

SURVEY OF RULES OF PROCEDURE ADOPTED IN THE PAST AS INDICATED BY THE VERBATIM MINUTES (Pages refer to verbatim minutes of relative meetings).

1. Records: Complete stenographic records will be made of all meetings and proceedings of the Council. These will be known as the "VERBATIM MINUTES." Summaries of the Council proceedings will also be prepared. They will contain a summary of all matters discussed, including views of each Member, and the action taken or recommended. Both sets of records will contain: identification symbols, date and place of meeting, Members present, plus names and identification of those appearing before the Council. (First Meeting, 1a-45, page 11).

2. Agenda: Subject matter for consideration at a meeting will be included in the Agenda for that meeting only if submitted five (5) days before the meeting is scheduled. (First Meeting, 1a-45, page 11).

A Member who introduces a subject on the Agenda should, on his request, be given the first opportunity to speak on that subject. (Second Meeting, 2c-419, page 7).

A Member wishing to suggest a topic for discussion may indicate his desire in the meeting prior to the one at which he wishes the subject presented. The Secretariat shall, within the following five days, furnish such Member with all general information on the subject. (Second Meeting, 2c-419, page 4).

3. Subject matter: Subject matter for discussion will be without restriction on all phases of the Occupation. (First Meeting, 1a-45, page 13).

The Agenda should not be composed merely of requests for information. Information should be requested prior to meetings. (Second Meeting, 2c-419, page 3).

4. Procedure:

a. The minutes and proceedings of the Council, properly attested, will be submitted to the Supreme Commander for his consideration and to all Members of the Allied Council for Japan. (First Meeting, 1a-45, page 22).

b. Meetings will be held not less often than once every two weeks and at such other times as may be requested by any Member through due notification of the Chairman. (First Meeting, 1a-45, page 22).

5. Days and Times of Meetings: Meetings will be held every second Wednesday at 10:00 a.m. (First Meeting, 1a-45, page 26).

6. Time for Submission of Verbatim Minutes: The Secretary-General will produce the verbatim minutes as expeditiously as possible and submit them to the individual Members prior to the issuance in final form. (Second Meeting, 2a-417, page 10).

7. Summarization of Recommendations of the Council: All recommendations of the Council will be presented in a single paragraph in order to facilitate their consideration by the Supreme Commander and the Members of the Council. (Second Meeting, 2a-417, page 11).

8. Order of Items on the Agenda: Agenda is to be arranged in the order in which items reach the Secretary-General, the deadline for submission being 10:00 a.m. of the fifth day prior to the day of the meeting. (Second Meeting, 2a-417, page 11).

6. Time for Submission of Verbatim Minutes: The Secretary-General will produce the verbatim minutes as expeditiously as possible and submit them to the individual Members prior to the issuance in final form. (Second Meeting, 2a-417, page 10).

7. Summarization of Recommendations of the Council: All recommendations of the Council will be presented in a single paragraph in order to facilitate their consideration by the

ALLIED COUNCIL FOR JAPANProposed Discussion Agenda

- I AGENDA NO. 13-821-1
- II PROPOSED BY: THE SUPREME COMMANDER AND DEPUTY FOR THE SUPREME COMMANDER (CHAIRMAN AND UNITED STATES MEMBER).
- III SUBJECT FOR DISCUSSION: Proposal of the Supreme Commander and Deputy for the Supreme Commander (Chairman and United States Member) to invite representatives of those eleven Powers which waged the Pacific War, which have Missions in Tokyo and which are not individually represented on the Council, informally and unofficially to join in Council discussions and to contribute their views on matters, other than procedural, which may be brought before the Council in its meetings.
- IV DATE PROPOSED FOR DISCUSSION: Wednesday, 21 August 1946.
- V SCOPE OF INFORMATION DESIRED: None.
- VI SPECIFIC INFORMATION DESIRED ON PROGRESS TO DATE: None.
- VII REFERENCES: Statement of the Deputy for the Supreme Commander Chairman and United States Member before the Council in meeting 13 August 1946 (Inclosure #1-1); Minutes of the Twelfth (Special Procedural) Meeting, 13 August 1946.

Inclosure #1

STATEMENT BY AMBASSADOR GEORGE ATCHESON, JR., DEPUTY FOR
THE SUPREME COMMANDER, CHAIRMAN AND US MEMBER, BEFORE THE
ALLIED COUNCIL FOR JAPAN AT THE TWELFTH MEETING 13 AUGUST 1946

This is a special meeting called for the purpose of reviewing the procedural organization of the Council with a view to determination of what procedures, to be observed by all Members, may be expected to facilitate and regularize the Council's work, to place the Council on a businesslike basis and in general to improve the work of the Council.

Before we enter into discussion of details, I wish to offer comment in regard to what in my mind is the fundamental question before us. It is a question which long has given me concern both as United States Member and as Chairman having responsibility for the conduct of meetings. It is the broad question of the Council's possible contribution to the furtherance of the Occupation in cooperation with the Supreme Commander.

I am sure that the other Members would wish me to offer some concrete solution of the fundamental question which I have mentioned. I propose to offer what I feel to be such a solution along broad and far-reaching lines.

There are perhaps a number of reasons for the state of affairs which has arisen in the Council. I have neither intention nor desire to engage in a survey of the Council's past activities or to undertake a general probing into the various aspects of this situation. On one important aspect, however, I think I may freely touch.

Observers of our proceedings have had the impression, rightly or wrongly, that there is resentment in the Council that the United States, by dictate of circumstance, has taken a predominant role in the Occupation. There should be a way to

overcome

ALLIED COUNCIL FOR JAPAN
Proposed Discussion Agenda

- I AGENDA NO. 13-821-2
- II PROPOSED BY: THE CHAIRMAN (UNITED STATES MEMBER)
- III SUBJECT FOR DISCUSSION: Detailed procedural matters, including procedural rules in force or lapsed, and confirmation, revision and adoption of procedures for the conduct of Council meetings.
- IV DATE PROPOSED FOR DISCUSSION: Wednesday, 21 August 1946.
- V SCOPE OF INFORMATION DESIRED: Proposals, recommendations and comments of the Members as to procedures which they desire to be observed in the conduct of business in Council meetings, including confirmation, revision and adoption of practicable procedural rules, acceptable to all Members and to be observed by all Members, with a view to regularizing the conduct of business in Council meetings.
- VI SPECIFIC INFORMATION DESIRED ON PROGRESS TO DATE: None.
- VII REFERENCES: Survey of Rules of Procedure Adopted in the Past as Indicated by the Verbatim Minutes of Previous Meetings (compilation by the Secretary-General, Inclosure #2-1); Minutes of Meetings of 13 August and previous.
- VIII RECOMMENDATIONS: It is recommended that Members of the Council review the rules of procedure for the conduct of Council meetings adopted in the past and come to agreement (1) as to what rules, acceptable to all Members and to be observed by all Members, it is desirable to retain or revise, and (2) as to what new or substitute rules, acceptable to all Members and to be observed by all Members, should be adopted with a view to establishing an orderly procedure to which the Chairman should adhere in conducting the meetings of the Council.

Inclosure #2

overcome this obstacle to a smoother and more effective working of the Council and the proposal which I shall submit to you in due course has that end specifically in view.

But I must say at this juncture that I do not know why any such feeling should exist.

Militarily it fell to the United States, through no desire of its own, to take leadership in the great sacrifice of lives and materiel and in the heart-breaking effort necessary to encompass the defeat of Japan through the long years and over the vast spaces between Pearl Harbor and Atsugi. It fell to United States forces under General MacArthur to venture the historic landing into the armed camp that was Japan in late August and early September 1945. It fell to the United States to maintain the Occupation for many months alone.

In the field of political matters it fell to the United States to formulate and put into effect the initial post-surrender policies for the Occupation. Some time before the surrender, the United States invited the other Allies to join in establishing a Far Eastern Advisory Commission, but the response was such that the Commission was not set up until several months after the surrender. Meanwhile, the United States had no recourse but to carry forward the task and lay down necessary policies to achieve Allied objectives as set forth in the Potsdam Declaration. The Allies subsequently gave approval to United States policies and the actions thus taken. The Far Eastern Commission has been functioning since February and is formulating Allied policy decisions. What General MacArthur is engaged upon, therefore, is the momentous enterprise of moulding into history the concrete results of agreed-upon Allied policies.

The Occupation authorities already have Japanese cooperation.

More

More and more as time goes on, the Japanese have come to realize with increasing force and clarity that our ultimate aims are in the best interests of the Japanese as well as in the interests of the world at large.

If we accept that the agreed-upon policies of the Allied Governments continue to be in fact the policies of those Governments, it is incontrovertible that all the Allies seek in fact the goals which they have announced as common goals. And if this is the case, it follows that the Allied representatives on this Council must wish to see the Occupation continue a success. It follows that the Occupational authorities may rightly expect the wholehearted collaboration of all Allied representatives. It follows that the Allied representatives sitting here will give the Supreme Commander for the Allied Powers ungrudging cooperation in the great task to which he is committed on behalf of their Governments as well as on behalf of his Government and mine. I hope that this will come to be considered a fundamental principle, and that in placing subjects on the Agenda, and in presenting and discussing Agenda subjects, the Members will make that principle the basis of future proceedings in the Council.

There is a long step which we can take toward facilitating and enhancing Allied cooperation at this table--by broadening the forum of discussion so that all available Allied resources in knowledge and experience can be utilized to practical advantage and all directly concerned Allies can contribute on the spot to the furtherance of Allied objectives. General MacArthur and I propose that the Council invite representatives of those eleven Allied Powers which waged the Pacific war and which have Missions in Tokyo to sit here with us, informally and unofficially, and contribute their views. We would be glad to see our friend the

British

British Ambassador sitting at this table. We would be glad to see our friend General Pechkoff, the French Ambassador, at the Council table. We would be glad to have our friend General Schilling, head of the Netherlands Military Mission, here with us. We would be glad if a representative of the Philippine Government were to join in our discussions. We would be happy to have all Allied representatives concerned make a valued contribution to our work and to the furtherance of Occupation objectives.

There are, as you know, eleven nations represented on the Far Eastern Commission, which is now the Allied agency for the formulation of policies, principles and standards in regard to Occupational matters within the Commission's jurisdiction. It would be helpful to the Supreme Commander to have the advice and counsel of individual representatives of all those eleven nations. General MacArthur desires and seeks constructive advice and counsel from any and every source to assist him in the discharge of the tremendous responsibilities which rest upon his shoulders. That he seeks and welcomes the advice and counsel of all is, in my opinion, a reflection of the great wisdom, profound insight, and far-seeing statesmanship with which he has handled the Occupation.

Revision of the terms of reference of the Council is not proposed and is not in our hands. But we can nevertheless invite the chief Allied representatives in Tokyo to join with us at the Council table, informally and unofficially, in the discussion of substantive matters, other than procedural, which may properly be brought before the Council. By so doing, I submit, we will unquestionably increase the effectiveness of the Council in assisting the Supreme Commander, and will bring the Council to the forefront of the field, so vital today to all the world, of international good-will and cooperation.

Enclosure No. 2 to Despatch No. 576, August 28, 1946, from the United States Political Adviser for Japan, Tokyo, on the subject "Thirteenth Meeting of the Allied Council for Japan"

13-821

RESTRICTEDCOPY NO. 50

VERBATIM MINUTES
of the
THIRTEENTH MEETING
ALLIED COUNCIL FOR JAPAN

Meiji Building, Tokyo, Wednesday, 21 August 1946 at 10:00 A.M.

MEMBERS PRESENT

The Honorable George Atcheson, Jr., Deputy for the Supreme
Commander, Chairman, and Member for the United States

His Excellency, Lieutenant General Chu Shih-Ming, Member for China

The Honorable W. Macmahon Ball, Member representing jointly the
United Kingdom, Australia, New Zealand and India

Lieutenant General Kuzma N. Derevyanko, Member for the Union of
Soviet Socialist Republics

SECRETARY-GENERAL

Mr. Glenn Abbey

Office of the Secretariat
Allied Council for Japan
23 August 1946

THE CHAIRMAN: Gentlemen, shall we come to order? The first item of business is the approval of the Verbatim Minutes of the Eleventh and Twelfth Meetings. The Minutes have been circulated for correction and, in the absence of objection, they will be recorded as approved.

The next subject is the proposal of the Supreme Commander and the United States Member to invite other Allied representatives to sit informally in Council meetings. I have little further to say with regard to this proposal. It was not suggested as one for inter-governmental decision and in my opinion is a matter wholly within the competence of the Council. It offers an opportunity to enhance the prestige of the Council as a liberal international body seeking with unselfishness and a spirit of cooperation to further the liberalization and democratization of Japan.

The other Allied representatives would sit at this table in an unofficial and non-Member status. Their presence would not conflict in any way with the Terms of Reference. They would take no part in procedural matters. They would participate voluntarily and informally with a view to affording the Council and the Supreme Commander the benefit of their experience, observations and advice.

It is entirely proper that the Council should give practicable cognizance to the vital interests in the Pacific of all the nations, small as well as large, represented on the Far Eastern Commission. It is more than appropriate that the Council give concrete recognition to the special interests of those nations in the development of Japan into a democratic, peace-loving and cooperative state which can take its place in the commonwealth of nations and share both the benefits and obligations of such membership. Eleven nations participate in the formulation of

policies for the Occupation. Why should not representatives of those eleven nations contribute to the advice which the Council offers to the Supreme Commander for the implementation of those policies? Indeed, why should not the Japanese people themselves, who have turned their faces hopefully to the future, also reap the benefit of the advice of representatives of all those nations with which, in the spirit of a team, they are seeking the same goals?

I submit that the Council must be a living body which moves forward. If it does not move forward, it will inevitably go backwards. I submit that the advice of the Council should not be limited to the boundaries of national or selfish interests but should be truly international in scope. GENERAL MacARTHUR and I would hope most earnestly to see this Council become an effective agency for full Allied cooperation. We can think of no more effective way to accomplish this than to invite the distinguished representatives of the other Allies in Tokyo to join freely and informally in our discussions.

GENERAL CHU, do you have any comment on this question?

LIEUTENANT GENERAL CHU: At the last meeting, I did not feel ready to make any statement on this subject until I had reported to my Government, which I duly did. I have now before me instructions from my Government which I will read, if it please the CHAIRMAN and the other Members of the Council.

The views of my Government on this proposal are as follows: The invitation to the Allied Powers not originally represented in the Allied Council to participate in Council meetings, which is tantamount to the enlargement of the existing Council body, is a definite change in spirit as well as in substance in the Terms of Reference. However, my Government sees no objection to inviting a representative of any Allied Power to join in Council

discussions on a particular subject under consideration which has direct concern with that Power, if the CHAIRMAN deems it necessary and is supported by the majority of the present participating Members of the Council.

THE CHAIRMAN: Thank you, GENERAL CHU. MR. BALL?

MR. BALL: Well, MR. CHAIRMAN, I appreciate very fully the Supreme Commander's desire to share his very heavy responsibilities with all those Powers who have taken part in the Pacific war and so far as the four Governments which I represent are concerned, each is most anxious to give the Supreme Commander any kind of help--any kind of advice that he might find useful. Moreover, it has been my good fortune to meet the leaders of some of these Missions, the Missions which you refer to, GENERAL PECHKOFF, and GENERAL SCHILLING, and I can't but feel that their advice would be of very great value--of very great interest to all the Members of the Council. On the other hand, I do feel that the proposal you put forward does mean a substantial change in the Terms of Reference of this Council, and I really feel that it is such an important change that it should be a matter for consideration between the Governments who were parties to the Moscow Agreement. I feel it is not the kind of proposal that we can properly discuss or decide on this Council.

THE CHAIRMAN: GENERAL DEREVYANKO?

(LIEUTENANT GENERAL DEREVYANKO addresses the Council in Russian.)

LIEUTENANT GENERAL DEREVYANKO (as interpreted): Insofar as MR. ATCHESON's recommendation to invite seven other representatives of the Allied Powers to take part in the work of the Allied Council, be it formally or informally, is in its essence an attempt to revise the Terms of Reference of the Allied Council for Japan adopted at the Moscow Conference of Foreign Ministers of the USSR, USA and Great Britain and later on upheld by the Government of

China, I believe, and say it again, that this problem is not within the purview of the Allied Council. We cannot revise the decisions taken by Foreign Ministers.

In view of all this I personally cannot take part in discussing this question and insist that it be taken off the Agenda.

THE CHAIRMAN: I am--

LIEUTENANT GENERAL DEREVIANKO: In connection with the remarks made by MR. CHAIRMAN today, I would like to say that the Supreme Commander can learn the opinion on my matter of representatives of other Allied Powers accredited in Tokyo to the Supreme Commander.

THE CHAIRMAN: I am, of course, disappointed at the response which this proposal has received. GENERAL MacARTHUR will also be disappointed. I think that the Council is missing a great opportunity for usefulness.

The next item of business before us is the question of the Review, Confirmation, Revision and Adoption of Detailed Rules of Procedure. In this matter, I am asking the cooperation of the other Members--I am seeking to ascertain what rules of procedure the Members wish me to adhere to in the conduct of meetings. At the request of Members, there is appended to the Agenda form a summary of the few simple rules that we have evolved. This summary was prepared by the Secretary-General from the Minutes. I myself have not gone over the Minutes with a view to seeing that it is absolutely correct or complete in detail, but I think it will be found that it is fairly accurate and complete.

MR. BALL, would you be kind enough to give us your comments?

MR. BALL: MR. CHAIRMAN, I think the rules we have at present work fairly well. There are only two suggestions I would make. One concerns the proposal put forward by GENERAL CHU at the last meeting, and that is, that any Member of the Council might have

the right at the end of the Agenda to raise any question of substance which he considers urgent and important and express his point of view on that. I think that the other Members should, at the same time be given the right to say that they wanted more time before they expressed their views on this question, but I think it would be an advantage to enable any Member to raise at any meeting, at the end of the Agenda, a question of substance.

THE CHAIRMAN: With, or without the consent of all the Members?

MR. BALL: Well, I was hoping that all the Members might agree now that a Member would have that right. Obviously, he couldn't do it unless the Members agreed. I am suggesting that we might all agree that any one Member might have the right to raise a question of substance at the end of the Agenda of any meeting.

THE CHAIRMAN: Are you making a proposal to that effect? I think GENERAL CHU withdrew his proposal.

LIEUTENANT GENERAL CHU: I was going to make that correction, MR. CHAIRMAN. I am sorry, MR. BALL, but I insist that although it was my proposal originally it was no longer so after it was withdrawn by me later.

THE CHAIRMAN: It was--

LIEUTENANT GENERAL CHU: That proposal was withdrawn later. Although originally made by me, but--

MR. BALL: I thought you made the proposal.

LIEUTENANT GENERAL CHU: I have no objection to your making the same proposal--or the CHAIRMAN.

MR. BALL: Well, GENERAL CHU, if I were to make the same proposal as you made, would you support my proposal?

LIEUTENANT GENERAL CHU: I said I would if the CHAIRMAN made it, and I think I ought to do the same thing if you did it.

MR. BALL: I think I would make that proposal, then.

LIEUTENANT GENERAL CHU: Thank you.

THE CHAIRMAN: MR. BALL proposes--would you like to put it in specific language, MR. BALL?

MR. BALL: That any Member of the Council might raise at any meeting a question of substance, and express his preliminary views on that question. Other Members of the Council would have the right to ask that a discussion at length on that question should be postponed until the next meeting.

THE CHAIRMAN: (To Reporter) Would you read that back-- "That any Member---"

(REPORTER) "That any Member of the Council might raise at any meeting--"

THE CHAIRMAN: (To MR. BALL): "At the end of any meeting?"

MR. BALL: At the end of the Agenda.

(REPORTER reads remainder of proposal).

MR. BALL: Perhaps I should make clear that that would mean that that particular question would automatically go on the Agenda of the next meeting.

THE CHAIRMAN: I would suggest adding that to it.

MR. BALL: Yes, please.

THE CHAIRMAN: Do you support that proposal, GENERAL CHU?

LIEUTENANT GENERAL CHU: I do.

THE CHAIRMAN: GENERAL DEREVYANKO, do you support the proposal? Do you support MR. BALL's proposal?

LIEUTENANT GENERAL DEREVYANKO: I fully support MR. BALL's proposal. I would like to make some recommendations of my own too.

THE CHAIRMAN: As far as this particular proposal goes, it is proposed by MR. BALL, supported by GENERAL CHU and GENERAL DEREVYANKO, and I have no objection to it. It will go into effect.

LIEUTENANT GENERAL DEREVYANKO: Before making my new suggestions on procedure I would like to say a few words about the rules of procedure, adopted by the Council earlier. I must state that a list of procedural rules adopted by the Council earlier which was distributed by the Secretariat, does not include all the procedural rules, which were adopted by the Council. To make clear my attitude toward the procedural rules, set forth in the list of the Secretariat as adopted by the Council earlier, I declare, that I see no reason for rejecting them now, including other procedural rules, which were adopted by the Council earlier, but which have not been included into the list of procedural rules now in force, namely:

1. Council meetings will be open for public and press representatives. (The first meeting 1a-45, page 14 to 21)
2. Procedural matters may be considered at each meeting without being previously included into the Agenda. (The second meeting, 2a-417, page 3)
3. The matter of priority as regards the discussion of items of the Agenda is to be decided by the Council Members by general consent. (The second meeting of April the 19th, 2c-419, pages 32 to 33)
4. A Council Member, placing a question on the Agenda, will include into the Agenda forms the exact and concrete questions in regard to which he would like to receive information or explanation. (The second meeting, 2c-419; pages 30 to 31, of the meeting of April the 19th, 1946)

In addition to the rules of procedure now in force and approved of by the Council I suggest that we should adopt the following new rules:

- (1) At the beginning of each meeting the Chairman of the Allied Council informs its Members about the Supreme Commander's

attitude toward the recommendations made at the previous meeting of the Council, stating thereby which of the recommendations of the Council and of individual Members are accepted by the Supreme Commander and to what degree and which of them are rejected and on what grounds.

(2) The Chairman of the Allied Council, through its Secretariat, will send to Members of the Council the drafts of the Supreme Commander's directives to the Japanese Government concerning the major problems of occupation policy not later than five days before their issuance so that Members of the Council could have an opportunity of carefully studying these directives and giving their recommendations. In case any Member of the Allied Council expresses his desire to discuss the draft of the Supreme Commander's directive at the meeting of the Allied Council, the Chairman calls for this purpose an extraordinary meeting of the Allied Council.

3. (This proposal coincides with MR. BALL's proposal.) At the end of the meeting each Member of the Allied Council reserves the right to make any statement on current issues or on urgent matters.

4. Each Council Member's opinion of or the attitude toward every suggestion placed on the Agenda or made in the course of the Council's meeting should be recorded.

That is all, sir.

THE CHAIRMAN: I think that Number 4 is covered, isn't it, by the first attached to the Agenda form today under "Records": "Complete stenographic records will be made of all meetings and proceedings of the Council. These will be known as the 'Verbatim Minutes'." We can add this language, if it is desirable. Would you like to have that language added to Number 1, under "Records?"

LIEUTENANT GENERAL DEREVYANKO: I prefer to say it separately as it is given in my proposal.

THE CHAIRMAN: GENERAL CHU, have you any comment on these proposals?

LIEUTENANT GENERAL CHU: No comment at this time.

THE CHAIRMAN: MR. BALL?

MR. BALL: On what in particular, MR. CHAIRMAN?

THE CHAIRMAN: The Soviet Member has made--

MR. BALL: Well, I think that I agree with you that number 4 is looked after already.

THE CHAIRMAN: I see no objection to adding the specific language if you desire it added.

MR. BALL: In number 1 of the record provided by the Secretary-General, it says that--

THE CHAIRMAN: Complete stenographic records will be made of all meetings.

MR. BALL: Summaries will contain summary of all matters including views of each Member. I think that is looked after.

THE CHAIRMAN: The question of the summary is rather a difficult one. The Secretary-General has had difficulty on at least two occasions, possibly three--I don't remember now--in drafting a summary that is acceptable to the Members, and I wonder if we might not, out of consideration to the Secretary-General, at least drop the summary. It doesn't seem to serve any particular purpose. It seems to create an area of divergence which we might eliminate.

MR. BALL: I think--I think it desirable to have a consolidation of the recommendations at the end of the report. I don't think it is so important to have a summary of everything that has been said--

THE CHAIRMAN: A consolidation of recommendations--

MR. BALL: I think to have the recommendations set out at the end.

LIEUTENANT GENERAL DEREVYANKO: I would like to say a few words about item 4 of my recommendation. What I mean here is not that each Council Member's opinion or attitude toward every suggestion should be recorded but also that the opinion of Council Members and the attitude toward suggestions placed on the Agenda should be given at the Council. The attitude of Members should be known on each suggestion placed on the Agenda and must be correspondingly recorded.

THE CHAIRMAN: I am afraid I am still a little in the dark, because every word that every Member says is recorded in the Verbatim Minutes.

LIEUTENANT GENERAL DEREVYANKO: Unfortunately, sometimes I have to ask MR. CHAIRMAN to request the opinion of Members on certain subjects discussed.

THE CHAIRMAN: I don't think we can require any Member to express an opinion if he doesn't wish to.

LIEUTENANT GENERAL DEREVYANKO: In that case, may we request the Member to say that he doesn't want to give his opinion?

THE CHAIRMAN: I see no objection to that.

LIEUTENANT GENERAL CHU: I have no opinion on the question whether we should always have an opinion.

THE CHAIRMAN: MR. BALL?

MR. BALL: Well, I think that there may be circumstances in which a Member doesn't want to express an opinion.

LIEUTENANT GENERAL DEREVYANKO: I don't think that there are many cases when Members of the Council won't give their opinion on the subject.

MR. BALL: I think, MR. CHAIRMAN, that you have never tried to prevent us from expressing our opinion, and if we have an

opinion, we have always been quite free to say what it is.

THE CHAIRMAN: I have no objection to putting some such language as that into the rules, that each Member shall be given an opportunity to express an opinion.

MR. BALL: MR. CHAIRMAN, might I just say a word about point number 1 brought up by GENERAL DEREVYANKO? I wouldn't like to support it in exactly the way in which GENERAL DEREVYANKO has phrased it because I can imagine that there may be times when it is difficult for the Supreme Commander to say exactly and precisely what his attitude is to some recommendation put up by the Council. Nevertheless, I do feel that it would be a great help to Members of the Council if from time to time we could have through you the reactions of the Supreme Commander to the kind of recommendations that we have made.

THE CHAIRMAN: I do not need to assure the Members that all the recommendations and suggestions which they make receive the most earnest consideration by the Supreme Commander. Of course, his final action reflects those recommendations with which he agrees and those with which he disagrees. It does not seem to me that it would be advisable to perpetuate or continue the discussions in the Council by further dissertation on the part of the Supreme Commander, nor do I think that we should ask him to take his time to do that. He carefully reviews the minutes of the meetings; he reads the Verbatim Minutes word by word and studies them and takes final action in the light of the advice and considerations which are provided therein and also in the light of such other considerations as may be pertinent.

MR. BALL: Yes, what I had in mind is rather this, that if there are occasions on which the Supreme Commander feels that he should take action contrary to recommendations made by the Council, it would be very helpful to the Council if it were possible for

it to be consulted before he takes such action.

THE CHAIRMAN: To take a concrete example, the recent land reform bill. I don't think the Council or any Member of it could reasonably expect the Supreme Commander to sit down and prepare for the Council a long dissertation or a long analysis of the differences between the final action taken or the action the Japanese were proposing or of the differences between that and the recommendations which the Members made. It would be a tremendous document. The Members can, if they are interested in studying the question, work out information of that sort--

SOVIET INTERPRETER: I am sorry to interrupt you, MR. CHAIRMAN--

THE CHAIRMAN: It doesn't seem reasonable, at all--

SOVIET INTERPRETER: In order to render complete and accurate translation for GENERAL DEREVYANKO, I would like to request that Members speak slower and louder.

THE CHAIRMAN: Would you like to have it read back?

(The Chairman instructed Reporter to read back the Chairman's last remark. Reporter then read back Chairman's remark beginning with, "To take a concrete example..." and ending, "...of that sort--".)

SOVIET INTERPRETER: MR. CHAIRMAN, the GENERAL would like to say a few words.

(LIEUTENANT GENERAL DEREVYANKO addresses the Council in Russian.)

LIEUTENANT GENERAL DEREVYANKO (as interpreted): I have no doubt whatsoever that the Supreme Commander studies very thoroughly the records of the Allied Council and reacts to the recommendations of its Members, but unfortunately, the Members of the Council receive no information about this reaction and do not know the attitude of the Supreme Commander toward their recommendations, and because of this I think it is necessary to accept Item 1 of my recommendations along with other items.

THE CHAIRMAN: As I endeavored to explain, the final action of the Supreme Commander reflects the action he has taken on recommendations. I do not think it would be at all reasonable to ask him or to ask General Headquarters to assume the burden of explaining to the Council in each case why action was taken or why action was not taken. As I understand it, the purpose of the Council is to give advice to the Supreme Commander. There is no suggestion in the Terms of Reference that the Supreme Commander shall in each instance explain to the Council why he accepts their advice or why he does not. The applicable wording of the Terms of Reference is as follows: "The Supreme Commander shall issue all orders for the implementation of the Terms of Surrender, the Occupation and control of Japan, and directives supplementary thereto. In all cases, action will be carried out under and through the Supreme Commander who is the sole executive authority for the Allied Powers in Japan. He will consult and advise with the Council in advance of the issuance of orders on matters of substance, the exigencies of the situation permitting. His decisions on these matters shall be controlling."

MR. BALL: MR. CHAIRMAN, I don't think it is a question of the character of the Terms of Reference. It is just a question of how we can best work together. You mentioned a few moments ago the question of land reform. Well, now, if you recall what happened--I think it was something like this. The Council was asked for advice. On the last occasion on which we considered land reform, you, representing the Supreme Commander, said this was a matter of very great urgency and you would like specific and concrete advice for the Supreme Commander in order that directives could be issued forthwith to the Japanese Government. Well, I did, on that occasion, put forth a ten-point program of recommendations. They were in substance accepted and adopted by

this Council. Now, two months--I say two months from memory, it may have been six weeks, it may have been nine weeks--about two months passed. We heard nothing more about Rural Land Reform. Well, then, one morning, I read in the newspaper that the Supreme Commander had given his warm approval to a bill of land reform that had been brought down by the Japanese Government. I then spent some four or five days in efforts to get a copy--to get a translation of this land reform bill. I got such a translation about two days ago. It was translated so badly that I still can't understand it. Now, my point--I am not making a complaint, please believe me, I am not making a complaint--I am simply suggesting that if we are going to work together well, the more we can take one another into confidence the better, and if the Council is asked in a spirit of seriousness its advice on a particular question, and if it gives advice after due consideration and careful study, it would be helpful if the Members of the Council were given some indication of how that advice was received, of whether it was accepted, to what degree it was accepted; otherwise, we feel in making recommendations it is just like posting letters in a gigantic letterbox, and you are not sure if it is ever cleared or whether the letters will ever reach the people to whom they are addressed. It is just trusting to luck.

THE CHAIRMAN: I have no detailed information as to the question of the delay you bring up. I don't recall stating that directives were to be issued "forthwith." The problem, as you will readily understand, was a very complex one, as were the recommendations. Complex recommendations require time for study by General Headquarters and for discussion with the Japanese.

MR. BALL: Perhaps--

THE CHAIRMAN: General Headquarters and the Supreme Commander were very anxious to get the recommendations of the Council. We

asked for them and recommendations were given. They were given most careful consideration, but to ask the General Headquarters or the Supreme Commander to prepare a long dissertation on the recommendations and explain why this particular one was adopted or that particular one was not adopted or explain the difference between recommendations and the final action taken--as a matter of practice from an administrative point of view, the point of view of personnel, working hours, man hours, it would be quite impossible to do so. If the Supreme Commander consults and advises with the Council in accordance with the Terms of Reference, it doesn't seem to me that there is any particular question whether he considers the advice of the Council or not, or any reason that I can see after action is taken to prolong the discussion. The action was taken in accordance with the policy decisions of the Allied Powers.

MR. BALL: But do you feel that--

THE CHAIRMAN: And if Members of the Council are dissatisfied, their recourse would be to make representations to their own Governments and take the question up on governmental level with a view to having the basic policy decision altered.

MR. BALL: But do you feel that once the Council has given its advice that it should wash its hands of the matter with no interest in whether the advice is followed or not?

THE CHAIRMAN: Not necessarily, but the final action taken reflects the action of the Supreme Commander upon the recommendations. I see no need for him to explain to the Council why this was done. I don't see that it is possible for him to do so.

MR. BALL: I see.

LIEUTENANT GENERAL CHU: MR. CHAIRMAN, may I ask a question? I notice that the question of informal meetings has been--has not been included in any of these documents. Do I understand that

those meetings will be completely done away with from now on?

THE CHAIRMAN: That question was left out of the summary at my instance because I did not consider it was any longer a live question. You will recall that we had a special or informal meeting, a closed meeting; I think that was the original arrangement. And we had only one because unfortunately I did not see my way clear to participating in further meetings. That one meeting was to be an off-the-record, entirely strictly confidential meeting. Within, I should say, two hours after the meeting, the press was carrying stories in regard to the substance of the meeting. If confidential meetings are not going to be confidential, it seems to me there is no point in having them. Also, as it happened in that particular case, paradoxically enough, the subject matter of the special closed strictly confidential meeting really was a subject which properly should have come before the Council in open meeting.

LIEUTENANT GENERAL CHU: Well, could things brought up in informal meetings be brought up again in a formal one?

THE CHAIRMAN: They could be, but as I say, due to my experience with that meeting, I have not felt it possible to participate in further closed meetings.

MR. BALL: I think it would be very interesting, MR. CHAIRMAN, if you would elaborate on that a little. Would it be possible for you to give the Council evidence of any breach of confidence on the part of any Members of the Council?

THE CHAIRMAN: No, I don't think there is any question of evidence of recriminations against any Member or Members of the Council in connection with it.

MR. BALL: Otherwise, I think it is a very grave reflection, indeed.

THE CHAIRMAN: I am merely stating two facts: One, the meeting was to be held in strict confidence as agreed to by all the Members. Two, on the evening of the meeting, the newspapers, the press, were carrying news stories in regard to the subject matter of the meeting.

MR. BALL: And you had not given the newspapers that news?

THE CHAIRMAN: I had not. There was no stenographic record. I was the only American present.

MR. BALL: That is an extremely grave reflection on other Members of the Council, isn't it?

THE CHAIRMAN: Not necessarily. It may be taken as demonstrating the enterprise of the American press.

As regards the second proposal of the Soviet Member--

LIEUTENANT GENERAL DEREVYANKO: I am sorry. I would like to say a few words about item one of my proposals.

(LIEUTENANT GENERAL DEREVYANKO addresses the Council in Russian.)

LIEUTENANT GENERAL DEREVYANKO (as interpreted): Every man is satisfied with his activity and with the body with which he

has to deal when he sees clearly the results of his work, and in the Allied Council, as far as most of the questions which have been discussed by us are concerned, I believe, my colleague or I have received neither positive nor negative response to our recommendations on the part of the Supreme Commander. I believe that businesslike information on the part of the Supreme Commander and his Headquarters about the reaction to the recommendations of the Members of the Council, will be one of the ways which will provide genuine cooperation of the Allied Council with the Supreme Commander--genuine cooperation about which MR. CHAIRMAN spoke today.

THE CHAIRMAN: All official actions--

LIEUTENANT GENERAL DEREVYANKO: I beg your pardon, sir.

I fully concur in MR. BALL's statement, and I would like to say that if two days ago MR. BALL received a bad translation of the Rural Land Reform bill, I have received none at all.

THE CHAIRMAN: All official actions taken are given full publicity. I think the press releases go to each Member. As far as the translations are concerned, it was agreed at the first meeting that each Member would provide his own translators and interpreters. It seems to me that on this question, we are getting a little far afield from procedural matters connected with the conduct of the meetings of the Council.

THE CHAIRMAN: I am sure that I cannot commit the Supreme Commander or General Headquarters to following this proposal Number 1 of the Soviet Member.

LIEUTENANT GENERAL DEREVYANKO: MR. CHAIRMAN, you repeatedly said that what is published in the press is not an official document and in connection with this, we would like to have the official document or a statement concerning the reaction of the Supreme Commander to the problems discussed in the Allied Council.

THE CHAIRMAN: I think you receive official directives when they are issued.

LIEUTENANT GENERAL DEREVYANKO: I don't mean the directives. What is meant is this; the questions discussed at the Allied Council and the appropriate reaction of the Supreme Commander.

THE CHAIRMAN: I repeat that his final action is reflected--- his decision is reflected in the final action he takes. I am sorry, but as I have stated, I cannot possibly commit the Supreme Commander or General Headquarters to following this proposal, nor would I be disposed for the reasons I have mentioned, to ask them to follow it. The Council can of course, devise rules of procedure for the conduct of its meetings and the conduct of its own business within the Council, but it can't make rules which commit the Supreme Commander or his Headquarters to specific procedures. As regards Number 2, of the Soviet Member's proposal, I see no objection to the last sentence--the proposal that "in case any Member of the Allied Council expresses his desire to discuss the draft of the Supreme Commander's directive at the meeting of the Allied Council, the Chairman calls for this purpose, an extraordinary meeting of the Allied Council."

Do you have any comment to make on that?

MR. BALL: I think it is an important point, MR. CHAIRMAN-- this question of calling a special meeting. So far as regular meetings are concerned, no question of substance until now, can be discussed unless it is placed on the Agenda five days before. Now, there might be some occasions on which some Member would wish to call a special meeting, and I think the provision that there should be this five-day period, while all right as far as regular meetings are concerned, should be dropped as far as special meetings are concerned. I think if a special meeting is called, it should be possible for any Member to discuss any matter at that special meeting without giving five day's notice of the Agenda items.

THE CHAIRMAN: As I say, I have no objection to such a procedural rule if the Members wish to adopt it, but I can see

some practical difficulties, however. If a special or extraordinary meeting were called, and I were asked to give some detailed information in about two hours, I am afraid I would probably--I regret I would not be able to do so in all cases. But as I say, I have no objection to such a rule. There should, I think, be some mention in the statement as to time.

MR. BALL: I think it should be possible for any Member to call a special meeting within twenty-four hours, MR. CHAIRMAN.

THE CHAIRMAN: Would you like to add that to the proposal?

MR. BALL: I beg your pardon.

THE CHAIRMAN: Would you like to add that language to the proposal?

MR. BALL: Yes. Yes, I would.

THE CHAIRMAN: GENERAL CHU?

LIEUTENANT GENERAL CHU: I am rather in favor of the idea.

THE CHAIRMAN: I have taken that last--

LIEUTENANT GENERAL DEREVYANKO: I support the proposal.

THE CHAIRMAN: I have taken that last sentence as a separate proposal. The question of sending draft directives to the Council within five days was one which received a great deal of discussion in past meetings. I did not consider that it was a live question any longer. Certainly, for the last three months--for many weeks, many meetings at any rate--the subjects which the Supreme Commander has placed before the Council have been placed before the Council five days before the meeting. That is another question on which I think it would be impossible to commit the Supreme Commander or General Headquarters. I may say that what I propose--

LIEUTENANT GENERAL DEREVYANKO: MR. CHAIRMAN--

MR. BALL: MR. CHAIRMAN--

THE CHAIRMAN: What I propose to do at the end of our discussion, is to ask the Secretary-General to take the procedural proposals which have been approved today and perhaps rephrase

them and put them in some order for re-submission to the Members. This is chiefly a question of language.

LIEUTENANT GENERAL DEREVYANKO: MR. CHAIRMAN, should I understand that you object to the last sentence of Item 2?

THE CHAIRMAN: No. I have said at least four times that I do not object to it. None of the Members object to it. Did I make myself clear in what I propose to do with these proposed procedural rules that have been approved--that I would ask the Secretary-General to rephrase them and put them in order for re-submission to all the Members for our final agreement?

LIEUTENANT GENERAL DEREVYANKO: The only point here, MR. CHAIRMAN, is this; is the wording of Item 2 fully acceptable to you, or do you prefer to change it?

THE CHAIRMAN: The second sentence of Item 2?

LIEUTENANT GENERAL DEREVYANKO: Yes. The whole of it. Not only the last sentence--but the whole of it.

THE CHAIRMAN: Yes, I would make some very minor changes.

LIEUTENANT GENERAL DEREVYANKO: What do you want to say? Specifically what?

THE CHAIRMAN: In case any Member of the Allied Council expresses a desire to discuss a draft directive of the Supreme Commander at a meeting of the Allied Council, the CHAIRMAN will call--will, within twenty-four hours, for this purpose, call an extraordinary meeting of this Council. I think there is not any change of substance. It is a question of getting the English into unmistakable language.

MR. BALL: I think GENERAL DEREVYANKO is talking about the whole paragraph.

LIEUTENANT GENERAL DEREVYANKO: Yes.

THE CHAIRMAN: As regards the first sentence?

LIEUTENANT GENERAL DEREVYANKO: Yes.

THE CHAIRMAN: As I say, that does not seem to me to be a live issue any longer. In the past weeks every subject which the

Supreme Commander has placed before the Council, has been placed before the Council with five days' notice.

LIEUTENANT GENERAL DEREVYANKO: Do you adhere to the opinion that it is unnecessary to repeat it?

THE CHAIRMAN: I don't consider it acceptable as a rule of procedure because I do not think the Council can commit the Supreme Commander to any rule of thumb whereby he will submit matters to the Council at any particular time. It is administratively impossible, for one thing; and it is beyond the scope of the Council to make regulations committing the Supreme Commander or General Headquarters to a particular procedure.

LIEUTENANT GENERAL DEREVYANKO: We request MR. CHAIRMAN to do this.

THE CHAIRMAN: I don't understand.

LIEUTENANT GENERAL DEREVYANKO: Allow me to read it. It said here, sir, that the CHAIRMAN of the Allied Council through his Secretariat will send to Members of the Council, the drafts of the Supreme Commander's directives to the Japanese Government concerning the major problems of Occupation policy not later than five days before their issuance, so that the Members of the Council could have an opportunity of carefully studying these directives and giving their recommendations.

THE CHAIRMAN: You mean all directives that are issued?

LIEUTENANT GENERAL DEREVYANKO: As it is worded. That is the reading.

THE CHAIRMAN: Do you mean all administrative directives?

LIEUTENANT GENERAL DEREVYANKO: I mean the directives concerning the major problems of the Occupation policy.

THE CHAIRMAN: Perhaps I don't have them within five days. And how does that conform to the last sentence--that rule--where you call an extraordinary meeting within twenty-four hours to discuss a subject? But as I have said, it doesn't seem to be a

live issue, because the subjects that have been placed on the Agenda by the Supreme Commander have been placed on the Agenda five days in advance. That has been the case for many weeks.

LIEUTENANT GENERAL DEREVYANKO: It only means that the first part of this paragraph should conform to the last sentence of the paragraph.

THE CHAIRMAN: The setting up of any such rule as is embodied in the first sentence of Number 2, seems to me without the purview of the Council. Every endeavor is made to place matters before the Council as expeditiously as possible.

LIEUTENANT GENERAL DEREVYANKO: My impression was that you agreed to that paragraph originally.

THE CHAIRMAN: No, sir. I have not agreed to the first sentence of Paragraph 2.

LIEUTENANT GENERAL DEREVYANKO: Then probably, MR. CHAIRMAN, you will give a wording of that part of the sentence in which you concur.

THE CHAIRMAN: That was the second sentence--the final sentence of paragraph 2. I am agreeable to that.

LIEUTENANT GENERAL DEREVYANKO: Yes. I must say that paragraph 2 is an inseparable unit and I am afraid that it must either be accepted or rejected in full.

THE CHAIRMAN: Just as the Soviet Member wishes. The first part of it is unacceptable to me; the second part of it--if he wishes to have it become a rule, is acceptable to me and to the other Members.

LIEUTENANT GENERAL DEREVYANKO: Then arises the question, how can a Member of the Council place a question on the Agenda of the Council, connected with the directive of the Supreme Commander if the directive itself has not been received by Members of the Council?

THE CHAIRMAN: I am sorry--I don't know whether we are involved in a language difficulty here, but I don't understand that

question. My point of view on this first sentence is that it is not within the purview of the Council to make a rule of procedure which commits the Supreme Commander to any particular line on action or procedure.

LIEUTENANT GENERAL DEREVYANKO: Then, how can we accept the second part of the paragraph?

THE CHAIRMAN: The other Members have. One sentence relates to the question of extraordinary meetings and the other relates to a question of presenting directives to the Council five days before their issuance. They seem to me separate questions.

LIEUTENANT GENERAL DEREVYANKO: The last sentence of the paragraph is inseparably connected with the whole paragraph.

THE CHAIRMAN: Do you understand, MR. BALL?

MR. BALL: I think I understand, MR. CHAIRMAN. At present, the general custom is for us to receive directives forty-eight hours before they are issued. I am sorry, at least forty-eight hours. Often five days or seven days, but--

THE CHAIRMAN: I think for a long time it has been not less than five days.

MR. BALL: Well, not less than forty-eight hours before they are issued. Now, if we were to receive a directive only forty-eight hours before it was to become operative, then of course, if we wanted to have a meeting on that directive, we would have to call one right away. I have proposed that we would be able to call one within twenty-four hours. That would be pretty quick work, but we would have time.

THE CHAIRMAN: Yes, under this you could call a meeting within twenty-four hours after receiving a directive.

MR. BALL: Yes. But within twenty-four hours--if we received the directive forty-eight hours before issuance, then if we called a meeting immediately, we would have a leeway of twenty-four hours. In many cases, we would have some days because usually directives

reach us more than forty-eight hours before they become operative. The main point the GENERAL desires, seems to me that we should receive these directives five days before their issuance.

LIEUTENANT GENERAL DEREVYANKO: Yes, sir.

MR. BALL: That is a question we discussed at great length three months ago and I really can't see any point in re-opening that discussion.

THE CHAIRMAN: GENERAL CHU?

LIEUTENANT GENERAL CHU: I am entirely in agreement with MR. BALL. That is the way I feel.

THE CHAIRMAN: It seems to me, as I have said, that it is no longer a live issue. Three Members seem to be in agreement that further discussion of this first sentence will not have any productive results.

LIEUTENANT GENERAL DEREVYANKO: I believe that this problem is one of the main questions which should be provided for in the rules of procedure and if this proposal is not accepted I am afraid that the Allied Council will have to deal, not with major problems of Occupation policy, but with minor problems of Occupation policy.

THE CHAIRMAN: Three of the Members seem to be in agreement that further discussion of this particular matter is rather futile. I, for my part, am afraid I can offer nothing further that would be helpful in connection with it.

LIEUTENANT GENERAL DEREVYANKO: Is it possible to hear MR. BALL's statement on the subject again?

THE CHAIRMAN: Do you have any further comment? Would you repeat your statement, MR. BALL?

MR. BALL: Well, my understanding is this.

LIEUTENANT GENERAL DEREVYANKO: Probably it can be read from the record.

MR. BALL: Well, perhaps I might state it again. That we are

able to adopt rules of procedure by which any Member of the Council may call a special meeting of the Council to discuss a directive. That is the first point. Now, there is a second point, quite distinct but related, and that is how long before the issuance of a directive should it be sent to Members of the Council? Now, GENERAL DEREVYANKO has urged that it should be sent to Members of the Council five days before its issuance. I have already said that I think it useless to reopen a discussion on that issue since we discussed it at great length some months ago. I think that the second paragraph of GENERAL DEREVYANKO's proposal-- second sentence of his proposal, still has some meaning and force. Normally, we receive directives many days before they become operative. Occasionally, we may receive them only 48 hours before they become operative, but even on those occasions, if my proposal is accepted, any Member can call a special meeting within 24 hours and we will therefore have the opportunity of expressing our views, giving our advice to the Supreme Commander, before the directive actually becomes operative. I am afraid I can't make it any clearer than that, MR. CHAIRMAN.

THE CHAIRMAN: I think that is a very clear statement.

Have you anything further, GENERAL CHU?

LIEUTENANT GENERAL CHU: No.

THE CHAIRMAN: GENERAL DEREVYANKO, do you have anything further?

(LIEUTENANT GENERAL DEREVYANKO signifies no further comment.)

THE CHAIRMAN: MR. BALL?

MR. BALL: No.

THE CHAIRMAN: Then let us adjourn.

(The meeting adjourned at 1130 hours.)

INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

LAP
ACTION: FE
INFO:
DC/R
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DEPARTMENT OF STATE
File SEP 10 1946
August Telegram Oct 30, 46
DIVISION OF COMMUNICATIONS AND RECORDS

FAR EASTERN AFFAIRS
SEP - 6 1946
4:30 PM
DIRECTOR
TELEGRAMS
Department of State

Date: August 28, 1946

Rec'd: Sept. 5, 11:51 a.m.

Secretary of State,

Washington.

A-78, August 28, 1946

DIVISION OF JAPANESE AFFAIRS
SEP - 6 1946
11:51 a.m.
DEPARTMENT OF STATE

The following is the text of a directive (SCAPIN 217) issued by the Supreme Commander to the Japanese Government on October 31, 1945:

"1. Whenever reference to the "United Nations" is made in any order, memorandum or directive, that term, in the absence of indication to the contrary, shall be taken as meaning and including the nations which are signatories of the United Nations Declaration dated 1 January 1942, and nations associated with them in this war. They are:

- 1. Australia. 2. Belgium. 3. Bolivia. 4. Brazil. 5. Canada. 6. Chile. 7. China. 8. Columbia. 9. Costa Rica. 10. Cuba. 11. Czechoslovakia. 12. Denmark. 13. Dominican Republic. 14. Ecuador. 15. Egypt. 16. Ethiopia. 17. France. 18. United Kingdom of Great Britain & Northern Ireland. 19. Greece. 20. Guatemala. 21. Haiti. 22. Honduras. 23. Iceland. 24. India. 25. Iran (Persia). 26. Iraq. 27. Lebanon. 28. Liberia. 29. Luxembourg. 30. Mexico. 31. Netherlands. 32. New Zealand. 33. Nicaragua. 34. Norway. 35. Panama. 36. Paraguay. 37. Peru. 38. Philippine Commonwealth. 39. Poland. 40. Salvador. 41. Saudi Arabia. 42. Syria. 43. Turkey. 44. Union of South Africa. 45. Union of Soviet Socialist Republics. 46. United States of America. 47. Uruguay. 48. Venezuela. 49. Yugoslavia.

"2. Whenever reference to "Neutral Nations" is made in any such order, directive or memorandum, that term, in the absence of indication to the contrary, shall be taken as meaning and including the following nations:

- 1. Afghanistan. 2. Ireland (Eire). 3. Portugal. 4. Spain. 5. Sweden. 6. Switzerland."

"3. Whenever reference to "Enemy Nations" is made in any such order, directive or memorandum, that term, in the absence of indication to the contrary, shall be taken as meaning and including the following nations:

- 1. Bulgaria.

PERMANENT RECORD COPY.—This copy must be returned to DC/R central files with notation of action taken.

740.00119 CONTROL (JAPAN) /8-2846

NOV 13 1946

-2-

Tokyo's Airgram A-78, August 28, 1946.

1. Bulgaria. 2. Germany. 3. Hungary. 4. Japan. 5. Roumania."

"4. The nations named below, whose status has changed as a result of the war, will not be treated as falling into any of the three categories of nations referred to in paragraphs 1, 2 or 3 above unless such a classification of one or more of them is specified. They will be referred to collectively as "nations whose status has changed as a result of the war". Such nations are:

1. Argentina. 2. Finland. 3. Italy. 4. Siam (Thailand)."

In order to permit this office properly to advise the Supreme Commander with regard to the status of the various countries and their nationals and interests in Japan it would be appreciated if the Department would suggest necessary amendments and revisions to the foregoing classification.

Information is desired in particular with regard to present United States attitude towards Austria with special reference to the application of the German Vesting Decree against bona fide Austrian interests.

The Department's recommendations for an appropriate classification of the "countries whose status has changed as a result of the war" are especially desired.

This directive is basic to many other directives to the Japanese Government and for that reason is of primary importance. The problem is considered urgent.

ATCHESON

701 General
UAJohnson:lh

Special Status Nations.

Austria having a special status

Austria, Siam, Finland, Japan

AUG 29 1946

TOP SECRET

No. 231

To the
United States Political Adviser to
The Supreme Commander for the Allied Powers,
Tokyo.

The Acting Secretary of State encloses for the
information of the Political Adviser copies of SWNCC
documents as listed below.

Enclosures:

- 1. SWNCC 128/3, copy no. 45.
- 2. SWNCC 297/3, copy no. 45.
- 3. Status of Papers, SFE,
20 August, copy no. 2.

740.00119 CONTROL (JAPAN)/8-2946

Confidential File

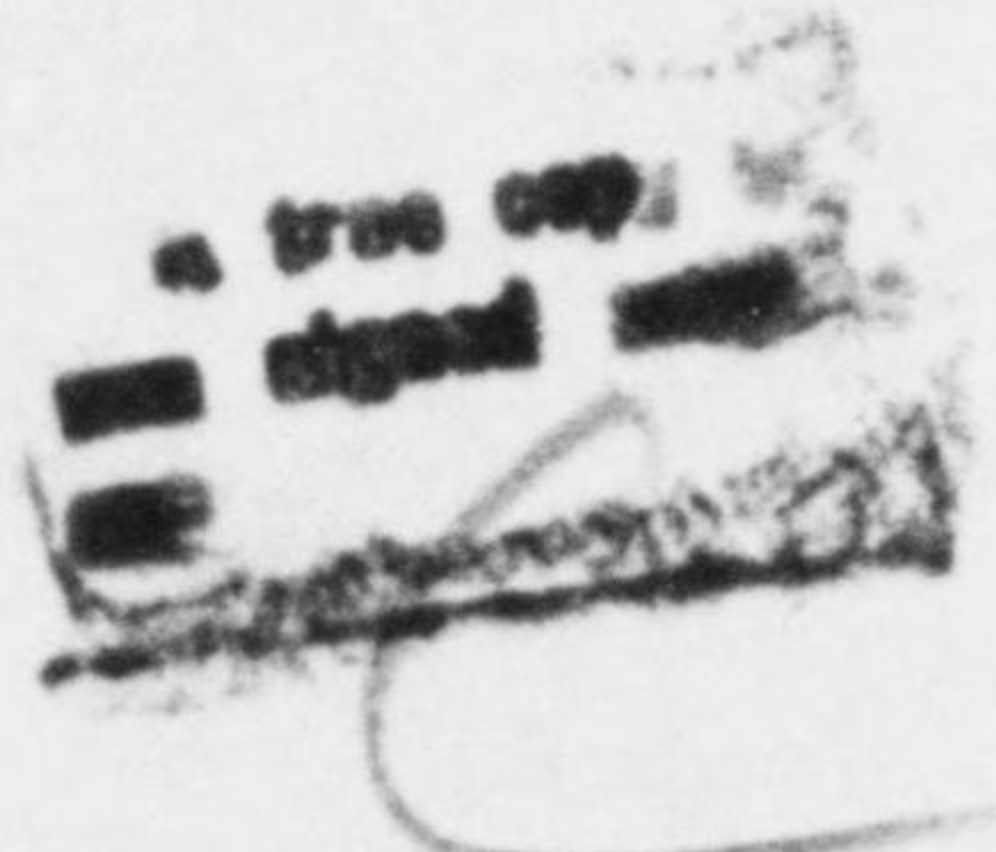
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AUG 28 10:45 P.M.

TOP SECRET

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FE:HSTumas

8-28-46

JA

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CONGRESSIONAL
For Immediate Attention
AN ANSWER OR ACKNOWLEDGMENT SHOULD
BE MADE WITHIN THREE DAYS PURSUANT
TO DEPARTMENTAL ORDER NO. 571

States Senate

OFFICE ON COMMERCE

August 29, 1946

SPD

DCA

Special Problems Division
State Department
Washington, D. C.

ATTENTION: MR. CHAPMAN:

Gentlemen:

I have an inquiry from my state in connection
with approximately 10,000 Japanese who have in-
dicated their desire to be repatriated to Japan.

I will appreciate it if you will advise me what
plans have been made, or are going to be made,
to return these people; also whether transporta-
tion arrangements have made.

Very truly yours,

Warren Magnuson
WARREN G. MAGNUSON, U.S.S.

WGM:R

Rec'd by me
9/19/46
Ack'd by phone to
Miss Robertson in the
Senator's office
SEP 30 1946
DEPARTMENT OF STATE
NEW message
to Senator Magnuson
9-13-46
File 6/15/50
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 ALEXANDER WILEY, WIS.
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 C. WAYLAND BROOKS, ILL.
 THOMAS C. HART, CONN.
 WILLIAM F. KNOWLAND, CALIF.

United States Senate

COMMITTEE ON COMMERCE

August 29, 1946

KIDD BREWER, CLERK
ELOISE PORTER, ASST. CLERK

Special Problems Division
State Department
Washington, D. C.

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Very truly yours,

Warren Magnuson
 WARREN G. MAGNUSON, U.S.S.

WGM:R

Rec'd by me
9/19/46
Ack'd by [unclear]
Miss Robertson in office
Senator's office
SEP 20 1946
DEPARTMENT OF STATE

WGM
Magnuson
9-15-46
File 6/15/50
m/c

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SEP 19 1946

740.00119 Control
1946/8-2946
CS/V

SEP 13 1946

SPD

In reply refer to
SPD

My dear Senator Magnuson:

I have received your letter of August 29, 1946 requesting information with regard to the possible travel to Japan of a number of Japanese nationals. In this connection reference is made to a telephone conversation which took place on September 9, 1946 between Miss Robertson of your office and an officer of the Department of State.

The appropriate military authorities in Japan have indicated that they are willing in principle to permit the entry into that country of Japanese nationals, not in an internee or a deportee category, who wish to travel at their own expense, provided the interested persons are able to obtain permission to depart from the United States. In view of the absence of a protecting Power or other agency in the United States which could issue or renew Japanese passports, the military authorities have also indicated that the usual passport requirements will be waived in the case of those Japanese nationals who may be permitted to depart for Japan.

So far as the Department of State is aware, only a small number of Japanese nationals in the category described above have made known their desire to return to Japan at their own expense. Although there has been no objection to such persons filing applications with this Department for permission to depart for Japan, no more than 25 have actually done so since the capitulation of that country.

It has been ascertained that the American President Lines, Ltd., may be able to arrange for the passage of
eligible

The Honorable
Warren G. Magnuson,
United States Senate.

740.00119 CONTROL (JAPAN)
/8-2946

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eligible Japanese nationals to Japan and that it will accept applications from interested persons, provided the number involved is not too large. In view of the small number of Japanese nationals who appeared to be interested in returning to Japan at their expense, an arrangement was made with the American President Lines whereby interested Japanese nationals would be referred to the American President Lines for applications for permission to depart from the United States (sample Form AD-1 enclosed herewith) and for general information regarding possible travel arrangements. When filled out (in quintuplicate) the above-mentioned applications were to be returned to the American President Lines for transmittal to the Department of State.

If, as it appears from your letter, there is a substantial number of Japanese nationals, not in an internee or a deportee category, who wish to return to Japan at their own expense, it will be necessary to consider the possibility of making arrangements other than those set forth above. Consequently, it would be appreciated if the Department of State could be informed whether the persons referred to in your letter can be classed as Japanese nationals not in an internee or a deportee category who wish to travel to Japan at their own expense. Upon receiving this information the Department will communicate with you again regarding the matter.

Sincerely yours,

For the Acting Secretary of State:

WLC

William L. Clayton

~~Albert E. Clattonburg, Jr.~~

~~Chief~~

~~Special Projects Division~~

Acting Secretary

UK
SEP 14 1946 P.M.

Enclosure:

Form AD-1

SPD
MEW

SPD:MEWolberg:mar

9/10-11/46

*cleared with Mr. Mearns, VD
by phone - 9/11/46 - Mear*
*cleared with Mr. Lory, JA
by phone - 9/11/46 - Mear*

VD

JA

Routine

THE STATE-WAR-NAVY COORDINATING COMMITTEE
WASHINGTON, D. C.

Office of
FAR EASTERN AFFAIRS
SEP - 3 1946
DIRECTOR
Department of State

SWN-4704
29 August 1946

file
1946
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J/K

MEMORANDUM FOR THE SECRETARY OF STATE:
(Attention: Mr. J. K. Penfield - FE)

Subject: Directives Transmitted to SCAP
by the Joint Chiefs of Staff

Enclosed are three copies of Directive, Serial
No. 58, transmitted to SCAP by the Joint Chiefs
of Staff. Copy No. 1 is for transmittal to the
Far Eastern Commission and Copies Nos. 2 and
3 are for the files of the State Department.

For the State-War-Navy Coordinating Committee:

A. D. Reid.
A. D. REID,
Secretary

NR 894.043

740.00119 CONTROL (JAPAN)
8-2946

Enclosures:
Copy Nos. 1, 2, and
3 of Serial #58

*Copy of No. 1 Serial No. 58
submitted to FEC 9/5/46
H*

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SEP 9 1946

In reply refer to
JA

**MEMORANDUM FOR THE SECRETARY GENERAL,
FAR EASTERN COMMISSION**

In accordance with instructions of August 29, 1946, from the State-War-Navy-Coordinating Committee, there is enclosed a directive to the Supreme Commander for the Allied Powers regarding Exercise of Criminal and Civil Jurisdiction Over Nationals of Members of the United Nations, to be filed with the Far Eastern Commission under the provisions of paragraph III, 4, of its terms of reference.

**J. H. Hildring
Assistant Secretary**

Enclosure:

Copy No. 1 (certified) of
Directive to Supreme Com-
mander for the Allied Powers,
Serial No. 58.

740.00119 CONTROL(JAPAN)
/8-2946

CS/A

*740.00119 Control
(Japan) 8-2946*

HL
JA:HLory/pm
9/3/46 *HL3*
SEP 6 1946 P.M.

TO	Mr. J. H. Hildring
FROM	FE <i>gler</i>
DATE	<i>9/3/46</i>
DIST	<i>HL</i>

A true copy of
the signed
original

Serial No. 58

Copy No. 2

23 August 1946

DIRECTIVE TO THE SUPREME COMMANDER FOR THE ALLIED POWERSEXERCISE OF CRIMINAL AND CIVIL JURISDICTION
OVER NATIONALS OF MEMBERS OF THE
UNITED NATIONS

The following directive, prepared by the State Department to implement the policy adopted by the Far Eastern Commission on 15 August 1946 under the provisions of paragraph II, A, 1, of its terms of reference, has been received from the State, War, and Navy Departments for transmission to you for your guidance in accordance with paragraph III, 1, of those terms of reference:

1. The Supreme Commander for the Allied Powers should provide that no criminal jurisdiction of any sort will be exercised by the Japanese courts with respect to nationals of members of the United Nations, but that such criminal jurisdiction will be exercised by military courts of members of the United Nations as follows:

a. In the case of military, naval or air force personnel and persons attached to or accompanying the armed forces, by courts of the nation of the forces of which they are a part. A national of a member of the United Nations who is present in Japan on official business and for the purpose of performing functions in the interest of the occupation is to be regarded as "attached to or accompanying the armed forces".

b. In the case of a national of one of the occupying powers, by a military court of his nationality; and

c. In the case of other nationals of members of the United Nations, by the Allied military court having jurisdiction in the particular territory. Such courts should be composed of three members appointed by the Supreme Commander for the Allied Powers, one of whom should be a representative of that nation whose national is held for trial, provided that if, in the judgment of the Supreme Commander, selection of such a representative would obstruct or unnecessarily delay the proceedings because of the nonavailability of qualified personnel, then a representative of some other nation may be designated.

2. The authority of the Japanese to take into custody any national of a member of the United Nations should be strictly limited:

a. To those areas of Japan not actually in Allied military occupation, and

b. In such areas, only to those cases in which there is reasonable evidence that a serious offense has been committed. The Japanese authorities should be placed under specific orders to hand over such a person forthwith to the nearest Allied military authorities.

3. Provision should be made that no civil jurisdiction of any sort will be exercised by the Japanese courts with respect to nationals of members of the United Nations attached to or accompanying the armed forces. Civil jurisdiction in these cases should be exercised in a manner determined by the Supreme Commander.

4. Decisions in all civil cases affecting other nationals of members of the United Nations or in which such nationals are or may become parties, should be reviewed by the Supreme Commander or his representative, who may revise the decision or take such other action as may be considered necessary for the protection of their rights.

5. The Supreme Commander should take such steps as he deems necessary, including suspension of proceedings, to ensure that in the conduct of such civil cases the rights of nationals of members of the United Nations parties thereto are adequately protected.

6. It is recognized that the available United States legal officers will be barely sufficient to deal with such cases as involve United States nationals. The Supreme Commander may therefore advise the responsible commanders of other Allied forces that assistance in such cases as involve their nationals must be supplied by them.

7. The term "nationals of members of the United Nations", as used in this document includes, wherever applicable, organizations and corporations of members of the United Nations as well as persons.