

370.21 JOINT ALLIED
(MISC) FORCES

LIST OF PAPERSFILE NO. 370.21 Forces, Joint Allied (MISCELLANEOUS)

NO.	FROM	DATE	TO	SYNOPSIS
1	Gen. McFarland	3/12/46	SWNCC	MEMO RE: Availability of Land, Sea and A Air Forces in the Event of Emergency
	Mr. Matthews,	3/13/46	Sec. of State	
	"	"	Sec. of Navy	
	"	"	Sec. of War.	

TOP SECRET

370.21

Force, Joint Allied

HWK: bz

SWN-4011
13 March 1946

MEMORANDUM FOR THE SECRETARY OF WAR:

**Subject: Availability of Land, Sea and Air Forces
in the Event of Emergency.**

At the request of the Joint Chiefs of Staff, the enclosure, a memorandum on the above subject from the Joint Chiefs of Staff to the President, is forwarded for your information.

Similar letters have been forwarded to the Secretaries of State and the Navy.

For the State-War-Navy Coordinating Committee:

H. FREEMAN MATTHEWS,
Acting Chairman.

Encl.
None for the President

SWNCC FILE

TOP SECRET

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HWK: bz

SWN-4012
13 March 1946

MEMORANDUM FOR THE SECRETARY OF THE NAVY:

Subject: Availability of Land, Sea and Air
Forces in the Event of Emergency.

At the request of the Joint Chiefs of Staff, the enclosure, a memorandum on the above subject from the Joint Chiefs of Staff to the President, is forwarded for your information.

Similar letters have been forwarded to the Secretaries of State and War.

For the State-War-Navy Coordinating Committee:

H. FREEMAN MATTHEWS,
Acting Chairman.

Encl.
Memo for the President

SWNCO FILE

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HWK:bz

SWN-4010
13 March 1946

MEMORANDUM FOR THE SECRETARY OF STATE:

**Subject: Availability of Land, Sea and Air
Forces in the Event of Emergency.**

At the request of the Joint Chiefs of Staff, the enclosure, a memorandum on the above subject from the Joint Chiefs of Staff to the President, is forwarded for your information.

Similar letters have been forwarded to the Secretaries of War and the Navy.

For the State-War-Navy Coordinating Committee:

H. FREEMAN MATTHEWS,
Acting Chairman.

Encl.
Memo for the President

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THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D. C.SM-5235
12 March 1946

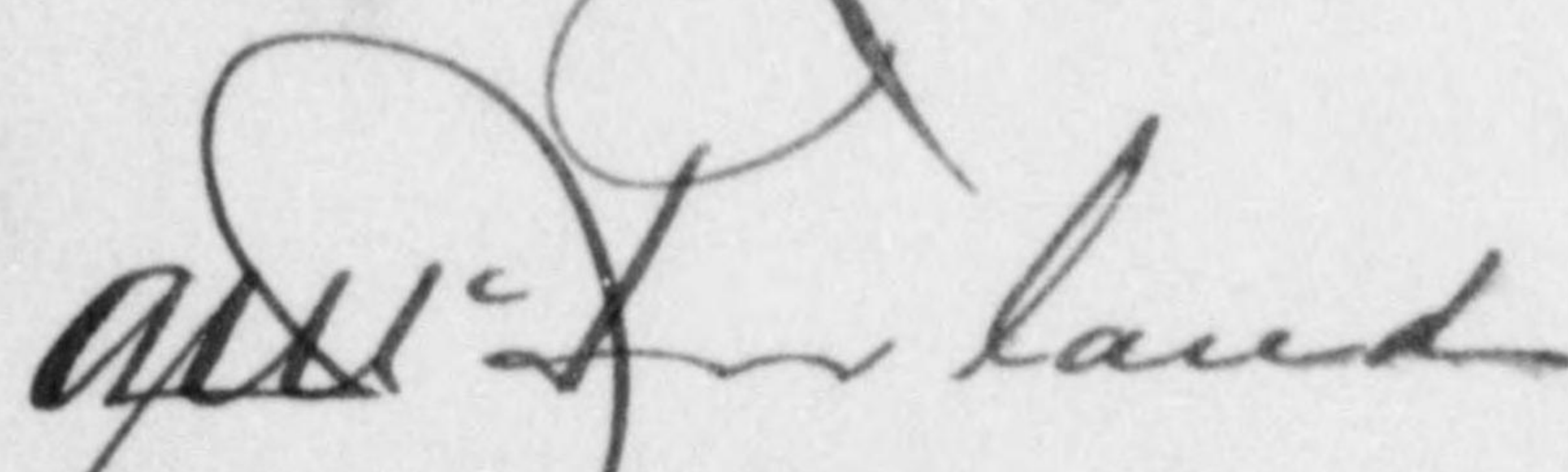
TOP SECRET

MEMORANDUM FOR THE STATE-WAR-NAVY COORDINATING COMMITTEE:

Subject: Availability of Land, Sea and
Air Forces in the Event of
Emergency.

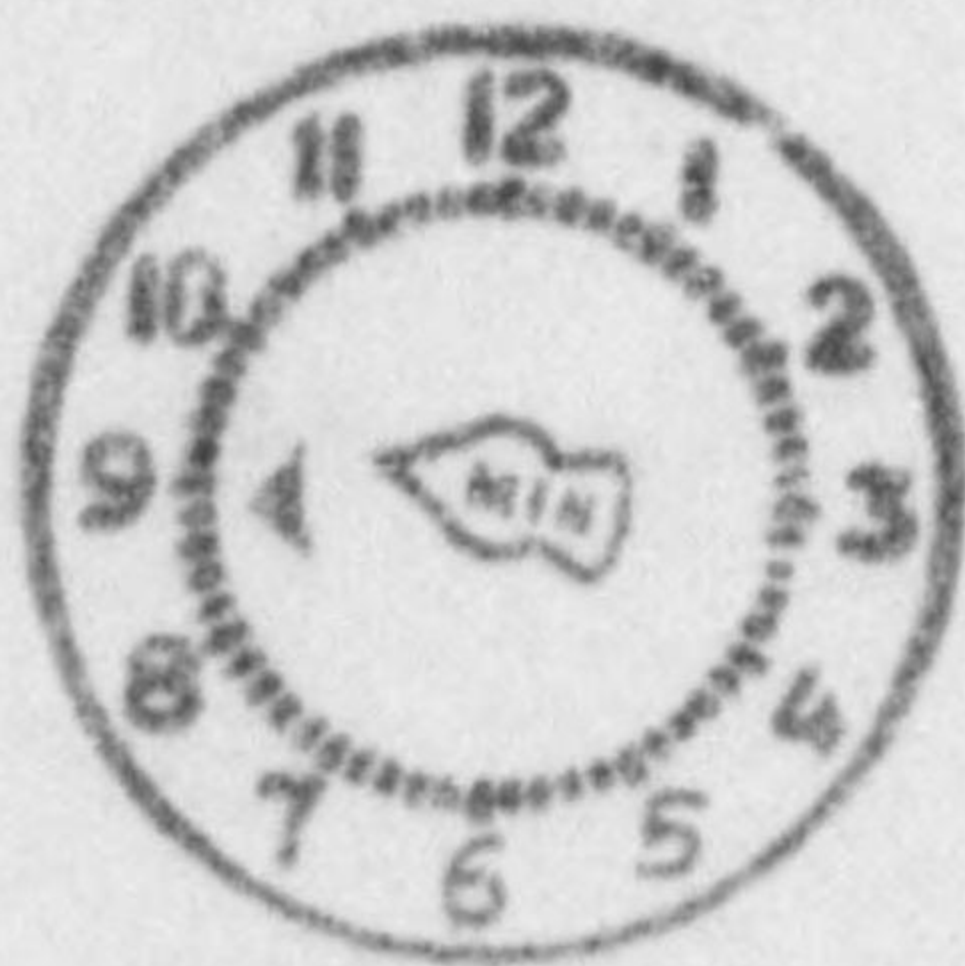
It is requested that the enclosed copies of
a memorandum from the Joint Chiefs of Staff to the
President on the above subject be forwarded to the
Secretaries of State, War and the Navy for their
information.

For the Joint Chiefs of Staff:

A. J. McFARLAND,
Brigadier General, U.S. Army,
Secretary.

Enclosure

MAR 13 1946

STATE WAR & NAVY COORDINATING
COMMITTEE

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MEMORANDUM FOR THE PRESIDENT

The Joint Chiefs of Staff have prepared an estimate of the situation as to availability of U.S. armed forces in the event of European emergency. Recognizing that the nature of such an emergency might be such that the President would not feel justified in taking, at least initially, the steps required to stop current demobilization programs, the estimate is prepared on the basis of (a) demobilization continuing as now planned, and (b) decision by 1 April 1946 that further demobilization will be suspended pending clarification of the situation.

It is considered that the only available forces for use as reinforcements in an emergency in Europe are to be found in the United States except for certain naval forces now in the Pacific.

There is set forth below under the headings of naval, ground, and air forces, the estimated capabilities under the two assumptions.

Naval forces

a. Presently directed demobilization is suspended by 1 April. There are now present in Europe two cruisers and four destroyers. A naval striking force of one carrier task group of moderate combat effectiveness and with own logistic support could be ready on the east coast of the U.S. in ten days. This force would be composed of three carriers, one escort carrier, two battleships, four cruisers and nine destroyers. With reinforcements from the Pacific and additional units that progressively become ready, there would be available by 1 June 1946 a total of nine carriers, ten escort carriers, six battleships, twenty cruisers and

TOP SECRET

eighty-two destroyers, with adequate logistic support vessels. One special Marine brigade (reduced strength) would be ready to move in ten days and one Marine division by 1 June 1946. Amphibious lift on the east coast for one regimental combat team could be ready in ten days and, if withdrawn from the Pacific, additional lift for two divisions could be ready on the east coast in sixty days. In addition to the foregoing lift, thirty combat transports could be available in from fifteen to sixty days depending on location, employment and degree of in-activation.

b. Demobilization continues, as now directed. The effect of a delay of sixty days in the cessation of demobilization would be to reduce the foregoing totals by one carrier, three battleships and eighteen combat transports of the last named group, and the one Marine division. The fact the operation CROSSROADS will be in progress would serve to delay the readiness of a few of the naval units.

Ground forces

a. Presently directed demobilization is suspended prior to 1 April. Six infantry divisions, 4 separate regiments and 4 tank battalions augmented by the constabulary force of 38,000 now being formed from two armored divisions, which would comprise our major ground combat forces in Europe. These would be at a reduced state of combat effectiveness.

Assuming cancellation of all scheduled divisional parades on Army day, one infantry division at reduced strength and reduced operational efficiency could sail within 30 days. This division could be followed by another infantry division, an airborne division and an armored division, all probably at somewhat reduced strengths and certainly at reduced operational efficiency. This would exhaust the divisions in the general reserve. The time of

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movement of the three divisions following the first infantry division would have to be determined by political as well as military considerations. If it were desired to have the three divisions operationally effective to some degree as divisions, they could not arrive in Europe before July. On the other hand, it is practicable to ship them at reduced strength at an earlier date to accomplish a show of force and then to fill them up with replacements to follow, giving them unit training in Europe.

b. Demobilization program continues as now directed. One infantry division is due to come home in April and one in May, leaving the strength in European and Mediterranean Theaters as 4 infantry divisions, 5 regiments, 4 tank battalions and the constabulary force. With demobilization continuing, it is still practicable to ship within 30 days from decision one infantry division which would probably be at not more than half strength. It would be filled up after its arrival in Europe by replacements shipped from the United States. The first infantry division could be followed by a second infantry division which can sail at approximately the same time. It could not be expected to have a strength greater than a combat team. Hence it would be most desirable to delay its departure in order to give time to build up its effectiveness. Since the May discharge criteria results in discharge of approximately half the personnel now in the general reserve, it will be late summer before the airborne and the armored divisions now in the general reserve could follow the two infantry divisions to Europe.

If the emergency situation in Europe requiring movement of troops develops in Venezia Giulia, the best solution is probably to move one of General McNarney's divisions over the Brenner Pass and replace it with a division shipped from the

TOP SECRET

United States, which, in the interest of saving time, would be moved only with individual equipment and furnished its heavy equipment from stocks now in General McNarney's theater.

Air Forces

At the present time there are 13 groups in the European Theater, at 80 per cent strength. Two are Heavy Bomber, seven are Fighter, three are Troop carrier and one is Reconnaissance. There are adequate aircraft either in units or in storage. The aircraft strength of this force will be about 70 heavy bombers, 500 fighters, and 150 transports. However, the maximum effort of these groups will be considerably less than that indicated by the assigned aircraft due to partially trained personnel and an under-strength condition of 20 per cent. The present reduced effectiveness will decrease further if existing demobilization schedules remain in effect.

a. Under the assumption that by 1 April further demobilization will be suspended pending clarification of the issue and with the further assumption that CROSSROADS is cancelled, the following air groups, with an acceptable status of strength, training and equipment, can be made available in the United States. The figures are accumulative:

	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>
VHB (30 A/C per Gp)	3	7	11	12
LB (48 A/C per Gp)	1	2	3	3
Ftr (75 A/C per Gp)	4	7	11	13
T/C (48 A/C per Gp)	3	4	4	4
Recon (22 A/C per Gp)	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>
	13	22	31	34

The above build-up permits training to continue in the U.S. but does not provide for any increase in the air groups now in the Pacific.

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As an emergency measure, 10,000 trained air personnel now in the United States could be moved to the European Theater of Operations by air and water in order to build the 13 groups presently there to full effectiveness. Such action would reduce the build-up of groups in the United States shown above under April and May by 6 groups.

b. In the U.S., assuming that directed demobilization criteria are unchanged, the following groups, with an acceptable status of strength, training and equipment, can be made available in the U.S. within 30 days of the declared emergency, assuming the emergency takes place within the month indicated:

	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>
VHB (30 A/C per Gp)	2	1	1	3	4
LB (48 A/C per Gp)	1	1	1	1	1
Ftr (75 A/C per Gp)	3	2	2	3	3
T/C (48 A/C per Gp)	3	3	3	2	2
Recon (22 A/C per Gp)	<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
	11	8	8	10	11

In summary, the Joint Chiefs of Staff consider that by extraordinary efforts reinforcements can be made available which as a demonstration are perhaps commensurate with the requirements of an emergency localized in the Venezia Giulia area. The combat effectiveness of units sent from the United States would be very low initially. Furthermore, the extraordinary efforts required would have a grave impact on the capabilities to create additional effective ground units within the United States in case of a larger emergency. In case any emergency is envisaged beyond a minor localized one such as in Venezia Giulia, it appears certain that the required action includes at least suspension prior to 1 April of demobilization as now planned.

THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D. C.

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SM-910-49
18 May 1949

MEMORANDUM FOR THE STATE-ARMY-NAVY-AIR FORCE
COORDINATING COMMITTEE:

Subject: Copies for the Far Eastern Commission of Directives and Messages to the Supreme Commander for the Allied Powers.

References: a. SWN-3248, 26 Feb 46.
b. SM-5521, 16 Apr 46.
c. SANA-6372.

Enclosure: Mimeographed Message dated 12 May 1949 (Copies 1-5).

In connection with the references, Copy No. 1 (certified) of the enclosure is forwarded herewith for transmittal by the Department of State to the Far Eastern Commission. Copies No. 2, No. 3 and No. 4 are for the files of the Department of State, and Copy No. 5 is for the files of the State-Army-Navy-Air Force Coordinating Committee.

~~SECRET~~ For the Joint Chiefs of Staff:

State Member	
Army Member	<i>mm</i>
Navy Member	<i>W. G. LALOR</i>
Air Force Member	W. G. LALOR,
Ass't State Member	Captain, U.S. Navy,
Ass't Army Member	Secretary.
Ass't Navy Member	-----
Ass't Air Force Member	-----

To Mr. Moseley, by Jan 6386, 19 May 49

File -----



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DEPARTMENT OF THE ARMY
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PARAPHRASE NOT REQUIRED

Joint Chiefs of Staff
Capt M M Stephens USN ND 72700

To: SCAP

Nr: WAR 88565

12 May 49

From JCS.

The following regarding the review of the Japanese Constitution, received from the State, Army, Navy, Air Force Depts is transmitted for your information:

"The FEC desires to bring to your attention following points which have arisen in the course of its review of the Japanese Constitution undertaken in accordance with the Commission's policy decision, provisions for the review of a new Japanese Constitution (FEC 031/41):

"1. position of aliens under the Constitution.

The use of the word single 'Kokumin single' (which can only mean Japanese citizens) in the title of chapter III of the Constitution, "rights and duties of the people", seems to make ambiguous the meaning of the other phrase 'Nanibito MO' (variously translated as 'every person', 'all', 'all persons', 'any person' and, with the negative, as 'no person') in Articles 16, 17, 18, 20, 22, 31-35, and 38-40. The latter phrase 'Nanibito MO' (could be taken to cover all persons within Japanese jurisdiction, that is, both Japanese citizens and foreigners in Japan. It would appear, however, for the following reasons, that the Japanese Government considered that the word 'Kokumin' in the chapter heading must be taken to govern the language of the whole chapter and that 'Nanibito MO' is restricted to 'every person' within the category of persons defined by the word 'Kokumin':

a. Article 16, in which 'Nanibito MO' is used, refers to some rights, such as that of petition for removal of public officials, which would appear to be appropriately given only to Japanese.

b. In drafting the state redress law (law No. 125 of 1947) to implement Article 17, the (May 49)

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Nr:

WAR 88565

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Japanese Government apparently considered it constitutional to provide, in Article 6, that foreigners who might suffer damage through the illegal act of any Japanese public official, could only sue for redress against the Japanese Government or a Japanese public body if their own government granted reciprocal rights to Japanese.

Thus it is not clear how the Constitution guarantees fundamental civil rights to all persons within Japanese jurisdiction (as distinguished from Japanese citizens) as provided in the Commission's policy decision, basic principles for a new Japanese Constitution (FEC-031/19).

"2. Power of Supreme Court in constitutional matters.

In Article 81 the Supreme Court is described as the 'court of last resort with power to determine the constitutionality of any law, order, regulation or official act'. Presumably it was the intention that the courts in general, and the Supreme Court in the last resort, should be the only bodies with power to decide the constitutionality of such laws, orders, et cetera. However, in the cases of the municipal regulations of Osaka, Fukui, and Mito, where questions were raised as to the constitutionality of such prohibitions as those against parades and meetings, there was apparently no effort made to obtain a decision through the courts. This would seem to provide some evidence that the Constitution may not be sufficiently clear on this point or that the Japanese may not fully understand the function of the courts in this respect.

"3. Dissolution of The House of Representatives.

Difficulties appear to have arisen in Japan in regard to the interpretation of Articles 7 and 69 of the Constitution which deal with the dissolution of the House of Representatives. Article 7 provides that 'The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people:..... Dissolution of The House of Representatives'. Article 69 provides

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(May 49)

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Nr: WAR 88565

Page 3

that 'if The House of Representatives passes a non-confidence resolution, or rejects a confidence resolution, the Cabinet shall resign en masse, unless The House of Representatives is dissolved within ten (10) days.'

Article 7 does not in itself place any limitation on the power of the Cabinet to advise the Emperor to dissolve the Diet. On the other hand, it appears to have been held that Article 69 must come into operation before the Cabinet may advise a dissolution. Furthermore, Article 69, as it has been interpreted, does not appear to give the Prime Minister discretion to designate any vote as a vote of confidence, and instead appears to require a specific resolution of confidence or non-confidence. If, therefore, Article 69 is to govern in this matter, a situation of deadlock might well arise wherein the opposition, if able to command a majority in The House, could refuse to pass government legislation, but could, at the same time, refuse to pass a non-confidence resolution.

It might be desirable to make it clear in the first place whether the Cabinet has the power to advise a dissolution at any time. If it does not have such power, then it might be desirable to amend Article 69 so as to give the Prime Minister the power to designate any vote as a vote of confidence."

The foregoing was approved at the 152nd meeting of FEC on 5 May 49. The vote was 7 in favor with India Philippines USSR and United States abstaining. The Commission agreed that there should be no release to the press of this action by FEC. Acknowledgment requested.

ORIGINATOR: JCS

DISTRIBUTION: AF, ADM DENFELD, NAVAIDE, CSA

CM OUT 88565

(May 49) DTG: 131241Z dgk

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DEPARTMENT OF THE ARMY
STAFF COMMUNICATIONS OFFICE

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PARAPHRASE NOT REQUIRED

From: SCAP Tokyo Japan

To : Dept of Army for JCS

Nr : C 50031

14 May 49

Reurad W 88565 dtd 14 May 1949. Receipt acknowledged.

ACTION: JCS

INFO: NAVAIDE, AF, CSA, NAVY

CM IN 2827

(14 May 49)

DTG: 140507Z ejf/2

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THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D. C.

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SM-883-49
13 May 1949

MEMORANDUM FOR THE STATE-ARMY-NAVY-AIR FORCE
COORDINATING COMMITTEE: ✓

Subject: Copies for the Far Eastern
Commission of Directives
to the Supreme Commander
for the Allied Powers.

References: a. SWN-3248, 26 Feb 46.
b. SM-5521, 16 Apr 46.

Enclosure: Serial No. 104 (Copies 1-5).

In connection with the references, Copy No. 1 (certified) of the enclosure is forwarded herewith for transmittal by the Department of State to the Far Eastern Commission. Copies No. 2, No. 3 and No. 4 are for the files of the Department of State, and Copy No. 5 is for the files of the State-Army-Navy-Air Force Coordinating Committee.

For the Joint Chiefs of Staff:

SIGNED

W. G. LALOR,
Captain, U.S. Navy,
Secretary.

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(36)

DEPARTMENT OF THE ARMY
STAFF MESSAGE CENTER
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Joint Chiefs of Staff
Capt M. M. Stephens, USN
ND-72700

To : SCAP

Nr : WAR 88506

12 May 49

From JCS

Ref WAR 95604 Apr 47.

The following interim directive serial 104 regarding advance transfers of Japanese reparations and reparations allocation procedures for industrial facilities in Japan, received from the State and Army Depts in accordance with Paragraph III, three of terms of reference of FEC, is transmitted to you for necessary action.

"Interim directive serial 75 is hereby rescinded. Items already processed under that directive will, however, be made available for removal in accordance with terms of that directive."

ORIGINATOR: JCS

DISTRIBUTION: NAVAIDE, AF, ID, LOGD, NAVY, PO, CSA

CM OUT 88506

(May 49) DTG 121803

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COPY No. W 36

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THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D. C.

SM-841-49
 9 May 1949

MEMORANDUM FOR THE STATE-ARMY-NAVY-AIR FORCE
 COORDINATING COMMITTEE:

Subject: Copies for the Far Eastern
 Commission of Directives
 to the Supreme Commander
 for the Allied Powers.

References: a. SWN-3248, 26 Feb 46.
 b. SM-5521, 16 Apr 46.
 c. SANA-6367.

Enclosure: Serial No. 103 (Copies 1-5).

In connection with the references, Copy No. 1 (certified) of the enclosure is forwarded herewith for transmittal by the Department of State to the Far Eastern Commission. Copies No. 2, No. 3 and No. 4 are for the files of the Department of State, and Copy No. 5 is for the files of the State-Army-Navy-Air Force Coordinating Committee.

For the Joint Chiefs of Staff:

W. G. Lalor
 W. G. LALOR,
 Captain, U.S. Navy,
 Secretary.

SANAGO SECRETARIAT

- State Member *[initials]*
- Army Member *[initials]*
- Navy Member -----
- Air Force Member -----
- Ass't State Member -----
- Ass't Army Member -----
- Ass't Navy Member -----
- Ass't Air Force Member -----

Copies to Mrs. Quinney
19 May 49
[initials]
 File -----



THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D. C.

SM-825-49
5 May 1949

MEMORANDUM FOR THE SECRETARY, STATE-ARMY-NAVY-AIR FORCE
COORDINATING COMMITTEE:

Subject: Directive Regarding Agrarian
Reform in Japan.

Reference: SANA-6367.

Enclosures: WAR 88090 (4 May 49) Copy No. 8.
CM-IN-974 (5 May 49) Copy No. 7.

On 5 May 1949 the Supreme Commander for the Allied Powers acknowledged receipt of the message dispatched to him on 4 May 1949 by the Joint Chiefs of Staff pursuant to the request of the State-Army-Navy-Air Force Coordinating Committee in the reference.

A copy of each message is enclosed herewith for information.

M. M. Stephens
M. M. STEPHENS,
Captain, U.S. Navy,
Executive Secretary.

SANACC SECRETARIAT

- State Member
- Army Member
- Navy Member
- Air Force Member
- Ass't State Member
- Ass't Army Member
- Ass't Navy Member
- Ass't Air Force Member



copy of SM to Mrs Dunning, 5 May 49
MMS (33)

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PARAPHRASE NOT REQUIRED

Joint Chiefs of Staff
Capt M M Stephens, USN
ND-72700

To: SCAP

Nr: WAR 88090

4 May 49

From JCS

Following directive regarding agrarian reform in Japan, serial no. 103, prepared by the State Dept to implement policy adopted by the FEC on April 28, 1949, under provisions of paragraph II, A, 1, of its terms of reference, received from the State, Army, Navy, Air Force Depts, is transmitted for your guidance in accordance with paragraph III, 1, of the Commission's terms of reference:

"1. In the view of the Far Eastern Commission an equitable and sound agrarian reform program is an important factor favoring the democratization of Japan.

"2. The Far Eastern Commission approved the basic principles underlying the following steps which have been taken since the surrender with a view to securing a thoroughgoing reform of the Japanese agricultural system:

a. The directives issued to the Japanese government by the Supreme Commander for the Allied Powers, in particular that of 9th December, 1945,

b. The Agricultural Land Adjustment Law of 1938, as amended by the Japanese government in 1945, 1946 and 1947, which, together with the ordinance relative thereto dated 25th January, 1946, contained provisions designed to bring to an end the system of rents payable in kind and to prevent the exaction of exorbitant rents,

c. The Land Reform Law (known also as the 'law concerning the special measure for the establishment of owner farmers'), enacted on 19th

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(May 49)

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Nr: WAR 88090

Page 2

October, 1946, designed to bring about a large scale transfer of the ownership of land from the landlord class to the tenantry and thereby to create a numerous class of independent owner-farmers,

d. The creation of a network of agricultural land Commissions covering the whole country to administer the reforms referred to above,

e. The partial execution of the Land Transfer Program as witnessed by the latest returns of the Japanese Ministry of Agriculture and Forestry,

f. The Agricultural Co-operative Association Law enacted on 7th November, 1947, which facilitated the provision of credits to operating farmers and the extension of education in farming techniques.

"3. The Far Eastern Commission now decides as a matter of policy as follows:

a. The proper objectives of the reform should be to improve the economic status of all tenant farmers and as far as practicable to create a more numerous class of independent owner-farmers than has previously existed;

b. To these ends, the basic principles underlying the measures set forth in paragraph 2 above, should continue to be applied."

The Commission agreed to release to press the policy decision upon which the foregoing decision is based after receipt by you, therefore request acknowledgment. This directive will be declassified upon release.

ORIGINATOR: JCS

DISTRIBUTION: NAVAIDE, AF, CAD, ID, NAVY, PO, OAS, SCORM, CSA

CM OUT 88090

(May 49)

DTG 041745Z wk

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DEPARTMENT OF THE ARMY
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PARAPHRASE NOT REQUIRED

From: CINCFE Tokyo Japan
To: Dept of Army for JCS
Nr: C 69784

5 May 49

Urmsg W 88090 receipt acknowledged 050900Z. Concur
in declassification. Press release will be issued here 080900Z.

ACTION: JCS

INFO : NAVAIDE, AF, CAD, CSA, ID, NAVY, PO, CAS, SCORM

CM IN 974

(5 May 49) DTG 051105Z

hb/D

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DA SCO FORM 22-4
15 JAN 1949

ADDRESS OFFICIAL COMMUNICATIONS TO
THE SECRETARY OF STATE
WASHINGTON 25, D. C.

DEPARTMENT OF STATE
WASHINGTON



In reply refer to
NA

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MAY 3 1949

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MEMORANDUM FOR THE SECRETARY, SANACC

Subject: Draft Directive Regarding Agrarian Reform in Japan.

There is enclosed a draft directive prepared on the basis of a policy decision approved at the 151st meeting of the Far Eastern Commission on April 28, 1949 under the provisions of Paragraph II, A, 1, of the Terms of Reference.

It is requested that the enclosed draft directive be forwarded to the Joint Chiefs of Staff for transmission to General MacArthur for his guidance in accordance with Paragraph II, 1, of the Terms of Reference of the Far Eastern Commission. It is assumed that if the Joint Chiefs of Staff have any question regarding the draft directive they will refer the matter to the Department of State for clarification before transmitting a directive on the subject.

The Secretary General of the Far Eastern Commission has informed the Secretary of State that the Commission, in adopting the policy decision regarding Agrarian Reform in Japan, agreed that it should be released to the press after the appropriate directive had been received by the Supreme Commander. Therefore, in accordance with normal procedure, acknowledgment of the receipt of the directive by SCAP is requested.

W. Walton Butterworth

W. Walton Butterworth
Director for Far Eastern Affairs

Enclosure:

Draft Directive.

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DRAFT DIRECTIVE REGARDING AGRARIAN REFORM IN JAPAN

The following directive prepared by the State Department to implement the policy adopted by the Far Eastern Commission on April 28, 1949, under the provisions of Paragraph II, A, 1, of its Terms of Reference has been received from the State, Army, Navy, Air Force Departments for transmission to you for your guidance in accordance with Paragraph III, 1, of its Terms of Reference:

1. In the view of the Far Eastern Commission an equitable and sound agrarian reform program is an important factor favoring the democratization of Japan.

2. The Far Eastern Commission approves the basic principles underlying the following steps which have been taken since the surrender with a view to securing a thoroughgoing reform of the Japanese agricultural system:

a. the directives issued to the Japanese Government by the Supreme Commander for the Allied Powers, in particular that of 9th December, 1945,

b. the Agricultural Land Adjustment Law of 1938, as amended by the Japanese Government in 1945, 1946 and 1947, which, together with the Ordinance relative thereto dated 25th January, 1946, contained provisions designed to bring to an end the system of rents payable in kind and to prevent the exaction of exorbitant rents,

c. the Land Reform Law (known also as the "Law Concerning the Special Measure for the Establishment of Owner Farmers"), enacted on 19th October, 1946, designed to bring about a large scale transfer of the ownership of land from the landlord class to the tenantry and thereby to create a numerous class of independent owner-farmers,

d. the creation of a network of Agricultural Land Commissions covering the whole country to administer the reforms referred to above,

e. the partial execution of the land transfer program as witnessed by the latest returns of the Japanese Ministry of Agriculture and Forestry,

f. the Agricultural Co-operative Association Law enacted on 7th November, 1947, which facilitated the provision of credits to operating farmers and the extension of education in farming techniques.

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-2-

3. The Far Eastern Commission now decides as a matter of policy as follows:

a. the proper objectives of the reform should be to improve the economic status of all tenant farmers and as far as practicable to create a more numerous class of independent owner-farmers than has previously existed;

b. to these ends, the basic principles underlying the measures set forth in paragraph 2 above, should continue to be applied.

RESTRICTED

(34)



THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D. C.

SM-829-49
5 May 1949

MEMORANDUM FOR THE SUPREME COMMANDER FOR THE ALLIED POWERS:

Subject: Downgrading of Directive.
Reference: SM-8559, 10 Jul 47.

You are advised that directive regarding
Basic Post-Surrender Policy for Japan, Serial No. 82,
has been downgraded to UNCLASSIFIED.

M. M. STEPHENS,
Captain, U.S. Navy,
Executive Secretary.

Copy to: Secretary SANACC ✓

SANACC SECRETARIAT

- State Member _____
- Army Member _____
- Navy Member _____
- Air Force Member _____
- Ass't State Member _____
- Ass't Army Member _____
- Ass't Navy Member _____
- Ass't Air Force Member _____

[Handwritten initials]



File _____

33

THE STATE-ARMY-NAVY-AIR FORCE COORDINATING COMMITTEE
WASHINGTON, D. C.

file
150 Series
mb

2 May 1949

MEMORANDUM FOR THE SECRETARY, JOINT CHIEFS OF STAFF:

Based on a request from the Joint Chiefs of Staff,
the Department of State has approved the declassifica-
tion of FEC Serial No. 82.

GEORGE H. HASELTON
Executive Secretary

c.c. Mrs. Dunning

53

THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D. C.

SM-844-49
9 May 1949

MEMORANDUM FOR THE SECRETARY, STATE-ARMY-NAVY-AIR FORCE
COORDINATING COMMITTEE:

Subject: Extension of FEC Policies on
Access to Japanese Technical and
Scientific Information in Japan.

References: a. SANA-6361.
b. WAR 87291.
c. SM-681-49.
d. SANA-6369.

Enclosure: WCL 38060, 6 May 49.

Pursuant to a request from the State-Army-Navy-Air Force Coordinating Committee contained in reference d, a corrected version of Directive Serial No. 102 was transmitted to the Supreme Commander for the Allied Powers on 6 May 1949 as WCL 38060, a copy of which is enclosed for information.

This message was received in Tokyo on 6 May 1949.

SECRETARY

Member	<i>MS</i>
Member	<i>MS</i>
Member	-----
Force Member	-----
Ass't State Member	-----
Ass't Army Member	-----
Ass't Navy Member	-----
Ass't Air Force Member	-----

M. M. Stepiens
M. M. STEPIENS,
Captain, U.S. Navy,
Executive Secretary.

*Copy of this forwarded to
Mol. Accounting on 10 May 49*

File -----



32

DEPARTMENT OF THE ARMY
STAFF MESSAGE CENTER
OUTGOING CLEAR MESSAGE

JCS M M Stephens Captain
U S Navy Executive Secretary

To: SCAP

Nr: WCL 38060

6 May 49

From JCS.

1. Reference 87291.

2. The State Army Navy Air Force Depts request that Directive Serial 102 be corrected to read as follows:

"The Far Eastern Commission decides as a matter of policy that the provisions of the FEC policy decisions entitled 'Access to Japanese Technical and Scientific Information in Japan' (FEC-280/9, approved 24 June 1948) and 'Access to Japanese Technical and Scientific Information by Non-FEC Countries at War with Japan' (FEC-315/7, approved 23 December 1948) are hereby extended until 31 December 1949."

ORIGINATOR: JCS

DISTRIBUTION: NAVAIDE, AF, ID, NAVY, PO, CSA

MC-OUT 38060

(May 49)

DTG 062020Z

svc

(32)

UNCLASSIFIED

102

THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D. C.

*Sana 6363
to Mrs. Bunsing
4/2/49*

SM-698-49
20 April 1949

MEMORANDUM FOR THE STATE-ARMY-NAVY-AIR FORCE
COORDINATING COMMITTEE:

Subject: Copies for the Far Eastern
Commission of Directives
to the Supreme Commander
for the Allied Powers.

- References:
- a. SWN-3248, 26 Feb 46.
 - b. SM-5521, 16 Apr 46.
 - c. SANA-6361.

Enclosure: Serial No. 102 (Copies 1-5).

In connection with the references, Copy No. 1 (certified) of the enclosure is forwarded herewith for transmittal by the Department of State to the Far Eastern Commission. Copies No. 2, No. 3 and No. 4 are for the files of the Department of State, and Copy No. 5 is for the files of the State-Army-Navy-Air Force Coordinating Committee.

For the Joint Chiefs of Staff:

W. G. Lalor

W. G. LALOR,
Captain, U.S. Navy,
Secretary.

- State Member -----
- Army Member -----
- Navy Member -----
- Air Force Member -----
- Asst. State Member -----
- Asst. Army Member -----
- Asst. Navy Member -----
- Asst. Air Force Member -----



(31)

THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D. C.

RESTRICTED

SM-681-49
18 April 1949

MEMORANDUM FOR THE SECRETARY, STATE-ARMY-NAVY-AIR FORCE
COORDINATING COMMITTEE:

Subject: Directive Regarding Extension of
Far Eastern Commission Policies on
Access to Japanese Technical and
Scientific Information in Japan.

Reference: SANA-6361.

Enclosures: a. WAR 87291 (16 Apr 49) Copy No. 8.
b. CM-IN-17177 (18 Apr 49).

On 18 April 1949 the Supreme Commander for the Allied Powers acknowledged receipt of the message dispatched to him on 16 April 1949 by the Joint Chiefs of Staff pursuant to the request of the State-Army-Navy-Air Force Coordinating Committee in the reference.

A copy of each message is enclosed herewith for information.

SANA-6361

State Member	_____
Army Member	_____
Navy Member	_____
Air Force Member	_____
Ass't State Member	_____
Ass't Army Member	_____
Ass't Navy Member	_____
Ass't Air Force Member	_____

EM
YMB
M. M. Stephens
M. M. STEPHENS,
Captain, U.S. Navy,
Executive Secretary.



*Copy of SM to Mrs. Penning
19 Apr. 49*

RESTRICTED

31

DEPARTMENT OF THE ARMY
STAFF MESSAGE CENTER
OUTGOING CLASSIFIED MESSAGE

RESTRICTED

PARAPHRASE NOT REQUIRED

Joint Chiefs of Staff Capt M
M Stephens USN ND-72700

To: SCAP

Nr: WAR 87291

16 Apr 49

From JCS.

The following directive, serial 102, regarding extension of Far Eastern Commission policies on access to Japanese technical and scientific information in Japan, prepared by the State Dept to implement the policy adopted by FEC on April 7, 1949, under the provisions of paragraph II, A, 1, of its terms of reference has been received from the State Army Navy Air Force Depts, is transmitted for your guidance in accordance with paragraph III, 1, of its terms of reference.

"The Far Eastern Commission decides as a matter of policy that the provisions of the FEC policy decisions entitled 'access to Japanese technical and scientific information by non-FEC countries at war with Japan' (FEC-315/7, approved 23 December 1948) are hereby extended until 31 December 1949."

The Commission has agreed to release to press the policy decision upon which foregoing directive is based, therefore request acknowledgment of receipt. The directive will be declassified at time of release.

ORIGINATOR: JCS

DISTRIBUTION: NAVAIDE, AF, ID, NAVY, PO, CSA

CM OUT 87291

(Apr 49)

DTG: 161559Z

dwn

RESTRICTED

COPY NO. 8

THE MAKING OF AN EXACT COPY OF THIS MESSAGE IS FORBIDDEN

CLASSIFIED
INCOMING
MESSAGE

RESTRICTED

DEPARTMENT OF THE ARMY
STAFF COMMUNICATIONS OFFICE

RESTRICTED

PARAPHRASE NOT REQUIRED

From: SCAP Tokyo Japan

To : Dept of Army for JCS

Nr : C 69325

18 Apr 49

Reurmsg W 87291, receipt acknowledged 180800Z. Con-
cur in declassification.

ACTION: JCS

INFO : PO

CM IN 17177

(18 Apr 49)

DTG: 180029Z ros/D

(51)

RESTRICTED

ADDRESS OFFICIAL COMMUNICATIONS TO
THE SECRETARY OF STATE
WASHINGTON 25, D. C.

DEPARTMENT OF STATE
WASHINGTON

6361



In reply refer to
NA

April 14, 1949

RESTRICTED

MEMORANDUM FOR THE SECRETARY, SANACC

Subject: Draft Directive regarding Extension of Far Eastern
Commission Policies on Access to Japanese Technical
and Scientific Information in Japan.

There is enclosed a draft directive prepared on the basis of
a policy decision approved at the 148th meeting of the Far Eastern
Commission on April 7, 1949, under the provisions of Paragraph II,
A, 1, of its Terms of Reference.

It is requested that the enclosed draft directive be for-
warded to the Joint Chiefs of Staff for transmission to General
MacArthur for his guidance in accordance with Paragraph III, 1, of
the Terms of Reference of the Far Eastern Commission. It is assumed
that if the Joint Chiefs of Staff have any question regarding the
draft directive they will refer the matter to the Department of
State for clarification before transmitting a directive on the subject.

The Secretary General of the Far Eastern Commission has in-
formed the Secretary of State that the Commission agreed that the
text of the policy decision regarding the extension of FEC policies
on Access to Japanese Technical and Scientific Information in Japan
should be released to the press. Therefore, in accordance with
normal procedure, acknowledgment of the receipt of the directive by
SCAP is requested.

SANACC SECRETARIAT

- State Member -----
- Army Member -----
- Navy Member -----
- Air Force Member -----
- Enclosure: State Member -----
- Ass't Army Member -----
- Draft Directive -----
- Ass't Navy Member -----
- Ass't Air Force Member -----
-
-
-
- File -----

W. Walton Butterworth

W. Walton Butterworth
Director for Far Eastern Affairs



RESTRICTED

30

DRAFT DIRECTIVE REGARDING EXTENSION OF FAR
EASTERN COMMISSION POLICIES ON ACCESS TO JAPANESE TECHNICAL AND
SCIENTIFIC INFORMATION IN JAPAN.

The following directive prepared by the State Department to implement the policy adopted by the Far Eastern Commission on April 7, 1949, under the provisions of Paragraph II, A, 1, of its Terms of Reference has been received from the State, Army, Navy, Air Force Departments for transmission to you for your guidance in accordance with Paragraph III, 1, of its Terms of Reference:

The Far Eastern Commission decides as a matter of policy that the provisions of the FEC policy decisions entitled "Access to Japanese Technical and Scientific Information by Non-FEC Countries at War with Japan" (FEC-315/7, approved 23 December 1948) are hereby extended until 31 December 1949.

(30)

DEPARTMENT OF THE ARMY
STAFF MESSAGE CENTER
OUTGOING CLASSIFIED MESSAGE

RESTRICTED
PRIORITY

PARAPHRASE NOT REQUIRED

Joint Chiefs of Staff
Capt M M Stephens USN ND 72700

To: SCAP

Nr: WAR 86030

23 Mar 49

From JCS

Following directive serial 101 regarding policy towards patents, utility models and designs in Japan, prepared by State Dept to implement policy adopted by FEC on 17 March 49 under provisions paragraph II, A, 1, of its terms of reference, received from State, Army, Navy, and Air Force Depts, is transmitted for your guidance under paragraph III, one of those terms of reference.

"1. The Japanese Patent Office

The Japanese Patent Office should continue to exercise its functions, in such manner as will fulfill the provisions in paragraphs 3, 4 and 5 below. The Japanese Patent Law should contain explicit provisions requiring disclosure in the specifications or drawings of all information necessary to the working of a patented invention, and such provisions should be strictly enforced. The Patent Office should resume the publication of official gazettes and patent specifications.

"2. Patent Rights in Japan

No action should be taken to interfere with patent rights in Japan which now exist, or which are restored, or which are newly acquired during the period of occupation, except

a. Where the continued protection of such rights is in conflict with policies established or to be established in accordance with the Terms of Reference of the Far Eastern Commission;

CM OUT 86030

(Mar 49)

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COPY NO. 29 3

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DEPARTMENT OF THE ARMY
STAFF MESSAGE CENTER
OUTGOING CLASSIFIED MESSAGE

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Nr: WAR 86030

Page 2

b. Where such rights interfere with such production, use, sale or importation of products as are necessary to carry out the purposes of the occupation. In such cases the Supreme Commander should request the Japanese Govt to invoke appropriate provisions of the Japanese Patent Law to the extent that such action may provide a remedy.

The provisions of this paragraph do not apply to German-owned or former German-owned patents in Japan.

"3. Secret Patents in Japan

The future maintenance in secrecy of any patent in Japan should be prohibited, existing secret patents should be published and treated in the same manner as all other patents, and pending applications heretofore treated as secret should be removed from such classification and treated in the same manner as all other applications.

"4. Patents in Japan Owned by Allied Nationals

For the purposes of this paragraph:

(1) An 'Allied national' is one whose property was treated as enemy property by the Japanese Government, or whose property rights lapsed owing to the existence of hostilities between Japan and the country of that national.

(2) The 'effective date of loss' applicable to the patents or applications therefor of Allied nationals should be the date of entry of the country of that national into war with Japan. When the date of entry into war is clearly inapplicable to the case of a particular Allied national, as defined above, the 'effective date of loss' should be the actual date of sequestration of his patent, or the date on which his patent rights lapsed.

A. Patents existing in Japan on the effective date of loss or granted thereafter on applications filed before that date, which were owned or had

CM OUT 86030 (Max 49)

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STAFF MESSAGE CENTER

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RESTRICTED

Nr: WAR 86030

Page 3

been applied for by Allied nationals and which have since lapsed, or have been invalidated or sequestered or otherwise taken away from such owners without their free consent should be subject to revalidation and restoration upon request therefor made by the Allied national owners within a reasonable period and in a manner as may be provided by the Supreme Commander. To such cases the following provisions should apply:

- (1) Such owner should be afforded a reasonable time within which to perform all legally required acts in connection with restoration, revalidation, working and/or maintenance of his rights which have not been performed since the effective date of loss.
- (2) The owner of a patent so restored or revalidated should be entitled to all the rights and privileges to which any national of any country is entitled under the Japanese Patent Law existing at the time of such restoration.
- (3) The owner to whom such patent is restored should refund to the Japanese Government any sums paid or credited to him that are the proceeds from sale of the patent by the Japanese Government during the war.
- (4) Payment of any special or regular fees that may have accrued to the Japanese Government with respect to such patents from the effective date of loss to date of such restoration should not be required.

B. Extension

At the request of the Allied national owner made within a reasonable time (in such form and prior to such date as may be prescribed by the Supreme Commander), the period of duration of

CM OUT 86030 (Mar 49)

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16-53730-1

DEPARTMENT OF THE ARMY
STAFF MESSAGE CENTER
OUTGOING CLASSIFIED MESSAGE

RESTRICTED

Nr: WAR 86030

Page 4

any Japanese patent owned by him on the effective date of loss or granted thereafter on an application filed before that date should be extended beyond its normal expiration date. Such extension should be for a period equal to that from the effective date of loss to the effective date of restoration or to the normal expiration date of the patent, whichever is earlier, provided that such owner waives all claim to royalties for use of the patent from the effective date of loss to the date so fixed, and remits any funds received by him or credited to him in a blocked account as royalties for such use.

C. Royalties

The Supreme Commander should not be responsible for obtaining, or attempting to obtain, on behalf of Allied nationals compensation for any use made of their patents prior to date of restoration. However, the Supreme Commander should make available to Allied national owners information as to funds credited to their accounts which constitute royalties for use of their rights from the effective date of loss to date of restoration. If the Allied national owner elects to receive such funds in lieu of an extension of term as provided in para B above, he should be entitled to do so on the same basis as other funds are restored to Allied national property owners in Japan.

D. Applications Pending on Effective Date of Loss

Applications filed by Allied nationals for patents in Japan which were pending on the effective date of loss and on which patents were not issued should, upon request of the Allied national applicant within a reasonable time and in manner prescribed by the Supreme Commander, be reinstated as pending applications in the Japanese Patent Office and be restored to the Allied national applicant. Any patents thereafter issued on such applications should be treated in a manner which conforms generally with applicable provisions of subparagraph 4A above.

CM OUT 86030 (Mar 49)

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DEPARTMENT OF THE ARMY
STAFF MESSAGE CENTER
OUTGOING CLASSIFIED MESSAGE

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Nr: WAR 86030

Page 5

"5. Application to Registered Utility Models and Designs

This policy applies also to those patents designated as 'registered utility models' and, to the extent applicable, to 'registered designs'."

The Commission agreed to release to press policy decision upon which foregoing directive based after receipt in Tokyo, therefore request early acknowledgment. This directive will be declassified at time of release

ORIGINATOR : JCS

DISTRIBUTION: NAVALDE, GEN VANDENBERG, CAD, ID, ADM DENFELD,
OAS, PO, CSA,

CM OUT 86030

(Mar 49)

DTG 232238Z

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COPY NO. (29)

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CLASSIFIED
INCOMING
MESSAGE

RESTRICTED

DEPARTMENT OF THE ARMY
STAFF COMMUNICATIONS OFFICE

RESTRICTED

PARAPHRASE NOT REQUIRED

From: CINCFE Tokyo Japan

To: JCS

Nr: C 68794

25 Mar 49

Urmsg W 86030 receipt acknowledged 250100Z. Concur
in declassification.

ACTION: JCS

INFO: GEN VANDENBERG, NAVAIDE, OAS, CSA

CM IN 12197

(25 Mar 49)

DTG: 250509Z ejf/B

RESTRICTED

(29)

ADDRESS OFFICIAL COMMUNICATIONS TO
THE SECRETARY OF STATE
WASHINGTON 25, D. C.

DEPARTMENT OF STATE
WASHINGTON

63 50

File
ms



March 21, 1949

In reply refer to
NA

RESTRICTED

MEMORANDUM FOR THE SECRETARY, SANACC

Subject: Draft Directive regarding Policy Towards Patents,
Utility Models and Designs in Japan

There is enclosed a draft directive prepared on the basis of a policy decision approved at the 155th meeting of the Far Eastern Commission on March 17, 1949, under the provisions of Paragraph II, A, 1, of its Terms of Reference.

It is requested that the enclosed draft directive be forwarded to the Joint Chiefs of Staff for transmission to General MacArthur for his guidance in accordance with Paragraph III, 1, of the Terms of Reference of the Far Eastern Commission. It is assumed that if the Joint Chiefs of Staff have any question regarding the draft directive they will refer the matter to the Department of State for clarification before transmitting a directive on the subject.

The Secretary General of the Far Eastern Commission has informed the Secretary of State that the Commission, in adopting the policy decision regarding Policy Toward Patents, Utility Models, and Designs in Japan, agreed that it should be released to the press after the appropriate directive had been received by the Supreme Commander. Therefore, in accordance with normal procedure, acknowledgment of the receipt of the directive by SCAP is requested.

- State Member
- Army Member
- Navy Member
- Air Force Member
- Ass't State
- Ass't Army Member
- Ass't Navy Member
- Ass't Air Force Member

WWS
WWS

W. Walton Butterworth
W. Walton Butterworth
Director for Far Eastern Affairs

Enclosure: _____
Draft Directive.

Directive has been sent to JCS

RESTRICTED



28

File

RESTRICTED

POLICY TOWARD PATENTS, UTILITY MODELS, AND DESIGNS IN JAPAN

The Far Eastern Commission decides as a matter of policy the following:

1. The Japanese Patent Office

The Japanese Patent Office should continue to exercise its functions, in such manner as will fulfill the provisions in paragraphs 3, 4 and 5 below. The Japanese Patent Law should contain explicit provisions requiring disclosure in the specifications or drawings of all information necessary to the working of a patented invention, and such provisions should be strictly enforced. The Patent Office should resume the publication of official gazettes and patent specifications.

2. Patent Rights in Japan

No action should be taken to interfere with patent rights in Japan which now exist, or which are restored, or which are newly acquired during the period of occupation, except

a. where the continued protection of such rights is in conflict with policies established or to be established in accordance with the terms of reference of the Far Eastern Commission;

b. where such rights interfere with such production, use, sale or importation of products as are necessary to carry out the purposes of the occupation. In such cases the Supreme Commander should request the Japanese Government to invoke appropriate provisions of the Japanese Patent Law to the extent that such action may provide a remedy.

The provisions of this paragraph do not apply to German-owned or former German-owned patents in Japan.

3. Secret Patents in Japan

The future maintenance in secrecy of any patent in Japan should be prohibited, existing secret patents should be published and treated in the same manner as all other patents, and pending applications heretofore treated as secret should be removed from

(28)

RESTRICTED

- 2 -

such classification and treated in the same manner as all other applications.

4. Patents in Japan Owned by Allied Nationals

(For the purposes of this paragraph:

(1) An "Allied national" is one whose property was treated as enemy property by the Japanese Government, or whose property rights lapsed owing to the existence of hostilities between Japan and the country of that national.

(2) The "effective date of loss" applicable to the patents or applications therefor of Allied nationals should be the date of entry of the country of that national into war with Japan. When the date of entry into war is clearly inapplicable to the case of a particular Allied national, as defined above, the "effective date of loss" should be the actual date of sequestration of his patent, or the date on which his patent rights lapsed.)

a. Patents existing in Japan on the effective date of loss or granted thereafter on applications filed before that date, which were owned or had been applied for by Allied nationals and which have since lapsed, or have been invalidated or sequestered or otherwise taken away from such owners without their free consent should be subject to revalidation and restoration upon request therefor made by the Allied national owners within a reasonable period and in a manner as may be provided by the Supreme Commander. To such cases the following provisions should apply:

(1) Such owner should be afforded a reasonable time within which to perform all legally required acts in connection with restoration, revalidation, working and/or maintenance of his rights which have not been performed since the effective date of loss.

(2) The owner of a patent so restored or revalidated should be entitled to all the rights and privileges to which any national of any country is entitled under the Japanese patent law existing at the time of such restoration.

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RESTRICTED

- 3 -

(3) The owner to whom such patent is restored should refund to the Japanese Government any sums paid or credited to him that are the proceeds from sale of the patent by the Japanese Government during the war.

(4) Payment of any special or regular fees that may have accrued to the Japanese Government with respect to such patents from the effective date of loss to date of such restoration should not be required.

b. Extension

At the request of the Allied national owner made within a reasonable time (in such form and prior to such date as may be prescribed by the Supreme Commander), the period of duration of any Japanese patent owned by him on the effective date of loss or granted thereafter on an application filed before that date should be extended beyond its normal expiration date. Such extension should be for a period equal to that from the effective date of loss to the effective date of restoration or to the normal expiration date of the patent, whichever is earlier, provided that such owner waives all claim to royalties for use of the patent from the effective date of loss to the date so fixed, and remits any funds received by him or credited to him in a blocked account as royalties for such use.

c. Royalties

The Supreme Commander should not be responsible for obtaining, or attempting to obtain, on behalf of Allied nationals compensation for any use made of their patents prior to date of restoration. However, the Supreme Commander should make available to Allied national owners information as to funds credited to their accounts which constitute royalties for use of their rights from the effective date of loss to date of restoration. If the Allied national owner elects to receive such funds in lieu of an extension of term as provided in para. b above, he should be entitled to do so on the same basis as other funds are restored to Allied national property owners in Japan.

28

RESTRICTED

- 4 -

d. Applications Pending on Effective Date of Loss

Applications filed by Allied nationals for patents in Japan which were pending on the effective date of loss and on which patents were not issued should, upon request of the Allied national applicant within a reasonable time and in a manner prescribed by the Supreme Commander, be reinstated as pending applications in the Japanese Patent Office and be restored to the Allied national applicant. Any patents thereafter issued on such applications should be treated in a manner which conforms generally with applicable provisions of subparagraph 4 a above.

5. Application to Registered Utility Models and Designs

This policy applies also to those patents designated as "registered utility models" and, to the extent applicable, to "registered designs".

P-56
FEC-284/18

17 March 1949

(28)

DEPARTMENT OF THE ARMY
STAFF MESSAGE CENTER
OUTGOING CLASSIFIED MESSAGE

*cross*CONFIDENTIAL
PRIORITY

PARAPHRASE NOT REQUIRED

Joint Chiefs of Staff
Capt M M Stephens USN
ND 72700

To: SCAP

Nr: WAR 86005

23 Mar 49

From JCS.

Following interim directive serial 100 regarding policy toward priority for patent applications in Japan prepared by State Dept in accordance with Paragraph III, 3 of the Terms of Reference of MEC, received from the State, Army, Navy, Air Force Depts, is transmitted for your guidance.

"Nationals of countries at war with Japan who had duly filed in any country the first application for a patent not earlier than twelve months before the effective date of loss of right to file patent applications in Japan should be entitled, within twelve months after the date, as determined by the Supreme Commander, on which such governments and nationals are again permitted to apply for patents directly to the Japanese Patent Office to obtain legal services necessary for this purpose, to apply for corresponding rights in Japan with a right of priority based upon the previous first filing of the application. Third parties who have bona fide manufactured, used, sold or leased the subject matter of any Japanese patent obtained with this priority should not be liable for infringement on account of such use but should be enabled to continue such use after the filing of the application only under the terms of a non-exclusive license which the patent owner should be required to grant on terms providing for reasonable royalties as fixed by an agency to be authorized to make such determination. Payment of such royalties should be subject to applicable financial regulations in effect in Japan at the time they are paid."

CM-OUT 86005

(Mar 49)

CONFIDENTIAL

COPY NO. 80

27

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DEPARTMENT OF THE ARMY
STAFF MESSAGE CENTER
OUTGOING CLASSIFIED MESSAGE

CONFIDENTIAL

Nr: WAR 86005

Page 2

The State Dept has agreed to release foregoing interim directive to the press after its receipt in Tokyo, therefore request early acknowledgment. This directive will be declassified at time of release.

ORIGINATOR: JCS

DISTRIBUTION: NAVAIDE, GEN VANDERBERG, CAD, ID, ADM DENFELD,
OAS, PO, CSA

CM-OUT 86005

(Mar 49)

DTG 231844Z

SVC

CONFIDENTIAL

COPY NO.

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CLASSIFIED
INCOMING
MESSAGE

RESTRICTED

DEPARTMENT OF THE ARMY
STAFF COMMUNICATIONS OFFICE

RESTRICTED

PARAPHRASE NOT REQUIRED

From: CINCFE Tokyo Japan

To: Dept of Army for JCS

Nr: C 68793

25 Mar 49

Urmsg W 86005 receipt acknowledged 250100Z. Con-
cur in declassification.

ACTION: JCS

INFO: GEN VANDENBERG, CAD, NAVALDE, ID, ADM DENFELD,
OAS, PO, CSA

CM IN 12202

(25 Mar 49)

DTG: 250507Z eJf/B

27
3

RESTRICTED

File MB

ADDRESS OFFICIAL COMMUNICATIONS TO
THE SECRETARY OF STATE
WASHINGTON 25, D. C.

DEPARTMENT OF STATE
WASHINGTON



March 21, 1949

In reply refer to
OFD

CONFIDENTIAL

MEMORANDUM FOR THE SECRETARY, SANACC

Subject: Draft Interim Directive Regarding
Policy Toward Priority for Patent
Applications in Japan.

There is enclosed a draft interim directive prepared in accordance with paragraph III, 3 of the Terms of Reference of the Far Eastern Commission which provides that: "The United States Government may issue interim directives to the Supreme Commander pending action by the Commission whenever urgent matters arise not covered by policies already formulated by the Commission, provided that any directives dealing with fundamental changes in the Japanese constitutional structure or in the regime of control, or dealing with a change in the Japanese Government as a whole will be issued only following consultation and following the attainment of agreement in the Far Eastern Commission."

It is requested that the enclosed draft interim directive be forwarded to the Joint Chiefs of Staff for transmission to the Supreme Commander for the Allied Powers. It is assumed that if the Joint Chiefs of Staff have any questions regarding the draft interim directive they will refer the matter to the Department of State for clarification before transmitting an interim directive on the subject.

SANACC Confidential

State Member

Army Member

Navy Member

Air Force Member

Ass't State Member

Ass't Army Member

Ass't Navy Member

Ass't Air Force Member

WLB
MB
WLB

W. Walton Butterworth

W. Walton Butterworth
Director for Far Eastern Affairs

Enclosure:--

Draft Interim Directive.

*Directive has been sent
to JCS*



26

CONFIDENTIAL

CONFIDENTIALDRAFT INTERIM DIRECTIVE REGARDING
PRIORITY FOR PATENT APPLICATIONS IN JAPAN

Nationals of countries at war with Japan who had duly filed in any country the first application for a patent not earlier than twelve months before the effective date of loss of right to file patent applications in Japan should be entitled, within twelve months after the date, as determined by the Supreme Commander, on which such governments and nationals are again permitted to apply for patents directly to the Japanese Patent Office and to obtain legal services necessary for this purpose, to apply for corresponding rights in Japan with a right of priority based upon the previous first filing of the application. Third parties who have bona fide manufactured, used, sold or leased the subject matter of any Japanese patent obtained with this priority should not be liable for infringement on account of such use but should be enabled to continue such use after the filing of the application only under the terms of a non-exclusive license which the patent owner should be required to grant on terms providing for reasonable royalties as fixed by an agency to be authorized to make such determination. Payment of such royalties should be subject to applicable financial regulations in effect in Japan at the time they are paid.

THE STATE-ARMY-NAVY-AIR FORCE COORDINATING COMMITTEE
WASHINGTON, D. C.

*File
MB*

22 March 1949

MEMORANDUM FOR THE SECRETARY, JOINT CHIEFS OF STAFF:

Reference is made to JCS memorandum, file JCS/A6-8/2, Serial 923, Subject: Declassification of Serial Directives to SCAP.

The Department of State has concurred in the use of the following sentence to obtain the automatic declassification of Serial Directives to SCAP;

This directive will be declassified at the time of the press release.

The above method of declassification has been used in recent directives and will continue to be used in the future.

It is not considered necessary to obtain agreement to this procedure from the FEC because it is consistent with the press policy of the FEC and therefore is a matter to be decided upon by the U. S. Government.

For the State-Army-Navy-Air Force Coordinating Committee:

**GEORGE H. HASELTON,
Executive Secretary**

(25)

File

THE STATE-ARMY-NAVY-AIR FORCE COORDINATING COMMITTEE
WASHINGTON, D. C.

8 November 1948

MEMORANDUM FOR THE SECRETARY OF STATE:
(Attention: Mrs. Dunning, NA)

Subject: Downgrading of Serial Directives to SCAP

1. The Security Control Section, Joint Intelligence Group has been requested to review the classifications of the serial directives to SCAP and of the messages by which the directives were transmitted.

2. Many of the early directives were originated by SWNCC and copies furnished the Far Eastern Commission. Most of the more recent directives have been issued by the Far Eastern Commission even though they may have originated elsewhere. It is requested therefore that the State Department in consultation with the Far Eastern Commission determine the lowest classification which should be assigned each of the serial directives listed below. Any of the directives which may be declassified but may not be released in Japan should be so identified.

3. The following directives to SCAP are presently classified RESTRICTED or higher: Serials number 1, 4 through 9 (inclusive), 11 through 17, 19, 20, 21 through 42, 44, 55, 62, 63, and 65 through 88. Serials 18, 48, and 64 are presently classified however they are not included in the listing of classified directives for previous review has accomplished the declassification of portions of the JCS and related papers in which the subjects were discussed as well as the messages by which the directives were transmitted. The declassification of these three serials will be accomplished when review of all other classified serials is completed.

4. Certain of the classified directives listed in Paragraph 3 above are contained as Appendices in the unclassified booklet "Activities of the Far Eastern Commission" which was published by the State Department in September 1947. They are serials number 36, 40, 62, 63, 65 through 70, 72, 73, 74, and 76 through 83.

(24)

- 2 -

5. It is also requested that consideration be given the downgrading or declassification of the following messages which have been sent from Far Eastern Commission to SCAP (not as directives):

Message 29 April 1946 (R) Subject: Consultation Between FEC and SCAP on Progress of Occupation of Japan.

Message 29 April 1946 (R) Subject: Consultation Between FEC and SCAP on Japanese Constitutional Reform.

Message 15 July 1946 (S) Subject: Consultation with the Supreme Commander Regarding Release to Press of Policy Statement on Basic Principles for a New Japanese Constitution.

Message 29 October 1946 (C) Subject: Consultation Between FEC and SCAP Regarding the Time and Manner of Issuance of the Policy Decision on the Provisions for the Review of a New Japanese Constitution.

Message 3 February 1947 (R) Subject: Request for Consultation With SCAP Relative to the Draft Diet Law.

6. The Secretary, Joint Civil Affairs Committee has advised that the Joint Civil Affairs Committee (Civil Affairs Division, Army) concurs in the declassification of Serialized Directives No. 4, 7, 9, 13, 16, 21, 23, 27, 29, 33 and 39. These are the Directives which were initially prepared by the military services or in which the military services had an active interest at the time of their formulation.

For the State-Army-Navy-Air Force Coordinating Committee:

C. E. CONGER
Acting Executive Secretary

(24)

THE STATE-ARMY-NAVY-AIR FORCE COORDINATING COMMITTEE
WASHINGTON, D. C.

November 8, 1948

MEMORANDUM TO: Secretary General, Far Eastern Commission
Attention: Mr. Gene W. Abbott

Enclosed herewith is a copy of a memorandum from the Joint Chiefs of Staff which proposes a procedure for the automatic declassification of restricted FEC directives to SCAP.

It is understood that the Department of State concurs in the procedure outlined in the enclosure.

Your comment or concurrence is requested.

C. E. Conger
Acting Executive Secretary

Enclosure:

JSC/A6-8/2
Serial 923

23

THE JOINT CHIEFS OF STAFF

Washington 25, D.C.

JCS/A6-8/2
Serial 923

24 September 1948

MEMORANDUM FOR: Secretary, State-Army-Navy-Air Force Coordinating
Committee

Subject: Declassification of Serial Directives to SCAP

1. Under present procedures certain Far Eastern Commission Directives transmitted through SANACC and the Joint Chiefs of Staff to SCAP are classified RESTRICTED when it is intended that the contents of the Directives be declassified and in some cases released to the Press subsequent to their receipt by SCAP. There is need for a routine procedure for orderly and automatic declassification of such Directives and their related papers and messages.

2. It must be assumed that some Directives may be classified RESTRICTED or higher with the intent that the classification be retained for an indeterminate period. The following procedure, however, is proposed for application to only those Directives which are classified RESTRICTED to prevent premature disclosure during and immediately following their transmittal.

3. In order that the initial classification may be removed in a uniform manner in each of the receiving agencies, it is proposed that the Far Eastern Commission, when forwarding Directives for SCAP, append the following note to the end of each Directive which is classified RESTRICTED only for the purpose of preventing premature disclosure during transmittal:

"This document will be declassified (and available for release to the Press) 72 hours after the time appearing in the date time group of the message containing specific acknowledgement of receipt and statement of concurrence in declassification received by JCS from SCAP."

This wording will be incorporated as part of the message by which each such Directive is forwarded to SCAP. The Secretary, Joint Chiefs of Staff, upon receipt of an appropriate SCAP acknowledgement, will, as

quickly as possible, advise SANACC of the date and hour of arrival of the acknowledgement and at the proper time will disseminate to appropriate State and military agencies only, unclassified copies of the Serial Directives.

4. It is requested that the Secretary, State-Army-Navy-Air Force Coordinating Committee seek the concurrence of the State Department and the Far Eastern Commission in the above proposal. SCAP and Civil Affairs Division, U.S. Army have concurred in the proposal.

FOR THE SECURITY CONTROL SECTION:

W. J. MORGAN
Major, USAF
Secretary

354.211
miss.
lms

1 November 1948

MEMORANDUM FOR: The Office of Far Eastern Affairs
(Attention: Mrs. Alice L. Dunning)

Attached is a memorandum from the Joint Chiefs of Staff recommending a procedure for automatic declassification of RESTRICTED Directives to SCAP.

The comment or concurrence of the Department of State is requested to the attached proposal.

C. E. CONGER
Acting Executive Secretary

Enclosure:
Copy, JSC/A6-8/2,
Serial 923, dtd 24 Sept 48

COPY FOR SANACC FILE

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YTHE JOINT CHIEFS OF STAFF
Washington 25, D.C.JSC/A6-8/2
Serial 923

24 September 1948

MEMORANDUM FOR: Secretary, State-Army-Navy-Air Force Coordinating Committee

Subject: Declassification of Serial Directives to SCAP

1. Under present procedures certain Far Eastern Commission Directives transmitted through SANACC and the Joint Chiefs of Staff to SCAP are classified RESTRICTED when it is intended that the contents of the Directives be declassified and in some cases released to the Press subsequent to their receipt by SCAP. There is need for a routine procedure for orderly and automatic declassification of such Directives and their related papers and messages.

2. It must be assumed that some Directives may be classified RESTRICTED or higher with the intent that the classification be retained for an indeterminate period. The following procedure, however, is proposed for application to only those Directives which are classified RESTRICTED to prevent premature disclosure during and immediately following their transmittal.

3. In order that the initial classification may be removed in a uniform manner in each of the receiving agencies, it is proposed that the Far Eastern Commission, when forwarding Directives for SCAP, append the following note to the end of each Directive which is classified RESTRICTED only for the purpose of preventing premature disclosure during transmittal:

"This document will be declassified (and available for release to the press) 72 hours after the time appearing in the date time group of the message containing specific acknowledgment of receipt and statement of concurrence in declassification received by JCS from SCAP."

This wording will be incorporated as part of the message by which each such Directive is forwarded to SCAP. The Secretary, Joint Chiefs of Staff, upon receipt of an appropriate SCAP acknowledgment, will, as quickly as possible, advise SANACC of the date and hour of arrival of the acknowledgment and at the proper time will disseminate to appropriate State and military agencies only, unclassified copies of the Serial Directives.

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4. It is requested that the Secretary, State-Army-Navy-Air Force Coordinating Committee seek the concurrence of the State Department and the Far Eastern Commission in the above proposal. SCAP and Civil Affairs Division, U. S. Army have concurred in the proposal.

FOR THE SECURITY CONTROL SECTION:

/s/ W. J. MORGAN
Major, USAF
Secretary

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THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D. C.

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SM-10325
21 June 1948

*334 JEC Dir's
M. M. Stephens*

MEMORANDUM FOR THE SECRETARY, STATE-ARMY-NAVY-AIR FORCE
COORDINATING COMMITTEE:

Subject: Directive Regarding Attendance
at Inter-Governmental Conferences.

Reference: SANA-6134.

Enclosure: WAR 84157 (17 Jun 48) Copy No. 16.

On 19 June 1948 the Supreme Commander for the Allied Powers acknowledged receipt of the message dispatched to him on 17 June 1948 by the Joint Chiefs of Staff pursuant to the request of the State-Army-Navy-Air Force Coordinating Committee in the reference.

A copy of the message is enclosed herewith for information.

4825



M. M. Stephens
M. M. STEPHENS,
Captain, U.S. Navy,
Executive Secretary.

SANACC SECRETARIAT

- State Member
- Army Member
- Navy Member
- Air Force Member
- Ass't State Member
- Ass't Army Member
- Ass't Navy Member
- Ass't Air Force Member

[Handwritten initials and marks]

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[Handwritten mark] **21**

DEPARTMENT OF THE ARMY
STAFF MESSAGE CENTER
OUTGOING CLASSIFIED MESSAGE

RESTRICTED

PARAPHRASE NOT REQUIRED. HANDLE AS RESTRICTED CORRESPONDENCE
PER PARAS 511 and 60a (4), AR 380-5

Joint Chiefs of Staff
Capt M M Stephens USN
ND 72700

17 June 1948

SCAP Tokyo Japan

Number: WAR 84157

To MacArthur from the Joint Chiefs of Staff.

The following directive, Serial Number 91, prepared by the State Department to implement the policy adopted by the FEC on 9 June 1948 under the provisions of Paragraph II, A 1 of its terms of reference has been received from the State, Army, Navy, Air Force Departments for transmission to you for your guidance in accordance with Paragraph III, 1, of its terms of reference:

Directive begins

"ATTENDANCE AT INTER-GOVERNMENTAL CONFERENCES

"The Far Eastern Commission decides as a matter of policy that:

1. Upon receipt of an appropriate invitation SCAP may appoint members of his staff as observers at inter-governmental conferences, attendance at which he deems to be in the interest of the occupation.
2. Members of SCAP's staff attending an inter-governmental conference on invitation as provided in Paragraph 1, may be accompanied by Japanese technical personnel when deemed necessary by SCAP, and when the attendance of Japanese personnel is acceptable to the country acting as host to the conference."

CM-OUT 84157

(Jun 48)

RESTRICTED

COPY NO.

16

91

THE MAKING OF AN EXACT COPY OF THIS MESSAGE IS FORBIDDEN

ADDRESS OFFICIAL COMMUNICATIONS TO
THE SECRETARY OF STATE
WASHINGTON 25, D. C.

DEPARTMENT OF STATE
WASHINGTON



In reply refer to
NA

334 *FEC*
Dir. Mess
WSS
Stamps
SANA-6134
June 16, 1948

RESTRICTED

Memorandum for JCS
MEMORANDUM FOR THE SECRETARY, SANACC

Subject: Draft Directive Regarding Attendance at
Inter-Governmental Conferences.

There is enclosed a draft directive prepared ^{by the Department of State} on the basis of a policy decision approved at the one hundred-tenth meeting of the Far Eastern Commission on June 9, 1948 under the provisions of Paragraph II, A 1 of its Terms of Reference.

It is requested that the enclosed draft directive be forwarded to the Joint Chiefs of Staff ~~for transmission~~ to General MacArthur for his guidance in accordance with Paragraph III, 1, of the Terms of Reference of the Far Eastern Commission. It is assumed that if the Joint Chiefs of Staff have any question regarding the draft directive they will refer the matter to the Department of State for clarification before transmitting a directive on the subject.

The Secretary General of the Far Eastern Commission has informed the Secretary of State that the Commission in adopting the policy decision regarding Attendance at Inter-Governmental Conferences agreed that it should be released to the press after the appropriate directive had been received by the Supreme Commander. Therefore, in accordance with normal procedure, acknowledgment of the receipt of the directive by SCAP is requested.

Jan
Charles E. Saltzman
Charles E. Saltzman
Assistant Secretary

Enclosure:

Draft Directive.

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E N C L O S U R E

DRAFT DIRECTIVE REGARDING ATTENDANCE
AT INTER-GOVERNMENTAL CONFERENCES

The following directive prepared by the State Department to implement the policy adopted by the FEC on June 9, 1948 under the provisions of Paragraph II, A 1 of its Terms of Reference has been received from the State, Army, Navy, Air Force Departments for transmission to you for your guidance in accordance with Paragraph III, 1, of its Terms of Reference:

The Far Eastern Commission decides as a matter of policy that:

1. Upon receipt of an appropriate invitation SCAP may appoint members of his staff as observers at inter-governmental conferences, attendance at which he deems to be in the interest of the occupation.
2. Members of SCAP's staff attending an inter-governmental conference on invitation as provided in paragraph 1, may be accompanied by Japanese technical personnel when deemed necessary by SCAP, and when the attendance of Japanese personnel is acceptable to the country acting as host to the conference.

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STATE-ARMY-NAVY-AIR FORCE COORDINATING COMMITTEE
Washington, D. C.SANA-6134
16 June 1948

MEMORANDUM FOR THE SECRETARY, JOINT CHIEFS OF STAFF

Subject: Draft Directive Regarding Attendance at
Inter-Governmental Conferences.

There is enclosed a draft directive prepared by the Department of State on the basis of a policy decision approved at the one hundred-tenth meeting of the Far Eastern Commission on June 9, 1948 under the provisions of Paragraph II, A 1 of its Terms of Reference.

It is requested that the enclosed draft directive be forwarded by the Joint Chiefs of Staff to General MacArthur for his guidance in accordance with Paragraph III, 1, of the Terms of Reference of the Far Eastern Commission. It is assumed that if the Joint Chiefs of Staff have any question regarding the draft directive they will refer the matter to the Department of State for clarification before transmitting a directive on the subject.

The Secretary General of the Far Eastern Commission has informed the Secretary of State that the Commission in adopting the policy decision regarding Attendance at Inter-Governmental Conferences agreed that it should be released to the press after the appropriate directive had been received by the Supreme Commander. Therefore, in accordance with normal procedure, acknowledgment of the receipt of the directive by SCAP is requested.

For the State-Army-Navy-Air Force Coordinating Committee:

H. W. MOSELEY
SecretaryEnclosure:
Draft Directive.

Copies to:

1 - State Member

1 - Army Member

1 - Navy Member

1 - Air Force Member

1 - P&O

2 - OP-35

2 - Dir., P&O, USAF

1 - OSD (Mr. Blum)

COPY FOR SANACC FILE

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ENCLOSUREDRAFT DIRECTIVE REGARDING ATTENDANCE
AT INTER-GOVERNMENTAL CONFERENCES

The following directive prepared by the State Department to implement the policy adopted by the FEC on June 9, 1948 under the provisions of Paragraph II, A 1 of its Terms of Reference has been received from the State, Army, Navy, Air Force Departments for transmission to you for your guidance in accordance with Paragraph III, 1, of its Terms of Reference:

The Far Eastern Commission decides as a matter of policy that:

1. Upon receipt of an appropriate invitation SCAP may appoint members of his staff as observers at inter-governmental conferences, attendance at which he deems to be in the interest of the occupation.

2. Members of SCAP's staff attending an inter-governmental conference on invitation as provided in paragraph 1, may be accompanied by Japanese technical personnel when deemed necessary by SCAP, and when the attendance of Japanese personnel is acceptable to the country acting as host to the conference.

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STATE-ARMY-NAVY-AIR FORCE COORDINATING COMMITTEE
Washington, D.C.*Note:**Copy of memo-5980 + original*

SANA-5980

12 March 1948

*memo filed in memo 58 master file
according to date. *Leaf**

MEMORANDUM FOR THE SECRETARY, JOINT CHIEFS OF STAFF:

Subject: Draft Directive Regarding Prohibition of Military Activity in Japan and Disposition of the Japanese Military Equipment.

There is enclosed a draft directive (Enclosure "A") prepared on the basis of a policy decision approved at the 92nd meeting of the Far Eastern Commission on February 12, 1948, under the provisions of paragraph II, A, 1, of its terms of reference. The Soviet Member abstained from voting on the enclosure but said in a prepared statement (Enclosure "B") that it was his intention "not to prevent the adoption" of the policy. The Chairman accordingly declared the policy adopted in accordance with the provisions of paragraph V, 2, of the terms of reference on the grounds that the statement of the Soviet Member amounted to "concurrence" in the "action" taken by the Commission.

It is requested that the enclosed directive be forwarded by the Joint Chiefs of Staff to General MacArthur for his guidance in accordance with paragraph III, 1, of the terms of reference of the Far Eastern Commission. It is assumed that if the Joint Chiefs of Staff have any question regarding the draft directive they will refer the matter to the Department of State for clarification before transmitting a directive on the subject.

In view of the fact that at the time the policy decision on which the enclosed draft directive is based was adopted several members read into the minutes various statements of understanding as to the meaning of certain portions, the Commission has requested that the enclosed excerpt from the draft minutes of the 92nd Commission meeting, including these statements (Enclosure "C"), be transmitted to the Supreme Commander for his information along with the directive.

The Secretary General of the Far Eastern Commission has requested that the Joint Chiefs of Staff, in transmitting the enclosed draft directive to the Supreme Commander for the Allied Powers, inform him that, in adopting the policy decision

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regarding the Prohibition of Military Activity in Japan and Disposition of the Japanese Military Equipment, the Commission agreed that it should be released to the press after being received by the Supreme Commander. Therefore, in accordance with normal procedure, acknowledgment of the receipt of the directive is requested.

For the State-Army-Navy-Air Force Coordinating Committee:

W. A. SCHULGEN
Acting Secretary

Enclosures:

- Encl. "A" - Draft Directive
- Encl. "B" - Statement of the Soviet Member
Relative to FEC-017/17 Submitted
at 92nd Meeting of Far Eastern
Commission, 12 February 1948.
- Encl. "C" - Excerpt from the Draft Minutes of
92nd Far Eastern Commission
Meeting.

Copies to:-

- 1 - State Mbr
- 1 - Army Mbr
- 1 - Navy Mbr
- 1 - Air Force Mbr
- 1 - P&O
- 1 - CAD
- 2 - Op-35
- 2 - Dir. P&O, USAF

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ENCLOSURE "A"

PROHIBITION OF MILITARY ACTIVITY IN JAPAN AND
DISPOSITION OF THE JAPANESE MILITARY EQUIPMENT

Preamble

In accordance with paragraph 1, Part III of the Basic Post-Surrender Policy for Japan (FEC-014/9), adopted unanimously by the Far Eastern Commission on 19 June 1947, which states, "Disarmament and demilitarization are the initial tasks of the military occupation and shall be carried out promptly and with determination," the Far Eastern Commission approves the following policy decision on the Prohibition of Military Activity in Japan and Disposition of the Japanese Military Equipment.

1. a. For the purposes of this document, the term "military" is defined to mean "military, naval, and air", except where the context otherwise requires.

b. For the purpose of this document "Japanese Armed Forces" are defined to be all Japanese land, sea and air forces; Japanese military and para-military organizations, formations and units; gendarmerie and secret military police and their organized Japanese auxiliaries; together with the administrative organs of the armed forces mentioned above.

c. "Japanese military equipment" is defined as:

(1) All arms, ammunition, explosives, military equipment, stores and supplies and other implements of war of all kinds and any equipment, or other property whatsoever belonging to, used by, or intended for use by Japanese armed forces and Japanese-controlled armed forces or any members thereof.

(2) Naval combatant and auxiliary vessels and craft of all kinds, both surface and submarined, including those under repair, alteration, remodeling, reconstruction or construction, as well as those which were reconstructed for military purposes.

(3) All aircraft of all kinds, both military and civilian, aviation and anti-aircraft equipment and devices.

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(4) All military naval and air installations and establishments, including airfields, landing grounds and strips, seaplane bases, naval bases, military equipment of harbors, establishments engaged in military research, military storage depots, including underground depots, all equipment and facilities primarily used for military communication and transport, permanent and temporary land and coast fortification fortresses and other fortified areas, together with plans and drawings of all such fortifications, installations and establishments.

(5) Proving grounds and laboratories, all technical data, patents, plans, inventions and laboratory samples of weapons and means of war, including those which may be or have been under study, in the process of manufacture, finished or patented.

2. Possession of arms, ammunition and implements of war by any Japanese should be prohibited save that the Supreme Commander may authorize the use:

a. by Japanese civil police agencies for the purpose of maintaining law and order of rifles and pistols and the necessary ammunition for them and other small arms exclusively used by civil police.

b. by licensed hunters of duly registered hunting weapons.

3. The development, manufacture, importation and exportation of arms, ammunition and implements of war, and materials intended for military use should be prohibited for Japan, except for the importation of no more than the quantities of arms and ammunition necessary for the purposes mentioned in paragraph 2.

4. The manufacture of aircraft of all kinds should be prohibited in Japan.

5. The construction of any naval combatant and auxiliary vessel or craft, the conversion of any commercial vessel or craft to military purposes, and the reconstruction or remodeling of commercial vessels or craft so as to render them more suitable for military purposes should be prohibited.

6. Military equipment seized from the former Japanese Armed Forces or from members of the Japanese civil populace should after examination be destroyed or scrapped except for:

RESTRICTED

a. Military equipment required for operational needs of the occupation forces or for the lawful activities of the Japanese civil police;

b. Items convertible to peacetime civilian uses; such equipment may be drawn upon for:

(1) The maintenance and subsistence of the occupation forces, prisoners of war, and nationals of Members of the United Nations;

(2) The relief of the local civil population to the extent necessary to prevent or alleviate epidemic or serious disease and serious unrest which would endanger the occupying forces and the objectives of the occupation;

(3) Reparations, including such military equipment as:

(a) Plant and machinery for shipbuilding and nautical instruments other than those limited to purposes of an exclusively military nature.

(b) Diving gear,

(c) Optical glass,

(d) Chain and Chain cables,

(e) Machine tools convertible to peacetime uses,

(f) Military research facilities.

7. All former United Nations naval craft, equipment, and facilities found in Japanese possession should be safeguarded and as soon as practicable should be delivered to the nations to which they belong at such points as may be designated by the Supreme Commander for the Allied Powers.

8. Japanese disarmed naval craft may be used for the purpose of repatriation or such other purposes connected with carrying out the terms of surrender as the Supreme Commander may direct.

9. All records of military registration of demobilized personnel from the Army, Navy, Air Forces, gendarmerie and secret police should be confiscated and transferred to the Supreme Commander for the Allied Powers for subsequent destruction. No further records of this nature should be compiled or maintained by the Japanese.

10. Reestablishment of the following should be prohibited: the War and Navy Ministries, the Japanese Imperial High Command,

RESTRICTED

the Supreme Military Council, the Council of Marshals and Admirals, the Inspectorate of Military Training, the Japanese Imperial General Headquarters, the Naval General Headquarters, the Headquarters of Armies and Fleets, and also any military or para-military organizations, military academies and schools, military scientific and research institutions and military laboratories, as well as the Officers Corps in any form. Such demobilization agency as is retained for the purpose of demobilizing returning Japanese Armed Forces should be of a civilian character and should be abolished immediately after completion of the demobilization. The former Japanese demobilization system involving special privileges of demobilized members of the Japanese armed forces should also be abolished.

11. All military and para-military organizations in Japan, including ex-officers' organizations, together with their affiliates and the clubs which were used for making propaganda for militarism and ultra-nationalism should be dissolved and their revival or establishment in any form, including a disguised form, should be prohibited. The application of this paragraph should extend also to various associations created under the guise of production associations, such as cooperative societies for joint cultivation of land, for fishing, and others, which are composed wholly or substantially of ex-officers of the Army and Navy and gendarmerie and headed by their former military commanders. This paragraph should apply also to any other associations composed wholly or substantially of ex-officers of the Japanese Army and Navy and gendarmerie, ostensibly created for legitimate purposes, but which are, in reality, disguised forms of military or para-military organizations, or which have some other disguised subversive purpose.

12. Military training of the civilian population and military instruction in schools should be prohibited.

13. For the purpose of prevention of the revival of Japanese militarism persons who have at one time fallen within any of the following categories should not be nominated or employed in the government service, public office, or educational institutions except as they may be necessary in performing duties essential to the demobilization of repatriated military and naval personnel.

a. Generals, Admirals, and all other senior officers and all career officers of the Army, Navy, and gendarmerie;

b. Other officers of the Army, Navy and gendarmerie, including members of the reserve, if their employment would harm the cause of peace and security; and

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c. Officials of ex-officers; and other military and para-military associations and of bodies closely associated with the armed forces.

The Supreme Commander for the Allied Powers may authorize the nomination or employment of a person coming within categories a and c if his record shows that he has been an opponent of Japanese expansionism and totalitarianism.

14. All measures necessary should be undertaken to prevent any revival of the Japanese Army, Navy, gendarmerie, secret police and their administrative organs.

RESTRICTEDENCLOSURE "B"

STATEMENT OF THE SOVIET MEMBER RELATIVE TO FEC-017/17
SUBMITTED AT THE 92ND MEETING OF THE FAR EASTERN COMMISSION
12 FEBRUARY 1948

Document FEC-017/17, Prohibition of Military Activity in Japan and Disposition of Japanese Military Equipment, is of essential importance in the matter of carrying out the demilitarization of Japan. Proceeding from this, the Soviet Delegation during the discussion studied most carefully each paragraph of FEC-017/17 and submitted a number of amendments which improved and clarified provisions of this document. It is regretted that the Soviet Delegation's amendments to paragraphs 2, 6, 9, 10 and 13 have not been accepted by the other members of the Commission. As before, the Soviet Delegation considers these amendments very important and reserves the right to return to their consideration again at an appropriate time. However, in order not to prevent the adoption of Document FEC-017/17 the Soviet Delegation will abstain from voting.

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ENCLOSURE "C"

EXCERPT FROM THE DRAFT MINUTES OF
THE 92ND FAR EASTERN COMMISSION MEETING

ITEM 2 - PROHIBITION OF MILITARY ACTIVITY IN JAPAN AND DISPOSITION
OF JAPANESE MILITARY EQUIPMENT (FEC-017/17, FEC-017/19)

THE COMMISSION resumed consideration of this subject as follows:

Paragraph 2 a:

GENERAL MCCOY recalled that, at the 87th meeting of the Commission (page 4, Minutes) the Soviet Representative had stated that he would be willing to retain this paragraph as worded in FEC-017/17 provided that a statement of the Soviet understanding of the term "and other small arms" be attached to the policy decision.

If there were no objection, GENERAL MCCOY said, the Soviet proposal would be handled in accordance with normal Commission procedure. GENERAL MCCOY said that he realized that Mr. Panyushkin had not had an opportunity to familiarize himself with the normal Commission procedure in forwarding such statements of understanding to the Supreme Commander. He therefore requested the Secretary General to explain just what was meant by the normal procedure in question.

MR. JOHNSON offered the following statement with regard to normal procedure concerning statements of understanding by delegations with regard to policy decisions.

"When the Commission passes policy decisions, the Secretary General sends certified copies to the Secretary of State. Then, in accordance with the Terms of Reference of the Commission, the United States Government prepares directives in accordance with the policy decisions of the Commission and transmits these directives to the Supreme Commander through the appropriate United States Government Agency.

"In a number of instances representatives have made statement of the interpretation or explanation of their Governments in regard to certain parts of the paper or as to the paper as a whole. These statements have normally

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been forwarded by the Secretary General to the Secretary of State for 'transmission to the Supreme Commander for his information'. These statements have been termed 'excerpts from the minutes of the Commission'.

"For example, the Secretary General on June 6, 1946, forwarded to the Secretary of State a policy decision, 'Aliens in Japan' (FEC-034/2). The Secretary General added: 'I am also enclosing for your information an excerpt from the minutes of the fourteenth meeting of the Commission including a statement made by the representative of the Union of Soviet Socialist Republics in connection with the approval of his government of the enclosed policy'.

"In accordance with this normal procedure, in case this pending draft policy decision should be approved by the Commission, the Secretary General if there is no objection will forward to the Secretary of State a certified copy of the policy decision, and will also send to the Secretary of State, for transmission to the Supreme Commander for his information, whatever statements of interpretation or understanding may be made by representatives on the Commission."

GENERAL MCCOY said that if there were no objection, the Soviet statement of understanding regarding paragraph 2 a would be handled under the procedure outlined by Mr. Johnson. The Soviet statement is as follows:

"The Soviet delegation understands the term 'and other small arms' in paragraph 2 a of FEC-017/17 to mean arms of non-group use and non-fragmentation or mass effect, carried and used by a single person."

GENERAL MCCOY presented the following statement of understanding on behalf of the United States Government for incorporation in the minutes and transmission to the Supreme Commander in accordance with normal procedure:

"The U.S. Government understands that it is within the SCAP's discretionary authority to interpret with what small arms he may equip the Japanese civil police and that any interpretation of the phrase 'small arms', which he may find it necessary to make in accordance with his authority under the Terms of Reference, is in no way abridged by any other understanding."

MR. FORD said that he understood the United States statement of understanding to mean that discretion as to the interpretation

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of the phrase "small arms" should be left to the Supreme Commander. With this understanding, the United Kingdom concurred, and he wished therefore to associate himself with the statement.

MR. POWLES said that while he agreed that it was the responsibility of the Supreme Commander to interpret any policy decision of the Far Eastern Commission, he could not agree to any implication that the Supreme Commander was at liberty to interpret the term "small arms" without reference to the use of the phrase in the policy decision.

MR. BULLOCK associated himself with Mr. Powles' statement and said that the question involved was not the meaning of "small arms" as such, but was rather the meaning of the term as it was used in the proposed policy decision, namely, "small arms exclusively used by civil police".

GENERAL MCCOY agreed that the over-all policy decision must govern and determine the interpretation of any particular aspect of it.

MR. FORD said that his remarks above, in concurring with General McCoy, had been based on the fact that the United Kingdom Government had accepted the whole proposed policy decision as shown in FEC-017/17. Consequently, any explanatory statement would have to be read in connection with the policy decision as a whole, and not as a definition separated in any manner from the context of the proposed policy.

DR. KOO said that he saw no radical differences in the statements which had been made because he regarded the principal purpose of the document to be to enable the Supreme Commander to maintain law and order in Japan.

He agreed that discretion as to the meaning of the term "small arms" should reside in the Supreme Commander and it was the feeling of the Chinese delegation that the Supreme Commander could be entrusted to make use of only those small arms actually needed to meet any specific situation that might arise. He was therefore prepared to associate himself with the understandings which had been expressed above.

MR. NAGGIAR said that, in view of the statements which had been made and in view of the general course of discussion on paragraph 2 a, he felt that the amendment which he had previously proposed (page 5, minutes 86th FEC meeting) as a possible means of affording a basis for unanimity, was no longer necessary, since the Commission appeared to be ready to approve the paragraph in

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the form in FEC-017/17. Therefore, if Mr. Powles, his seconder, had no objection, he would withdraw his proposed amendment.

MR. PANYUSHKIN stated that the statement of General McCoy, Chairman of the Far Eastern Commission, made by him on behalf of the United States Government on the question of interpretation of the term "and other small arms" in fact did not concern the substance of this question. In this statement General McCoy set forth the opinion of the United States Government, which considered that the question as to what small arms the Japanese civil police may be armed with came within the jurisdiction of the Supreme Commander and that the Supreme Commander's action in this regard could not be abridged by any other understanding of this term.

The Soviet Delegation, MR. PANYUSHKIN continued, could not recognize as correct the understanding by the United States Government that it is within the SCAP's jurisdiction to determine with what arms the Japanese civil police should be armed, since the right to determine this belonged to the Far Eastern Commission. Therefore, the Soviet Delegation could not also agree with the opinion of the United States Government that any interpretation by the Supreme Commander of the term "and other small arms" was not abridged by any other understanding.

In virtue of the foregoing, MR. PANYUSHKIN concluded, the Soviet Delegation considered this statement by the United States Delegation as lacking legal standing since it was incompatible with the decision of the Moscow Conference of Foreign Ministers in December of 1945 in respect to the functions of the United States Government and the functions of the Supreme Commander.

GENERAL MCCOY said that there seemed to be some misunderstanding on the part of the Soviet representative regarding the United States statement of understanding. He emphasized that there was no question of "adoption" of his statement involved. The statement was rather a statement for the record and for transmission, together with statements by other representatives, to the Supreme Commander, with the thought that such statements would be extremely useful to the Supreme Commander in administering the Commission's policy. None of these statements, he pointed out, in any way affected the terms of the proposed policy decision. As for the substance of his statement, GENERAL MCCOY recalled the inability, after extremely exhaustive technical discussion, to arrive at an agreed definition of "small arms". It therefore seemed to him that the only authority left to determine the meaning of the term was the administering authority who would be responsible for meeting any emergency which might arise.

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MR. NAGGIAR observed that subsequent to the adoption of any policy decision by the Commission any representative could offer criticism or comment of any kind on action taken by the Supreme Commander to implement the policy. Indeed, representatives on the Commission were free to review the actions of the Supreme Commander in connection not only with the implementation of Commission policy but also in connection with the implementation of United States directives issued before the existence of the Commission or interim directives issued since the beginning of the Commission. Personally, MR. NAGGIAR failed to see any important advantage to be gained from entering statements of understanding at the time of adoption of policy decisions since, as he had pointed out, formal adoption was no hindrance to subsequent review of the Supreme Commander's actions. He thought there was little danger of the Commission's being "bypassed" since the Commission could always intervene in action being taken or even completed in Japan, under Section II, A 2 of the Terms of Reference which provided, among the functions of the Commission, "To review, on the request of any member, any directive issued to the Supreme Commander for the Allied Powers or any action taken by the Supreme Commander involving policy decisions within the jurisdiction of the Commission."

GENERAL MCCOY said that, to meet the wishes of Representatives, an excerpt from the minutes covering all statements made on this paragraph would be forwarded to the Supreme Commander in accordance with the normal procedure.