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that provision.

ADM. RAMISHVILI: Not for ^{the} old constitution but for ^{the} new constitution.

SIR CARL BERENDSEN: Certainly. I am referring to the new constitution.

MAJOR PLIMSOLL: Mr. Chairman, I move that the Commission authorize the Chairman, with the assistance of Committee No. 3 to consult the Supreme Commander along the lines suggested by the Australian representative. The plan is ^{that} we communicate to the Supreme Commander the doubts that we have here and say that the Commission feels that all ministers should be civilians and would welcome an amendment along those lines if it could be so revised at the moment.

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

ADM. RAMISHVILI: I think that this is not the time for doubts, and this is only my opinion. We need more consultation because the provision that all members of the Diet must be civilians is not preserved in the constitution draft. I certainly would not object ^{for} anybody in the Commission to ask the Supreme Commander or its government or somebody else what explanation can be given on this misunderstanding, but I oppose and I could not ~~part~~ participate in the Far Eastern Commission's decision asking

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again the Supreme Commander to explain to us such an obvious thing because I see in this step more delaying of this question, and I don't think that it would help us at this time when the time is very short. Certainly, I think that the United States Government and the United States representatives may ask the Supreme Commander and then communicate to the members who have a doubt in this connection, but I don't think that the Far Eastern Commission as a body should make a policy decision and ask the Supreme Commander on this question. It would be maybe the same effect if the Chairman of the Commission, as he has done many times and he has very kindly presented here several messages from the Supreme Commander without policy decision, it would be routine procedure, but I could not participate in the Far Eastern Commission asking the Supreme Commander the question which is for me quite obvious.

GEN. McCOY: Well, I call the Soviet representative's attention to the fact that he^{has} frequently asked to consult his Government. This thing was only brought up by him within the last couple^{of} days and only considered by the Commission yesterday, so that my Government has had not time fully to consider this^{fully}, nor have we agreed as to what the meaning was

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and that is what we are trying to find out. Certainly, the time is not too long, but you have already asked time for your Government to consider these things. I am trying to meet the wishes of the Commission because I recognize that this is an important point to be clarified and certainly we don't agree on the clarification here. We might be helped by knowing what caused the changes in the constitution draft and that the Australian representative has proposed and will give us all time to consider this, not rush it through as you seem to insist.

MAJOR PLIMSOLL: I think we might help it in this way. I understand the constitution is not going through as quickly as we expected. The original information, I think, was that it was going through today. But I gather it is going to be a little longer and if we knew that, perhaps that might allay the Soviet's feelings.

ADM. RAMISHVILI: It can be done as I propose, that the General would be so kind to ask the Supreme Commander in behalf of the United States Government.

GEN. McCOY: And I would like your Committee to draft the query to the Supreme Commander along the lines suggested.

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ADM. RAMISHVILI: This is only delay, Mr. Chairman. If the United States Government or you personally asked the Supreme Commander, as you have done many times very kindly and very helpfully for us, I certainly wouldn't have anything against it, but I think that the Far Eastern Commission as a body must not ask now the Supreme Commander any questions because this is a very obvious question. Now so far as my instructions from my Government, Mr. Chairman, I see definite difference between my relations with my Government because I am the subject of my Government and I must receive the instructions from my Government and, although greatly respecting your relationship with the Supreme Commander of the Allied Powers, I could not say that this is the same. The Supreme Commander is not ^{the} government of the Far Eastern Commission. There is a slight difference here.

GEN. McCOY: Any other questions on the motion of the Australian representative? It has been proposed and seconded.

MAJOR PLIMSOLL: It is moved that the Commission authorize the Chairman, with the assistance of Committee 3, to consult the Supreme Commander along

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the lines suggested by the Australian representative. That is, to outline our reasons for the misgivings-- our feelings in this, and say that we feel strongly that there should be some provision that cabinet ministers should be civilians, and that we would welcome an amendment along these lines if the Supreme Commander finds it possible.

GEN. McCOY: Any other comment?

MAJOR PLIMSOLL: May I point out to the Admiral-- if we carry this through now, I imagine we will get very quick action on this. Whether he is questioning it or not, it is still possible for the Admiral to move as a policy to lay this down.

ADM. RAMISHVILI: It will weaken the whole position of the Far Eastern Commission, asking every time we have an obvious thing ^{for} ~~the~~ consultation ^{with} ~~of~~ the Supreme Commander. I am not against a consultation but in this particular case I think there is no doubt left that the provisions that all members of the Diet must be civilians is not fulfilled in this draft ~~of~~ constitution. I repeat, Mr. Chairman, this can be very well done by you yourself. You have made many other such queries.

GEN. McCOY: This is not entirely a question of information. It is a question of our welcoming some

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action on his part that he has taken in previous cases of this sort, whereas if I simply as Chairman asked for information, why it might come back just as you anticipate. But, by proper drafting of it---

ADM. RAMISHVILI: As I got it, some members of the Commission thought--I am quite sure that they would be agreeable if you agree with this decision of Committee No. 3--all doubts would disappear immediately. But, since you have said that you cannot agree with this, they want as an issue, a temporary issue, to ask the Supreme Commander to explain why this provision was not made in the constitution. But I think this question--

GEN. McCOY: But we also welcome--

MAJOR PLIMSOLL: The proposal is that they authorize the Chairman, with the assistance of Committee No. 3, to consult the Supreme Commander along the lines suggested by the Australian representative in three ways: One, that we should give him the substance of this--say why we think the draft is ambiguous and the bad consequence of it and, secondly, to say that we feel strongly--we can go on record on this--that ~~this~~^{it} should be provided that all cabinet ministers should be civilians. We tell him that. Thirdly, we say that we welcome

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an amendment to the constitution along those lines, which, I take it, puts the Supreme Commander under the obligation to do something to that effect.

ADM. RAMISHVILI: Yes, we certainly would welcome the changes, but not on the wisdom of the Supreme Commander. I do not understand. We say that this change must be done and we welcome--we never did so before. We certainly welcome, but I don't think that in official papers it is necessary--I repeat, we are gratified by his actions on our decisions, but ~~I don't think~~ why shall we raise the question of welcoming if we say that this question must be done so, and that is all. I am not against welcoming the Supreme Commander, but not in this connection.

GEN. McCOY: I call your attention to the fact that you quoted me as not agreeing with this. I haven't said that I didn't agree. I think it is very important for this to be clarified and it is just a matter of finding a way that I can agree. I couldn't agree for you to make a resolution to order the Supreme Commander to do anything.

ADM. RAMISHVILI: I did not say that. The question is some members have doubts--

GEN. McCOY: I also.

ADM. RAMISHVILI: Then ask the Supreme Com-

mander for anybody else who has doubts.

GEN. McCOY: Well, otherwise we would have to postpone the thing indefinitely.

ADM. RAMISHVILI: The difficulty is, Mr. Chairman, I cannot participate in the action when I feel strongly that it must not be done. I don't have any doubt.

GEN. McCOY: Then nothing would happen and you would not make your point. Here we are trying to meet you more than half way in trying to accomplish what you wish done.

ADM. RAMISHVILI: Well, Mr. Chairman, I don't think I will be the only one guilty on this. I don't think so. Let's agree with this decision of Committee No. 3 and then it will be all right, particularly what is not clear in this matter. What is not clear? It is evident in the provision that all ministers of the cabinet must be civilians and this is not included in the draft of constitution-- not directly included and even not indirectly. What is it you can get from consultation?

DR. DE KAT: Mr. Chairman, when the Commission sent a communication to the Supreme Commander pointing out its points, the draft was different from the points mentioned in our policy decision. The Com-

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mission unanimously agreed to leave this point out regarding civilian ministers. Therefore, I think we could not ask the Supreme Commander now because this point was left out. It was an unanimous decision of this Commission.

MAJOR PLIMSOLL: There is a slight difference.

DR. DET KAT: And he left it out because we thought it should be done.

MAJOR PLIMSOLL: There were two reasons for that. First, there were no amendments at that time and, secondly, we have now got the Japanese text which we didn't have then.

DR. DE KAT: Yes, we now have the Japanese text, so these are absolutely new points, and there was an unanimous decision of this Commission to leave it out.

GEN. McCOY: Well, it was only brought back a day or so ago and we haven't had time to consider it. Now this is an opportunity to do that in a way that I can go with you. But, otherwise, you wouldn't gain your point at all. It would simply fall by the wayside. So, I would hope that you could agree to refer this to the Committee to draft a query.

ADM. RAMISHVILI: If somebody has doubts, he has a perfect right to clarify these doubts. But

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I don't have any doubts, so how can I subscribe to the decision when I shall say that I have doubts, and what doubts we don't know. I did not hear what particular doubts you have on this subject. I hope, Mr. Chairman, I must say again, that you will ask the Supreme Commander to clarify this question for those members who want it.

MAJOR PLIMSOLL: May I point out that my position does not express any doubts. I don't, as far as I am concerned, have any doubt that it should be in the constitution if possible. The only matters in which I have any doubts are the technical considerations. In any case you have the problem of General MacArthur having to handle the Japanese and I think he will be able to secure those changes. It is just possible that at this late stage he is running into difficulty, and I think we ought to be able to hear those difficulties before we lay down a policy decision. But there are no doubts expressed in this as to the desirability of the change or the fact that we would not change it.

ADM. RAMISHVILI: Then everybody thinks that it must be changed?

GEN. McCOY: No, not necessarily. The Commission as a whole has not expressed its opinion and I haven't

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expressed mine. This is a problem that involves a good deal, because if we don't agree with you, why, then nothing happens and we all are lacking in satisfaction then. It is an attempt to meet your proper attitude on the Committee and the report of the Committee.

ADM. RAMISHVILI: If you can put this down not by the decision of the Commission but by you personally--

DR. DE KAT: Since the Commission ^{formerly} ~~wanted to~~ decided unanimously to leave this point out, I think there is every reason for this Commission to give an explanation to the Supreme Commander that it now wants to have it in.

ADM. RAMISHVILI: After taking such position we give him an explanation?

DR. DE KAT: Yes, but I mean that you have doubt whether it is necessary to give an explanation. I think we ourselves are at fault and that this explanation is necessary.

ADM. RAMISHVILI: But this explanation can be obtained without decision of the Far Eastern Commission as we have many times done in other matters. I would ask the United States to do so without any decision, postponing for the time being the whole paper.

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GEN. McCOY: Well, plainly we're not in agreement and can get nowhere by further discussion for the moment. I am not asking the Supreme Commander for information. We have a certain amount of information and we're trying in a way to get some action and that is the only way we can get it. I would hope that we can discuss it more in connection with this draft and I would have to postpone action from my point of view in any case, because I have to occasionally consult my Government too and this is a new thing. It was never brought to my attention until you presented it at the last meeting of the Commission and referred it to the Committee. We have had a very, ~~I think~~, enlightening discussion of it here. I fully appreciate your statement. I think it is very good--your statement on it--and I am only trying to find a reasonable way of meeting the situation. I think this will do it.

ADM. RAMISHVILI: May I ask a question of Major Plimsoll? What are you expecting from this consultation?

MAJOR PLIMSOLL: I think the Supreme Commander will alter the constitution.

ADM. RAMISHVILI: In each case when we want to alter the constitution, give to the Supreme Commander

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a consultation? We have made other changes--

MAJOR PLIMSOLL: I think the difficulty here is--if we put it in a categorical policy decision at this stage, which is what you want, there are some delegates here who are not in a position to vote yet because they have not yet received instructions. But they can vote for this, and by next Thursday when we meet again perhaps we will have a reply.

GEN. McCOY: I can go with this but I couldn't go along with your line.

MAJOR PLIMSOLL: If we accept your attitude, Admiral, we won't be able to ^{get anything by} take this up next Thursday, ^{if we adopt the motion} whereas there is a possibility that General McCoy can come to us next Thursday and say to us that ^{the draft has been amended} ~~we can take it up.~~

ADM. RAMISHVILI: It sounds like we want to ask General MacArthur whether he wants you to make some decision or not and you will act when the Commission meets to do so. I don't agree with it. I think we ought to postpone the consideration.

GEN. McCOY: Well, you will not concur with this resolution?

ADM. RAMISHVILI: No sir.

GEN. McCOY: We will then postpone action and

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hope that by consultation we can find some way out of this position.

It is now one o'clock, so I will hurry. I think that all the other things that are on the agenda are dependent on the receipt of instructions from certain governments.

ITEM 6 - RESTITUTION OF LOOTED PROPERTY (FEC-011/18)

GEN. McCOY: Have you received instructions.

ADM. RAMISHVILI: No sir. I must ask your permission to postpone this paper for a very short time because we didn't expect the Commission to act on this today.

ITEM 7 - PROPOSED UNITED STATES PLAN FOR REPARATIONS CONFERENCE (FEC-081, -081/1, and -081/2)

GEN. McCOY: The same on Item 7?

ADM. RAMISHVILI: Yes.

ITEM 8 - REPORT ON JAPANESE EXTERNAL ASSETS

GEN. McCOY: If there is no objection, we will continue this on the agenda awaiting the report of the Chairman on further developments.

If there is no further business, I will hear a motion to adjourn to meet at the call of the Chairman, in case some way out can be found to meet our problems that are in abeyance.

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MAJOR PLIMSOLL: I make that motion.

GEN. McCOY: We stand adjourned, gentlemen.

(Whereupon the meeting adjourned at 1:30 a.m.)

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FAR EASTERN COMMISSION

Transcript of Twenty-Eighth Meeting of the Far Eastern Commission,

Held in Main Conference Room, 2516 Massachusetts Avenue, NW

Wednesday, September 25, 1946

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Held in Main Conference Room, 2516 Massachusetts Avenue, NW
Wednesday, September 25, 1946

REPRESENTATIVES PRESENT

Maj. Gen. Frank R. McCoy, USA (Ret.), Chairman	(United States)
Major J. Plimsoll	(Australia)
Dr. George S. Patterson	(Canada)
Dr. V. K. Wellington Koo	(China)
Mr. Francis Lacoste	(France)
Mr. J. Vesugar	(India)
Dr. A. D. A. de Kat Angelino	(Netherlands)
Sir Carl Berendsen	(New Zealand)
Mr. F. Rodriguez	(Philippines)
Sir George Sansom	(United Kingdom)
Rear Admiral S. S. Ramishvili	(U.S.S.R.)

SECRETARY

Mr. Nelson T. Johnson

Reporter: Mr. R. Holtz, Department of State

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(The meeting convened at 3:30 p.m.)

GEN. McCOY: We seem to be around the table and the session is now open. I am sorry to call these unexpected meetings, but I felt that it would be your wish after our having heard from the Supreme Commander on the particular questions that were issued at our last meeting, particularly the recommendation of the Committee and the proposals by the Soviet representative.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 27th MEETING

GEN. McCOY: Before proceeding to the business of the agenda, we will ask your approval of the minutes of the last meeting. If there are no questions or corrections---

MR. VESUGAR: Just a slight correction on Page 3, Mr. Chairman, the remarks made by me in the minutes.

GEN. McCOY: Will you state the correction you would like to have made? On Page 3 the Indian member requests a correction.

MR. VESUGAR: About midway on Page 3, in the sentence, "He said that under Article III, 3 of the Terms of Reference of the Commission it was apparent that only in the case of directives dealing with

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fundamental changes in the Japanese constitutional structure or in the Japanese Government as a whole was the agreement of the Commission ~~was~~ necessary." That is as it should be, not "attainment of agreement" but "that the agreement".

GEN. McCOY: If there is no objection, that correction will be made in the minutes. Otherwise we will assume the minutes are correct.

ITEM 2 - AMENDMENTS TO THE CONSTITUTION
(PEC-087/8)

GEN. McCOY: This communication was received by me only this morning and I have had it circulated. If any member has not received it, I would like to know. Otherwise, it is now before you and since it is short and to the point I will read it.

Following consultation with the Supreme Commander for the Allied Powers after the last meeting of the Commission on 21 September 1946, the enclosed information has been received by the United States Representative on the Commission and is circulated herewith for information, and it reads as follows:

The United States Government has received the following message from the Supreme Commander for the Allied Powers:

"In deference to the views of the other

Governments, I have persuaded the Japanese Government to accept the following amendments to the Constitution: Article 15 by adding the following sentence 'universal adult suffrage is hereby guaranteed'; and Article 66 by adding the following sentence 'the Prime Minister and the Ministers of State shall be civilians'.

"At the same time, in view of the delicacy involved in the Government's sponsorship of amendments at this late date, I assured the Japanese Government that I would seek no further modifications so long as there is no legislative change in the principles embodied in the draft as it now stands. You will be at once advised of any amendments made in the course of the completion of legislative action. The House of Peers is currently expected to complete its action within this week."

MAJOR PLIMSOLL: Mr. Chairman, I think we are very satisfied that the Supreme Commander secured these two amendments which we desired in the Constitution and we greatly approve of this very prompt action. I think we might thank the American Government and the Supreme Commander for the speed in which they have both acted on this occasion. We only desired these changes on Saturday and it is very gratifying, I think, to see them so soon. It is

very pleasing to me.

GEN. McCOY: I would like to associate myself with the other members of the Commission in that satisfaction and thank the members who proposed the changes in the Constitution, and I am pleased that we were able to bring them about in the right way.

ADM. RAMISHVILI: Mr. Chairman, to not repeat what I have already said, I wish to associate myself with Major Plimsoll's words about the speed of the United States Representatives and General MacArthur in this particular case.

I would like, Mr. Chairman, to draw a very definite line between the confidence which we have in the Supreme Commander and the members of the government and other implementing bodies in Japan. In other words, how shall we understand this question that General MacArthur persuaded the Japanese Government to accept the following amendments? Shall we consider that they will be realized? What guarantee will we have that the Japanese Government will persuade the Diet? How can we be sure that the Diet will be persuaded to accomplish this? In the light of this, Mr. Chairman, what is the opinion of the Commission? Shall we pass a policy decision on this point or not since we don't have a full guarantee

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that this will be accepted by the Diet? Perhaps I don't understand how this machinery works about the persuasion of the members of the Government.

GEN. McCOY: Well, you will not--

ADM. RAMISHVILI: It has left some doubt that maybe the Diet will not--

GEN. McCOY: Of course, we still have the final draft to consider.

ADM. RAMISHVILI: Yes. I just wanted to know-- I think that this persuasion is of great value and will be admitted by the Diet, but I have some doubt. We don't have guarantee.

GEN. McCOY: That doubt will be resolved when we get the final draft.

ADM. RAMISHVILI: Yes. But I draw a very definite line between the confidence we have in the Supreme Commander--I don't have any doubt that he acted very well. Of course, we don't have assurance that it will be adopted. Some doubts are left here. Secondly, Mr. Chairman, I have an interesting question about the second paragraph of the Supreme Commander's answer, "...and he assured the Japanese Government that he would not seek any further modifications..." Shall we consider that he does not speak for the Far Eastern Commission? In case the Far Eastern Com-

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mission finds some changes--we are continuing to consider the draft--maybe this will be a very grave situation or maybe we will have difficulty in fulfilling them. However, I think this was given by himself--he would not seek any more changes. If we adopt some policy decision, it does not affect him. You get my idea, General?

GEN. McCOY: Some contingencies might occur but I think we can meet them as they come. He is not, of course, committing the Far Eastern Commission.

ADM. RAMISHVILI: That is clear then.

GEN. McCOY: Any other comment on the reply of the Commander? Is there any action to be taken? For the present there seems to be none, so that we will go to the next subject on the agenda.

ITEM 3 - DRAFT CONSTITUTION (FEC-087/1)

GEN. McCOY: Our Draft Constitution is still before us. Are there any comments on that for the moment? I take it that the final draft will be before us very shortly and we have been assured that it will be promptly forwarded and I will take prompt action to have it circulated. I believe the only government representative that had not received instructions remains the Soviet. Do you care to

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give us any information?

ADM. RAMISHVILI: Mr. Chairman, we had instructions and I submitted amendments to the Commission. I don't think that we have any more instructions or amendments. After they have been discussed in the Commission I have a resolution to be made, Mr. Chairman.

GEN. McCOY: The Chinese Ambassador?

DR. KOO: Mr. Chairman, at the last meeting of the Commission, the acting Chinese representative made a statement announcing the view of the Chinese Government with reference to the Draft Constitution and making a reservation on certain points.

The First point related to the matter of Implementing Legislation. In the opinion of my Government, such matters pertaining to the qualification and election of the members of both Houses, matters of electoral districts, the method of voting, the joint committee of the two Houses of the Diet, and the Imperial House Law are all of a character having an important bearing on the nature and spirit of the whole Constitution.

My Government assumes that these matters will be dealt with in a way that will not in any way contravene either the principles of the Potsdam

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Declaration or the policy decisions of this Commission. In view of the general consensus among members of the Commission regarding the importance of such implementing legislation, and in view of the fact that a report drafted by Committee 3 and revised by the Steering Committee is now before the Commission providing that drafts of such legislation should be made available to this Commission as soon as they are submitted to the Diet, my Government, trusting that that report will be adopted by the Commission, will not insist upon the reservation on this point.

It is the understanding of the Chinese Delegation that the words "shall be made available" as used in the report of Committee 3 as revised by the Steering Committee, denote that implementing laws will be made available to the Far Eastern Commission in such a manner as will give it opportunity to study and scrutinize them.

The second point related to the wording of Article 9 of the Draft Constitution, which, as it stands, contains implications which could not be acceptable to us. Japan in the past repeatedly used her armed force for aggressions against her neighbors and denied at the same time that she was making war upon them. It should, therefore, be

clearly understood that the Commission, in letting this Article stand, intends in no way to overlook the possible danger of Japan again misusing her armed forces for any war-like or aggressive acts any more than for war itself.

Of course, the Chinese Delegation realizes that it may be more proper to provide for safeguards and precautions against this abuse in the ultimate peace treaty with Japan and in any arrangements to be concluded amongst the principal United Nations to enforce the disarmament and control of Japan. But in order not to encourage any misinterpretation on the part of the Japanese Diet and people, the Chinese Delegation considers it important that this point should be brought out clearly.

The Chinese representative, however, notes with satisfaction that the message just received from the Supreme Commander for the Allied Powers reports, among other things, that a provision has been pledged to be made in the Draft Constitution that the Prime Minister and all Ministers of State shall be civilians. This provision, when made, will to some extent serve to preclude the objectionable implications to which I have just referred. The Chinese Government, however, shares the view that the early adoption of the

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Draft Constitution by the Japanese Diet, in accordance with the principles of the Potsdam Declaration and the policy decisions of this Commission, is highly desirable.

It therefore does not wish to raise any objection to the draft text as it stands although, obviously, in its opinion, there is plenty of room for improvement. It hopes, however, that the points which have been raised will be carefully noted in the general interest of the United Nations with the further understanding that when the Draft Constitution as a whole has passed the Diet, another opportunity will be given to the Commission to pass upon the final draft.

GEN. McCOY: Thank you very much. Admiral, did you wish to discuss these amendments proposed now? I want to make sure that I did not misunderstand you. You made some remark about a discussion.

ITEM 4 - PROVISIONS FOR THE REVIEW OF A NEW JAPANESE CONSTITUTION (PEC-031/36 and -031/39)

GEN. McCOY: If you remember that was agreed to by members of the Commission except the Soviet who, in view of the new amendment of the first paragraph, felt that he should get instructions

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from his Government on that. ~~on that~~. Have you now received--

ADM. RAMISHVILI: I regret that really we don't have enough time to communicate and get an answer for it is only three or four days. I hope that by this week end we will have the answer.

GEN. McCOY: So we will carry it over for the next meeting then.

ADM. RAMISHVILI: Maybe we will get the answer earlier. If so, I will let you know immediately and then you can take action.

GEN. McCOY: It is requested by the Soviet Representative that the Review paper be postponed for further consideration and action when he receives instructions from his Government.

ITEM 5 - STATEMENT BY COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM, ON FEC-087/5, SOVIET PROPOSALS CONCERNING THE DRAFT CONSTITUTION (FEC-087/6)

GEN. McCOY: This paper was referred to the Committee ~~Commission~~ with urgency and happily they were able to give immediate attention to the proposals of the Soviet Representative and their report was put before you at the last meeting. The only recommendation made in that paper, "The Commission therefore recommends that the Commission should ask the United States

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member to communicate its misgivings to the Supreme Commander and that it should insist that the Japanese should include in their Constitution a provision that all Ministers of State, including the Prime Minister, should be civilians", has now been covered by the action of the Supreme Commander and his communication to us today. However, I am informed by the Soviet representative that, under instructions from his Government, he wishes to make a statement.

ADM. RAMISHVILI: Mr. Chairman, I will make a statement after this paper is considered and discussed and finished by the Commission.

GEN. McCOY: The action recommended by the Committee was taken and, as I say, has been satisfactorily replied to and action in Japan taken consistent with the wishes of the Commission. What is the pleasure of the Commission on the whole report of the Committee? I will ask Mr. Collins--you were ~~once~~ Chairman of that Committee and submitted this report--do you care to make any further statement?

MR. COLLINS: No. I don't think there is anything further that can be said on behalf of the Committee on this. It is before the Commission now for whatever action the Commission wishes to take.

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Part of the Committee's recommendations have been fulfilled and beyond that the only new points for further action were in connection with implementing legislation and that, I think, is tied up with the proposal of the Chinese Delegate, and so goes on to the next item on the agenda which was our previous report in regard to implementing legislation as a whole.

GEN. McCOY: The Soviet Representative will remark regarding this paper.

ADM. RAMISHVILI: In order to eliminate any misunderstanding, we had some various proposals of the U.S.S.R. presented to the Commission and these recommendations were sent to the Committee No. 3 and Committee No. 3 made their recommendations. I would like to make comments on each of these recommendations. First, Committee No. 3 considered that the draft Constitution now adequately provides in Article I and in the Preamble that sovereign power resides in the people. In connection with this paragraph, Mr. Chairman, today you asked what we want. I will answer this question in general. We want the Commission to adopt the Soviet proposal in the new draft--a new paragraph to be drafted concerning the sovereign right of the people. This is

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first. Secondly, Mr. Chairman, we would like that the second proposal, that all cabinet members be nominated by the Diet--this is our proposal and I repeat it, we would like it be adopted by the Commission although the Committee recommends not to adopt it. It is a different opinion. Thirdly, Mr. Chairman, in paragraph 2, I think that this is a most interesting question for today, ~~about~~ that all ministers should be civilians. I must repeat, Mr. Chairman, that though we have received the very quick and, I think, satisfactory answer from the Supreme Commander, in that it means that he had persuaded the members of the government to adopt this amendment in order to guarantee the Far Eastern Commission that this amendment will be adopted, really adopted, because nobody can guarantee that the Diet will adopt this, though the members of the government are persuaded. We would like that this subject be drafted as a decision of the Far Eastern Commission, and fourthly, Supreme Court and judges. As you know, Mr. Chairman, our proposal was that the court members and judges be nominated by the Diet and we stand on it and ask the Commission that our proposal be adopted. Fifthly, about regency, our proposal was that the article concerning regency

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should be worded in the sense that regency is established on the principles of the free expression of the will of the people with whom the sovereign power resides, and I ask now that the Far Eastern Commission adopt these amendments. And sixthly, about unicameral legislature--although these provisions are not provided, the Soviet Government does not insist on these but our opinion is that the necessary steps should be taken, maybe now maybe in the future, that the House of Councillors has not predominance over the House of Representatives, and the Committee decided that the House of Councillors should not have any predominance over the House of Representatives and considers that it will be essential to scrutinize the implementing legislation very carefully to insure that such predominance shall not be established. There are five, rather six because we divided the second paragraph into two parts, there are six points. On two points the Committee agreed without amendments, without proposals, and, therefore, we think that it might be taken ^{as} the decision of the Far Eastern Commission, and four points which we disagreed. But, I repeat here, ^{the} request to the Commission that our proposals be adopted.

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GEN. MCCOY: Gentlemen, after consideration on the parliamentary side of the Admiral's statement, I would like to call your attention to the fact that the report of the Committee is before us and this is in the nature of a statement. How do you wish it handled? Do you wish me to invite the Soviet Representative to put in seriatim his points in his statement in specific motions that we can put before the Commission while the report of the Committee itself is still before you? It is all in connection with the report of the Committee which has already considered the points made by the Soviet Representative and has made its recommendation and, as I take it, only one of the points in question was concurred in by the Committee and has already been ^{the} subject of satisfactory action in Japan, subject to the remarks of the Soviet Representative as to personal assurance of the Supreme Commander. So that to clear the atmosphere on these questions, am I correct in stating, Mr. Collins, as the Chairman of the Committee, am I correct in stating that these points brought by Admiral Ramishvili were all considered by the Committee and have specifically been acted upon?

MR. COLLINS: Yes. Each point raised by the

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Soviet Delegate was considered by the Committee and his recommendations and comments.

GEN. McCOY: As I take it only one of these was acceptable to the Committee.

MR. COLLINS: Two of them actually were acceptable insofar as half of ^{the} one dealing with civilian cabinet was acceptable. The other one in connection with the predominance of the House of Councillors was a question which the Soviet Delegate left open but pointed out should be retained on the Commission's agenda to make sure that no further action at a future date was taken and we agreed with that general view that the Commission should maintain a watchful eye on implementing legislation in that regard.

GEN. McCOY: Is that a satisfactory statement?

ADM. RAMISHVILI: Yes.

GEN. McCOY: Now what is your wish?

ADM. RAMISHVILI: Now may I add it is worthwhile to discuss this question but in order to avoid misunderstanding, among the four proposals two were adopted. Now, if I am right, I did not hear the opinion of the other members but it appears to be the same--that you think the Supreme Commander's answer covers not only the substance but also the

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point, ^{as} ~~is~~ to guarantee ^{on} the question that ministers should be civilians. Is that so, Mr. Chairman?

I think that it does not cover ~~in view of~~ guarantee--not in substance--not in the confidence of that paper.

GEN. McCOY: Well, I think your point will be met when we get the final draft of the Constitution.

ADM. RAMISHVILI: If it is not included in ^{the} final draft, then what? It is a difference of the appraisal of General MacArthur's message. I have the same opinion as the other members on his action, that it was very quick and satisfactory as it was, but I don't have full guarantee, because as you remember, Mr. Chairman, we always had the answer of the Supreme Commander that "it will be provided" and now he said "he persuaded members of the Japanese Government", and the members of the Japanese Government do not deserve full, complete confidence.

GEN. McCOY: Well, will you make specific motions before the Commission in each one of your points, please?

DR. PATTERSON: Mr. Chairman, may I make a suggestion? It would seem to me the orderly procedure now is for the Commission to consider the report of Committee No. 3, and my suggestion would be that we do so consider it, and since there is

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a difference between the paragraphs in subject matter, that we take the report item by item and consider it now.

MAJOR PLIMSOLL: I think it would be more orderly, Mr. Chairman, to take the Soviet Member's motions one by one and discuss them. It would be better than taking the report of the Committee.

ADM. RAMISHVILI: What about the decisions of Committee No. 3? I do not want to deprive other members--maybe they want to make some move--I mean to say that the decisions of the Committee be approved or amended.

GEN. McCOY: Dr. Koo, you have had some experience. In the light of the questions, naturally my ruling would be to have each one of these, if it was agreeable to the Commission that this report of the Committee should be held in abeyance until each one of these points was taken up specifically by motion of the Soviet Representative and get the action of the Commission on each one of them. That would be my way of ruling, but I would, in this around-the-table organization where so seldom a parliamentary point comes up, like to hear the members' opinion on it. The Committee report being before the Commission on the agenda and having to do

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with the very points--it is a report on these very points, and the Soviet Representative has had his day in court, of course, before the Committee and the Committee has accepted two of his propositions and turned down the others, I would ^{prefer} ~~like that~~, in view of his appeal from the action of the Committee, ~~it would be best~~ to take each one of these up as a motion by him for specific consideration. However, I would like to hear your opinion and the opinions of anybody else in the Commission as to the best way of handling it.

DR. KOO: Since you have been good enough to ask my view, I venture to say that in my thinking the Soviet propositions seem in the nature of amendments to the report which is before the Commission but in addition to that certain proposals, suggestions from the Soviet Delegate. In the ordinary course of proceedings, it is both proper and easier to take up the propositions in the nature of amendments to the report. Therefore, personally, I agree with your suggestion to take up the proposals of the Soviet Delegate one by one and after we have disposed of them, then we take up the report of the ad hoc committee. That would be the simplest procedure to follow, as you have suggested.

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MR. VESUGAR: Mr. Chairman, as we are mediators to this, may I think aloud at the moment? It is the report of Committee No. 3 which is in front of us. Now Committee No. 3 deals expressly with the five points or we may call it six points, dividing No. 2 into two, raised by the Soviet member. To me it would appear that the easiest way to do with it would be thus, that we now examine or we discuss the recommendations made to us by Committee No. 3, one by one. Now when there is a recommendation of Committee No. 3 which does not meet with the ideas of any delegate, maybe the Soviet maybe somebody else, he proposes an amendment ^{and} ~~that~~ we deal with the amendment first. Having disposed of the amendment, then we dispose of the sections in the report of the Committee.

MAJOR PLIMSOLL: The report is our basic paper, and we should take the Soviet member's proposals one by one as they are moved by him and our discussion can be guided by the report. But these are the motions that were moved on. The only proposals in the report are those of the Soviet Member and that is what we should vote on.

GEN. McCOY: What is your opinion, Sir Carl, of the best way of handling it?

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SIR CARL BERENDSEN: I can think of a half dozen courses we could take but I think it doesn't matter which ~~way~~ we take. I would suggest to take the report in front of us on which normally we would have been asked to approve, and the Soviet colleague, as we come to the paragraphs on which he wishes to differ from the report, should move an amendment. The paragraphs accordingly being disposed of, we either approve or disapprove the Soviet amendment, and move through that way. However, I don't really think it is a matter of importance. The one thing that is really important is to allow our Soviet colleague an opportunity to find out whether his views are or are not shared by the Commission.

GEN. MCCOY: I was seeking the best way of his presenting his case so that we could dispose of it.

ADM. RAMISHVILI: Mr. Chairman, you said that I move and then the Commission will vote. It is possible that I move, but if this is the only way, it is too strange for me. We have acted on similar documents many times. I think that everybody can move and say I don't approve or I approve or I make some amendments. If the Commission considers that I am obliged and only I to make a motion, it

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will be not fair. I think that everybody can make motions. I am not against that I move but maybe somebody else wants to move a contrary proposal-- make another proposal.

SIR CARL BERENDSEN: I would suggest the first motion is that the Committee's report be approved and then the procedure which he wants to take.

ADM. RAMISHVILI: Because I realize the Committee's report is to be changed. Is that it, Mr. Chairman, because the recommendations of the policy decision be made on that point that the ministers must be civilians now is colored by the message of the Supreme Commander. It is colored and maybe the Commission wants to modify this point too.

SIR CARL BERENDSEN: Well, Admiral, you want to raise these four or five separate questions, don't you? You want to get the opinion of the Commission on these four or five separate questions?

ADM. RAMISHVILI: Yes.

SIR CARL BERENDSEN: Well, I suggest--

ADM. RAMISHVILI: It would be proper to discuss the report of the Committee.

SIR CARL BERENDSEN: I am quite sure the Chairman is open to hear the discussion of the

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report at any time. But if you really want to get the opinion of the Commission, there is only one way to get it on each of those five points, and that is to move some amendment or motion accordingly.

ADM. RAMISHVILI: I am sorry. Suppose I don't move, what happens? Somebody else move. Am I obliged to move?

SIR CARL BERENDSEN: No. Sooner or later the Chairman will say--

ADM. RAMISHVILI: I will be glad to move on some of them, but I am obliged--I don't understand why I am obliged.

SIR CARL BERENDSEN: But sooner or later the Chairman is going to say to us, do you approve or disapprove the Committee's recommendations.

ADM. RAMISHVILI: I disapprove some paragraphs and I approve some other paragraphs. How ^{do} we have to decide them?

SIR CARL BERENDSEN: My suggestion was they should be decided, and I think that is what the Chairman suggests, paragraph by paragraph--take each ~~the~~ paragraph one by one and if you see it is not going your way, you can move to the contrary.

ADM. RAMISHVILI: I would not follow that. But there are eleven members of the Commission and

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I am only one.

GEN. McCOY: But you have made a statement.

ADM. RAMISHVILI: I will make a statement after this has been discussed--after a conclusion--of my Government on the draft constitution. But maybe all of our proposals will be adopted and then some of our statements will not be right.

SIR CARL BERENDSEN: Would you wish to see it discussed paragraph by paragraph? I think that is what the Chairman wants to do.

ADM. RAMISHVILI: Yes, why not?

SIR CARL BERENDSEN: No reason at all why not.

ADM. RAMISHVILI: Paragraph by paragraph, yes.

GEN. McCOY: Is it agreeable to all concerned if I once more put this report of the Committee before the Commission for action and read each item and then ask if there is any amendment or change?

ADM. RAMISHVILI: Yes, somebody else--

DR. PATTERSON: Mr. Chairman, as we do this, may I ask if I am correct in this interpretation of what we are doing? The Soviet Government presented a paper with certain views regarding the draft constitution. It was referred to Committee No. 3 for consideration. The paper 087/5 states that the Soviet Government considers that / certain

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amendments must be included in the constitution. The Committee has considered those proposals from the Soviet Government and has proposed now to the Commission that no action be taken except with respect to one proposal regarding the civilian nature of the cabinet. Therefore, as each item comes up of the Committee report the Commission is not called upon to take action unless we go back to the original meaning of that proposal. Is that correct?

GEN. McCOY: In going over the report of the Committee, the view is, I take it, that the Soviet Member would then discuss the particular thing and state what he has already stated before the Committee.

DR. PATTERSON: Yes, because that is the only way action can be taken in the terms of the report which says no action is required.

GEN. McCOY: And he can either make an amendment to the specific thing or some other member of the Commission can make a motion.

DR. PATTERSON: Yes. That is the important point. It is not an amendment because there is no motion before us from the Committee in respect to each item. Unless there was an original motion made that action be taken on this point, there is

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no action for the Commission to take.

SIR CARL BERENDSEN: The Committee's report on the amendments proposed by the Soviet representative could be adopted. That is the way I would suggest, and any amendments could be put on that.

GEN. McCOY: Will you make that motion, sir?

SIR CARL BERENDSEN: As a matter of form, I will be pleased to do so and move accordingly.

MR. VESUGAR: I second it, sir.

GEN. McCOY: The report is now before the Commission in the form of a motion by the Representative of New Zealand and seconded by the Indian Delegate, that is that the report be accepted. Now to meet your expressed wish, I will ask if there is any comment or any motion to follow on the subject.

First, Item 1. Sovereign Power. "The Soviet Government considers that the below mentioned amendments must be included in the Constitution. First, the Sovereign power of the people should be defined in the constitution more precisely and clearly. The provision to the effect that 'sovereign power resides with the people' should constitute a separate Article and have no connection with the definition of the role of the Emperor." "Committee No. 3 considers that the draft Constitution now adequately provides in Article

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I and in the Preamble that sovereign power resides in the people. The Committee notes that the Japanese text of the draft Constitution has been modified to express this principle more clearly."

Now that proposal of the Soviet Representative and Government was acted upon by the Committee as in the paragraph last read to you. Is there any comment on that on the part of any member of the Commission?

ADM. RAMISHVILI: We are discussing paragraph by paragraph?

GEN. McCOY: Yes.

ADM. RAMISHVILI: I make a motion, Mr. Chairman, that the Soviet proposal be adopted.

GEN. McCOY: Instead of the expressed paragraph 1 of the report of the Committee. Is there any second to that amendment proposed by the Soviet Representative in which he makes motion that the sovereign power of the people should be defined in the Constitution more precisely and clearly. The provision to the effect that "sovereign power resides with the people" should constitute a separate article and have no connection with the definition of the role of the Emperor? Once more the action of "Committee No. 3 considers that the draft Constitution

now adequately provides in Article I and in the Preamble that sovereign power resides in the people. The Committee notes that the Japanese text of the draft Constitution has been modified to express this principle more clearly."

Is there any second to the motion of the Soviet Representative? There seems to be none. The action of the Committee is acceptable rather than the proposal of the Soviet Representative.

Cabinet Ministers. The next proposal of the Soviet Representative in paragraph 2, "The Diet should have the right to appoint not only the prime-minister, but also the remaining ministers of the Cabinet. All the ministers should be civilians." The report of the Committee concerning that proposal was, "With regard to the Soviet proposal as to the appointment of Cabinet Ministers by the Diet, it is the opinion of Committee No. 3 that the present provisions of the draft Constitution are in general accord with practice in political systems where the executive is responsible to the legislature, and that Articles 68 and 69 give the Diet sufficient power to prevent the appointment or secure the removal of Ministers not acceptable to it. The Committee gave careful consideration to the Soviet sug-

gestion that 'All Ministers should be civilians', which is a principle specifically set forth in paragraph 3b of the Commission's statement of policy. In view of the total prohibition of the maintenance of armed forces contained in the earlier draft of the Constitution, the Committee had not previously recommended the insertion in the draft of this provision. The Committee observed, however, that the second sub-paragraph of Article IX of the draft Constitution has been amended in the House of Representatives and that the Japanese text might now be interpreted by the Japanese to permit the maintenance of forces for purposes other than those specified in the first sub-paragraph. In such case, it would be possible, as the Constitution now stands, to include members of the armed forces in the Cabinet. The Committee therefore recommends that the Commission should ask the United States member to communicate its misgivings to the Supreme Commander and that it should insist that the Japanese should include in their Constitution a provision that all Ministers of State, including the Prime Minister, should be civilians."

What is your wish there on this report of the Committee?

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ADM. RAMISHVILI: I would like to know what is the position of other gentlemen.

GEN. McCOY: Is there any comment on the Soviet proposal and the Committee's report on it that was just read to you?

DR. KOO: I would suggest that you divide the second paragraph of the Soviet paper into two parts in order to facilitate voting. The first one is to give the Diet the right to appoint all members of the Cabinet and the second that all members are to be civilians.

GEN. McCOY: We will so consider the proposal of the Soviet. The Diet should have the right not only to appoint the Prime Minister but also the remaining Ministers of the Cabinet. Is there any comment on that? Is there any motion on that?

ADM. RAMISHVILI: On what, Mr. Chairman?

GEN. McCOY: That the Diet should have the right to appoint not only the Prime Minister but also the remaining Ministers of the Cabinet.

ADM. RAMISHVILI: I don't differ any on the proposal or recommendations of Committee 2.

GEN. McCOY: I have read them both and the proposal is before the Commission as stated by you and as read by me. Now is there any discussion

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on that point?

ADM. RAMISHVILI: I move that this proposal be adopted.

GEN. McCOY: Is there any discussion on this motion proposed? Is there any second to the motion proposed by the Soviet Representative? There seems to be none.

We will now take the second part of that paragraph--All ministers should be civilians. Any discussion on that or motion?

DR. KOO: I move that this part be approved.

DR. PATTERSON: I second that motion, Mr. Chairman.

GEN. McCOY: It has been moved and seconded that the proposal of the Soviet Representative be approved by the Commission.

DR. PATTERSON: But rather the recommendation of the Committee, sir.

GEN. McCOY: And, of course, it is the recommendation of the Committee. Any comment? The motion has been moved and seconded.

ADM. RAMISHVILI: That sentence?

GEN. McCOY: Yes, that sentence proposed by the Soviet Representative under the instructions of his Government--All the ministers should be civilians.

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SIR CARL BERENDSEN: Mr. Chairman, on that point, of course, I think we are unanimously in agreement with the principle. I don't think there is any difference in opinion on the principle. The Soviet representative doubts whether the principle on which, as I understand we are all agreed, will now necessarily be implemented by the Japanese Government. I think we are all agreed that if, by any chance, the Japanese Government were to challenge the Supreme Commander on this matter and to fail to include the provision the Supreme Commander so helpfully has persuaded to include, then we are in a difficult position; but we are not in an impossible position, Admiral.

GEN. MCCOY: But we are not in that position now.

SIR CARL BERENDSEN: Not now, not now, and I am bound to say I have sufficient confidence in the Supreme Commander's influence over the Japanese Government to feel very confident indeed that that will be ^{is} inserted. If the heavens should fall in on this and it is not inserted, then we can take necessary action, and I think the Admiral could feel reasonably confident that he'd have the members of the Commission with him were ^{that} ~~there~~ contingency to arise.

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ADM. RAMISHVILI: To make it clear, Sir Carl, if this proposal is adopted, I don't think that anybody has to worry about this, so I don't require any action right now--all ministers should be civilians.

GEN. McCOY: I don't think there would be any objection to adopting it.

SIR CARL BERENDSEN: But I think we have adopted it. Am I wrong?

GEN. McCOY: It was recommended in the report of the Committee.

DR. PATTERSON: The committee recommends, Mr. Chairman.

SIR CARL BERENDSEN: I think it has been adopted.

GEN. McCOY: My attention has been called to the fact that this is already in our basic paper.

SIR CARL BERENDSEN: But I have not the faintest objection to passing it fifty times, Admiral. I think it is a very necessary provision.

GEN. McCOY: We will accept the motion as seconded, and if there is no objection it will be declared approved by the Commission.

SIR CARL BERENDSEN: What is it that is being approved, Mr. Chairman?

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GEN. McCOY: The specific statement that all ministers should be civilians.

SIR CARL BERENDSEN: That all ministers should be civilians, I am fully for it.

GEN. McCOY: Now that disposes of the first two. Supreme Court Judges. The third proposal of the Soviet Representative under instructions from his Government, "Members of the Supreme Court should be elected by the Diet for 5 years service." The report of the Committee on that proposal was that, "The Committee considers that the existing provisions of the draft Constitution with regard to the selection and term of office of Supreme Court judges are not obviously inconsistent with the controlling documents and therefore sees no ground for altering them." That is before you for consideration and is there any motion?

ADM. RAMISHVILI: I move, Mr. Chairman, that this be accepted.

GEN. McCOY: The Soviet Representative moves that members of the Supreme Court should be elected by the Diet for five years service. Is there any second to that motion? Is there any discussion? There seems to be none. The motion is lost.

Regency. "The Article concerning regency should

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be worded in the sense that regency is established on the principle of the free expression of will of the people with whom the sovereign power resides. Such principle of establishing the regency is in compliance with the spirit of the Potsdam Declaration and also with the decision of the Far Eastern Commission on "Basic Principles of a New Japanese Constitution", in which it is stated the 'the Japanese people should be encouraged to abolish the Emperor Institution or to reform it along more democratic lines'. The Committee reports on this proposition, "Committee No. 3 agrees that matters concerning the Regency not already covered in the draft Constitution should appropriately be considered by the Commission when the Imperial House Law comes before it." Is there any member who wishes to make a motion on that case?

ADM. RAMISHVILI: I move it be accepted.

GEN. McCOY: The Soviet Representative made this a motion. Is there any discussion or further consideration any of you desire? Is there any second to the motion?

SIR CARL BERENDSEN: Is the Admiral moving the adoption of the paragraph in the report?

ADM. RAMISHVILI: No.

GEN. McCOY: No. He makes the motion that I

read which involved the Emperor Institution. That was the Soviet proposal and this was replied to by the Committee, "Committee No. 3 agrees that matters concerning the Regency not already covered in the draft Constitution should appropriately be considered by the Commission when the Imperial House Law comes before it." The motion has been made by the Soviet Representative and I have called for a discussion and also for a second. There seems to be no second. The motion is lost.

SIR GEORGE SANSOM: Mr. Chairman, does it now follow automatically that the original recommendations of the Committee No. 3 stand or will we have an opportunity--

GEN. MCCOY: That will come later.

Unicameral Legislature. The fifth proposition submitted to the Committee by the Soviet Representative is as follows: "The Soviet Delegation does not insist on the unicameral system, provided the House of Councillors has no predominance over the House of Representatives." This was commented upon by the Committee as follows: "The Committee agrees that the House of Councillors should not have any predominance over the House of Representatives and considers that it will be essential to scrutinize

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the implementing legislation very carefully to ensure that such predominance shall not be established."

Is there a motion to the effect of the Soviet proposition? This is in a little different form. Do you make any motion with respect to it or do you accept it.

ADM. RAMISHVILI: I have made enough motions, Mr. Chairman. Since in this paragraph the point of view of the Committee and of the Commission coincide, maybe somebody else will make a motion. I have made enough motions today.

GEN. McCOY: The paragraph before the Committee and the Committee's action thereon is before you. Is there any discussion or motion in connection with this question, this point?

SIR CARL BERENDSEN: I think we can agree with the proposal of the Committee, Mr. Chairman. These two paragraphs, Number 5 and Number 4, both refer to matters in which we all agree no final decision can be arrived at until the implementing legislation has been produced and the Commission has already decided on a previous occasion that it retains the right to scrutinize this implementing legislation. I myself would have preferred to see quite a number of matters

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included in the Constitution. Very well, that didn't meet with the general view of the Commission. I am reasonably satisfied with the right which we do retain to look at the implementing legislation, and I think that the Admiral might well be content with that--he would have the opportunity when implementing legislation does come down to us to scrutinize it and to express his views and to move in opposition if he chooses to do so. I am reasonably satisfied with these two proposals.

GEN. McCOY: I take it that the Soviet Representative would prefer to have an expressed action taken by the Commission at this time. Is there any discussion of this last item? Is there any motion concerning it?

ADM. RAMISHVILI: I make the motion, Mr. Chairman, that the recommendation, rather the proposal of the Soviet Representative, which completely coincides with the recommendation of the Committee be approved.

GEN. McCOY: Well, I think your motion--you make a motion that this be approved?

ADM. RAMISHVILI: And discussed.

GEN. McCOY: And discussed. "The Committee agrees that the House of Councillors should not have

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any predominance over the House of Representatives and considers that it will be essential to scrutinize the implementing legislation very carefully to ensure that such predominance shall not be established." Is there any further discussion on that?

ADM. RAMISHVILI: I move that this wording be approved--this recommendation of Committee No. 3 be approved.

GEN. McCOY: The Soviet Representative makes the motion that the action of the Committee I have just read be approved. Is there a second for that motion?

DR. DE KAT: I second the motion, Mr. Chairman.

GEN. McCOY: The motion is made and seconded and is there any discussion or any objection? If there are no objections the motion of the Soviet Representative will be approved.

Now action has been taken on all of the points covered by the motions of the Soviet Representative and by the Committee's report. Is there any further action desired by the Commission? There is a motion, I am reminded, before the Commission that the report of the Committee be approved. That was seconded by the Indian Representative, I believe. Is there any comment on that motion as seconded?

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ADM. RAMISHVILI: The recommendation of the Committee be approved as a whole? I have to vote against it.

GEN. McCOY: The Soviet Representative does not concur, so that the report of the Committee as such is not approved. But the expression of the Commission is before you in each specific action taken. Is that satisfactory?

ADM. RAMISHVILI: Mr. Chairman, since some proposals, some recommendations from the Committee paper were adopted, I recommend that they be extracted from this paper as a decision of the Commission.

MR. VESUGAR: Mr. Chairman, would it be proper to send it back to Committee No. 3 now to extract the wheat from the chaff and put it to the next meeting of the Commission, and then we pass that paper as a whole? Would that be acceptable to the Soviet member?

ADM. RAMISHVILI: Is it implied that the Soviet proposals are chaff? (Laughter)

MR. VESUGAR: Pardon me, by chaff I meant that you yourself might suggest that some of these should be thrown out.

ADM. RAMISHVILI: Yes, of course.

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GEN. McCOY: We will declare a brief recess.

(The Commission recessed at 5:05 p.m.)

(The meeting reconvened at 5:15 p.m.)

GEN. McCOY: Gentlemen, we will return to our affairs and reopen session. I believe, Sir Carl, you have a motion to make or suggestion.

SIR CARL BERENDSEN: In a pure spirit of helpfulness, I would suggest that my seconder and the Commission allow me to withdraw the pro forma motion I made that the Committee's report be adopted. I am not aware who he was.

MR. VESUGAR: I was, and I certainly go with Sir Carl.

SIR CARL BERENDSEN: Then, may I move, sir, as follows--that the Commission reaffirms its decision that all ministers should be civilians and agrees that the House of Councillors should not have any predominance over the House of Representatives and considers it will be essential to scrutinize any implementing legislation. I would move accordingly.

GEN. McCOY: The motion has been made.

MR. VESUGAR: I will second the motion.

GEN. McCOY: And seconded. Is there any further comment? This results in our practically tabling the report of the Committee and making a

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motion for the concurrence and approval, first on reaffirming our action of the Commission that all cabinet ministers shall be civilians, and next, that Article 5 of the report be accepted. That has been moved and seconded. Is there any objection to it? There seems to be none. It will be so ordered.

ADM. RAMISHVILI: Now I would like to make a statement.

GEN. McCOY: Now the Soviet Representative wishes to make a statement.

ADM. RAMISHVILI: Mr. Chairman, gentlemen, proceeding from the desire to bring the draft of the Japanese Constitution into full compliance with the Potsdam Declaration and the decision of the Far Eastern Commission: FEC-031/19, the Soviet Delegation has made the following proposals at the 26th meeting of the Far Eastern Commission: (a) The provision to the effect that "sovereign power resides in the people" should constitute a separate Article, and not in connection with the definition of the role of the Emperor; (b) To recognize the right of the Diet to appoint not only the prime minister but also the remaining cabinet ministers; (c) All the ministers, including prime minister, should be

civilians; (d) The members of the Supreme Court should be elected by the Diet for 5 years service; (e) The Constitution Article concerning regency should be worded in the sense that regency is established on the principle of the free expression of will of the Japanese people with whom the sovereign power resides; (f) The USSR Delegation doesn't insist on the unicameral system provided the House of Councillors has no predominance over the House of Representatives.

The Soviet Delegation is convinced that the above proposals are in full accord with the principles set out in the Potsdam Declaration and with the decision of the Far Eastern Commission: FEC-031/19, and represent the necessary provisions of a truly democratic constitution.

However, the proposals of the Soviet Delegation under (a), (b), (d), and (e), have been rejected by the majority of the members of the Far Eastern Commission.

Under these circumstances the Soviet Delegation, acting on behalf of the Government of the USSR, states that it does not consider it possible to approve the draft of the Japanese Constitution, as the latter, without inclusion of the above-mentioned proposals,

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does not comply with the principles set out in the Potsdam Declaration nor with the decision of the Far Eastern Commission: FEC-031/19.

The Soviet Delegation reserves its right of criticism and consideration in future of the questions concerning the Japanese Constitution. Thank you, Mr. Chairman.

GEN. McCOY: Would you give us a text, please?

ADM. RAMISHVILI: Yes later.

ITEM 6 - REPORT BY COMMITTEE NO. 3 ON ITS STUDY OF THE DRAFT CONSTITUTION (FEC-087/3)

GEN. McCOY: The paper -087/3 is before you, Item 6. This has an attached list of certain items most of which have been covered, but the important one, I think, for future consideration is the implementing legislation. I think everything else there has been covered. Is there any comment or action desired on that report of the Committee? That has been carried for several meetings while these points at issue have been gradually ironed out. I think we might, as long as the constitution is before you, still keep it on the agenda if you see no objection.

SIR CARL BERENDSEN: Mr. Chairman, I really wonder whether that paper hasn't served its purpose.

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GEN. McCOY: I think it has.

SIR CARL BERENDSEN: In the light of events that have taken place, I would be inclined to suggest that we table this paper or take whatever action is necessary to dispose of it from the agenda. I am by no means happy about many aspects of the constitution. I don't suppose that anybody around this table is completely happy about this constitution. But we have thrashed it out and there is nothing further to be derived, and I think there is nothing to be gained by further discussion on this paper.

GEN. McCOY: Is there any discussion as to Sir Carl's suggestion? Without making it formal and if there are no objections, we will table this paper and not continue it on the agenda.

ITEM 7 - TERMS OF REFERENCE FOR THE INTER-ALLIED
TRADE BOARD FOR JAPAN (FEC-089)

GEN. McCOY: There is a special covering sheet directed to me for inclusion in the minutes in connection with this paper. Has that paper been circulated?

"The United States Government will in general accept the recommendations of the Inter-Allied Trade Board for Japan made in accordance with its Terms of Reference. Exceptions will be made only

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in cases when, in view of the United States Government acceptance of a recommendation, it would be inconsistent with the attainment of the objectives of the occupation. The United States Government notes the last sentence of paragraph 3 which requires that recommendations to the Board involving matters of policy be approved by the Far Eastern Commission. Since all actions of the Board are recommendations of the United States Government, the United States Government is not by this provision precluded from taking action on matters of urgency pending consideration by the Far Eastern Commission. This position is in line with the Terms of Reference of the Far Eastern Commission which permit the United States Government to issue interim directives in cases of emergency subject to subsequent review by the Commission."

This paper was approved by the Steering Committee at its meeting on Tuesday. It was agreed that the text should be released to the press after the Supreme Commander has been informed of the decision. The United States position in regard to the interpretation of the policy is contained on the cover page, that being this memorandum which I have just read. Has it been long enough before

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you to get your due consideration? I will give you a period to digest it to see if there is any question or comment on it.

MR. RODRIGUEZ: Mr. Chairman, in view of the absence of Ambassador Romulo at the United Nations meeting--he purposely took this paper with him and I understand he was also expecting definite instructions. But he is present in New York and he could not attend this meeting. I was instructed not to express the vote of the Philippine Delegation in connection with this matter.

DR. KOO: Mr. Chairman, would you be good enough to summarize what has just been said by our Philippine colleague.

GEN. McCOY: In view of the absence of the Philippine Ambassador, General Romulo, at the United Nations in New York, the Philippine Delegate reserves his action on this paper, in view of the fact that his Government has not given instructions. You will also request that we delay action--postpone action?

MR. RODRIGUEZ: No. He just said not to vote.

GEN. McCOY: He said that he is not ready to vote on it yet.

ADM. RAMISHVILI: Mr. Chairman, I will agree

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with postponing this paper because it is not ready.

GEN. McCOY: Is there any comment? The Soviet Representative wishes the paper postponed. The Soviet Delegate, I believe, gave as a reason that the Philippine--

ADM. RAMISHVILI: Not to deprive them to vote for or against because--

GEN. McCOY: Before suggesting any action on this paper, in view of the requests of the two representatives, it is an important paper and it has been along time coming to us, so that I would be glad to have any comment, possibly to get us a step on the way. Has anybody any comment on this paper? I believe your representatives on the Steering Committee have concurred in it. Is it your wish that we postpone action in view of the statements of the Philippine Delegate and the Soviet Representative?

SIR CARL BERENDSEN: Mr. Chairman, I think that is a very wise course to adopt, but this is, of course, a matter of urgency, and I think with our resolution to postpone action we should urge expedition in dealing with the matter and perhaps express the hope that at the earliest possible opportunity, when General Romulo can be present, we

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might take this up. It is a matter we should push forward.

GEN. McCOY: Is that the opinion of the Commission? It seems to be so. Are all the other governments ready to vote after the Philippine Delegate gets his instructions? There seems to be general concurrence here, so I hope that, since the burden is on you, that you will ask--

MR. RODRIGUEZ: I wish to thank you--the Commission for its action and I will impress the fact on General Romulo.

GEN. McCOY: It will be brought up at the next meeting of the Commission, hoping that we can get complete action.

ITEM 8 - RESTITUTION OF LOOTED PROPERTY (FEC-011/18)

ITEM 9 - PROPOSED UNITED STATES PLAN FOR REPARATIONS CONFERENCE (FEC-081, -081/1 and -081/2)

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

GEN. McCOY: The three next items, 8, 9 and 10, are all waiting instructions from governments and will be continued on the agenda.

ADM. RAMISHVILI: I ask your permission to postpone these questions, Mr. Chairman. The first is a question of some days but we will get some instructions.

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GEN. McCOY: Items 8, 9 and 10 will be continued on our agenda for the next meeting.

ITEM 11 - OTHER BUSINESS

GEN. McCOY: Is there any other business on the part of any Commissioner?

ITEM 12 - PRESS RELEASE

GEN. McCOY: Is there a press release. No press release.

Gentlemen, if there is no further business, we stand adjourned, and unless there is some emergency it will be until a week from tomorrow.

(Whereupon the meeting adjourned at 5:25 p.m.)

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FAR EASTERN COMMISSION

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

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

Thursday, October 10, 1946

FAR EASTERN COMMISSION

Transcript of Twenty-Ninth Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.
Thursday, October 10, 1946

REPRESENTATIVES PRESENT

Maj. Gen. Frank R. McCoy, USA (Ret.), Chairman	(United States)
His Excellency Mr. N. O. Makin	(Australia)
Dr. George S. Patterson	(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)
Sir Carl Berendsen	(New Zealand)
His Excellency Carlos P. Romulo	(Philippines)
Sir George Sansom	(United Kingdom)
Rear Admiral S. S. Ramishvili	(U.S.S.R.)
Lieut. Gen. W. Schilling	(Netherlands)

SECRETARY

Mr. Nelson T. Johnson

Reporter: Mr. R. Holtz, Department of State

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(The meeting convened at 10:35 a.m.)

GEN. McCOY: Good morning, gentlemen. I am glad to see so many of our regular delegates back. Is Dr. Koo coming? This is the Chinese day which corresponds to the American Fourth of July and many other days that all of our nations celebrate, and I understand that our Chinese associate is celebrating today with hospitality which we all know the Chinese always show.

I will now announce the session as open. However, before proceeding to the business on the agenda, I want to welcome the first Ambassador to the United States from Australia and former Minister of his Government during this historical period, where he played such an important part as Minister of Munitions and Minister of the Navy. So that I hope in welcoming him here that we can assure him of a more relaxed attitude around the table and not under such pressure as he has been in the past year. Gentlemen, the new Ambassador from Australia, Mr. Makin.

SIR CARL BERENDSEN: Mr. Chairman, might I join with you in extending a welcome to my old friend and colleague from Canberra. I think we can all agree that the Representative from Australia

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can rest assured that Australia's representation around this table has been admirable. Dr. Evatt in his occasional visits has brought a gale of realism into our somewhat technical discussions here. General Lavarack, who has been appointed to a post of high dignity and honor was a very worthy successor, and certainly not least, Major Plimsoll has very admirably held up the Australian point of view around this table. I know that the Australian Ambassador will at once earn the esteem of his colleagues on this Commission.

MR. MAKIN: General, Sir Carl Berendsen, and gentlemen, I feel deeply honored being accorded this welcome this morning. I feel assured of your most cordial reception. I want to say that I quite acknowledge that I have had many a very capable and distinguished predecessor representing my great country, and I shall try in some measure to follow many of the admiral expressions and efforts that they have had from time to time in the deliberations on this very important Commission. I thank you this morning for the very kind welcome that has been extended by yourself and Sir Carl and other Members of the Commission.

SIR GIRJA BAJPAI: Mr. Chairman, perhaps it is

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not in order to speak after the appearance of all this eulogy and welcoming at this time, but I am moved by a desire to dispense any thought that might be in your mind that Australia and New Zealand are the only countries who feel the mutual admiration at this time. May I presume to speak on behalf of the other countries around this table--China at my left and the Philippines not very far off--also join in an expression of welcome to our friend, Mr. Makin. Perhaps he will not work like a gale as did Dr. Evatt but will be gentle but just as effective.

GEN. ROMULO: Mr. Chairman, I want to dispel any suspicion that there may be a common link of those members of the United Kingdom around this table, and I wish to join in expressing our congratulations of the assumption of this duty by this new Ambassador from Australia, which has so effectively contributed to the war effort in the Pacific.

GEN. McCOY: Well, I am sure that gives you more than enough welcome, Mr. Ambassador, and these expressions are indicative of the friendly association we have around this table.

I am glad as an old soldier to welcome another one of great distinction in the last war who so bravely and spiritually represented his country

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under the most trying conditions in Java, General Schilling. May I present on our behalf too, Dr. Loudon, a distinguished soldier, General Schilling, who arrived from service in Japan to return for his first visit home to Holland after eleven years in the Pacific and during part of that time a prisoner of the Japanese with our General Wainwright whom he has just been visiting in San Antonio. So they do come back. That is one of the things we ought to be conscious of after a war--that we are so conscious of the terrible losses and catastrophes and loss of life, etc., and yet, when the smoke clears away, the great majority do come back and, fortunately, some of the very outstanding soldiers that we didn't expect to see again. General Schilling, we give you warm welcome and are very glad that you can sit in with us today and go back to Japan with a picture of our work as well as that done in Tokyo.

GEN. SCHILLING: Thank you for your kind words of welcome. I am certainly glad to be sitting in at this Commission, especially because from Japan we watched with great interest the policy decisions made here. I am sure that the other chiefs of missions in Tokyo--I will be back there on the

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first of December--will be very interested in my report.

GEN. McCOY: At a recent meeting of the Steering Committee, I was interested in a discussion on the part of the Chairman and Soviet Representative and, I believe, the American Representative made a few remarks also, on the subject of the background of our work and an effort to get more movement and more action on the part of this Commission. I just want to mention it this morning. That is a subject that naturally weighs with me and I have had an excerpt made of the minutes of the Steering Committee as to that discussion and have formally presented it to my Government for their consideration, with the hope that they will do their part in getting more effective action in the future.

I would also put before you on that line, just to keep us from feeling too pessimistic at any given moment, a report, not a monumental report that you won't read, but a simple, brief report from our Secretariat that will be at our disposition shortly, showing at a glance what we have accomplished in the brief period of our existence. We might realize shortly that it hasn't been a brief period but just for the moment it does seem like a brief period, in

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the six months or more we have been sitting together.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 28th MEETING

GEN. McCOY: What is your pleasure with regard to the minutes of the 28th meeting? Are there no corrections?

GEN. ROMULO: I move that the minutes be approved.

GEN. McCOY: If there are no objections, the minutes will be considered approved as proposed by the Philippine Delegate, and I presume that there is a second since there are no objections, and it will be declared a matter of record.

ITEM 2 - TERMS OF REFERENCE FOR THE INTER-ALLIED TRADE BOARD FOR JAPAN (FEC-089)

GEN. McCOY: This paper was approved by the Steering Committee at its meeting two weeks ago. It was agreed that the text should be released to the press after the Supreme Commander had been informed of the decision. The United States position in regard to the interpretation of the policy was stated and recorded in the minutes of the 28th FEC meeting. The Philippine representative was without instructions at the last meeting and consideration was therefore deferred until the

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return of General Romulo.

GEN. ROMULO: I am ready to make the statement, Mr. Chairman. My Government is in favor of the establishment of the Inter-Allied Trade Board within the framework of the Potsdam objectives and Far Eastern Commission policies as proposed in SC-035/9. My Government supports any measure that will help to place the Japanese people in a position where they can contribute, at the earliest possible time, to supply the war devastated areas with urgent necessities, provided such measure does not endanger military security and conforms to the basic policies established by this Commission.

GEN. McCOY: The paper, as I understand it, has the unanimous approval of the representatives on the committees concerned and is now placed before you for a motion as to its being made a policy paper of this Commission. Is there any discussion further than we have already had on the part of any representative? There seems to be none.

GEN. ROMULO: I move that the paper be approved, Mr. Chairman.

GEN. McCOY: Is there a second to the motion of the Philippine Delegate?

MR. LACOSTE: I second it, Mr. Chairman.

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GEN. McCOY: It is seconded by the Delegate from France. If there are no objections on the part of any representative, I will declare it passed and a policy paper of this Commission.

The Secretary General will make an explanatory statement.

MR. JOHNSON: Mr. Chairman, although it is recognized that the Board is not a Far Eastern Commission body, as a convenience the Secretariat of the Far Eastern Commission will be ready to provide the Inter-Allied Trade Board with a meeting place and to furnish the Board with the usual secretariat facilities.

GEN. McCOY: If desired.

MR. JOHNSON: If desired.

ITEM 3 - INTERIM REPARATIONS REMOVALS: ACCESSORY PLANTS AND FACILITIES (FEC-059/24)

GEN. McCOY: Item 3, Interim Reparations Removals: Accessory Plants and Facilities. I refer to the Indian Delegate there to the pronunciation of "accessory". Do you say accessory or accessory?

SIR GIRJA BAJPAI: No, I call it accessory.

GEN. McCOY: I do too, and I just realized, in your purist attitude, I want to be very careful about my pronunciation. I must say in the Commission

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the Lytton Commission where we had that eminent statesman and literary man, Lord Lytton, as our Chairman, who would put our Commission reports into such charming English--at the same time, in our final screening of the reports in this international commission we had an Italian member, who was much more dramatical than Lord Lytton, and would, to the astonishment of all us English-speaking people, pick a flaw almost every meeting in Lord Lytton's English, which disturbed our Chairman very much because his English was charming and full of color and feeling such as you would expect of a grandson of Lord Bulwer-Lytton. But that didn't effect the attitude of Count Luigi Aldrovandi-Marescotti, who really had a remarkable knowledge of the English language. It was very interesting to me throughout the whole proceedings to see how correct he was, so much more correct than those of us who were brought up on it.

SIR GIRJA: Speaking of foreigners who have an unusual command of the English language, I remember in my early years here in Washington a M. Jusserand, who was a representative of France, and who was a

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master of the English language. M. Jusserand throughout the proceedings of that conference was continually able to find flaws in the text of proposed drafts, and thereby improve their form. This plainly peeved Lord Balfour, the British Representative, to see a Frenchman who had such a command of the English language as to be able to improve on his own excellent knowledge of the language. (Laughter) It was a measure of tribute to M. Jusserand's superb understanding of English grammar that on almost all questions of form in the drafts which were proposed, the Commission finally ended up by submitting these drafts for M. Jusserand's scrutiny to see whether they conformed sufficiently to his standards.

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GEN. McCOY: I will state once more this paper-- Interim Reparations Removals: Accessory Plants and Facilities. This paper was unanimously approved by the Steering Committee at its last meeting. Is there any further comment or consideration desired by any of the members present?

ADM. RAMISHVILI: Mr. Chairman, I am quite sure I had a reservation on this paper which is not included in the cover sheet. Mr. Chairman, our representative on the committee, while discussing this question, opposed paragraph No. 4 and I am sure that he explained his position.

SIR CARL BERENDSEN: That is a different paper.

ADM. RAMISHVILI: Oh, excuse me.

GEN. ROMULO: I move that the paper be approved, Mr. Chairman.

GEN. McCOY: Is there any second?

ADM. RAMISHVILI: May I, Mr. Chairman--

GEN. ROMULO: I withdraw my motion.

GEN. McCOY: The paper is open for discussion.

ADM. RAMISHVILI: Mr. Chairman, in order to say some opinions, it would be agreeable to insert in this paper in second line after the words, "reparations" the following words "approved by the Far Eastern Commission in the interim reparations removals program", if it is possible for the Com-

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mission to agree with this amendment.

GEN. ROMULO: Will you read that sentence again with the new insertion, please?

GEN. McCOY: The Secretary General will read the change in a moment after we make sure that we have it correctly.

ADM. RAMISHVILI: After the word "reparations" it will read "approved by the Far Eastern Commission in the interim reparations removals program".

GEN. McCOY: Anything else?

ADM. RAMISHVILI: That is all.

GEN. McCOY: There is no objection on the part of the United States, so that I look to the Philippine Delegate to make the motion.

GEN. ROMULO: I make a motion for its approval.

GEN. McCOY: Is there any second to this motion of the Delegate from the Philippines?

MR. MAKIN: The only question I would like to ask--is not this regarded in itself as an interim aspect and would not the same result be secured by putting after the words on the first line "by the Far Eastern Commission"? I suppose in principle it doesn't alter the whole thing as it really has an interim aspect, hasn't it?

ADM. RAMISHVILI: We would like it to be

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inserted in the decision itself.

MR. LACOSTE: May we ask the reasons for this proposal by our Soviet colleague?

ADM. RAMISHVILI: I repeat, Mr. Chairman, just in order to make it sure that this is interim reparations removal program.

GEN. McCOY: The question is asked by the French Delegate for the reasons. Will you state the reason?

ADM. RAMISHVILI: We would like to make it sure that these removals are interim reparations removals program, which is stated in the cover sheet.

GEN. McCOY: Major Plimsoll, would you care, while it is still a matter of consideration, do you care to make any comment as Chairman of the committee?

MAJOR PLIMSOLL: Mr. Chairman, my impression of the intention of the committee was that this paper should not cover merely the interim program but all reparations programs, and it was intended to lay down, partly at the desire of the Chinese Delegation, that whenever you declare facilities and industries available for removals, you should remove everything that is an integral part of the plant so that whoever gets the plant will get something that will work on its own. I think the Admiral's amendment will restrict this to the

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interim program, but we can get over that by passing another paper later if we wish. But he restricts it, I think, rather closely.

ADM. RAMISHVILI: There are substantial difficulties to agreement here. I suggest we recommend this paper back to the committee.

MAJOR PLIMSOLL: Well, Mr. Chairman, I don't think we are losing it by passing it in the Admiral's form since we can pass another paper later. I think we can accept the Admiral's suggestion.

DR. KOO: If I understand the Soviet amendment correctly, it is to limit this to interim removals and leave the question open to decide later by the Commission to pass the accessories parts program outside the interim program. That is my understanding. I would like to say that from our point of view, it seems that the principle in this paper before the Commission is purely a principle which ought to be applicable to all plants. It is merely in the nature of a technical character. If a main plant is removed, I think, in order to make that plant really serviceable, the accessories should go with it, and, therefore, I feel unable to accept the Soviet amendment, if I understand it correctly, because it is a technical point which seems of a nature that should be generally

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applicable. When I say generally applicable, it is applicable not only to the interim removals but also to the whole program later. It would spare another plant discussion and decision on the point of procedure. It would gain time by accepting the paper as it is without the question having to be raised again.

SIR GIRJA BAJPAI: Mr. Chairman, I want to say that the point which our Chinese colleague has made just now is of considerable importance. Possibly our Russian colleague has been lead to make this suggestion by reason of the explanatory paper which the Secretariat has attached which says, "... , a proposed policy relative to Interim Reparations Removals of Accessory Plants and Facilities..." Now, whether these words are intended to cover the decision or not I can't tell. I wasn't present at the meetings. But I submit, in the long run, saving rather than losing time, if we send this back to the committee for consideration in the light of the discussion that has taken place, it wouldn't take very long to come back to us at the next meeting and I think everybody would be satisfied.

GEN. McCOY: In that case, does the proposer and seconder withdraw their motion?

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GEN. ROMULO: I am very willing to, yes.

GEN. McCOY: Now it is before the Commission with a free hand to do what they wish with the paper. Have you any further comment?

ADM. RAMISHVILI: No sir.

GEN. McCOY: Major Plimsoll, have you any further comment after hearing the Chinese and Indian Representatives?

MAJOR PLIMSOLL: There doesn't seem any alternative, sir, but to send it back to the Reparations Committee. I think we can get it back next Thursday.

DR. KOO: At the fourteenth meeting of the Reparations Committee, it was the Soviet Member who made the suggestion to include the application of this principle in all programs in addition to the Interim Reparations.

MAJOR PLIMSOLL: Yes.

DR. KOO: And which all members of the Committee thought was a very good idea.

MAJOR PLIMSOLL: Yes. I think it is a very good idea myself.

DR. KOO: So I just want not to have a misunderstanding of the Soviet Delegate's proposal because the Soviet Member suggested that the paper be extended to apply to all programs in addition to the

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Interim Reparations because of the technical nature of the paper.

ADM. RAMISHVILI: I don't know. Today the suggestion, Mr. Chairman, is that these words be included here.

DR. WANG: We went through this paper in very great detail and the Soviet Member brought forth that point, which we all seconded, and I just wondered--

GEN. McCOY: In view of these explanations, possibly you could withdraw your amendment.

ADM. RAMISHVILI: No sir.

GEN. McCOY: You wish it referred back to the Committee then?

ADM. RAMISHVILI: We could keep it here but I am not ready to accept it.

MR. MAKIN: I think it better be referred back.

DR. KOO: We really do not think that the point in the paper before the Commission--should sort of be left open. My adviser just called attention to the minutes of Committee No. 1 of the 27th of September. There is a sentence, "The Soviet Member suggested that it should be applied to the complete reparations program not only in the Interim Program". Of course, I quite understand now that

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the Soviet Delegate has moved an amendment in a contrary sense. Now, I wonder whether it would be really necessary to reopen this question in the Committee since a great deal of discussion took place there and agreement was reached. So, I would hope that our Soviet colleague would find it possible not to insist on an amendment and thereby we could pass this point.

ADM. RAMISHVILI: Mr. Chairman, may I make a motion that this paper be kept for one more meeting here in the Commission and then clear it in the Commission between the other members and discuss it again at the next meeting.

DR. KOO: Mr. Chairman, I rather agree to the proposal of the Soviet Delegate to keep it here in the Commission for the next meeting and, perhaps, the whole point can be cleared up in the sense that most of us have understood--

ADM. RAMISHVILI: Without any meeting of the Committee but among ourselves.

GEN. McCOY: If there is no objection, we will keep it on the agenda and postpone it for the Commission's action until the next meeting, hoping that the matters at issue can be ironed out between those particularly involved. I would ask Major

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Plimsoll if he will get together with the Soviet Representative and Dr. Koo to see if he can iron out the difficulties before the next meeting.

DR. KOO: Sir Girja, would you like to be considered in the ironing out process?

SIR GIRJA BAJPAI: Well, I feel, Mr. Chairman, that the point which our Chinese colleague made is vital and common to us all really. I would be perfectly content to leave the ironing out to the Chinese colleague and the Soviet colleague, and then we can have the benefit of this joint effort at our next meeting.

GEN. McCOY: I would like to ask Major Plimsoll to act for the Ambassador and the Soviet Representative in the sense of getting together as soon as practicable and carrying out the wishes, express wishes of the Commission.

ITEM 4 - PROPOSED UNITED STATES PLAN FOR REPARATIONS CONFERENCE (FEC-081, /1, /2)

GEN. McCOY: We have another item in connection with reparations which has held us up for so long, and I have asked the Assistant Secretary of State, General Hilldring, to sit in with us this morning and he will take the floor now and make a statement from the point of view of the United States Government.

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GEN. HILLDRING: Mr. Chairman, and Members of the Commission, I appreciate the opportunity accorded the State Department this morning to make this statement. I think the Members of the Commission are cognizant of the attitude of my Government with respect to the Reparations problem in Japan and more especially about the urgency of coming to grips with it at once. I had hoped this morning to make a proposal. Instead of that I am here simply to make a statement. As you know, my Government has been carrying on unilateral discussions with the Soviet Government in an effort to close the gap between my Government and the Soviet Government, where gaps exist, in an effort that we might be able to come to the Commission and make some specific proposal on which the United States and U.S.S.R. would agree. Those discussions have been going on for some considerable time under the most friendly auspices. Some progress has been made in resolving our differences. However, there still exist large areas of disagreement. The Russian Ambassador has only recently returned to the United States. I haven't had an opportunity to discuss the problem with him. I think the Admiral has had limited opportunities to discuss the problem with

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him, and he is now out of town. So, we believe, my Government believes, that another two weeks should be allowed for a resolution of the Reparations problem and most notably an agreement on a Reparations Conference. My Government feels that no appreciable delay--regardless of any other circumstance, regardless of any disagreement--that the convocation, the meeting of a Reparations Conference can no longer be delayed. So, it is our intention two weeks from today to ask for a final vote on the Reparations Conference, and if we are unable at that time to get a Reparations Conference by this device, we intend to make an additional proposal on that subject, because we are impressed that the greatest problem today in Japan is to settle the Reparations problem. From the standpoint of the countries that are deserving of the Reparations and are in dire need of them, in respect to the establishment of a minimum economy in Japan, and from every point of view, it is the feeling of my Government that we cannot any longer delay the establishment of a Conference to decide the Reparations question in Japan.

GEN. ROMULO: Mr. Chairman, I desire to express my satisfaction over the resumption of our consideration

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of the paper, FEC-081, embodying the proposed United States plan for a Reparations Conference. I recall that this paper was submitted to the Far Eastern Commission on July 25, 1946, and that on the first of August I submitted my statement to the Commission making of record the full agreement of the Government of the Republic of the Philippines with the proposed plan for calling a Reparations Conference. I also recall that most of the countries represented in this Commission voiced their concurrence with such a plan.

Since then two months have elapsed and final agreement has not yet been reached. In the meantime, most of the plants, machinery, and equipment which are to be removed for reparations are lying idle in Japan and doubtless even with the best of attention are gradually deteriorating. Also, the war devastated countries that are to receive these reparations equipment are still waiting and cannot proceed with their plans to install and operate such equipment as an essential phase of their economic rehabilitation.

It should be noted, of course, that during all this time certain steps have been taken in the different committees of the Far Eastern Commission to facilitate the work of the Reparations Conference. Discussions have advanced on the paper fixing the

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level of economic life of postwar Japan as substantially that prevailing in the period 1928-1930. Considerable progress has also been made in the determination of assured capacity levels in certain important industries, notably the primary and secondary war industries and the war-supporting industries. Almost general agreement has been reached on the criteria that will govern the selection of specific plants and facilities for removal or retention in Japan and in the selection of accessory plants and facilities which will be included in industrial plants designated for removal. Preliminary discussion has started concerning the manner of distributing the reparations pool among the claimant countries. With this preparatory work undertaken thus far, the time is ripe to finally establish the reparations pool and determine the shares of the different claimants as well as the procedure of allocating such reparations assets among the claimant countries. My Government is deeply concerned over the whole question and is anxious that the Reparations Conference be called without further delay. Among the war devastated countries in Asia, the Philippines is one of the few countries that has had no recourse to direct seizures or awards of enemy industrial equipment as partial compensation

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for its tremendous losses. This is only one reason why we now renew our support of the American plan for the holding of a Reparations Conference, as soon as possible.

SIR CARL BERENDSEN: Mr. Chairman, I wish to state simply and firmly that I am in full and complete agreement with General Hilldring's statement.

GEN. McCOY: Any other comment on the statement of the Assistant Secretary of State?

DR. KOO: Mr. Chairman, I would like to say a few words. We quite appreciate the spirit in which General Hilldring has made the suggestion of extending two more weeks from now before taking a final position on the decision of the question of the Reparations Conference. However, I must make it clear that my Government is most concerned ~~by~~ about the delay in settling the question of Reparations--making, as a matter of fact, any substantial progress toward a settlement of this question.

I need hardly recall to the Commission, my country suffered fourteen years of invasion and eight years of uninterrupted war, resulting in tremendous devastation. The Chinese Nation has suffered to a point which it will take years to repair. No matter how much reparations we eventually

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get from Japan, we feel it would never be enough to repair the damage that has been done. But, at least, we feel that to get these reparations to China would go some way to make up for the damage which has been caused. But, any benefit to be derived from Japanese reparations really depends not only upon the content and nature of the reparations but also upon the promptness with which they are to be delivered to China. At the present stage, our country because of these years of damage is in a very difficult position and we are most anxious that the reparations be made at once. In fact, my Government expected that this question would be settled long ago even without a conference in the Commission. But, for one reason or another we have not been able to make much progress.

Now, as regards the proposal for a Conference, I recall that the original date suggested was to have been August 15th. Now we are approaching the middle of October, and naturally when it was made, although it took us a few days to get the final instructions from my Government, I indicated that as far as my Government was concerned, we would gladly accept it. It was accepted by us. Now, the possibility of holding a Conference seems to be still uncertain because of the lack of general agreement

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in the Commission. We feel that that Conference should have taken place before now, but it hasn't, and General Hilldring now proposes an extension of another fortnight, another two weeks. I regret the further delay. We are prepared for falling in line with that if it is a final extension and it is no longer to be supplemented with further extensions.

I might add also, in regard to our disappointment about the progress of the reparations question in the Commission, that even as regards the interim removals program about which a number of decisions were taken by the Commission several months ago, nothing has been done to implement, to carry out any part of this program to which we have been looking forward with a great deal of eagerness to see it carried out. Now, our Philippine colleague, I think, has rightly stated that large quantities of equipment in the plants and facilities which have been earmarked for the interim removals program are still lying idle in Japan and rapidly deteriorating, according to the reports of our experts. It is a great pity that further delay would allow that condition to continue and eventually greatly diminish the value of any interim reparations which might be made eventually. Now, that is another

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reason why we should proceed with the utmost dispatch in regard to the question of Reparations. In fact, my Government is most anxious that the interim removals program should be at once implemented, pending the discussion sentiment of the whole Reparations question, and if, in the course of the next few days, the Conference--we do hope very much that the Conference will take place within a very short time and that this extension proposed by General Hilldring would not be further supplemented. Otherwise, my Government feels, would feel obliged to make some very urgent proposal as to an emergency measure. But I would like to leave this point for the time being in abeyance, to say that we of the Chinese Delegation, while appreciating the purpose and the spirit of conciliation on the part of the United States colleague, would agree to this suspension but only with reluctance because of the reasons which I have stated.

GEN. McCOY: Thank you very much.

DR. LOUDON: Mr. Chairman, according to the instructions I have received, I can state that the Netherlands Delegation considers the whole question of Reparations and Reparations documents of utmost urgency and it was entirely in agreement with the

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reservations made by the Assistant Secretary of State, General Hilldring, and hopes it will be feasible that the question of the Reparations Conference will not be delayed any longer than is necessary in order to start on this problem.

MR. MAKIN: Mr. Chairman, I am greatly impressed by the statement that has been made by His Excellency the Ambassador from China, and I feel that not one of us can be unmoved by the very clear statement that he has made regarding the suffering that his people have passed through and the urgent desire that he has for the opportunity for the rehabilitation that this might afford them in the quickest possible time. At the same time, of course, I appreciate that it is very desirable for unanimity to be reached, if possible, with regard to the procedure and, while possibly the fortnight asked for may be served, I say, with very good purpose in regard to securing that unanimous view, I do hope that there will not be further delay than that because it is quite evident, as has been mentioned by the honorable Delegate for the Philippines, that there is a deterioration taking place in regard to the question of plants that may be a part of the reparations to be made. Furthermore,