OF MR. GEORGE ATCHESON, JR.

GENERAL McCOY introduced Mr. Atcheson, Chairman of the Allied Council for Japan, to representatives and advised them that Mr. Atcheson would be available in the library of the Commission at three o'clock Monday, 17 February, for informal discussion with any representatives who might desire to call at that time.

b. REPORT ON CONFERENCE WITH SECRETARY OF STATE

GENERAL McCOY said that he had just conferred with Secretary Marshall on the business of the Commission, and had found the Secretary well informed and deeply interested in the subject. He added that Secretary Marshall hoped to attend a regular meeting of the Commission in the near future.

c. REMARKS BY THE REVEREND P. J. BIRNE OF THE MARYMOUNT FATHERS

A verbatim record of these remarks will be circulated for the information of the Commission.

GENERAL McCOY formally convened the regular meeting at 10:55 A.M.

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

THE COMMISSION unanimously approved the minutes of its forty-fourth meeting.

ITEM 2 - DELIVERY OF REPARATIONS GOODS IN JAPAN (FEC-094/2)

GENERAL McCOY pointed out that the word "the" in the third line of the first paragraph of FEC-094/2 had been added through a typographical error and should be deleted.

DR. KOO said that he was now prepared to approve the adoption of FEC-094/2. He stated that his Government had decided to approve the paper out of a spirit of cooperation and with the hope that every possible effort would be made to reach an early settlement of the whole question of reparations.

GENERAL McCOY replied that he was now in a position to assure Dr. Koo, and other representatives as well, that substantial progress was being made toward a solution of the problem of reparations. He said that he considered the adoption of FEC-094/2 to be a first step in the direction of such a solution.

THE COMMISSION unanimously approved FEC-094/2 with the correction noted above.

ITEM 3 - ASSURED PRODUCTION CAPACITY LEVELS FOR JAPAN (FEC-083/2, -083/3)

GENERAL McCOY referred to the amendments (FEC-083/3) proposed by the Soviet representative to FEC-083/2. His Government could agree to the insertion of the desired phrase if it were altered to read "upon such consultation with the Allied Council for Japan as is required by the Council's Terms of Reference".

GENERAL McCOY also drew attention to the proposal made by the Chinese representative (page 3, minutes, 44th FEC meeting) to amend the first two lines of paragraph 1 a of FEC-083/2 as follows in order to meet the Soviet position:

RESTRICTED

"...in the judgment opinion of the Supreme Commander for the Allied Powers, acting in accordance with the Terms of Reference, operation of these plants and establishments..."

MR. GRAVES inquired whether adoption of either the Chinese or United States proposal would not prove to be a source of delay in the adoption of policy decisions. Either provision, he said, would seem to require a decision as to whether any paper in which the provision occurred should be considered a matter of substance. His Government would therefore prefer the original wording (FEC-083/2) of paragraph 1.

ADMIRAL RAMISHVILI said that he would convey the Chinese and United States proposals to his Government, as well as a full account of the discussion and negotiations which had taken place. He hoped to be prepared to state the position of his Government at the next meeting.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-083/2 and -083/3.

ITEM 4 - INTERIM PRINCIPLES FOR RESTITUTION OF IDENTIFIABLE PROPERTY CONFISCATED IN JAPAN FROM ALLIED NATIONALS
(FEC-011/23)

GENERAL McCOY suggested that, since agreement on FEC-011/23 was dependent upon settlement of the same point involved in consideration of FEC-083/2, further consideration be postponed.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-011/23.

ITEM 5 - SUPPLY OF FOOD FOR CIVILIAN RELIEF IN JAPAN (FEC-026/10)

GENERAL McCOY said that he was not yet prepared to state the position of his Government on FEC-026/10.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-026/10.

ITEM 6 - PRESS ARTICLE RELATIVE TO THE FAR EASTERN COMMISSION POLICIES ON THE JAPANESE CONSTITUTION (FEC-103/ MI-075)

GENERAL McCOY said that he was not yet prepared to state the position of his Government on FEC-103.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-103.

ITEM 7 - THE WORK OF THE COMMISSION (FEC-105/2, SC-049/2)

GENERAL McCOY observed that FEC-105/2, which, in his own opinion, had already accomplished much toward the improvement of the work of the Commission, remained before the Commission in connection with the continuing consideration of methods for improvement of this work.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-105/2.

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

GENERAL McCOY said that the negotiations and diplomatic conversations which had taken place on the subject of reparations had resulted in a decision on the part of his Government to offer, as a first step towards a solution of the reparations question, for the immediate consideration of the Commission a proposal concerning advance transfers of Japanese reparations. (FEC-201, Advance Transfers of Japanese Reparations, was subsequently circulated.)

RESTRICTED

THE COMMISSION unanimously agreed to refer the new document on advance transfers to Committee No. 1: Reparations, for consideration.

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

THE COMMISSION unanimously agreed to postpone further consideration of FEC-072.

ITEM 10 - REMARKS BY THE REVEREND P. J. BYRNE OF THE MARYMOLI FATHERS

(See part c of "Informal Session" at beginning of these minutes.)

ITEM 11 - OTHER BUSINESS

There was no other business.

ITEM 12 - PRESS RELEASE

THE COMMISSION unanimously agreed that a statement concerning the policy on Delivery of Reparations Goods in Japan (FEC-094/2) should be released to the press in the normal course.

The meeting adjourned at 11:30 A.M.

RESTRICTEDA P P E N D I XTO THE MINUTES FORTY-FIFTH MEETING OF THE
FAR EASTERN COMMISSION - 13 FEBRUARY 1947Informal Remarks by Reverend P. J. Byrne, M. M.

FATHER BYRNE: Gentlemen of the Commission, I appreciate this privilege that has been accorded me, and the reason for my particularly valuing it is that I may perhaps be able to explain one particular point that has often been questioned. That is this: Is the admiration of the Japanese for the American, is their apparent cooperation sincere, or is it hypocrisy or camouflage?

As the war broke out the rest of our Fathers were interned near Kobe. I myself was given an option. We had just completed a tuberculosis sanitarium for the Japanese people and I was given the credit for it as I happened to be the Superior of the Maryknoll Fathers in Japan. In consequence, I was given the option of being interned with the other Fathers or being isolated in my own little rectory by myself. I chose the latter, and I had four very quiet years there. I was supposed to have no communication with anyone. Three different kinds of police were keeping tabs on me, the local police, the Kenpei (the military police), and the thought police. Sometimes they would all three come there. They kept pretty close watch on me. Nevertheless, my house being out in the suburbs of Kyoto, I was able to have occasional visitors at night, and even in the daytime as the war neared its end. At one particular point, which I certainly think is not realized by the American public, though yourselves are specialists of Far Eastern matters and may know it quite well, but it explains that this attitude of the Japanese --their friendship for the Americans is really genuine and sincere and that is this: That they blame the devastation on their own government, rather than on the American bombers.

Now as you know the Japanese went like a tidal wave until they got to Guadalcanal, and there they stuck. After a while there began to be notices in the Japanese papers of American attempts at landings. But they were all reported as "failures," various ones in the Solomon Islands and along the Southeast coast of New Guinea. I had a little map of the Natural Geographic Society, a map of the Southwest Pacific, and whenever there was one of these "attempts" at landing by the American forces I would draw a little red circle on the place and put the date there. In no time at all it was very obvious that these "failures" were marching steadily northward. But the Japanese didn't notice that because they took for granted as true the reports of their government that these attempts by the Americans were failures. The government assured them that all they had to do was hold on until Hitler won in Europe and then they would have a prosperity that would make amends for all they had been suffering.

That went on until Saipan. Saipan brought consternation to the Japanese. The battle at Saipan evidently was too near Japan and too large to be concealed by the government. Then all the nation woke up to the fact that they had been losing the war instead of winning. I think it is no exaggeration to say that among the common people of Japan the loss of Saipan brought greater consternation than did the atomic bomb. After all two hundred B-29's could do as much damage, apart from the radioactive harmful effects, in five minutes as an atomic bomb will do in five seconds. And, as you know yourselves, there are cities in Japan worse destroyed than Hiroshima and Nagasaki. However,

RESTRICTED

Saipan brought the startling realization to the ordinary Japanese, and that is the man I am speaking about, the man the missionary gets to know, that he was losing the war, that the government had been deceiving him about the battles in the Pacific.

There are Japanese, maybe hundreds of thousands of them, by this time, working for the American Army; and the Japanese has the oriental trait of saying what he thinks you want him to say. Those who have any connection with the army or who had any connection with the previous regime that was pushing the war may be absolutely hypocritical in pretending admiration for the Americans, but I am speaking as a missionary of the ordinary rank and file that never got into contact with the army.

Now--Saipan brought consternation to the Japanese and contempt for Premier Tojo who had been deceiving them. Yet Premier Tojo stayed in office. He had ordered the suicides, etc., of the civilians on Saipan, but he himself didn't make any attempt to stone by suicide. He stayed in office for another month, but finally he got out. A Japanese university man who came to my house one night said that someone had told Tojo: "Either you resign or this is your last day on earth", and then he resigned.

Shortly after Koiso went in as premier the Americans started to land on Leyte, and here is the point I have been coming to:--

When that landing began evidently General Koiso thought they could hold the Philippines. He came on the radio night after night, and by newspaper interview, by every chance he had of publicity, he hammered home to the Japanese people that, "this isn't the battle of the Philippines; this is the battle of the war. If we lose the Philippines we have lost the war! We may hang on for a while but we are finished." Now, as you know, Manila was lost in January '45, and by February, I presume, there was little left of the Japanese except here and there some scattered defense holes. By February all the rank and file of the Japanese people knew the war had been lost.

Now--the devastation came after that. It is perfectly amazing and seems incredible that the whole nation--cities of three million like Osaka, etc., should be leveled flat to the ground and the Japanese not be bitter against the one that did it--the Americans with their B-29's. But they are not bitter, and that is because the devastation came after the war was lost.

Kyoto was not bombed. I had my air raid shelter in the front yard and got some good exercise digging it. All the neighbors had their own, and when the radio warning would come they would dive into their holes, etc., until the planes would have passed over.

Very near Kyoto was Lake Biwa and the B-29's seemed to make the southern part of Lake Biwa a focus point, from which they would go east towards Tokyo or north west to Maizuru, etc. They would pass over and then the people would come out of their holes and stand in the streets talking quietly, and with no policemen around they would talk rather freely. It was always the same: "Why doesn't the government surrender?" "We can't win now. We have lost the war." "The government, rather than lose face, would rather have every one of us killed and every one of our homes destroyed." Of course they didn't say that in public if there were police around. The first one to say it would have been taken by the police and been attended to. But that is what they were perpetually saying--"Why doesn't the government surrender? If the government would surrender the American bombers would stop coming." So they blamed this devastation upon their own government.

RESTRICTED

As early as April 1945 a university man who came in to have a visit with me said: "Father, we are losing the war and it is a good thing." "If we should win this war the government would have us by the throats for the next hundred years."

Consequently this devastation of Japan which, as you know, is absolutely thorough is blamed by those Japanese--by the ordinary rank and file of the Japanese, not on the B-29's, not on the Americans, but on that asinine government that, when the war had been decided, and there was no chance of victory left, stupidly refused to surrender--was ashamed to admit its mistake--its failure. There is where the resentment goes, and that one might say is the negative explanation of the lack of resentment against the Americans.

Now I would say the positive explanation is that America came to Japan. In the education of Japan I don't think anything has played such a part or will play such a part, quite away from schools and universities, etc., as simply the soldiers there. The Japanese had been told by the government what was going to happen--everyone would be violated--every baby butchered--everything stolen. (As an instance,--they told my cook that when the Americans came in they were going to get all the women down on the seashore, pierce their hands and sew them together in long chains, then rope them to a tug and pull them out to sea.)

These Americans, supposedly "fierce avenging conquerors," came in and just were their ordinary natural selves. The people were amazed. The government had lied to them about the losses from Guadalcanal up to Saipan and now the people found the government had lied to them too about what would happen to them if the Americans came in.

There had been here in America thousands, maybe tens of thousands altogether, of Japanese who knew the American system, knew our culture, knew our style of democracy, etc. They had been students at our universities--dental students, medical students, travelers, business men. Indeed, they knew the American way, but when they returned to Japan there was no way, no channel by which these thousands of Japanese who did know American ways could reach the rank and file of the people. The average Japanese--though he saw visitors coming through--had no intimate connection with them. The average Japanese knew no more about the Americans than the man in the moon. And now the Americans went into Japan--some hundreds of thousands of them--and just by their ordinary conduct simply won the admiration of those Japanese. They expected to be treated with cruelty with vindictiveness and they met consideration, they met kindness. (I myself have seen American soldiers lift loads off the backs of Japanese--old men and women who were bending under them--and help them from the streetcar to the curb. I have seen any number of instances of that sort.) And this splendid conduct of the soldiers as a whole we might call a positive means towards winning the Japanese to liking democracy.

GENERAL MCCOY: That is very interesting, Father Byrne, and I think I would like to have the Commission ask you some questions. Possibly with your experience there, there might be some interesting questions.

FATHER BYRNE: I would like to mention just one little instance showing just what the Japanese think. My cook was in a streetcar one day in which there was no foreigner and two Japanese soldiers were standing over her hanging onto the straps. They got to talking and one asked: "How long were you out?" "I was in China for four years. How about yourself?" "I was out five years. They were pretty tough years." Then the first Jap

RESTRICTED

said: "Yes, judging by what has happened since the American soldiers landed, we should have surrendered long ago." And a Japanese one day was describing to me what he thought of the American troops. The combat troops that landed first were a somewhat different type from the chaps that go out now, who realize there is no danger. At any rate, this Japanese was trying to tell me what he thought of the conduct of the American troops. Of course here and there you had your exceptions but the Japanese have sense not to judge the whole general body by the exceptions. He was talking in Japanese and began to search for an adjective to describe what he thought of those American troops who came in first. He said: "Those American troops, they were--they were--they were Kami." "Kami" means divine. It is the word they apply to the divinity of the Emperor. However, it doesn't mean divinity in our sense. It just means very superior being. If you were to ask a Japanese if he believed in the divinity of the Emperor, he might answer:--Oh surely. But when you ask what he means by this "divinity" he is confused; He doesn't know what he means by it. He simply has a "feeling" that the emperor is a superior being. That is all. (Are there any questions?)

MR. MAKIN: How was the treatment, Father, of other members of your clergy in Japan? Was the treatment meted to you of common circumstance to others as well?

FATHER BYRNE: No. I think I was unusually fortunate. As I say, owing to having been given the credit for constructing this tuberculosis sanitarium, they left me alone. Well, I got three telegrams through the Red Cross but I wasn't allowed to send any reply. I broke a tooth once and I was refused permission to go to a dentist. However, I went on the Q.T. These three policemen did come pretty near every day--some were there every day. But they were quite decent. Now, near Kobe there were several hundred interned and one of them now is in New York, Father Spae. They suffered quite a bit for some time. The first man in charge would even go into the rooms and steal their things. Then they got a man in charge who practically left them alone. And so they weathered it pretty well. I know many of the prisoners got awful treatment, but in the Kobe internment camp they seemed to have made out tolerably well.

MR. GRAVES: Was there any notable oppression of the Japanese Christian communities during the war?

FATHER BYRNE: No. The congregations were scattered by a government order sending men to different factories, you see, but the churches themselves were left quite open and quite unhampered. I am speaking for the Catholic Church. I presume it is the same for the others. Of course, I was bottled up in my little rectory, but the main church in downtown Kyoto was quite open and I know all through Japan there was no slightest restraint put upon religion. They left religion alone. On the other hand a certain Bishop of Osaka, Bishop Taguchi was drafted as a private and set to scrubbing floors out at Sasebo for six months. But that was a matter of military drafting. The church itself had no restriction at all.

DR. KOO: When the man in the street complained about not surrendering in time, did he tribute any blame to the Emperor?

FATHER BYRNE: No, not the slightest. They seemed to absolve the Emperor from personal blame. That shows, of course, that they don't consider him divine in our sense. But they say the Army, the Navy is deceiving the Emperor. They admit he can be deceived. They have real affection for that Emperor, is based on the conviction they have. The Japanese word for nation is

RESTRICTED

Kok-Ka, which means national family; and to them the national family is composed of the father, or rather the "daddy" and the children. The father is the Emperor and the citizens are the children. Now since the same dynasty has been in charge from the dawn of history, the Japanese have a feeling, which they couldn't put into words, that so long as the father is there with the children their national life will continue. They feel that if the Emperor were to be dethroned they would be like orphans. They have the conviction that this national structure has weathered many difficulties up to now and if they can continue to live as a unit, as a family unit of father and children, then no matter what may be their ups and downs, their calamities, they will continue to live as a nation. But if they lost the Emperor, what would happen to them as a nation? I think personally they would be something like Korea--where every man is going in a different direction.

Thank you for this privilege of addressing the Commission.

MINUTESRESTRICTEDMinutes--46th FEC Mtg.20 February 1947FAR EASTERN COMMISSION

Minutes of the Forty-sixth Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Washington, D.C.
10:30 A.M., 20 February 1947

REPRESENTATIVES PRESENT

The Honorable J. H. Hilldring (United States) (Chairman pro tempore)
Major J. Plimsoll (Australia)
Mr. R. E. Collins (Canada)
His Excellency Dr. V. K. Wellington Koo (China)
His Excellency Paul E. Naggiar (France)
Mr. Jamshed Vesugar (India)
His Excellency Dr. A. Louzon (Netherlands)
His Excellency Sir Carl Berendsen (New Zealand)
Mr. C. Coronel (Philippines)
Rear Admiral S. S. Banister (U.S.S.A.)
Mr. H. A. Graves (United Kingdom)

46

RESTRICTEDMinutes--46th FEC Mtg.

RESTRICTED27 February 1947FAR EASTERN COMMISSIONCORRIGENDUMTOMINUTES OF FORTY-SIXTH MEETINGNote by the Secretary General

1. The Commission, at its forty-seventh meeting, 27 February 1947, approved the minutes of its forty-sixth meeting with the following changes, requested by the Chinese and French representatives, respectively:

Page 6, first sentence in second full paragraph to read: "Dr. Koo pointed out that according to the present wording of FEC-011/23 the restoration provision did not apply to property confiscated or sequestered by Japan prior to 7 December 1941."

Page 3, last sentence of second full paragraph and page 5, last sentence of first paragraph to read: "The proposal was lost by a vote of 1 to 9, with one abstention."

2. All representatives are requested to note the above changes in their copies of the minutes of the forty-sixth meeting of the Commission.

NELSON T. JOHNSON
Secretary General

RESTRICTEDELECTION OF CHAIRMAN PRO TEMPORE

In the necessary absence of the Chairman, MR. JOHNSON opened the meeting at 10:30 A.M. and requested nominations for Chairman pro tempore.

MAJOR PILLISOLI moved and DR. LOUDON seconded the motion that General Hildring serve as Chairman pro tempore. The motion was carried unanimously, and GENERAL HILDRIING assumed the chair.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 45TH MEETING

THE COMMISSION unanimously approved the minutes of its forty-fifth meeting.

ITEM 2 - REPORT OF COMMITTEE NO. 3 ON REPLY BY THE SUPREME COMMANDER FOR THE ALLIED POWERS TO COMMISSION CONSULTATION RELATIVE TO DRAFT DIET LAW (FEC-107/3; FEC-101/5, FEC-107, FEC-107/1)

MR. COLLINS moved and DR. LOUDON seconded the motion that the Commission accept FEC-107/3 as a report from Committee No. 3. The motion was carried unanimously.

ITEM 3 - ASSURED PRODUCTION CAPACITY LEVELS FOR JAPAN (FEC-083/2, FEC-083/3, FEC-083/4)

ADMIRAL RAMISWILL said that the amendment proposed by the United States representative as shown in FEC-083/4 was not acceptable to his Government. The Soviet position remained one of adherence to the amendments which had been proposed in FEC-083/3.

GENERAL HILDRIING said that there was no objection on the part of his Government to the inclusion of a provision for consultation by the Supreme Commander with the Allied Council if it were so worded as not to be in conflict with the Terms of Reference of the Allied Council for Japan. From the United States point of view, problems arising in connection with assured production capacity levels should be handled in relation to the Allied Council in the same fashion as all other problems were handled, and he could see no necessity for including a special provision on the relations between the Supreme Commander and the Allied Council in this particular policy paper. Heretofore, all policy decisions had been passed by the Commission with the understanding that the Allied Council under its Terms of Reference could consult with the Supreme Commander regarding the implementing of these policies, but it seemed quite obvious, GENERAL HILDRIING said, that under the phrasology proposed by the Soviet representative consultation by the Supreme Commander with the Allied Council would be required regardless of the relevant provisions of the Terms of Reference of the Allied Council for Japan.

ADMIRAL RAMISWILL said that he was prepared to state on behalf of his Government, and to record such statement formally in the record, that there was no intention in connection with the proposed Soviet amendment to change the Terms of Reference of the Allied Council. He recalled that on previous occasions the United States representative, in agreeing to policy decisions had recorded a statement in the record as to the understanding of his Government of certain language involved in the policy. GENERAL HILDRIING replied that it was his impression that the United States representative had never proposed language for use in a policy statement which clearly indicated a meaning different from the intention overred in some interpretative statement recorded in the minutes. The purpose of recording such interpretations had been rather to clarify ambiguous language. GENERAL HILDRIING said that he personally could see no reason for not including a statement in the directive to the Supreme Commander to the effect that

RESTRICTED

consultation was to be carried on in accordance with the Terms of Reference of the Allied Council, since it was clearly not the intention of any representative to alter those Terms of Reference.

ADMIRAL R. RASHVILI moved that the amendments to paragraph 1 of FEC-083/2, which had been proposed by his Government as shown in FEC-083/4, be adopted.

SIR CARL BURENDSEN said that although the Soviet proposal might well be proper in principle, it was his opinion that it would prove to be very unwise in practice.

MR. CRIVES referred to the position he had expressed at the last meeting of the Commission (page 2, Minutes of the 45th FEC Meeting) and repeated the preference of his Government for the original wording of paragraph 1 as shown in FEC-083/2.

MAJOR FLEMING said that since it was understood that the Soviet representative intended to propose inclusion of his amendment in the paper on interim principles for restitution of identifiable property confiscated in Japan from Allied nationals, as well as in the paper on assured production capacity levels, he would like to draw a distinction between the logic of the proposal in the two instances. It was possible to make a case, under paragraph 5 of the Terms of Reference of the Allied Council, for the inclusion of some reference to the Allied Council in the paper on assured production capacity levels, since in this paper a matter of substance was involved. However, MAJOR FLEMING continued, no case could be made for inclusion of the provision in the paper on restitution, since a matter of substance was not involved. Indeed, the question involved was quite trivial, he thought, and he cited examples to show that inclusion of the provision was not helpful on economic grounds and would not necessarily serve to protect the interests of Allied nationals. Although, as he had said, a good case could be made for inclusion of some provision in the paper on assured production capacity levels, he would not require mandatory consultation by the Supreme Commander with the Allied Council.

MR. COLLIER said that since there was no intention on the part of any representative to propose alteration in the Terms of Reference of the Allied Council for Japan, he assumed that the phrase in the original document, "The Supreme Commander may designate for retention specific plants and establishments..." had not been intended to give to the Supreme Commander any greater power than he held under the Terms of Reference. He wondered whether the Soviet representative was perhaps laboring under the false impression that this phrase had given special powers to the Supreme Commander, and he added that it was his own opinion that the Commission had no authority to confer any special powers on the Supreme Commander or to alter the power of the Allied Council. He suggested, to meet the Soviet position, the inclusion of a specific statement in the document that no such authority existed on the part of the Far Eastern Commission.

DR. IGO said that in the light of the statement by Admiral Rashvili that his proposal carried with it no intention to alter the Terms of Reference of the Allied Council for Japan, the difference in the United States and Soviet positions might be reconciled by accepting the wording of the Soviet proposal with the addition of some such phrase as

"...where such consultation may be required by the Terms of Reference."

MR. COLLIER suggested that the difference might be reconciled by inclusion of wording taken from the Terms of Reference, making the phrase in question read:

SECRET

"The Supreme Commander for the Allied Powers after consultation with the Allied Council for Japan on matters of substance, the exigencies of the situation permitting..."

ADMIRAL RAINISHVILI said that he was not prepared to accept the amendment to his proposal suggested by Mr. Collins.

MR. MCGILLER seconded Admiral Rainishvili's motion pro forma in order to bring his proposal to a vote. The proposal was lost by a vote of 1 to ~~10~~ *9 with one abstention*.

With the understanding that the amendment he was about to propose did not purport to make any interpretation of the Terms of Reference of the Allied Council for Japan, GENERAL HILLDRING moved and MR. COLLINS seconded the motion that FEC-023/2 be amended as follows:

Paragraph 1, second paragraph to read:

"The Supreme Commander for the Allied Powers, upon consultation with the Allied Council for Japan in accordance with the Terms of Reference of the Allied Council for Japan may designate..."

Paragraph 1 a.:

"The Supreme Commander for the Allied Powers, upon consultation with the Allied Council for Japan in accordance with the Terms of Reference of the Allied Council for Japan decides that the operation..."

The motion was carried unanimously.

MR. MCGILLER recalled that his delegation had raised objections to the assured production capacity levels for the Japanese sulphuric acid industry. The French proposal had been to set this level at 2,500,000 metric tons, rather than 3,000,000 metric tons, the figure which had finally been included in the document. He pointed out that sulphuric acid was an important component of explosives, and he desired to know what technical reasons lay behind the decision to allow production capacity levels for Japan in this industry of double the average production for Japan during the years 1930-34. GENERAL HILLDRING replied that he was informed that this figure had been agreed upon for the purpose of allowing adequate production of fertilizer in Japan.

MAJOR FLEMING pointed out that Committee No. 2: Economic and Financial Affairs, at the request of General MacArthur, had recommended that the policy on assured production capacity levels not be released for publication until the Supreme Commander had completed the designation of plants. He wondered whether this recommendation could be carried out in view of the Soviet position which carried the implication that the matter would be raised before the Allied Council for Japan, and in view of the recent expression from the Chairman of the Allied Council that he would not favor a secret meeting of the Council to consider the subject.

GENERAL HILLDRING replied that he thought it preferable to accept the recommendation that the policy not be published until after the designation of plants for retention in Japan, since publication would make it very difficult to carry out an orderly designation.

MAJOR FLEMING said that he did not wish to urge strongly immediate publication but simply desired to draw attention to a possible awkward situation of which the Supreme Commander should be made aware. He agreed that there should not be immediate publication, on the understanding that no breach of

RESTRICTED

faith would be involved if a member of the Allied Council raised some matter connected with the paper at a public meeting of the Council.

DR. KOO presented the following formal statement:

"In keeping with the constant desire of the Chinese Government to promote cooperation in the Far Eastern Commission and expedite its work, I am prepared, although with some reluctance, to vote for the paper. I say with some reluctance because we feel that with particular regard to the capacity level for Japan's steel ingot and pig iron industry, to assure an aggregate of 2,000,000 metric tons of steel ingot and an aggregate of 800,000 metric tons of pig iron annually is premature at the present time and also based on too high an estimate. On the basis of the latest information from SCAP (Summation of Non-Military Activities in Japan, No. 13, October 1946, p. 91) the production of steel ingot and castings in October 1946 reached only the level of 60,000 metric tons and that of pig iron only 10,000 metric tons. We therefore doubt the urgency to decide upon an assured capacity for Japan which would provide for a production greatly in excess of the present production.

"I want to point out further that as late as 1931, the year Japan invaded Manchuria, the total Japanese steel consumption was only about 2,000,000 metric tons. Even in that year there was reason to believe that a substantial part of the consumption was for war production or for shipbuilding and expansion of capital facilities. None of the above needs to be assured for Japan's rehabilitation should be considered as having an urgent priority over reparations to severely damaged Allied nations.

"Therefore, I wish to make it clear that the Chinese Government will accept this policy paper with the express understanding that it does not preclude the possibility of using the increased current production from such assured capacity to furnish a part of the reparations.

"I hope you will allow this to be recorded in the minutes and communicated along with the policy paper to SCAP."

MR. MACGILL said that he desired to record his Government's approval of the position just expressed by Dr. Koo.

GENERAL HILDRETH said that he had no objection to the record containing this statement of understanding on the part of the Chinese representative. He desired to point out, however, that the subject of reparations from current production had not previously been considered by the Commission and he wanted to make it clear that the United States Government could not at this time commit itself on any proposal involving reparations from current production. DR. KOO said that the understanding he had just recorded naturally applied only to the Chinese Government and that he simply wished to reserve the right of the Chinese Government to raise the question at the appropriate time.

THE COMMISSION unanimously approved FEC-086/2 as amended, with the understanding that no publication would take place until after the designation by the Supreme Commander of plants for retention, and with the understanding that the formal statement by Dr. Koo would be forwarded to the Supreme Commander together with communication of the policy decision.

RESTRICTED

ITEM 4 - INTERIM PRINCIPLES FOR RESTITUTION OF IDENTIFIABLE
PROPERTY CONFISCATED IN JAPAN FROM ALLIED NATIONALS
(FEC-011/23)

ADMIRAL RANIGHVILL moved that FEC-011/23 be approved with the second sentence of paragraph 6 amended to read:

"Similarly, the operation of properties considered by the Supreme Commander for the Allied Powers upon consultation with the Allied Council for Japan to be beneficial..."

The motion was seconded pro forma by MR. H. GILBERT, in order to bring the proposal to a vote. The proposal was lost by a vote of 1 to 10.

With the understanding that the amendment he was about to propose did not purport to make any interpretation of the Terms of Reference of the Allied Council for Japan, GENERAL WILLDRING moved and MR. COLLINS seconded the motion that FEC-011/23 be approved with the second sentence of paragraph 6 amended to read:

"Similarly, the operation of properties considered by the Supreme Commander for the Allied Powers upon consultation with the Allied Council for Japan in accordance with the Terms of Reference of the Allied Council for Japan to be beneficial..."

The motion was carried unanimously.

MR. CRIVES presented the following formal statement:

"I am glad to accept this paper as a small step, a very small step, in the right direction, but I want to take this opportunity of drawing the attention of the Commission to some serious omissions from it.

"First of all, the members will see that only those United Nations nationals, who are at present in Japan, are sure of getting their property back under this paper. Those who are not there cannot authorize some other person in Japan to receive it on their behalf.

"Another objectionable feature is in paragraph 1 (b) of the paper. My Government cannot understand why large-scale businesses should be singled out in this way - why they should not equally be restored to their owners with the small ones. We can see no reason for differentiating between the two classes of business.

"My Government is interested in these two points because they are intimately bound up with the resumption of private trade in Japan without which Japan cannot be expected to set out on the road to economic recovery or hope to pay her way.

"Another serious omission from this paper is that it does not provide for compensation to be paid in respect of damage to the property which is being returned nor of course does it set up any organization to assess claims. We are nevertheless prepared to accept the paper. It is better than nothing and we are informed that the United States delegation has a final paper covering the whole subject in preparation. We hope that it will soon be put before us.

"There is one other detail to which I would invite your attention. In paragraph 4 of the paper it is provided that restorées should refund amounts received from the Japanese Government for their property at the time of confiscation less any amounts due to them as claims for the damage. If claims

RESTRICTED

are less than the amounts paid, the restorees will have to refund some sums of money to the Japanese Government. These sums may be substantial and my Government hopes that in that event the restorees will be given a reasonable time to find the yen with which to make payment.

"I should like these points to appear in the minutes of this meeting."

DR. KOO pointed out that according to the present wording of FEC-011/23 the restoration provision did not apply to property ^{confiscated in Japan} located in Japan prior to 7 December 1941. He said that, as was well known, hostilities between China and Japan had commenced long before that date. There had been mass arrests of Chinese nationals in Japan and confiscation of Chinese property. He said that he did not desire to alter the position of any other member of the United Nations but was anxious to ensure that the document cover the period prior to 7 December 1941 to which he had just referred. He therefore proposed the following amendments to the document:

Add to the first paragraph, after the word "thereafter" in the fourth line, the following words:

"or prior to the outbreak of hostilities between China and Japan and owned by Chinese nationals then or lawfully acquired thereafter."

Add to paragraph 2, after the word "Japan", in the fourth line, the following words:

"or during the earlier period of hostilities between China and Japan from Chinese nationals."

MR. HUGGILL associated himself with the amendments proposed by Dr. Koo and suggested that they be expanded to apply to the hostilities which had begun in French Indo-China in 1940 with which had been connected the confiscation of property located in Japan but owned by residents of French Indo-China.

MR. JOR PLEISOLL suggested that the points raised by Dr. Koo and Mr. Huggill might be met by changing the words "that time", in the fourth line in paragraph 1 of FEC-011/23, to "the time hostilities began." A formula could also be found, he thought, for paragraph 2.

THE COMMISSION unanimously agreed to refer FEC-011/23 to Committee No. 6: Aliens in Japan, for reconsideration in the light of the foregoing discussion.

ITEM 5 - SUPPLY OF FOOD FOR CIVILIAN RELIEF IN JAPAN (FEC-026/10)
PROPOSED UNITED STATES REVISION (FEC-026/12)

GENERAL HILLDRING said that he realized that the proposed United States revision (FEC-026/12) had not been in the hands of representatives long enough for full study, but he invited whatever preliminary comments representatives might care to make.

MR. GRAVES asked why the United States revision proposed the elimination of paragraph 1 b (1), which he regarded as simply a statement of fact.

In answering Mr. Graves' question GENERAL HILLDRING explained in detail the United States position on the supply of food to Japan. No government, he said, was more desirous than the United States of reducing the shipment of food and other commodities to Japan. Indeed, even if it were assumed that there were those in the United States Government who, for some sinister reason, did not want to minimize food shipments to Japan, they would nevertheless, in the light of present-day

RESTRICTED

developments, be compelled to do so in order to obtain approval even of the minimum funds necessary to prevent disease and unrest to an extent which would endanger the occupation of Japan. He said that the executive side of the United States Government was faced with the absolute necessity for economy, and everyone in the United States Government who was working closely with problems of the occupation of Japan was continuously aware of the necessity for the lowest possible expenditure of money on food for Japan.

However, GENERAL HILLDRING continued, there were in the United States Government important officials, although not those in regular contact with the Commission or with the problems of the occupation, who would not understand why, with respect to an activity for which the United States provided all the money and supplies, the Far Eastern Commission should wish to propose restrictions or adopt an attitude critical of the Supreme Commander or of the United States Government. These officials might interpret paragraph 1 b (1) to imply that the United States Government had been profligate in its expenditures on the occupation of Japan, or that, unless advised by the Commission, it might not take cognizance of the needs of areas devastated as a result of Japanese aggression. Such implications were without foundation, GENERAL HILLDRING thought, since it had been the policy of the United States Government, in connection with the granting of loans and the allocation of food, to give prior consideration to those countries which had suffered directly and indirectly as a result of Axis aggression. The raising of these issues would therefore create grave difficulties in getting approval within the appropriate branches of the United States Government of even the minimum of funds necessary for carrying out the policies of the Far Eastern Commission in the occupation of Japan. The passage of any paper on the supply of food, even if it took the revised form proposed in FEC-026/12, would create certain difficulties for the executive branch of the United States Government, GENERAL HILLDRING said. He urged that the Commission contribute to the lessening of these difficulties by approving the elimination of those provisions of the paper which would raise false issues.

MR. SELVES commented that retention of the paragraph in question would at least serve the purpose of making known to the Japanese people the fact that the diet of people in devastated countries was inferior to their own diet.

MR. VESUGAR also thought that the paragraph should be retained to make this fact clear to the Japanese people, who could not possibly know of the world-wide extent of food shortages, since there was evidence that some of the occupation authorities were not themselves cognizant of it.

With reference to the statements regarding the disavowal of the responsibility of the Supreme Commander set forth in subparagraphs (1) and (2) of paragraph 1 b, MR. VESUGAR pointed out an apparent inconsistency between these statements and the statement in paragraph 1 a which set up the Supreme Commander's responsibility to maintain a standard of living which would prevent starvation and widespread disease and unrest. Furthermore, MR. VESUGAR observed, the statement in paragraph 1 b (3) that "The standard of living will depend upon the thoroughness with which Japan rids itself of all militaristic ambitions, redirects the use of its human and natural resources wholly and solely for purposes of peaceful living..." implied that, even at the risk of aggravating shortages in other parts of the world, improvements in the Japanese standard of living would automatically be instituted as a consequence of Japan's carrying out the desires of the Commission. It would be preferable, MR. VESUGAR thought, for the Japanese to understand that food resources must be husbanded most carefully to sustain life at all, rather than for them to be led to expect increases in those resources as a reward for compliance with Commission policies.

RESTRICTED

GENERAL HILLDRING said that the proposal to have paragraph 1 b (2) read "The Supreme Commander assumes no responsibility to the Japanese people..." was intended to make perfectly clear that the responsibility of the Supreme Commander was to the Commission and to the United States Government, and not to the Japanese people. Such clarification was important, GENERAL HILLDRING thought, in order, among other reasons, to make more certain approval of the funds required by his Government to maintain its position with respect to the occupation.

With regard to the allocation of food to Japan, GENERAL HILLDRING said that the Supreme Commander could only submit recommendations of estimated needs to his Government. The decision as to the percentage of fulfillment of his estimates of what was required to carry out his instructions was made within the United States Government as the result of an elaborate analysis of his estimates weighed against the competing claims of other military governors and determined by the availability of funds for expenditure on the occupation of Japan and by the world food situation at the time. Henceforth, GENERAL HILLDRING emphasized, the obtaining of funds would be increasingly difficult. As for the adjustment of estimates of need in occupied areas to the world food situation, GENERAL HILLDRING said that his Government's record of allocations of food abundantly demonstrated that occupied areas received food only after friendly governments had obtained all they could pay for and transport.

MR. WESOLOA differed with General Hilldring's concluding remark, and said that his own Government was willing to pay for and transport more food than it was now getting. He said he felt that the Japanese people were eating better than the Indian people. On this latter point GENERAL HILLDRING replied that an honest difference of opinion existed, and it was to get the real facts on this and other similar issues that the United States Government had dispatched special missions to Germany and Japan. He invited the Commission to meet with the members of the mission to Japan upon their return.

MR. MAGUIRE asked whether directives similar to that proposed in WEC-026/12 had been sent to the zone commanders in Germany. If such directives existed he suggested they be made available to the Commission.

GENERAL HILLDRING replied that, although the operation of the military government of Germany and Austria was quite different from that of the occupation of Japan, he would be willing to make available to the Commission the relevant comparable papers issued by the United States Government, and the bi-zonal agreement of December, 1946, regarding food policy in the British and American zones of Germany.

THE COMMISSION unanimously agreed to postpone further consideration of WEC-026/12.

ITEM 6 - PRESS ARTICLE RELATIVE TO THE FAR EASTERN COMMISSION POLICIES ON THE JAPANESE CONSTITUTION (WEC-162, W-075)

MR. JOR WINSOILL said that because of two recent occurrences he attached even greater urgency than before to publication of the Commission's decision providing for review of the Japanese Constitution. The first occurrence had been the view expressed by Mr. Atcheson, Chairman of the Allied Council for Japan, during an informal discussion with representatives of the Far Eastern Commission on 17 February that the Supreme Commander preferred that the review provision never be published, but that events in Japan be watched by the Commission, and, if the Constitution should not prove satisfactory in operation, the Commission could then decide that it should be reviewed. Mr. Atcheson had then pointed out that the Constitution itself contained provisions for amendment. MR. JOR WINSOILL felt that Mr. Atcheson's arguments were beside the point, because they were directed to the substance of the Commission's policy and not

RESTRICTED

to the timing of its publication. The Commission in approving the paper had left open only the question of issuance, and not the question of its being put into effect. He would be loath to believe that publication was being delayed in Japan in the hope that the Commission's policy on review would never be put into effect.

The second occurrence to which M. JOR FLEMING referred was the setting of April 25th as the date for the next general election in Japan. The Diet to be elected would probably be the one to review the Constitution, and M. JOR FLEMING said that the Japanese people, in choosing the membership of such a Diet, should be aware of that fact. The Supreme Commander had himself laid great stress upon the fact that the Japanese, in the general election of April, 1946, had been aware that they were voting for the Diet that was going to formulate the Constitution, and from this contention he had argued that the Constitution had the approval of the Japanese people. Similar reasoning, M. JOR FLEMING urged, demanded that the Diet which reviewed the Constitution should be one elected with the knowledge on the part of the Japanese people that it would perform that function. Consequently, publication should take place very soon so that the matter might be discussed in Japan as an election issue before the nomination of candidates.

With reference to the apparent fear of the Supreme Commander, that, should the Japanese people learn that the Constitution was subject to review, they would lose interest in the Constitution and doubt its stability, M. JOR FLEMING said that he was certain of the ability of the Supreme Commander to persuade the Japanese people that the decision of the Commission did not represent an effort to impose a policy on the Japanese people against their will, but instead was motivated by the Commission's concern that the Constitution as finally adopted should represent the will of the Japanese people. If handled properly, the review provision, M. JOR FLEMING thought, would seem to the Japanese to be logically connected with the statement by the Supreme Commander in his New Year's message that the formulation of the Constitution was only a beginning, and that its operation must be followed up by the Japanese people themselves.

For these reasons, in addition to those which had been adduced on previous occasions, such as the possibility of leakage of information concerning the review provision and the question of the good faith of the Allies, M. JOR FLEMING said the case for publication of the review provision daily was becoming stronger. He asked whether the United States Government could not agree to immediate publication of the review provision, and if not, he desired to know the United States views as to how the decision of the Commission on the subject could be put into effect.

GENERAL WILDRENG replied that, while it was not the intention of the United States Government or of the Supreme Commander to use delay in the publication of the review provision as a device with which to avoid putting the decision of the Commission into effect, he was not prepared at this time to state the position of his Government. He had expected to submit a definite United States proposal on the subject, but it had not been completed in time. He expected the proposal to be ready for submission at the next meeting of the Commission.

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 7 - THE WORK OF THE COMMISSION (FEC-105/2, 36-049/2)

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 9 - OTHER BUSINESS

- a. Request by United Nations Far East Working Group on Devastated Areas for Attendance of Far Eastern Commission Representative (FEC-202)

THE COMMISSION unanimously agreed to authorize the Secretary General to appoint a member of the staff of the Secretariat to attend meetings of the Far East Working Group on Devastated Areas as an observer, with the understanding that the attendance of such a member would in no way prejudice the viewpoint of the Far Eastern Commission with regard to any action taken by the Working Group.

ITEM 10 - PRESS RELEASE

THE COMMISSION unanimously agreed that no report of the foregoing proceedings should be released to the press.

The meeting adjourned at 12:30 P.M.

MINUTES-FECRESTRICTEDMinutes--47th FEC Mtg.27 February 1947FAR EASTERN COMMISSION

Minutes of the Forty-seventh Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, Northwest,
Washington, D. C.
Thursday, 27 February 1947
10:30 A.M.

REPRESENTATIVES PRESENT

Maj. Gen. Frank R. McCoy (United States) (Chairman)
His Excellency Mr. N. J. O. Makin (Australia)
Mr. R. E. Collins (Canada)
His Excellency Dr. V. K. Wellington Koo (China)
His Excellency Mr. P. E. Naggiar (France)
Mr. Jamshed Vesugar (India)
Dr. A. D. A. de Kat Angelino (Netherlands)
His Excellency Sir Carl Berendsen (New Zealand)
Mr. C. Coronel (Philippines)
Rear Admiral S. S. Ramishvili (U.S.S.R.)
Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

RESTRICTEDMinutes--47th FEC Mtg.

RESTRICTED

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

ITEM 1 - APPROVAL OF THE MINUTES OF THE 46TH MEETING

DR. KOC requested that the sentence beginning in the eighth line on page 6 of the minutes of the 46th meeting be amended as follows:

"DR. KOC pointed out that according to the present wording of FEC-011/23 the restoration provision did not apply to property ~~leased-in~~ confiscated or sequestered by Japan prior to 7 December 1941."

MR. NAGGIAR requested that the last sentence in the second full paragraph on page 3 and the last sentence of the first paragraph on page 5 be amended as follows:

"The proposal was lost by a vote of 1 to 10-9, with one abstention."

THE COMMISSION unanimously approved the minutes of its forty-sixth meeting with the amendments requested.

ITEM 2 - SHORT PERIOD CONTROLS OVER THE JAPANESE ECONOMY TO RELIEVE WORLD SHORTAGES (FEC-079/4)

GENERAL McCOY asked that the minutes record the understanding of his Government with reference to paragraph 1 of FEC-079/4 that the provision therein for the supply of goods by Japan should be carried out under arrangements acceptable to the Supreme Commander for the Allied Powers.

THE COMMISSION unanimously approved FEC-079/4.

ITEM 3 - SUPPLY OF FOOD FOR CIVILIAN RELIEF IN JAPAN (FEC-026/10, -026/12)

MR. GRAVES presented the following formal statement:

"Mr. Chairman, I should like to make a comment ^{of a} ~~on~~ ^{concerning} ~~on~~ the food paper if I may. Since there has been some misunderstanding as to why some of us should consider it the Commission's duty to lay down stringent rules for the supply of food for relief in Japan, may I refer to one of General Hilldring's statements made at last week's meeting. On page 7 of the minutes you will see that General Hilldring said that 'there were in the United States Government important officials who could not understand why, with respect to an activity for which the United States provided all the money and supplies, the Far Eastern Commission should wish to propose restrictions...' The important words are 'for which the United States provided all the money and supplies'.

"Now this clearly indicates that there are some who are under the impression that the food is being sent to Japan as a gift by the U.S.A., and in talks outside the Commission I find that this view is widely held, Mr. Chairman, and I have no doubt that those who think that this is being done would feel that the Commission is being over-zealous in its interference. But this apparently is not the situation. Let us turn to General MacArthur's telegram to the War Department which is before us in the form of MI-092. In that General MacArthur says: 'Nor must sight be lost of the circumstances under which such food and other emergency relief supplies are provided. There is involved an appropriation of public funds only for the purpose of their acquisition, the corresponding cost becoming thereafter a charge against Japan which should be protected by a first lien on every asset within Japan.'

RESTRICTED

It is not charity nor have I found that the Japanese want charity. Nor, if reasonable precautions are taken, will the American taxpayer ultimately be out of pocket a single dollar as a result'.

"Now quite obviously, Mr. Chairman, the intention is to place a first lien on Japanese assets for food supplied. The interests of every country represented at this table therefore become vitally affected, since a first charge reduces the amount available for reparations. To some extent we therefore pay for this food and I accordingly contend, and I hope my colleagues agree, that after having made arrangements for the Supreme Commander to receive such supplies as will prevent starvation, widespread disease and unrest, it is the right and duty of the Commission to ensure that Japan's allotment shall be kept at the very minimum, so long as there are more deserving countries in which the people's diet is inadequate. There are countries, in our estimation, that should have access to any food that is available provided that the countries concerned are able to pay for it and transport it. Our view in this matter is that, provided we arrange with the Supreme Commander so that he will have a proper reserve to prevent widespread disease and unrest, there is no justification for large allotments or even smaller allotments of food for Japan while other nations are in a desperate position for food."

GENERAL McCOY said that although he recognized the cogency of the position explained by Mr. Graves it must nevertheless be realized that the United States Congress looked upon this relief appropriation as an expenditure of funds which would only be balanced by realization of claims against possible future reparations. Furthermore, since the appropriation for Japan was contained in the general appropriation for world relief, any statement in the paper under consideration which would hinder approval of this portion of the appropriation would also hinder approval of the funds necessary for relief in other parts of the world as well.

MR. VESUGAR remarked that in the case of food supplies for many interested governments, including his own, no United States appropriation was involved, since the cost of the food and the expense of its transportation was paid by the recipient government. GENERAL McCOY emphasized that his statements had borne only on those areas of the world which were being considered for relief. Particularly where the attitudes of Allied military commanders had been involved, he observed, strong differences of opinion had quite understandably arisen. For example, the commander of the British Zone in Germany had consistently felt and expressed the same responsibility for the welfare of the occupation as had been felt and expressed by the Supreme Commander with regard to Japan, and which had been most recently stated by the Supreme Commander in III-092.

GENERAL McCOY said that FEC-026/10 was not acceptable to the United States Government and he drew attention to FEC-026/12 which had been proposed by the United States Government as an alternative. He said that there had been reluctance on the part of certain interested branches of the United States Government to approve even the amended version offered in FEC-026/12 and he explained that he was now under instructions to stand on the proposal in its present form.

SIR CARL BERENDSEN said that his views on the food situation remained unchanged. He considered a policy statement on the subject in the form set out in FEC-026/10 to be preferable to the alternative proposed by the United States Government. He did not personally agree with the additions indicated in paragraph 1 of the United States proposal nor with the deletion indicated of subparagraph 1 b (1). However, in the light of the explanation of the United States position offered

RESTRICTED

at the last meeting of the Commission, if FEC-026/12 represented a paper upon which general agreement could be obtained he would not vote against its adoption.

DR. KOO recalled that a discussion at the last meeting had centered mainly on the proposal indicated in FEC-026/12 to delete subparagraph 1 b (1). The Chinese Government felt that the paragraph should remain in the paper since it did not affect the policy statement itself and since its absence might give rise to public apprehension in China and other parts of the world due to continued acute shortages of food. However, DR. KOO continued, he had been impressed by the very real difficulties which, as General Hilldring had explained at the last meeting of the Commission, would confront the executive branch of the United States Government in its efforts to obtain approval of appropriations for civilian relief. He emphasized the necessity of including some reference along the lines of paragraph 1 b (1) in the paper in order to obviate the unfavorable reaction which would result in certain of the needy countries from a complete absence of any reference to the situation in those countries. He suggested, as a means of alleviating both the difficulties foreseen by the United States Government if the paragraph remained in the paper in the form proposed in FEC-026/10, as well as the difficulties which would confront the representatives of needy countries if the paragraph were entirely deleted, that the paragraph be included in the paper as the opening clause of paragraph 1 b, as follows:

"Since many countries are suffering from a dire shortage of foodstuffs largely due to Japanese aggression and in many of the countries devastated by the Japanese the diet of the people is inferior to that of the Japanese, the Supreme Commander should make it clear to the Japanese people that:"

MR. VESUGAR expressed agreement with the views stated by Dr. Koo. He said that if there were no other way to include the subparagraph in question in the paper he would support the proposal of Dr. Koo. Before doing this, however, he desired to inquire why the United States Government felt it necessary to delete paragraph 1 b (1). He thought that there was no good reason why the Japanese people should not be informed that many countries, as a result of Japanese aggression, were suffering and were enduring lower standards of diet than that enjoyed by the Japanese. GENERAL McCOY said that he thought the answer to Mr. Vesugar's question was contained in the explanation of the United States position on this question which had been offered by General Hilldring at the last meeting of the Commission, and he referred particularly to that portion of General Hilldring's statement which dealt with the possible misinterpretations among some officials in the United States Government to which paragraph 1 b (1) might give rise (Minutes, 46th FEC Meeting, Page 7).

MR. GRAVES agreed that General Hilldring at the last meeting of the Commission had set out very clearly the difficulties confronted by the United States Government. However, he pointed out, other member governments also had their own difficulties with regard to territories which had been devastated, the occupants of which were fully aware that the Japanese had higher food rations than they. He therefore felt that any policy statement on the question must contain the provision that the Japanese be informed of the fact that their diet was superior to that of many of the people suffering from Japanese aggression. He was not at present prepared to approve any paper which did not contain some such reference.

MR. MCKIN suggested that the differences expressed might be reconciled by changing the paragraph in question to read: "Many countries are suffering from a dire shortage of foodstuffs largely due to Japanese aggression."

RESTRICTED

MR. VESUGAR said that the shortening of the paragraph in question as proposed by Mr. Makin would not meet his point that the Japanese be informed not only that many countries were suffering from shortages attributable to Japanese aggression but also that they endured a diet inferior to that of the Japanese. As he had previously stated, there was evidence to indicate that some members of the Supreme Commander's staff were unaware of this latter fact and that therefore it was not to be thought that the Japanese people themselves could be aware of it unless it were pointed out to them.

MR. NASCIAR stated that it appeared to him that the discussion was centered on whether or not a simple statement of fact was to be included in the document. The fact was indubitable, he thought, that countries were suffering shortages because of Japanese aggression and he expressed doubt as to the advisability of omitting this factual statement on the ground that it might make difficult the approval by the United States Congress of the funds necessary to supply food to Japan. In any democratic country, he pointed out, the assembly or parliament was entitled to know all the facts relevant to any question upon which it might be voting. He could not understand how it was possible to delete this factual statement from the paper since, if it were removed, there would be no necessity for the subsequent statements as to the Supreme Commander not assuming certain obligations. He thought that the statement must be retained in the paper in some form.

GENERAL McCOY stated that he would comply with the apparent wish of representatives that he discuss the policy statement on food with his Government in the light of the foregoing discussion.

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

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

GENERAL McCOY said that he was not yet prepared to state the position of his Government with regard to this subject. MR. MAKIN asked whether some indication might be given as to how soon the United States views might become available, and GENERAL McCOY replied that while he could not be specific as to time, he could assure representatives that continuing consideration was being given the matter by the appropriate branches of the United States Government and that every effort was being made to expedite formulation of the official position of the Government.

MR. COLLINS associated himself with the statement made by Major Plinsoll at the last meeting of the Commission (Minutes, 46th FEC Meeting, pp. 8 and 9). The view of the Canadian Government, he said, was that in the interests of fairness to the Japanese as well as to the Commission itself, the Japanese people should be made aware of the existence of the provision for the review of the Constitution. An excellent time for announcement of the provision had been that of promulgation of the Constitution. That opportunity had of course passed, but another and perhaps better one had now arisen in connection with the forthcoming general election. MR. COLLINS hoped, therefore, that agreement could be reached very soon whereby public announcement of the review provision could take place.

MR. GRAVES expressed complete agreement with the views stated by Mr. Collins.

THE COMMISSION unanimously agreed to postpone further

RESTRICTED

consideration of FEC-103.

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

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 6 - REPORT ON JAPANESE EXTERNAL ASSETS (FEC-072)

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 7 - OTHER BUSINESS

There was no other business.

ITEM 8 - PRESS RELEASE

THE COMMISSION unanimously agreed that a statement concerning the policy on Short Period Controls Over the Japanese Economy to Relief World Shortages (FEC-079/4) should be released to the press in the normal course.

The meeting adjourned at 11:45 A.M.

RESTRICTED6 March 1947FAR EASTERN COMMISSIONCORRIGENDUMTOMINUTES OF FORTY-SEVENTH MEETINGNote by the Secretary General

1. The Commission, at its forty-eighth meeting, 6 March 1947, approved the minutes of its forty-seventh meeting with the following change, requested by the United Kingdom representative:

Page 1, first sentence of formal statement under Item 3 to read: "Mr. Chairman, I should like to make a comment of a general nature on the food paper if I may."

2. All representatives are requested to note the above change in their copies of the minutes of the forty-seventh meeting.

NELSON T. JOHNSON
Secretary General

Corrig. to Min. - 47th
FEC Mtg.

MINUTES--FECRESTRICTEDMinutes--48th FEC Mtg.6 March 1947FAR EASTERN COMMISSION

Minutes of the Forty-eighth Meeting of the Far Eastern
Commission Held in the Main Conference Room, at 2516
Massachusetts Avenue, N.W., Washington, D. C., Thursday,
6 March 1947, 10:30 A.M.

REPRESENTATIVES PRESENT

Major General Frank R. McCoy (United States) (Chairman)
His Excellency N. J. O. Makin (Australia)
Mr. R. E. Collins (Canada)
His Excellency Dr. V. K. Wellington Koo (China)
Mr. Francis Lacoste (France)
Mr. Jamshed Vesagar (India)
Mr. O. Reuchlin (Netherlands)
His Excellency Sir Carl Berendsen (New Zealand)
Mr. C. Coronel (Philippines)
Rear Admiral S. S. Ramishvili (U.S.S.R.)
Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

RESTRICTEDMinutes--48th FEC Mt

RESTRICTED

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

ITEM 1 - APPROVAL OF THE MINUTES OF THE 47th MEETING

MR. GRAVES requested that the first line of his formal statement presented on the subject of supply of food for civilian relief in Japan (page 1, Minutes of the 47th FEC Meeting) be amended to read:

"Mr. Chairman, I should like to make a comment of a general nature on the food paper if I may."

THE COMMISSION unanimously approved the minutes of its 47th meeting with the amendment requested by Mr. Graves.

ITEM 2 - ELECTION OF CHAIRMAN AND DEPUTY CHAIRMAN OF COMMITTEE NO. 5: WAR CRIMINALS (FEC-206/1)

THE COMMISSION unanimously approved FEC-206/1, containing the recommendation that Mr. H. T. Liu of China and Mr. C. Coronel of the Philippines be elected Chairman and Deputy Chairman, respectively, of Committee No. 5: War Criminals.

ITEM 3 - PROPOSED REPLY TO NORWEGIAN REQUEST FOR INFORMATION RELATIVE TO REPARATIONS CLAIMS (FEC-205/2; FEC-205)

MR. LACOSTE pointed out that the word "statement" in the first sentence of the second paragraph of FEC-205/2 should be changed to "statements".

THE COMMISSION unanimously approved FEC-205/2 with the above correction.

ITEM 4 - ALLIED TRADE REPRESENTATIVES IN JAPAN (FEC-088/1, FEC-088)

MR. LACOSTE said that he was not yet prepared to state the final views of his Government on FEC-088/1.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-088/1.

ITEM 5 - INTERIM PRINCIPLES FOR RESTITUTION OF IDENTIFIABLE PROPERTY CONFISCATED IN JAPAN FROM ALLIED NATIONALS (FEC-011/28, FEC-011/24)

GENERAL McCOY noted that FEC-011/28 had been approved by the Steering Committee with the understanding that the following statement explaining the position of the Chinese Government would be included in the minutes of the Commission meeting at which the policy decision was approved and should be transmitted to the Supreme Commander for his information along with the policy directive:

"It is agreeable to the Chinese Delegation to eliminate paragraph 1 b from the document FEC-011/27 if it is clearly understood that for the purpose of this paper the expression 'the outbreak of hostilities' in paragraph 1 should be regarded, insofar as China is concerned, as 7 July 1937. The Chinese Delegation desires to reserve its right to request of the Supreme Commander for the Allied Powers the restitution of Chinese property within the terms of this paper which was seized, confiscated, or sequestered before 7 July 1937.

"It is the understanding of the Chinese Delegation that the definition of 'the outbreak of hostilities' as indicated above is only for the purpose of this paper and will in no way affect policy statements to be adopted by the Far Eastern Commission relating to the question of restitution as a whole and the restitution of cultural objects removed from China by the Japanese Government,

RESTRICTED

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

ITEM 1 - APPROVAL OF THE MINUTES OF THE 47th MEETING

MR. GRAVES requested that the first line of his formal statement presented on the subject of supply of food for civilian relief in Japan (page 1, Minutes of the 47th FEC Meeting) be amended to read:

"Mr. Chairman, I should like to make a comment of a general nature on the food paper if I may."

THE COMMISSION unanimously approved the minutes of its 47th meeting with the amendment requested by Mr. Graves.

ITEM 2 - ELECTION OF CHAIRMAN AND DEPUTY CHAIRMAN OF COMMITTEE NO. 5: WAR CRIMINALS (FEC-206/1)

THE COMMISSION unanimously approved FEC-206/1, containing the recommendation that Mr. H. T. Liu of China and Mr. C. Coronel of the Philippines be elected Chairman and Deputy Chairman, respectively, of Committee No. 5: War Criminals.

ITEM 3 - PROPOSED REPLY TO NORWEGIAN REQUEST FOR INFORMATION RELATIVE TO REPARATIONS CLAIMS (FEC-205/2; FEC-205)

MR. LACOSTE pointed out that the word "statement" in the first sentence of the second paragraph of FEC-205/2 should be changed to "statements".

THE COMMISSION unanimously approved FEC-205/2 with the above correction.

ITEM 4 - ALLIED TRADE REPRESENTATIVES IN JAPAN (FEC-088/1, FEC-088)

MR. LACOSTE said that he was not yet prepared to state the final views of his Government on FEC-088/1.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-088/1.

ITEM 5 - INTERIM PRINCIPLES FOR RESTITUTION OF IDENTIFIABLE PROPERTY CONFISCATED IN JAPAN FROM ALLIED NATIONALS (FEC-011/28, FEC-011/24)

GENERAL McCOY noted that FEC-011/28 had been approved by the Steering Committee with the understanding that the following statement explaining the position of the Chinese Government would be included in the minutes of the Commission meeting at which the policy decision was approved and should be transmitted to the Supreme Commander for his information along with the policy directive:

"It is agreeable to the Chinese Delegation to eliminate paragraph 1 b from the document FEC-011/27 if it is clearly understood that for the purpose of this paper the expression 'the outbreak of hostilities' in paragraph 1 should be regarded, insofar as China is concerned, as 7 July 1937. The Chinese Delegation desires to reserve its right to request of the Supreme Commander for the Allied Powers the restitution of Chinese property within the terms of this paper which was seized, confiscated, or sequestered before 7 July 1937.

"It is the understanding of the Chinese Delegation that the definition of 'the outbreak of hostilities' as indicated above is only for the purpose of this paper and will in no way affect policy statements to be adopted by the Far Eastern Commission relating to the question of restitution as a whole and the restitution of cultural objects removed from China by the Japanese Government,

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members of its armed forces, Japanese officials or nationals, or other enemy individuals or groups."

The French member of the Steering Committee had also expressed a desire to record the position of his Government with the understanding that the record of this position would be forwarded to the Supreme Commander in the same manner as the Chinese statement. MR. LACOSTE therefore presented the following formal statement:

"It is agreeable to the French Delegation to eliminate paragraph 1 b from the document FEC-011/27 if it is clearly understood that for the purpose of this paper the expression 'the outbreak of hostilities' in paragraph 1 should be regarded, insofar as France is concerned, as 22 September 1940."

MR. GRAVES invited the attention of the Commission to the following statement which he had presented at the 46th meeting of the Far Eastern Commission:

"I am glad to accept this paper as a small step, a very small step, in the right direction, but I want to take this opportunity of drawing the attention of the Commission to some serious omissions from it.

"First of all, the members will see that only those United Nations nationals who are at present in Japan are sure of getting their property back under this paper. Those who are not there cannot authorize some other person in Japan to receive it on their behalf.

"Another objectionable feature is in paragraph 1 (b) of the paper. My Government cannot understand why large-scale businesses should be singled out in this way - why they should not equally be restored to their owners with the small ones. We can see no reason for differentiating between the two classes of business.

"My Government is interested in these two points because they are intimately bound up with the resumption of private trade in Japan without which Japan cannot be expected to set out on the road to economic recovery or hope to pay her way.

"Another serious omission from this paper is that it does not provide for compensation to be paid in respect of damage to the property which is being returned nor of course does it set up any organization to assess claims. We are nevertheless prepared to accept the paper. It is better than nothing and we are informed that the United States delegation has a final paper covering the whole subject in preparation. We hope that it will soon be put before us.

"There is one other detail to which I would invite your attention. In paragraph 4 of the paper it is provided that restorees should refund amounts received from the Japanese Government for their property at the time of confiscation less any amounts due to them as claims for the damage. If claims are less than the amounts paid, the restorees will have to refund some sums of money to the Japanese Government. These sums may be substantial and my Government hopes that in that event the restorees will be given a reasonable time to find the yen with which to make payment."

MR. GRAVES said that he desired to record the continued adherence of his Government to the position stated above and he explained that when the United States Delegation should present an over-all proposed policy on the subject the points enumerated in the statement would again be raised by the United

RESTRICTED

Kingdom Delegation.

THE COMMISSION unanimously approved FEC-011/28 with the understanding that the Chinese and French statements as recorded above would be forwarded to the Supreme Commander together with the directive based upon the policy decision and that the points raised in the United Kingdom statement as recorded above would be discussed in connection with consideration of a later paper on the subject.

ITEM 6 - SUPPLY OF FOOD FOR CIVILIAN RELIEF IN JAPAN (FEC-026/10, FEC-026/12)

GENERAL MCCOY said that the discussion of the subject of supply of food for civilian relief in Japan which had taken place at the last meeting of the Commission (pp. 1 to 4, Minutes of the 47th FEC Meeting) had been reported to the United States Government and that the various proposals advanced by representatives during the discussion had been very carefully studied. None of these proposals had been found acceptable, and the United States position remained one of willingness to agree to a policy decision on the subject only if it were cast in the form proposed in FEC-026/12.

MR. GRAVES remarked that the United Kingdom position also remained unchanged, and that he was therefore unable to accept any proposed policy decision on this subject which did not contain the provision that the Japanese be informed of the fact that their diet was superior to that of many of the people suffering from Japanese aggression.

MR. VESUCAR said that while he realized that the United States Government undoubtedly had excellent reasons for finding unacceptable the various suggestions which had been made by representatives, he felt it necessary to inquire specifically whether the United States Government had fully considered the possibility of informing the Japanese people, by some method other than inclusion of a statement in the proposed policy decision, of the world-wide food shortage and of the fact that they were enjoying a diet superior to that endured by many who were victims of their aggression. In this connection he pointed out that on 28 January 1947 at the 49th meeting of the Steering Committee, Mr. Eekqvist of the Staff of the Supreme Commander for the Allied Powers, had said, in connection with questions concerning the general world food shortage, that the Supreme Commander's Staff was not apprised, other than by newspaper comment, of the world food shortage. He wished to reserve the Indian position on the whole matter until there had been full consideration of possible methods for conveying to the Japanese people some statement to the effect that other parts of the world had suffered as the result of Japanese aggression and that the Japanese diet had been superior to that of their victims.

MR. WALKER said that he, too, felt that some means should be found to drive home to the Japanese people the indubitable fact of the tragic need and distress that existed in many parts of the world largely as the result of Japanese aggression. He agreed that there was evidence to show that the Japanese people were not conscious of conditions in other parts of the world or of their own responsibility for these conditions.

SIR CARL BERENDSEN said that his position on FEC-026/12 had been expressed at the last meeting of the Commission (pp. 2 and 3, Minutes of the 47th FEC Meeting) and that he desired only to point out that a policy decision on this subject had already been passed by the Commission (FEC-026/2). This policy decision was repeated in both FEC-026/10 and FEC-026/12. Complete approval of the policy had been reiterated from time to time by the United States Government, and, indeed, the United States Government had often stated that the policy had been consistently followed throughout the occupation of

RESTRICTED

Japan. If agreement could not be reached on immediate formulation of the present proposed policy decision, he suggested that the already existent agreement of the Commission, as embodied in FEC-026/2, be forwarded to the Supreme Commander, and that in conjunction with its issuance there be also issued to the Japanese people, in whatever manner was deemed advisable by the Supreme Commander, an explanation of the food shortage throughout the world.

DR. KOO supported the suggestion made by Mr. Vesugar, and said that if neither his own proposal (p. 3, Minutes of the 47th FEC Meeting), nor that of any other representative could be accepted by the United States Government, some other method, not necessarily in connection with the particular paper under consideration, be utilized for informing the Japanese people of the shortage being suffered throughout the world, particularly in those countries devastated by Japanese aggression.

MR. GRAVES said that although most discussion of this subject had centered on the inclusion or the deletion of paragraph 1 b (1), he desired to reaffirm the position of his Government that it not only opposed deletion of that paragraph but also opposed the inclusion of the underscored words in paragraph 1 of FEC-026/12. Those words, he said, implied endorsement of the policy which had been followed, and his Government was not prepared to associate itself with such endorsement.

After a brief recess, for the purpose of consultation with his advisers, GENERAL McCOY stated that he was prepared to meet the points raised by representatives by amending paragraph 2 of FEC-026/12 as follows:

"2. The Far Eastern Commission decides as a matter of policy that during any period of acute world food shortage, no imports of food should be permitted which would have the effect of giving priority or preferential treatment for the Japanese over the requirements of the peoples of any Allied Power or liberated area, many of which suffer shortages of food largely due to Japanese aggression, except to the extent that the Supreme Commander for the Allied Powers has determined that imports into Japan are essential for the safety of the occupation forces."

ADMIRAL RAMISWILI said that he was still awaiting instructions regarding the views of his Government on FEC-026/12. He would of course inform the Soviet Government of the amendment just proposed, and he suggested that any personal expression of views other representatives might care to make at this time would be helpful.

MR. VESUGAR said that while he appreciated the efforts of General McCoy to work out a formulation in the paper which would meet the views of his own and other member governments, he felt that the wording just proposed would appear to apply only to liberated areas, and not also to Allied Powers. This, however, was a fault which could undoubtedly be corrected in drafting. Much more important, he thought, was the fact that the new proposal would not make clear to the Japanese the fact that their diet was superior to that of people in many devastated areas.

The principal objective sought by his Government in this connection, MR. VESUGAR continued, was to ensure that people who had suffered from Japanese aggression should not be worse fed than the Japanese people. General Hilldring had explained to the Commission (page 7, Minutes, 46th FEC Meeting) that certain United States officials would find it difficult to understand why there was resistance on the part of member governments to expenditures by the United States Government for food for Japan. MR. VESUGAR said that the primary reason

RESTRICTED

for such resistance was the justice of supplying food when needed to those areas which had suffered from aggression rather than to Japan. Furthermore, the statement that supplies sent to Japan were entirely paid for by the United States Government was not exactly correct. Such supplies would be charged against reparations due from the Japanese, and in so far as reparations available for distribution would be thereby reduced, all nations which would participate in the sharing of reparations were contributing to the food supply for Japan.

MR. GRAVES said that his personal opinion was that the amendment proposed to paragraph 2 by General McCoy would not prove acceptable, since it did not include reference to the fact that people in devastated countries suffered a diet inferior to that of the Japanese.

MR. CORONEL thought that since the United States had been willing to propose the compromise suggested by General McCoy, he felt that the additional statement regarding the inferiority of the diet in devastated countries might be included. Such a further inclusion, he said, would make the amendment more acceptable to his Government.

SIR CARL BERENDSEN said that while he had not committed himself to support of the American proposal as set forth in FEC-026/12, he had also stated that he would not find it necessary to oppose the paper, and of course would therefore not oppose the alteration just proposed by General McCoy. He desired, however, to make his position abundantly clear and to state that he was strongly opposed to supplying more food to the Japanese than to the victims of their aggression, except to the extent that might be absolutely necessary to ensure the safety of the occupying forces. He much preferred the policy decision as formulated in FEC-026/10, but in view of the explanation of United States domestic difficulties which had been offered by General Hilldring, he would not oppose adoption of FEC-026/12 in order to get some policy decision of the Commission into effect. He said that he accepted it as a fact that the Japanese were being fed better than were their victims. The only excuse for that fact was the insurance of the safety of the occupying forces, and he realized that no one but the Supreme Commander could finally decide what might be necessary to ensure that safety. For these reasons, he repeated in conclusion, he did not oppose adoption of FEC-026/12.

MR. REUCHLIN endorsed the position stated by Sir Carl Berendsen. While he preferred the paper as it had appeared in FEC-026/10 with the inclusion of what was, he said, the indubitable statement of fact contained in paragraph 1 b (1), he was, out of respect for the internal difficulties of the United States Government with regard to that paragraph, prepared not to oppose adoption of FEC-026/12.

MR. L. COSTE said that the proposal just submitted by General McCoy constituted an improvement in FEC-026/12 and that the French delegation, although it preferred the proposed policy decision as it had appeared in FEC-026/10, had been prepared not to oppose adoption of FEC-026/12, and would of course not oppose the paper in its improved form.

DR. KOC said that he realized the responsibility of the Supreme Commander to safeguard the security of the occupying forces and that therefore the proposal suggested by General McCoy represented not only an improvement in the paper but a concession on the part of the United States Government. However, since the more important of the two points under discussion, namely, that the Japanese be informed that they enjoyed a diet superior to that of their victims, was not covered by the proposed amendment, he desired to reserve his position until he had had opportunity to consider the matter further.

MR. COLLINS said that, although he would not be certain

RESTRICTED

of the position of his Government until he had had opportunity for consultation, he did not think that his Government would oppose FEC-026/12 with the amendment proposed by General McCoy if it seemed to be the best policy decision obtainable under the circumstances. However, he continued, he found it difficult to understand why, if the United States Government were willing to agree to the insertion of a factual statement regarding food shortages which were largely due to Japanese aggression, it could not also add the factual statement with regard to the Japanese diet being superior to that of their victims.

MR. MAKIN said that he desired a further opportunity to consider the suggestion offered by General McCoy. However, with regard to his general position, he could not help but wonder why so much solicitude for the Japanese was being evinced. He thought that a misunderstanding was being created in the minds of people throughout the world because of this reluctance to tell the Japanese of the sufferings that had resulted and were still resulting from the cruel and brutal conditions imposed by them on their victims during the course of their aggression. He thought that the Japanese should be made to understand that after having imposed intolerable burdens and irreparable damage upon other people they could hope to enjoy favors only after a prolonged demonstration of good works on their own part.

With regard to the form of the amendment proposed by General McCoy, MR. MAKIN said that it did not seem to impose the obligation upon the Supreme Commander to inform the Japanese of the fact that food shortages were endured in many parts of the world largely because of Japanese aggression. He therefore expressed some doubt as to whether the proposed amendment really met the desires expressed by representatives.

With regard to the suggestion he had offered at the last meeting of the Commission (p. 3, Minutes of the 47th FEC meeting) in order to meet the objections that had been raised, MR. MAKIN said that it would be desirable to receive an explanation as to why this suggestion had been found unacceptable by the United States Government. If the reasons could be known, he said, he and other representatives might be aided in finding another form of words upon which agreement could be reached.

GENERAL MCCOY said that the position taken by his Government was not based on consideration for the Japanese people but represented rather an endeavor to assist the Supreme Commander in carrying out the occupation in accordance with the controlling documents on the subject. He pointed out that preferential treatment for the Japanese would be permitted by FEC-026/12 only to the extent essential for the safety of the occupation forces.

GENERAL MCCOY emphasized that unless the Commission was prepared to accept FEC-026/12 with the amendment he had proposed earlier, there would be no further policy decision on this subject. He said that he was certain from his consultations with his Government that no additional alterations would be acceptable.

ADMIRAL RAMISVILI said that he fully sympathized with the viewpoints which had been expressed by representatives, particularly with the view that the Japanese should be informed of the fact that people in many devastated areas suffered diets inferior to that enjoyed by the Japanese. He said that an account of the viewpoints just expressed would be forwarded to his Government for its consideration in connection with the formulation of the official Soviet position on the paper. He added that his Government had been prepared to approve FEC-026/10, with the addition of some provision for consultation by the Supreme Commander with the Allied Council for Japan.

RESTRICTED

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 7 - PRESS ARTICLE RELATIVE TO THE FAR EASTERN COMMISSION POLICIES ON THE JAPANESE CONSTITUTION (FEC-103, III-075)

GENERAL McCOY said that he was not yet prepared to state the position of his Government on FEC-103. The views which had been expressed by other representatives on this subject had been referred to the United States Government and the official United States position on the question was still in the process of formulation, with very serious consideration being given to the views of other member governments.

MR. MAKIN pointed out that if publication of the provision requiring review of the Japanese Constitution was to be made before the Japanese General Election, which was scheduled to take place in April, a decision by the Far Eastern Commission must be reached at an early date. If the very opportune moment for publication which was afforded by the General Election should pass, it was his opinion that it would be difficult later to find a moment as opportune.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-103.

ITEM 8 - THE WORK OF THE COMMISSION (FEC-105/2, SC-049/2)

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

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

THE COMMISSION unanimously agreed to postpone further consideration of FEC-072.

ITEM 10- OTHER BUSINESS

a. Departure of Mr. Vesugar

MR. VESUGAR said that his regular duties required his immediate departure from Washington. He expressed the pleasure he had taken in representing his Government on the Commission. Henceforth, he explained, India would be represented on the Commission by Mr. Asaf Ali, the newly-appointed Ambassador, and the alternate representative would be Mr. B. R. Sen, Minister at the Indian Embassy.

ITEM 11 - PRESS RELEASE

THE COMMISSION unanimously agreed that no statement of the foregoing proceedings should be released to the press.

The meeting adjourned at 12:15 P.M.

MINUTES--FEC

RESTRICTED

Minutes--49th FEC Mtg.

13 March 1947

FAR EASTERN COMMISSION

Minutes of the Forty-ninth Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N.W.,
Washington
13 March 1947, 10:30 A.M.

REPRESENTATIVES PRESENT

Major General Frank R. McCoy (United States) (Chairman)

Major J. Plimsoll (Australia)

Mr. R. E. Collins (Canada)

His Excellency Dr. V. K. Wellington Koo (China)

His Excellency Paul E. Maggiar (France)

Mr. B. P. Sen (India)

His Excellency Dr. A. Loudon (Netherlands)

His Excellency Sir Carl Berendsen (New Zealand)

Mr. C. Coronel (Philippines)

Rear Admiral S. S. Ramishvili (U.S.S.R.)

Mr. R. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

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Minutes--49th FEC Mtg.

RESTRICTED

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

ITEM 1 - APPROVAL OF THE MINUTES OF THE 48TH MEETING

THE COMMISSION unanimously approved the minutes of its forty-eighth meeting.

ITEM 2 - ALLIED TRADE REPRESENTATIVES IN JAPAN (FEC-088/1; FEC-088)

MR. MAGGIAR said that he was now prepared to approve FEC-088/1. He desired to record in the minutes the fact that French approval was extended to the paper on the understanding that it was to be considered as a temporary measure and as a starting point in the establishment of free channels of trade with Japan. The French Government realized that because of present circumstances exceptional measures had to be adopted for getting such trade under way, but wished to emphasize that it regarded as exceptional and temporary the status of trade representatives as representatives of their respective governments. It was the hope of the French Government, he concluded, that normal procedures for free trade with Japan would be established soon.

THE COMMISSION unanimously approved FEC-088/1.

ITEM 3 - RECOMMENDATION OF THE STEERING COMMITTEE FOR DISSEMINATION OF THE FIRST ANNUAL REPORT OF THE SECRETARY GENERAL (FEC-200/6; FEC-200)

At the request of General McCoy, DR. BLAKESLEE, speaking as Chairman of the special subcommittee which had prepared the recommendation contained in FEC-200/6, explained that its preparation and subsequent approval by the Steering Committee had been on the understanding that the Secretariat, in accordance with the instructions of the Steering Committee given at its fifty-third meeting, 25 February 1947, would proceed with the preparation of a report to be submitted to the Commission for consideration with a view to publication.

THE COMMISSION unanimously agreed to accept the recommendation of the Steering Committee as set forth in FEC-200/6, with cognizance of the above statement by Dr. Blakeslee.

ITEM 4 - SUPPLY OF FOOD FOR CIVILIAN RELIEF IN JAPAN (FEC-026/12, -026/14, -026/13; -026/10)

GENERAL McCOY said that he had referred to his Government all the discussion of this subject which had taken place at recent meetings of the Commission, and that these views were being thoroughly considered by the United States Government. For the present, however, the United States position remained one of willingness to approve a policy decision on this subject only if it took the form proposed in FEC-026/12, with the amendment shown in FEC-026/14.

MR. SEN said that, while he realized discussion at recent meetings had centered on proposals to include some provision in the paper whereby the Japanese would be informed that the diet of people in some areas of the world which suffered from Japanese aggression was inferior to that of the Japanese themselves, he considered a much more important point to be formulation of a policy which would lend reality to the provision in paragraph 2 of the paper which required that "no imports of food should be permitted which would have the effect of giving priority or preferential treatment for the Japanese over the requirements of the peoples of any Allied Power or liberated area..." There was evidence to show that the Japanese had been receiving a daily average of eighteen hundred to two thousand calories. The people of India, he said, had received since the famine of 1943 twelve or thirteen hundred calories a day at the most. Furthermore, the recent report by Mr. Herbert Hoover indicated that the people of Germany received a daily average of fifteen hundred calories. For these

RESTRICTED

reasons, and for the additional reason that Europe was faced with shortages even more acute, he thought the Commission should take steps to assure that the Japanese diet was brought more closely into conformity with that of devastated areas and other occupied areas. Reference had been made to the view of some within the United States Government that since the United States paid for food for Japan, the matter was of little consequence to other governments. Such a view, he thought, was unrealistic in the face of the urgent necessity for assuring that the world-wide shortage of food be more equitably shared.

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 5 - REPORT BY SECRETARY GENERAL ON ATTENDANCE OF FAR EASTERN COMMISSION REPRESENTATIVE AT SESSIONS OF UNITED NATIONS FAR EASTERN WORKING GROUP ON DEVASTATED AREAS (FEC-202/2; FEC-202 series)

GENERAL McCOY invited the special attention of representatives to paragraphs 5 and 7 of FEC-202/2. The request concerning attendance of an observer at meetings of the Inter-Allied Trade Board (subparagraph 7 b) was being referred to the Board. If there were no objection on the part of the Commission the request for a set of press releases (subparagraph 7 c) would be complied with by the Secretariat, and future releases would also be supplied to the Secretary of the Working Group.

With respect to the request concerning attendance of a representative of the Economic and Social Council as an observer at meetings of the Commission, MR. GRAVES said that consideration by the Commission of subjects of interest to the Economic and Social Council was still in a preliminary stage. Until actual policy on economic reconstruction in Japan should be under consideration, he thought attendance by such an observer would be premature.

DR. KOC said that, although he favored the general principle of cooperation between international bodies, it should nevertheless be borne in mind that meetings of the Economic and Social Council were open to the public and that therefore a report by a representative of the Council who had acted as observer at a Commission meeting would perhaps jeopardize the policy of the Commission with regard to publicity. He suggested that the matter be left open until questions should arise which, in the opinion of the Chairman, might seem pertinent to the work of the Council. The Chairman might then reopen the question for reconsideration, in the light of the possible effects on Commission publicity policy.

THE COMMISSION noted the report contained in FEC-202/2 and unanimously agreed that the Chairman might later raise the question of extending an invitation to the Economic and Social Council to send an observer to any of the Commission meetings which might be pertinent to the work of the Council. The Secretary General was instructed to reply accordingly to the Secretary of the Working Group (reply subsequently circulated as SC-202/3).

ITEM 6 - PRESS ARTICLE RELATIVE TO THE FAR EASTERN COMMISSION POLICIES ON THE JAPANESE CONSTITUTION (FEC-103, MI-075)

GENERAL McCOY presented the following formal statement on the present position of his Government on the question of publication of the provision for review of the Japanese Constitution:

RESTRICTED

"The United States Government withdraws its objections to the publication outside of Japan of the policy decision contained in FEC-031/41 and will not oppose a motion in the Far Eastern Commission to publish the decision outside of Japan provided the release of the decision to the press by the Far Eastern Commission will not be made until forty-eight hours after receipt of notification from SCAP of the receipt of the Far Eastern Commission's decision."

MAJOR PLIMSOLL asked General McCoy whether, in his opinion, the Supreme Commander would release the review provision to the press in Japan. GENERAL MCCOY replied that he was not in a position to answer this question. MAJOR PLIMSOLL said that he was pleased to hear the statement that the United States position in this matter had been relaxed but he thought that unless its meaning were clarified, further difficulties might result. If publication of the review provision took place outside Japan, the news would inevitably be heard in Japan, and conceivably this could lead to the charge that the Commission had broken faith with the Supreme Commander. Acceptance of the motion set forth in the United States statement might place the Commission under a moral obligation to prevent information regarding the review provision penetrating Japan.

SIR CARL BERENDSEN said that he warmly appreciated the statement just offered by the United States representative. However, he felt some confusion as to the intention or the possible results of the provision that publication should take place outside Japan. He agreed with Major Plinsoll that publication inside Japan was inevitable, once the decision had been released to the press, unless active and definite steps were taken to prevent the information reaching the Japanese people. While he was only assuming the possibility of such censorship, he pointed out that he considered it an extremely unwise course to prevent knowledge of such interest and importance to the Japanese people as the review provision from reaching them. He realized that the Supreme Commander, who was in a better position to appraise the course of events in Japan than was the Commission, had consistently opposed publication of the decision and indeed it was likely, SIR CARL BERENDSEN added, that the Supreme Commander opposed the substance of the decision. Therefore he thought it quite necessary that the Commission give careful consideration to the possible results of a decision which would approve publication outside Japan without publication within Japan.

MAJOR PLIMSOLL said that if the United States position were to be interpreted to mean that the Supreme Commander should decide on the method of publishing the decision in Japan as a matter of implementation, he could agree to the statement of position.

GENERAL MCCOY said that he interpreted the statement of position which he had presented to mean that the decision as to when publication would take place in Japan was a matter of implementation and therefore a matter for decision by the Supreme Commander. He pointed out that the Supreme Commander already had communicated the decision to the Japanese Government. The United States Government had now withdrawn its objections to publication of the decision by the Commission, and, in accordance with the provisions of the original policy decision, had left for decision by the Supreme Commander the question of publication in Japan.

MR. FAGGIAR pointed out that the Commission had already established a policy with regard to publication of its decisions. He thought that the question of publication in Japan was a false issue from the standpoint of the Commission, since the Commission had no practical method of carrying out such publication even if it desired to do so. The Commission's

RESTRICTED

decision to publish any of its policies simply meant that the policy would be released in Washington. He said that he was prepared to approve the United States position as presented by General McCoy, which would permit publication in Washington.

MR. HAVES said that the normal decision to publish a Commission policy consisted of the simple statement that it would be published, and no mention was made of the question of publication outside Japan or inside Japan. He wondered therefore whether some reservation was implied by the provision for publication outside of Japan.

SIR CARL BERENDSEN said that while he realized that the entire present discussion might be arising from drafting inadequacies in the statement of the United States position, he thought that a normal interpretation of the words would lead to the conclusion that the United States Government, by specifically withdrawing any objection to publication outside Japan, maintained some objection to publication inside Japan.

DR. KOO said that the statement could be interpreted to mean that while publication outside of Japan was entirely agreeable to the United States Government, publication inside Japan was not precluded, but was left to the decision of the Supreme Commander.

SIR CARL BERENDSEN said that he thought no representative had any objection to the United States position if it meant simply that the Supreme Commander should decide, within reasonable limits, the time and manner of publication of the policy decision. Indeed, this was the normal course which had been followed by the Commission.

MAJOR PLIMSOLL moved and MR. COLLINS seconded the motion that the Far Eastern Commission release the review decision to the press forty-eight hours after receipt of notification from the Supreme Commander of receipt of the Far Eastern Commission's decision to this effect.

MR. NAGGIAR suggested that the motion mentioned in the United States statement of position be amended by changing the phrase "outside Japan" to "at the seat of the Far Eastern Commission". Such a wording, he thought, would completely divest the Commission of any responsibility for the extent of dissemination of this information. GENERAL MCCOY and MAJOR PLIMSOLL agreed that the change suggested by Mr. Naggiar would be acceptable.

ADMIRAL RAMISHVILI said that he interpreted the position of the United States Government to mean that a reservation was maintained regarding publication of the policy decision in Japan. He thought, therefore, that the proper subject for consideration was the motion referred to in the United States statement, which would include the phrase regarding publication outside of Japan. To approve a motion that the decision be published in Washington, he thought, would immediately raise questions as to publication in other places.

In accordance with a suggestion by Mr. Collins, MAJOR PLIMSOLL renewed his motion that the Far Eastern Commission release the review decision to the press forty-eight hours after receipt of notification from the Supreme Commander of the receipt of the Far Eastern Commission's decision to this effect, and GENERAL MCCOY stated his acceptance of this motion with the understanding that the minutes would show that the United States Government's acceptance was subject to its understanding that the question of publication within Japan was a matter for implementation by the Supreme Commander.

ADMIRAL RAMISHVILI said that his understanding of the proposal made by Major Plimsoll was that there could be no reservation regarding publication anywhere, and that the

RESTRICTED

motion must be interpreted to mean that publication should take place in every country anywhere in the world, including Japan.

GENERAL McCOY said that since Major Flinsoll's motion could not be adopted immediately he would have to resume the original position set out above in his formal statement.

THE COMMISSION unanimously agreed to postpone further consideration of FEC-103.

ITEM 7 - REPORT ON JAPANESE EXTERNAL ASSETS (FEC-072)

THE COMMISSION unanimously agreed to postpone further consideration of FEC-072.

ITEM 8 - THE WORK OF THE COMMISSION (FEC-105/2, SC-049/2)

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 9 - OTHER BUSINESS

a. Welcome to Mr. B. R. Sen, Newly-Appointed Alternate Representative for India

GENERAL McCOY, on behalf of all representatives, welcomed Mr. B. R. Sen, Minister at the Indian Embassy, the newly-appointed alternate representative for India to the Far Eastern Commission, who was for the first time attending a meeting of the Commission.

b. Correspondence from the Soviet Representative to the Chairman

GENERAL McCOY read the two following letters which he had received from the Soviet Ambassador in his capacity as representative of the U.S.S.R. on the Far Eastern Commission:

"I have the honour to inform you that the Minister-Counselor of the Embassy of the USSR in the USA Mr. Tsarapkin S.K. is appointed to be the Deputy of the Representative of the USSR in the Far Eastern Commission.

"Accept, General, the renewed assurances of my highest consideration."

"I have the honour to inform you that in connection with my departure for Moscow, on the instructions of my Government, the duties of the Representative of the USSR in the Far Eastern Commission will be carried out by Mr. Tsarapkin S.K., the Deputy of the Representative of the USSR in the F.E.C.

"Accept, General, the renewed assurances of my highest consideration."

c. Account With National City Bank for Japanese Dollar Funds

GENERAL McCOY read a statement relative to the opening of an account by the Supreme Commander in the National City Bank, New York (subsequently circulated as FEC-209).

ITEM 10 - PRESS RELEASE

THE COMMISSION unanimously agreed that a statement concerning the policy on Allied Trade Representatives in Japan (FEC-088/1) should be released to the press in the normal course.

The meeting adjourned at 12:25 P.M.

MINUTES--FECRESTRICTEDMINUTES--50th FEC Mtg.20 March 1947FAR EASTERN COMMISSION

Minutes of the Fiftieth Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Ave., N.W.,
Washington
20 March 1947, 10:30 A.M.

REPRESENTATIVES PRESENT

Maj. Gen. Frank R. McCoy (United States) (Chairman)
Maj. J. Flimsoll (Australia)
Mr. R. E. Collins (Canada)
Dr. S. H. Tan (China)
Mr. R. Doubeau (France)
Mr. P. Menon (India)
His Excellency Dr. A. Loudon (Netherlands)
His Excellency Sir Carl Berendsen (New Zealand)
Mr. C. Coronel (Philippines)
Rear Admiral S. S. Ramishvili (U.S.S.R.)
Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

Minutes--50th FEC Mtg.

RESTRICTED

GENERAL McCOY opened the meeting at 10:30 a. m.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 49th FEC MEETING

THE COMMISSION unanimously approved the minutes of its forty-ninth meeting.

ITEM 2 - ELECTION OF CHAIRMAN OF COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM (FEC-206/4)

THE COMMISSION unanimously approved the recommendation of Committee No. 3: Constitutional and Legal Reform, that Mr. B. R. Sen of India be elected Chairman of Committee No. 3.

ITEM 3 - REQUEST FOR CONSULTATION WITH THE SUPREME COMMANDER RELATIVE TO HOUSE OF REPRESENTATIVES ELECTION LAW (FEC-210/1; FEC-101/1, C3-009, MI-007)

THE COMMISSION unanimously approved FEC-210/1.

ITEM 4 - REPLY TO CABLE FROM PRIME MINISTER OF THE MONGOLIAN PEOPLE'S REPUBLIC RELATIVE TO REPARATIONS FROM JAPAN (FEC-095/4; -095)

THE COMMISSION unanimously approved the proposed reply by the Secretary General to the cable of 18 October 1946 from the Prime Minister and Minister of Foreign Affairs of the Mongolian People's Republic.

ITEM 5 - SUPPLY OF FOOD FOR CIVILIAN RELIEF IN JAPAN (FEC-026/12, -026/14, -026/13; -026/10)

GENERAL McCOY said that his Government had considered very thoroughly the viewpoints of the various representatives which had been expressed on previous occasions on the subject of the supply of food for civilian relief in Japan. This consideration, he pointed out, had resulted in the amendment (FEC-026/14) which he had offered on 6 March in an effort to meet the desires of other representatives. The present position of his Government, he stated, was that it could approve a policy decision on this subject only if it took the form proposed in FEC-026/12 with the amendment as shown in FEC-026/14. Otherwise, there could be no Commission policy decision at the present time on the subject of supply of food for civilian relief in Japan.

No motion being made to approve the paper in question, GENERAL McCOY ruled that both policy proposals on food had failed of acceptance.

ITEM 6 - RELEASE TO PRESS OF COMMISSION POLICY DECISION ON REVIEW OF THE CONSTITUTION (FEC-103, -103/1; FEC-031/41, MI-075)

MAJOR PLIMSOLL moved and MR. GRAVES seconded the motion that the Far Eastern Commission release to the press outside Japan its policy decision on Provisions for the Review of a New Japanese Constitution (FEC-031/41).

RESTRICTED

MAJOR PLIMSOLL said that this motion, cast in a form designed to meet the United States position as presented on 13 March (FEC-103/1), was not wholly satisfactory to his Government. However, it was offered as a means of partially achieving the end desired by the Commission, because half a loaf was better than none. As had been pointed out at the last meeting, it was inevitable that news of such a decision would reach Japan, through foreign broadcasts, newspapers sent to the occupation forces, and in other ways. MAJOR PLIMSOLL said he moved his motion on the understanding that this inevitable effect could not be attributed to a breach of faith on the part of any Government concerned. These Governments had no obligation and indeed, in the case of his own Government, no legal authority to censor or hinder information which might be sent out of the country.

MAJOR PLIMSOLL said that he hoped that the Supreme Commander would issue a public statement on the review provision. He thought it would be very unfortunate if the Supreme Commander should exercise his power of censorship to prevent dissemination of information concerning the review provision. He thought that the Japanese people would become aware of the exercise of such censorship and would thereby gain the impression of conflict between the Commission and the Supreme Commander. Such an impression was of course undesirable, but MAJOR PLIMSOLL pointed out that if his motion were accepted the Commission should be cognizant of the possibility that the Supreme Commander might exercise his powers of censorship.

The Australian Government, MAJOR PLIMSOLL continued, had always considered it to be important that the Japanese people be informed of the review provision, and his Government now strongly urged that they be informed before the forthcoming general elections. If they were so informed, the Commission could assume with more assurance at the time of review that the review of the Constitution was being accomplished by a Diet which had been chosen in such a manner that it expressed the free will of the Japanese people with respect to the Constitution.

MAJOR PLIMSOLL concluded by thanking General McCoy personally for his efforts towards reaching a decision on publication of the review provision.

GENERAL McCOY requested that the minutes show that, if Major Plimsoll's motion were adopted, release of the provision to the press would take place forty-eight hours after receipt of notification from the Supreme Commander of his receipt of the Far Eastern Commission's decision to this effect.

ADMIRAL RAMISHVILI said that adoption of Major Plimsoll's motion would not completely satisfy the original intention of the Commission, which had been to inform the Japanese people of the review provision. However, if it were the desire of the majority of the Commission to approve the motion offered by Major Plimsoll, ADMIRAL RAMISHVILI said that he would not feel it necessary to object to the decision and, in a spirit of cooperation with other representatives, would be willing to vote affirmatively on the motion. ADMIRAL RAMISHVILI pointed out that, should future developments make it seem necessary, any representative had the right to raise the question again. He said that there was no objection on his part to the release taking place forty-eight hours after receipt of notification from the Supreme Commander if representatives were informed by the Secretary General of the receipt of the notification as soon as possible after its arrival.

RESTRICTED

SIR CARL BERENDSEN said that although he had consistently favored the widest possible publicity concerning decisions of the Commission, he nevertheless entertained serious misgivings as to the wisdom of publication in accordance with the motion proposed by Major Plimsoll. He was not concerned with publication of the decision outside Japan but rather with publication inside Japan, and on this point it seemed that the views of the Far Eastern Commission were in conflict with those of the Supreme Commander. Such views, of course, deserved the Commission's respect and consideration.

SIR CARL BERENDSEN feared that publication outside Japan, rather than meeting the desires of the Commission to a partial extent, might actually accomplish harm, since the Japanese people, if they should learn of the review provision only through unofficial channels might well think that the appropriate candor concerning a fundamentally important policy decision had not been displayed. Since it was not known whether or not the Supreme Commander, when informed of this decision by the Commission, would decide to publish the review provision in Japan, SIR CARL thought that the decision should not be taken. He said that while he did not desire to obstruct any decision on the part of the Commission, he would have to refrain from voting on the motion proposed by Major Plimsoll.

MR. DOUTEAU referred to the proposal by Mr. Naggier made at the last meeting of the Commission (page 4, Minutes, 49th FEC meeting) that publication be "at the seat of the Far Eastern Commission" rather than "outside Japan". He desired that the minutes show that such phraseology was still preferred by the French delegation.

THE COMMISSION agreed, with SIR CARL BERENDSEN abstaining, to approve the motion by Major Plimsoll.

ITEM 7 - REPORT ON JAPANESE EXTERNAL ASSETS (FEC-072)

THE COMMISSION unanimously agreed to postpone further consideration of FEC-072.

ITEM 8 - THE WORK OF THE COMMISSION (FEC-105/2, SC-049/2)

THE COMMISSION unanimously agreed to postpone further consideration of this subject.

ITEM 9 - OTHER BUSINESS

There was no other business.

ITEM 10 - PRESS RELEASE

THE COMMISSION unanimously agreed that a statement concerning the release to the press of the Commission policy decision on review of the Constitution (Item 6 above) should be released to the press in the normal course.

The meeting adjourned at 11:15 a.m.