

## ARTICLE 1

The Territory of the Pacific Islands, consisting of the islands formerly held by Japan under mandate in accordance with Article 22 of the Covenant of the League of Nations, is hereby designated as a strategic area and placed under the trusteeship system established in the Charter of the United Nations. The Territory of the Pacific Islands is hereinafter referred to as the trust territory.

COMMENT

The entire Territory of the Pacific Islands is designated as strategic under the provisions of Article 82 of the Charter in order to meet the security requirements of the United States. The importance of these security requirements was clearly shown in the last war. It should be noted, of course, that this agreement does not cover any islands under Japanese sovereignty for which the United States may become responsible but relates only to the Japanese Mandated Islands. If any other islands are placed under United States administration the type of trusteeship will be determined at that time.

This article, as in similar articles in other proposed trusteeship agreements now under consideration, defines the geographical extent of the trust territory. The definition of territory in this article is based upon the mandate, with the intention that the United States, in taking over the rights of Japan, should administer under trusteeship exactly the same area as Japan administered under mandate. Thus the trust territory, being based upon the mandate, is limited to the land masses of the islands with their territorial waters and does not include the millions of square miles of ocean lying between the islands. (The three archipelagos in the trust territory

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include 98 islands and island clusters, with a total land area of 846 square miles inhabited by 48,297 natives.)

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As indicated in the Confidential Note under Article 5, the Soviet Union, China, and India have asserted, in the General Assembly discussion of the New Zealand draft agreement for Western Samoa, that an administering authority cannot under Article 84 of the Charter establish bases or station forces in a trust territory other than for "local defense and the maintenance of law and order", except by designation of the territory as strategic and in accordance with a special agreement or agreements concluded with the Security Council under Article 43 of the Charter. It thus appears likely that these Members will oppose the United States draft agreement on the same ground, making special reference to Article 82 of the Charter, upon which Article 1 of the draft agreement is based. Article 82 reads as follows:

"There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43."

There is no indication in Article 82 that the conclusion of a special agreement or agreements under Article 43 of the Charter must precede the designation of a strategic area or areas in a trust territory. The phrase "without prejudice to" is admittedly ambiguous but it cannot properly be interpreted as meaning that Article 82 cannot become effective until the relevant special agreements have been concluded. The phrase was intended, it is believed, to make sure that a Member could not remove a trust territory

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CONFIDENTIAL



from the jurisdiction of a special agreement concluded under Article 43 merely by designating all or part of that territory as strategic. Thus, in concluding a special agreement under Article 43 a Member would consider the forces and facilities in a strategic area under his administration in the same manner as in territories under his sovereignty.

It would seem necessary, therefore, to resist any proposal that the designation of the territory as strategic or the establishment of bases and the stationing of armed forces therein must await the conclusion by the United States of a special agreement under Article 43.<sup>7</sup>

CONFIDENTIAL



**ARTICLE 2**

The United States of America is designated as the administering authority of the trust territory.

**COMMENT**

Although the United States has not been the mandatory power responsible for these islands, the United States was primarily responsible for their liberation, is presently responsible for their administration, and considers them essential to the security of this country and to the maintenance of international peace and security. Moreover, of the three remaining effective Principal Allied and Associated Powers - the United States, the United Kingdom, and France - the United States obviously has the greatest geographic, political, and strategic interests in the Pacific. For these reasons this Government asserts that the United States alone should be designated as the administering authority of these islands. This is in accordance with the draft trusteeship agreements pending in the General Assembly wherein a single Member of the United Nations is designated as the Administering Authority even though these agreements are for non-strategic areas.

**DRAFTING CHANGE**

It is suggested that the initial letters of the phrase "administering authority" be capitalized throughout the final text of the trusteeship agreement.

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**ARTICLE 3**

The administering authority shall have full powers of administration, legislation, and jurisdiction over the territory subject to the provisions of this agreement as an integral part of the United States, and may apply to the trust territory, subject to any modifications which the administering authority may consider desirable, such of the laws of the United States as it may deem appropriate to local conditions and requirements.

**COMMENT**

The phrase "as an integral part" in this article is in conformity with Article XXII of the Covenant of the League of Nations as well as the terms of the "C" Mandates for South West Africa, New Guinea, Western Samoa, Nauru, and the Japanese Mandated Islands. The first paragraph of the corresponding article in the Mandate granted to Japan reads as follows:

"The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require".

The provisions of this article are substantially similar to corresponding articles in the draft trusteeship agreements pending in the General Assembly except that for Tanganyika, which omits the phrase "as an integral part". The pertinent article of the Australian draft trusteeship agreement for New Guinea, however, is more general and provides for jurisdiction over the territory "as if it were an integral part of Australia". However, neither "as an integral part" nor "as if it were an integral part" would imply that sovereignty over a trust territory is vested in the administering authority.

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**DRAFTING CHANGE**

It is suggested that the word "trust" be inserted before "territory" on the second line in order to conform with the designation indicated in Article 1.

**CONFIDENTIAL NOTE**

Should questions be asked about the phrase "as an integral part" it may be replied that the United States does not understand the phrase to connote sovereignty over the territory and, therefore, sees no need for substitution of "as if it were an integral part".

If serious questions are raised regarding the discretionary power of the United States to modify the application of its own laws, it should be noted that such discretionary power is "subject to the provisions of this agreement".

**CONFIDENTIAL**



**ARTICLE 4**

The administering authority, in discharging the obligations of trusteeship in the trust territory, shall act in accordance with the Charter of the United Nations, and the provisions of this agreement, and shall, as specified in Article 83(2) of the Charter, apply the objectives of the international trusteeship system, as set forth in Article 76 of the Charter, to the people of the trust territory.

**COMMENT**

This article explicitly obliges the United States to apply the objectives of the international trusteeship system to the people of the trust territory. Both New Zealand and Australia undertake to administer their proposed trust territories "in such a manner as to achieve ... the basic objectives of the international trusteeship system" and in the New Zealand draft agreement Article 76 of the Charter is quoted in full.

Since the international trusteeship system is designed primarily for the protection and benefit of the inhabitants of trust territories the recognition in this article of this Government's obligation to apply the objectives of the trusteeship system to the people of the trust territory is of fundamental importance. In Articles 5, 6, 7, and 8 the draft agreement outlines the specific measures by which the United States proposes to implement those objectives.

**CONFIDENTIAL NOTE**

Pending trusteeship agreements for non-strategic areas provide specifically for collaboration with the General Assembly and the Trusteeship Council. Such collaboration has not been specified in the agreement submitted by the United States in view of the paramount  
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**CONFIDENTIAL**



importance of security requirements in strategic areas and in accordance with the exception allowed in Article 83(3) of the Charter. Article 13 of the draft agreement, however, recognizes the responsibilities of the General Assembly and of the Trusteeship Council except in those areas closed for security reasons. It is to be assumed that the United States Government will not act in any irresponsible fashion with respect to closing such areas.

CONFIDENTIAL



**ARTICLE 5**

In discharging its obligations under Article 76(a) and Article 84, of the Charter, the administering authority shall ensure that the trust territory shall play its part, in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end the administering authority shall be entitled:

(1) to establish naval, military and air bases and to erect fortifications in the trust territory;

(2) to station and employ armed forces in the territory; and

(3) to make use of volunteer forces, facilities and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for the local defense and the maintenance of law and order within the trust territory.

**COMMENT**

This article specifies the military measures which the United States may take in the trust territory to assist in the maintenance of international peace and security and the security of the United States, which constitute the primary reasons for designating the trust territory as a strategic area.

Provisions similar to this article are contained in the other pending draft trusteeship agreements except in the Australian draft agreement for New Guinea. The much shorter and more general form of the Australian draft agreement was considered unsatisfactory by the State, War, and Navy Departments.

This article is designed to list some of the powers conferred upon the United Nations which may be essential for the fulfillment of any obligations assumed under

Article 43

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Article 43 of the Charter. It does not limit the powers of the United States with respect to security, for these are granted in broad and general form by Article 3 of the draft agreement.

It should be noted that, according to Article 84 of the Charter, it is the duty of the administering authority to ensure that the trust territory, whether a strategic area or a non-strategic area, shall play its part in the maintenance of international peace and security. If this trusteeship agreement is approved by the Security Council and if other Members of the United Nations conclude with the Security Council special agreements under Article 43 of the Charter, the United States will include this trust territory and its forces and facilities in such a special agreement.

CONFIDENTIAL NOTE

Article X of the New Zealand draft agreement for Western Samoa, which is similar to the present article, was strongly opposed in the General Assembly by the Delegations of the Soviet Union, China, and India. The Soviet Delegation contended in the Trusteeship Subcommittee that Article 84 of the Charter did not empower an administering authority to establish bases or station armed forces in a trust territory. Since such actions were for the purpose of carrying out "obligations towards the Security Council", the trust territory would have to be designated as strategic and the agreement approved by the Security Council. The Indian Delegation supported this argument, while the Chinese Delegation asserted that the powers of the administering authority to establish bases and station armed forces would  
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CONFIDENTIAL



be governed by Article 43 of the Charter. These proposals were opposed by the United States, United Kingdom, Australian, and other Delegations and were defeated by a vote of 10 - 7. The Soviet Delegation reserved the right to raise the issue again in the Committee.

As indicated in the Confidential Note under Article 1, it seems likely that the United States draft agreement will be opposed on similar grounds. The opinion may be expressed by other Members that the United States is not entitled to establish bases or station armed forces in the trust territory, even though the territory is designated as strategic, until it has concluded with the Security Council a special agreement under Article 43 of the Charter.

While the legislative history of Articles 82, 83, and 84 of the Charter provides no conclusive interpretation of the role of the Security Council in the trusteeship system, it is believed that the Council is not granted by the Charter any special powers regarding the establishment and supervision of bases and armed forces in trust territories, whether designated as strategic or non-strategic, beyond those which it may ultimately receive under special agreements concluded under Article 43 of the Charter or in agreements for the regulation of armaments. Article 83 of the Charter does not make clear what functions the Security Council exercises with respect to a strategic area, except for (1) approving the trusteeship agreement and its alteration or amendment, and (2) availing itself of the assistance of the Trusteeship Council with respect to political, economic, social, and educational matters. It is assumed, therefore, that any other such functions

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(beyond the Council's general powers and functions) would have to be stipulated in the trusteeship agreement.

Article 84 of the Charter, upon which the present article is based, reads as follows:

"It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory."

Article 84 was designed to ensure that trust territories, like territories under the sovereignty of Members of the United Nations, should contribute to the maintenance of international peace and security. With respect to mandated territories it thus removed the ban on the establishment of fortifications or bases and on military training.

The second sentence of Article 84 clearly implies that the conclusion of a special agreement or agreements under Article 43 follows rather than precedes the recruitment of troops and the establishment of facilities in a trust territory. That is, the administering authority, having previously recruited volunteer forces and established facilities, may use these forces and facilities not only for carrying out any obligations undertaken towards the Security Council but also for local defense and the maintenance of law and order. This sentence has a permissive not a mandatory verb; it gives no indication whatever that arrangements for forces and facilities must await conclusion of a special agreement under Article 43. The Security Council thus does not become concerned in these arrangements until

CONFIDENTIAL



until it concludes a special agreement relating to the trust territory.

Any proposal that the provisions of the present article could not become operative until the United States concludes with the Security Council a special agreement under Article 43 of the Charter would, therefore, be unacceptable.7

**CONFIDENTIAL**



**ARTICLE 6**

In discharging its obligations under Article 76(b) of the Charter, the administering authority shall:

(1) foster the development of such political institutions as are suited to the trust territory and shall promote the development of the inhabitants of the trust territory toward self-government, and to this end shall give to the inhabitants of the trust territory a progressively increasing share in the administrative services in the territory; shall develop their participation in local government; shall give due recognition to the customs of the inhabitants in providing a system of law for the territory; and shall take other appropriate measures toward these ends;

(2) promote the economic advancement and self-sufficiency of the inhabitants and to this end shall regulate the use of natural resources, encourage the development of fisheries, agriculture, and industries; protect the inhabitants against the loss of their lands and resources; and improve the means of transportation and communication;

(3) promote the social advancement of the inhabitants, and to this end shall protect the rights and fundamental freedoms of all elements of the population without discrimination; protect the health of the inhabitants; control the traffic in arms and ammunition, opium and other dangerous drugs, and alcohol and other spirituous beverages; and institute such other regulations as may be necessary to protect the inhabitants against social abuses; and

(4) promote the educational advancement of the inhabitants, and to this end shall take steps toward the establishment of a general system of elementary education; facilitate the vocational and cultural advancement of the population; and shall encourage qualified students to pursue higher education, including training on the professional level.

**COMMENT**

These provisions elaborate the general objectives of Article 76(b) and constitute a considerable advance over the terms of the original mandates and, in many respects over the terms of the other pending trusteeship agreements. The other draft agreements pending in the General Assembly omit, for instance, elaboration on economic and social provisions

**CONFIDENTIAL**



provisions except for the Belgian and New Zealand drafts which contain comparable provisions only for social advancement.

It is noted that, unlike the draft agreements for the proposed non-strategic trust territories, with the exception of Ruanda-Urundi, this agreement refers to the development of the people of the territory as being directed specifically towards "self-government" rather than "self-government or independence" incorporated in Article 76(b) of the Charter. This apparent prior judgment of the ultimate status of the trust territory is justified by its sparse, highly scattered population, by its relatively underdeveloped, indigenous central government, and by its lack of economic resources.

DRAFTING CHANGE

It is suggested that, for the sake of uniformity, a comma be inserted after "inhabitants" in the second line of paragraph (2).

CONFIDENTIAL



## ARTICLE 7

In discharging its obligations under Article 76(c) of the Charter, the administering authority, subject only to the requirements of public order and security, shall guarantee to the inhabitants of the trust territory freedom of speech, of the press, and of assembly; freedom of conscience, of worship, and of religious teaching; and freedom of migration and movement.

COMMENT

There were no comparable guarantees of freedom of speech, of the press, of assembly, and of migration and movement in the mandate agreements. The present article goes further than similar articles in the draft agreements for Western Samoa and the African "B" mandates in also providing for "freedom of migration and movement". The provision that these freedoms are subject not only to the requirements of public order, as in the other draft trusteeship agreements, but also security is necessary in view of the fact that the trust territory is a strategic area.

The right of petition (except for the inhabitants of areas closed for security reasons), which in other draft trusteeship agreements is included in comparable articles, is provided for in Article 13 of the agreement submitted by the United States.

DRAFTING CHANGE

The comma following "76(c)" in the first line of this article should be removed.

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## ARTICLE 8, paragraph 1

1. In discharging its obligations under Article 76(d) of the Charter, as defined by Article 83(2) of the Charter, the administering authority, subject to the requirements of security, and the obligation to promote the advancement of the inhabitants, shall accord to nationals of each Member of the United Nations and to companies and associations organized in conformity with the laws of such Member, treatment in the trust territory no less favorable than that accorded therein to nationals, companies and associations of any other United Nation, except the administering authority.

COMMENT

The intent of this paragraph is to ensure most-favored-nation treatment in the trust territory for all other Members of the United Nations. The possibility of [national] treatment, subject to requirements of security was considered, but it was concluded that this formula could not be practically or equitably applied and that adequate protection of security interests could not be assured. Consequently, it was agreed to adopt most-favored-nation treatment.

It is believed that most-favored-nation treatment is justified by Article 76(d) of the Charter which provides for equal treatment to all members and their nationals "without prejudice to the attainment of the foregoing objectives" - one of which is to further international peace and security. In a strategic area it must be assumed that the security objective must be the overriding consideration. Consequently, provision of "equal treatment" in the form of most-favored-nation treatment may be regarded as one of the principal characteristics of a strategic-area agreement.

The requirement of most-favored-nation treatment does not conflict with any provision of the Charter since the Charter itself does not provide other Members  
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CONFIDENTIAL



of the United Nations special rights in a strategic area. Article 83(2) specifically indicates that "the basic objectives set forth in Article 76 shall be applicable to the people of each strategic area." [Underlining inserted.] It cannot be claimed that Article 76(d), which refers to the ensuring of "equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals" as an objective of the trusteeship system, necessitates national treatment as opposed to most-favored-nation treatment. This article concerns the governments and peoples of other Members of the United Nations, whereas according to Article 83(2) the objectives of the trusteeship system as set forth in Article 76 are applicable to the people of each strategic area. It should be noted that this reference to the people of the area, as opposed to the area as a whole, is one of the distinctive features of a strategic area trusteeship. In the same connection, it should also be noted that the terms of the Mandate for the Pacific Islands made at Geneva in December 1920 did not require the mandatory to guarantee even most-favored-nation treatment.

This paragraph is of vital importance to the United States if it is to be responsible for administering these islands as a strategic area both "to further international peace and security" under Article 76(a) and to ensure that the trust territory itself "shall play its part" towards these ends under Article 84.

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DRAFTING CHANGE

The following drafting changes are suggested:

- (a) the omission of the comma after the phrase "subject to the requirements of security" and
- (b) the substitution of "Member of the United Nations" for the words "United Nation" -- the 5th and 6th words from the end of the paragraph.

CONFIDENTIAL



**ARTICLE 8, paragraph 2**

2. The administering authority shall ensure equal treatment to the Members of the United Nations and their nationals in the administration of justice.

**COMMENT**

Although, for the reasons indicated in the "Comment" under paragraph 1 of this Article, the provision of Article 76(d) of the Charter regarding equal treatment in the administration of justice would not appear to be mandatory in its application to strategic areas, it is obviously consonant with basic principles of this Government. Under accepted international practice, as well as in the actual wording of Article 76(d), such equal treatment, however, should be considered as specifically applicable to the nationals of all Members of the United Nations rather than to the Members themselves.

**DRAFTING CHANGE**

The following drafting change is suggested:

"The administering authority shall ensure equal treatment to the for the nationals of all Members of the United Nations ~~and their nationals~~ in the administration of justice".

This would amend paragraph 2 to conform more closely with the actual wording of Article 76(d) of the Charter and with accepted international practices.

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## ARTICLE 8, paragraph 3

3. Nothing in this Article shall be so construed as to accord traffic rights to aircraft flying into and out of the trust territory. Such rights shall be subject to agreement between the administering authority and the state whose nationality such aircraft possesses.

COMMENT

This paragraph was inserted in the draft trusteeship agreement for the Japanese Mandated Islands at a time when it was originally thought that a similar provision should be suggested by this Government for inclusion in all trusteeship agreements. The purpose of the provision was to make it clear that commercial traffic, as distinct from simply air transit rights, were covered by specific bilateral agreements. Air traffic rights which concern the picking up and discharge of passengers, mail, and cargo, on the other hand, are covered by the Chicago Convention on Civil Aviation. Although certain of the mandatory powers with whose experts this clause was discussed did not, under these circumstances, believe it was a necessary provision, they appeared willing to accept it. Subsequently, in connection with all other pending draft trusteeship agreements this Government decided not to propose such a paragraph. Its reason for doing so was that specific bilateral agreements regarding air traffic rights would take precedence over any generalized multilateral arrangements incidental to a document drafted for another purpose. Irrespective of the terms of the present draft trusteeship agreement regarding the general form of economic treatment among all Members in the trust territory commercial air traffic rights, would remain the same for all governments concerned; for they would be subject to

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CONFIDENTIAL



existing or future specific bilateral agreement and not to the type of economic treatment set forth in a trusteeship agreement.

CONFIDENTIAL



## ARTICLE 8, paragraph 4

4. The administering authority may negotiate and conclude commercial and other treaties and agreements with Members of the United Nations and other states, designed to attain for the inhabitants of the trust territory treatment by the Members of the United Nations and other states no less favorable than that granted by them to the nationals of other states. The Security Council may recommend, or invite other organs of the United Nations to consider and recommend, what rights the inhabitants of the trust territory should acquire in consideration of the rights obtained by Members of the United Nations in the trust territory.

COMMENT

The intent of this paragraph is to protect the interests of the inhabitants of the trust territory in the economic treatment and other rights which they may obtain outside the trust territory. The paragraph provides that the United States may negotiate and conclude appropriate international agreements which will attain for the inhabitants of the trust territory most-favored-nation treatment by Members of the United Nations. In addition it provides that the Security Council or, at its invitation, other organs of the United Nations may recommend what other rights the inhabitants of the trust territory should acquire in consideration of the rights obtained by Members of the United Nations in the trust territory.

This Government, in preliminary discussions regarding the non-strategic draft trusteeship agreements pending in the General Assembly, accepted the proposal suggested by the Mandatories concerned that the enjoyment of special rights in the trust territory by Members of the United Nations should be automatically contingent upon the latter's conferring similar rights reciprocally on the inhabitants  
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of the trust territory concerned. This agreement applies to a strategic area. The rights of other Members of the United Nations in the trust territory, therefore, are those of a most-favored-nation character, and provision is made for securing similar treatment for the inhabitants of the trust territory by the Members of the United Nations and other states. For these reasons the automatically reciprocal provision suggested for non-strategic area trusteeship agreements is not necessary in order to protect the inhabitants of the trust territory from special forms of discriminatory treatment.

CONFIDENTIAL



## ARTICLE 9

The administering authority shall be entitled to constitute the trust territory into a customs, fiscal, or administrative union or federation with other territories under United States jurisdiction and to establish common services between such territories and the trust territory where such measures are not inconsistent with the basic objectives of the International Trusteeship System and with the terms of this agreement.

COMMENT

This article should be read in connection with Article 3 of the draft agreement which provides in part that the administering authority shall have full powers of administration over the territory as an integral part of the United States. Both Articles 3 and 9, it should be noted, are made subject to the terms of this agreement. The substance of Article 9 permits customs, fiscal, or administrative union or federation, with other territories under United States jurisdiction. It is practically identical with a similar provision in the British, French, Belgian, and New Zealand draft agreements. Provision for such union or federation is obviously desirable to ensure the efficient administration of such island areas as Saipan which will face many problems common to the nearby island of Guam. However, such a provision does not imply sovereignty over the trust territory.

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## ARTICLE 10

The administering authority, acting under the provisions of Article 3 of this agreement, may accept membership in any regional advisory commission, regional authority, or technical organization, or other voluntary association of states, may cooperate with specialized international bodies, public or private, and may engage in other forms of international cooperation.

COMMENT

This article, which is permissive but not mandatory, is particularly appropriate for the trust territory and, in view of the limited economy and undeveloped status of the native inhabitants, offers an opportunity for them to benefit from association with other peoples who face similar problems. Such association would enable the people to develop a regional economy, to take advantage of technical studies on common problems, and to participate effectively in furthering their own development. The advantages of regional organization have been effectively demonstrated by the Caribbean Commission while plans are already underway to establish a Regional Commission for dependent territories in the South Pacific.

All of the mandatory powers, with the exception of Australia, have included a similar article in the trusteeship agreements for their mandated territories. No comparable provision was included in the terms of the mandate for these Pacific islands under which they were administered by Japan.

CONFIDENTIAL



## ARTICLE 11

1. The administering authority shall take the necessary steps to provide the status of citizenship of the trust territory for the inhabitants of the trust territory.

2. The administering authority shall afford diplomatic and consular protection to inhabitants of the trust territory when outside the territorial limits of the trust territory or of the territory of the administering authority.

COMMENT

The status of citizenship will tend to create a common bond amongst peoples who otherwise might feel no unity and consequently would have difficulty in working toward the objectives of the trusteeship system as set forth in Article 76 of the Charter.

In regard to the native inhabitants of mandated territories the Permanent Mandates Commission, in its second session, drew up a recommendation stating that the native inhabitants of B and C mandated territories were not nationals of the mandatory though they might be naturalized individually. They were to be regarded as nationals of the territory itself, and it was desirable that they be designated by some form of descriptive title which would specify their status under the mandate. After an extensive debate in the Council of the League, in April, 1923, this recommendation was adopted but with special permission to South Africa to naturalize the Germans in South West Africa en masse giving individuals an option to refuse. The Union and German Governments entered into an agreement in London in 1923 under which the Union of South Africa accepted the Germans of South West Africa as a part of the Union people, with the same privileges and responsibilities as the other citizens. As a result of this agreement 3,228 Germans  
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CONFIDENTIAL



became naturalized Union subjects. In 1942 the Union Government, by Act of Parliament denaturalized the Germans who since 1924 had been automatically naturalized as Union natives but who continued to claim German citizenship.

When the subcommittee of the Permanent Mandates Commission was examining the question of the status of mandated peoples prior to the Commission's recommendation on the subject M. Matsuda of Japan expressed to the subcommittee his thought that it would be "contrary to the spirit of Article 22 of the Covenant to assimilate the native inhabitants of mandated territory to the subjects of the mandatory Power. On the other hand, having in mind the interests of these peoples, they should be accorded every advantage granted to subjects of the mandatory Power."

Diplomatic and consular protection of inhabitants of the trust territory when outside the territorial limits of the trust territory or of the territory of the administering authority serves not only to provide the inhabitants a necessary service which otherwise would be unavailable, but also to establish the rights of the inhabitants under international law.

It is noteworthy that the provisions of this article are not included in the draft trusteeship agreements for other Pacific territories or for the African territories, none of which are strategic in character. Neither were such provisions included in the terms of the mandate under which the islands were administered by Japan.

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It might be pointed out, if the question arises, that the present article would not preclude the inhabitants from being granted United States citizenship in addition to their own citizenship, but no such action is now contemplated.

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## ARTICLE 12

The administering authority shall enact such legislation as may be necessary to place the provisions of this agreement in effect in the trust territory.

COMMENT

This article constitutes an international commitment upon the part of the United States to implement by legislation as necessary the provisions of the trusteeship agreement.

No such assurance has been included in the draft agreements submitted by the United Kingdom, France, Belgium, Australia, and New Zealand.

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## ARTICLE 13

The provisions of Articles 87 and 88 of the Charter shall be applicable to the trust territory, provided that the administering authority may determine the extent of their applicability to any areas which may from time to time be specified by it as closed for security reasons.

COMMENT

Article 83(3) of the Charter provides that the Security Council shall utilize the Trusteeship Council in connection with reports, petitions, periodic visits, and questionnaires "relating to political, economic, social, and educational matters in the strategic areas". These functions are provided for in Articles 87 and 88 of the Charter. Article 13 of this draft agreement is, therefore, necessary in order to implement the above Charter provision in the proposed trust territory.

In this respect the draft trusteeship agreement for the Japanese Mandated Islands is not essentially different from pending draft trusteeship agreements for other proposed trust territories. Article 88 of the Charter, by restricting the Trusteeship Council's questionnaire to "political, economic, social, and educational" problems, clearly implies that the Trusteeship Council will not concern itself with purely military problems in any trust territory whether strategic or non-strategic. Article 83(3) simply reiterates the principle that the Trusteeship Council in strategic areas shall similarly perform functions "relating to political, economic, social, and educational matters".

Article 13 of this draft agreement, however, would permit the administering authority to determine the extent of the Trusteeship Council's functions in those areas  
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of the trust territory which might from time to time be specified as "closed for security purposes". Such an exception is permitted under Article 83(3) of the Charter which wisely provides that the functions of the Trusteeship Council in strategic areas shall be "subject to the provisions of the trusteeship agreements and without prejudice to security considerations". This is a logical provision since, without it, there would be little essential difference between a strategic and a non-strategic area. The distinction was recognized when the Charter was being drawn up and constitutes a basic principle of Chapter XII of the Charter itself.

It should be noted, however, that Article 13 implies in its phrase "extent of applicability" that even in "closed" areas the administering authority need not preclude the Trusteeship Council from carrying out certain of its functions. For instance it is possible that even in such areas the Trusteeship Council might well be authorized to request and consider reports submitted by the administering authority, to accept petitions and examine them in consultation with the administering authority, and otherwise to keep itself informed of the political, economic, social, and educational development of the inhabitants of these "closed" areas. [In

~~view of the geography of the trust territory, which is composed of many very small islands rather than of a single land mass, purely security reasons might, however, prevent free entry for inspection purposes to any part of one of these small islands if it were in the "closed" area.~~ ]

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Just what areas will from time to time be "closed for security reasons" will depend upon current international conditions and consequent requirements for the adequate maintenance of the islands' security. It is this strategic character of the proposed trust territory, indeed, which requires that the functions of the Trusteeship Council in "closed" areas may be to some extent restricted. As indicated under Article 4, however, it is to be assumed that the United States will not act in any irresponsible fashion in closing such areas.

It should be noted that Articles 87 and 88 of the Charter, referred to in this article of the draft agreement, relate to reports, petitions, visits, and questionnaires only in the trusteeship field. If an international agreement concerning disarmament, atomic energy, or any other subject outside the trusteeship field provided for reports and inspections, the United States would apply the agreement to the trust territory as in territories under its sovereignty. The provision of Article 3 of the draft agreement, by which the trust territory would be administered "as an integral part of the United States" is relevant to this point.

CONFIDENTIAL



## ARTICLE 14

The administering authority undertakes to apply in the trust territory the provisions of any international conventions and recommendations which may be appropriate to the particular circumstances of the trust territory and which would be conducive to the achievement of the basic objectives of Article 6 of this agreement.

COMMENT

The provision seems to be undeniably desirable in the interests of the inhabitants since it will secure for the inhabitants of the territory the benefits of all appropriate international conventions and recommendations, including agreements which already exist as well as those which may be adopted in the future by the United Nations and its specialized agencies. Comparable articles, at the suggestion of the United States, have been included in all of the draft agreements submitted by the mandatory powers.

This article however, is broader than the comparable articles in the Australian, New Zealand, and French draft agreements. Article 6 of the agreement for New Guinea limits the application of international agreements and recommendations to those which "are in the opinion of the administering authority suited to the needs and conditions of the territory..." The New Zealand Article XIII in the agreement for Western Samoa is narrower than the United States' in two respects: (1) existing conventions and recommendations are not included in its scope; and (2) the phrase "in the opinion of the administering authority" is included just as in the Australian draft. The French Article 6 limits the application to "international agreements and conventions which are at present in force there..." (i.e. in the territory).

No provision similar to those in this article were included in the mandate granted to Japan.

CONFIDENTIAL



## ARTICLE 15

The terms of the present agreement shall not be altered, amended or terminated without the consent of the administering authority.

COMMENT

Article 79 of the Charter provides that "the terms of trusteeship ... including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power ..." In as much as each mandatory power is presumably to be appointed as administering authority under the trusteeship agreement which it is submitting for approval, reference to alteration or amendment of the terms of trusteeship for a mandated territory in accordance with Article 79 is comparable, in the case of a mandatory power, to the present provision that as administering authority the United States must consent to the alteration, amendment or termination of the terms of trusteeship for the Pacific islands.

The provisions of this article are substantially similar to comparable provisions in the agreements submitted by the United Kingdom, France, Belgium, and New Zealand for territories which they intend to place under trusteeship. The only important difference is the inclusion of the word "terminated" in the United States agreement. While it can be contended that "termination" is one form of "alteration or amendment" for purpose of Article 79, specific reference to termination removes all possible doubt on this point.

CONFIDENTIAL



**ARTICLE 16**

The present agreement shall come into force when approved by the Security Council of the United Nations and by the Government of the United States after due constitutional process.

**COMMENT**

This article merely defines the steps necessary for the agreement to come into force under the Charter of the United Nations, and under the Constitution of the United States. Article 83 of the Charter of the United Nations provides that the terms of trusteeship agreements relating to strategic areas must be approved by the Security Council. Consideration is being given in the Department of State to the form in which Governmental approval should be given to the agreement.

**CONFIDENTIAL**



STANDARD FORM NO. 64

*De/R file***Office Memorandum • UNITED STATES GOVERNMENT**

TO : A-H - Mr. Gross                      IS - Mr. Bancroft  
     : SPA - Mr. Hiss                     JA - Mr. Borton                      DATE: Dec. 3, 1946  
     : IS - Mr. Blaisdell    Le - Mr. Howard  
FROM : DA - Mr. Green

SUBJECT:

Attached hereto are copies of letters from Mr. Dulles and Mr. Laurence Duggan which have been forwarded to me by Mr. Gerig who suggests that we may wish to consider them in connection with our preparations concerning the draft trusteeship agreement for the Japanese Mandated Islands.

## Attachments:

1. From John Foster Dulles, November 30, 1946, to Roger N. Baldwin.
2. To Sen. Warren Austin, November 26, 1946.

*JFG*  
DA:JFGreen:mbr

*894.01/12-346*



COPIED:MBR

Hotel Pennsylvania,  
New York, N. Y.  
November 30, 1946

Mr. Roger N. Baldwin,  
American Civil Liberties Union,  
170 Fifth Avenue,  
New York 10, N. Y.

Dear Mr. Baldwin:

I have your letter of November 26, 1946,  
with the enclosed letter from Mr. Duggan to Senator  
Austin.

The terms of trusteeship proposed by the  
United States were prepared by the Department of State  
and will go direct to the Security Council. Accord-  
ingly, the matter does not fall within the jurisdiction  
of this Delegation, which is a Delegation to the Gen-  
eral Assembly. However, I shall take occasion to bring  
to the attention of State Department officials the point  
made in the enclosed letter to Senator Austin.

Sincerely yours,

John Foster Dulles



COPIED:MBR

AMERICAN CIVIL LIBERTIES UNION  
170 Fifth Avenue  
New York 10, New York

November 26, 1946

Sen. Warren Austin, Chairman  
United States Delegation  
General Assembly  
United Nations

Dear Senator Austin:

We have examined with some care the trusteeship agreement for the Pacific Islands submitted by our government in the light of rights to be granted to the native peoples. We are not concerned with the form of trusteeship, which is a political matter outside our field, but with the extension to native peoples of those civil liberties which characterize the United States.

We note in the document some assurances of these liberties, but they appear to us to lack precision in two respects:

1. There is no assurance of civil government. If the traditional policy concerning Guam and Samoa is followed, arbitrary naval rule under a commander from whom there is no appeal will govern the islands. It requires no argument to demonstrate that such rule, however benevolent, cannot achieve the objects stated in the draft agreement. The experience in Guam and Samoa is eloquent enough testimony to that.

In our judgment civil government should be provided for the natives with the Navy left in command of installations in the same manner as our naval and air bases in other counties.

2. No assurance is given of teaching in native languages. One of the worst aspects of our colonial policy in the Philippines, Puerto Rico, Guam and Samoa has been our insistence on the use of a foreign tongue for native instruction. Surely native teachers can be trained or

Americans



- 2 -

Americans found who speak the native language. To impose English is wholly out of keeping with sound educational practice or the natural feelings of pride all people have in their own tongue.

May we earnestly request consideration of amendments to the draft agreement to include these guarantees?

We are, with great respect,

Sincerely yours,

/s/ LAURENCE DUGGAN  
Chairman,  
Committee on Civil Rights  
in American Colonies

John Foster Dulles



STANDARD FORM NO. 64

*DC/R*

Office Memorandum • UNITED STATES GOVERNMENT

TO : A-H - Mr. Gross ✓      IS - Mr. Bancroft  
 SPA - Mr. Hiss      JA - Mr. Borton      DATE: Dec. 6, 1946  
 IS - Mr. Blaisdell  
 FROM : DA - Mr. Green      Le - Mr. Howard  
    Capt. Dennison  
    Col. Giffin

SUBJECT:

*894.01*

Attached hereto is a new draft of the statement on the United States trusteeship agreement revised in accordance with the discussion at our last meeting. The several pages following the text of the President's statement incorporate the principal points made in Mr. Cohen's draft statement.

*See  
com to JH for  
reading*

*20g  
894.01/12-6-46*

Attachment:

As above described.

DA:JFGreen:mbr





Sixth Draft

RESTRICTED

SUBMISSION TO THE SECURITY COUNCIL OF THE  
UNITED STATES DRAFT TRUSTEESHIP AGREEMENT  
FOR THE  
JAPANESE MANDATED ISLANDS

Draft Statement by Mr. Herschel Johnson

I have the honor to transmit to the Security Council  
the following message from the Secretary of State of  
the United States of America:

.....

"By submitting to the Security Council, for its ap-  
proval, a draft trusteeship agreement for the Japanese  
Mandated Islands, the United States reaffirms its con-  
viction that all non-self-governing territories should  
be administered in the spirit of trusteeship and that the  
inhabitants of these territories should be encouraged and  
assisted to play their rightful role in world affairs.

*add  
reference  
to trusteeship  
Council.*

President Wilson was one of the chief architects  
of the mandates system in the League of Nations Covenant,  
which proclaimed the principle that the well-being  
and development of the peoples of the mandated terri-  
tories are "a sacred trust of civilization". More recently,  
it was President Roosevelt and Prime Minister Churchill  
who, in the Atlantic Charter, pledged that "Their  
countries seek no aggrandizement, territorial or other".  
At the Crimea Conference, President Roosevelt obtained  
the agreement of Marshal Stalin and Prime Minister Churchill  
that the San Francisco Conference should provide for the  
establishment



- 2 -

establishment of an international trusteeship system. Subsequently, the Delegations of the United States at the San Francisco Conference and at the meetings of the Preparatory Commission and the General Assembly have given ample testimony, if any were needed, of the profound and continuing concern of this Government for the well-being of the several hundreds of millions of peoples who inhabit non-self-governing territories.

In preparing this draft trusteeship agreement, the Government of the United States gave long and careful study not only to the Charter as a whole and to its specific provisions for strategic needs in special areas, but also to the draft agreements for non-strategic areas recently submitted to the General Assembly by five of the mandatory powers. This draft trusteeship agreement is viewed by the Government of the United States as conforming, in substance and in form, with the Charter and as promoting the interests both of the inhabitants of the islands and of the United Nations. It contains the terms upon which the United States is prepared to administer the Japanese Mandated Islands as a trust territory.

In affirmation of historic American policy and in fulfillment of the provisions of the Charter the President of the United States made the following announcement on November 6, 1946:

"The United States is prepared to place under trusteeship, with the United States as the administering authority, the Japanese Mandated Islands and any Japanese islands for which it assumes  
responsibilities



- 3 -

responsibilities as a result of the second World War. In so far as the Japanese Mandated Islands are concerned, this Government is transmitting for information to the other members of the Security Council (Australia, Brazil, China, Egypt, France, Mexico, the Netherlands, Poland, the Union of Soviet Socialist Republics and the United Kingdom) and to New Zealand and the Philippines a draft of a strategic area trusteeship agreement which sets forth the terms upon which this Government is prepared to place those islands under trusteeship. At an early date we plan to submit this draft agreement formally to the Security Council for its approval".

This announcement was made in the belief that the Government of the United States should take the initiative in preparing terms of trusteeship for the Japanese Mandated Islands. These islands were entrusted to Japan under mandate from the League of Nations following the First World War. Japan failed to observe the terms of the mandate. In utter disregard of the mandate Japan converted the territory into military bases for aggressive warfare, contrary to the law of nations, against the United States and others of the United Nations. To oust the enemy from these islands the United States had to undertake military operations costly in life and in property. The United States in repelling Japanese aggression occupied, and is today in possession of, these islands. Thus, Japan has ceased to exercise any authority in these islands as  
a result



- 4 -

a result of the Second World War; and all authority in the islands is now being exercised by the United States.

The United States has sought the fulfillment of the requirements of Article 79 of the Charter, first, by transmitting copies of a draft trusteeship agreement for the Japanese Mandated Islands to all Members of the United Nations which, in the view of the Government of the United States, have special interests in these islands, and, now, by formally submitting the draft agreement to the Security Council for its approval.

The Charter does not attempt to define what is a state directly concerned. It is the view of the United States Government that ~~only~~ the Charter can appropriately be interpreted as providing that <sup>any</sup> the state or states whose assent to a proposed agreement is necessary to make it possible for the territory in question to be placed under trusteeship or to be administered as is proposed in the agreement, should be considered as the state or states directly concerned. That is, the state or states directly concerned can be deemed to be the state or states previously administering the territory and the state or states expected to administer the territory under the trusteeship agreement. To extend the meaning of states directly concerned to include other interested states whose special agreement to the proposed trusteeship is not in fact necessary, would not only needlessly delay the establishment of trust territories but might in some cases prevent their establishment altogether.

The United States considers that it is entitled to submit the proposed draft agreement without prior  
agreement



- 5 -

agreement by other states because this territory is now in its possession and because under the proposed trusteeship agreement the United States would be the sole administering authority. In suggesting that the United States is the only state whose consent is necessary as a condition precedent to the submission of the trusteeship agreement to the Security Council, the United States does not of course mean to suggest that other states should not, in view of their regional and world interests, have a right to have their views carefully considered by the United States and by the Security Council before the trusteeship agreement is finally approved by the Security Council. In fact, prior to its submission to the Security Council, the United States submitted copies of the proposed trusteeship agreement to the other members of the Security Council and to New Zealand and the Republic of the Philippines.

[It is not necessary to consider here whether the failure of the League of Nations prior to the second World War to oppose the illegal conversion of the mandated islands by Japan to her own use and as a base for aggression would not, under international law, give the United States, which ousted the enemy from the islands, the right to treat the islands in the same manner as any enemy territory occupied by its sole efforts. The United States ~~is~~ is here maintaining simply that it is, under the circumstances heretofore recited, fully entitled to propose, and to be the sole administering authority under, a trusteeship agreement which ensures that this strategic territory can never again be used in such a way as to menace the peace of the world.]

In undertaking



- 5a -

In undertaking to place under trusteeship a territory of such great strategic importance as these islands, the United States is expressing its confidence in the United Nations and in the system of international peace and security established in the Charter. Most of the strategically



- 6 -

strategically important areas of the world are at present under the exclusive control of the larger powers. In particular, most of the strategically important areas in the Pacific - including territories within the categories which are expressly referred to in the Charter as eligible for trusteeship - are not subject in any way to international supervision. Nevertheless, the United States does undertake to administer this strategic area in accordance with the proposed trusteeship agreement and in furtherance of international peace and security, and is willing to submit to international supervision, as provided in the agreement, the political, economic, social, and educational development of the inhabitants of the trust territory.

As the United States Representative to the Security Council will have an opportunity on later occasions to explain the United States draft trusteeship agreement in detail, it is necessary at this time merely to emphasize that the draft agreement amply provides for the attainment of the four basic objectives of the trusteeship system set forth in Article 76 of the Charter.

In fulfillment of the first objective - the furtherance of international peace and security - the United States proposes, in accordance with Article 82 of the Charter, that the trust territory be designated a strategic area. This territory contains about 846 square miles of land mass and about 48,000 native inhabitants. Its indigenous resources are negligible. However, the strategic nature of the area has long been recognized. The expenditure of lives, time, and treasure required to seize this area from the Japanese is a measure of its inherent



- 7 -

*sketch*

inherent strategic importance. It is the determination of the American people that this area shall never again be used as a springboard for aggression ~~against the United States and other Members of the United Nations.~~ In conformity with the provisions of the Charter for strategic areas, the trust territory will contain bases. Many atolls in the territory have potential value as base sites or as anchorages but few such sites, however, will be developed and maintained at present.

No other Government need feel any apprehension over the designation of this trust territory as strategic. The United States, like all other Members of the United Nations, has solemnly undertaken that it shall refrain from the threat or use of force against the territorial integrity or political independence of any state. Moreover, the United States, as administering authority, will, in accordance with its obligations under Article 84 of the Charter, ensure that this trust territory shall play its part in the maintenance of international peace and security. After the Security Council has approved this trusteeship agreement, and when it is ready to conclude special agreements for the provision of armed forces, assistance, and facilities under Article 43 of the Charter, the United States, in concluding such a special agreement or agreements, will give the same consideration to this trust territory as to territories under its sovereignty.

The remaining three objectives of the trusteeship system are amplified in considerable detail by the draft agreement. In particular, provisions are included which effectively guarantee the political, economic, social, and educational



- 8 -

educational advancement of the inhabitants of the trust territory.

The fulfillment of these basic objectives of the trusteeship system will depend, in this trust territory as in all others, both upon the good faith of the administering authority and upon effective supervision by the United Nations. The Charter provides for such supervision over strategic areas in only the most general terms. The United States draft agreement goes beyond the legal requirements of the Charter by providing that Articles 87 and 88 - relating to reports, petitions, visits, and questionnaires concerning non-strategic areas - shall be applicable to the trust territory, even though it is designated as a strategic area, except that the administering authority may determine the extent of applicability in any areas which may, from time to time, be specified by the administering authority as closed for security reasons. This exception has been made in recognition of the fact that an administering authority of a strategic trust territory should have, in the discharge of its responsibilities for the maintenance of international peace and security, the authority necessary to safeguard the installations established for that purpose. I assure you that the United States will not exercise this authority in any irresponsible manner.

It should be pointed out, moreover, that the closing of certain areas for security purposes relates only to the reports, petitions, visits, and questionnaires provided for in the trusteeship system. When international agreement is reached with respect to reports, inspections,  
and



- 9 -

and similar functions in the field of disarmament, atomic energy, or other non-trusteeship matters, the provisions of the draft agreement relating to closed areas will not prejudice the application of such agreements to the entire trust territory.

I commend, therefore, for your consideration and approval the United States draft trusteeeship agreement for the Japanese Mandated Islands. In this draft trusteeeship agreement the United States Government reaffirms its historic policies regarding non-self-governing peoples and expresses its full confidence in the international trusteeeship system. In the opinion of my Government this draft agreement does not merely fulfill the minimum requirements of the Charter; it provides a maximum degree of protection for the inhabitants. It is the profound belief of the Government of the United States and of the American people that, if this draft agreement is approved by the Security Council, the administration of these islands by the United States will contribute to the fullest possible extent both to the maintenance of international peace and security and to the well-being and advancement of the inhabitants of the islands.

James F. Byrnes"

.....

I shall, of course, be glad to explain the draft agreement in more detail and shall submit to the Council a commentary which interprets each of its articles. I suggest



- 10 -

suggest that detailed consideration might most conveniently be undertaken by the Council in the informal atmosphere of committee deliberations. Accordingly, I move that when the members of the Council have concluded any general statements they desire to make, the draft trusteeship agreement be referred to a committee of the whole for consideration and for a report thereon to the Council.

DA:JFGreen:Mbr

IS SPA JA FE EUR Lo  
A-H C U



STANDARD FORM NO. 64

*Office Memorandum* • UNITED STATES GOVERNMENT*bcR*

TO : A-H - Mr. Gross ✓ IS - Mr. Bancroft  
 SPA - Mr. Hiss JA - Mr. Borton DATE: December 12, 1946  
 FROM : IS - Mr. Blaisdell Le - Mr. Howard  
 DA - Mr. Green Capt. Dennison  
 Col. Giffin

SUBJECT:

*894.01*

Attached hereto is the translation of a note from the Soviet Embassy dated December 7, 1946, in which the Soviet Government expresses the view that the question of trusteeship for the Japanese Mandated Islands and for any Japanese islands should be considered by the Allied Powers in the peace settlement in regard to Japan.

There is also attached, for consideration at our next meeting, a proposed new paragraph for inclusion in the draft statement by Mr. Herschel Johnson designed to anticipate the question raised in the Soviet note.

## Attachments:

1. From Soviet Embassy,  
December 7, 1946.
2. Draft Paragraph

DA:JE *JE*reen:mbr*894.01/12-12-46*



C O P YDEPARTMENT OF STATE  
CENTRAL TRANSLATING DIVISIONTRANSLATIONTC NO. T 18  
32045EMBASSY OF THE  
UNION OF SOVIET SOCIALIST REPUBLICS  
WASHINGTON, D.C.

December 7, 1946

Sir:

With reference to your note of November 6 last, in which it was communicated that the United States of America is ready to place under trusteeship the islands which are under Japanese mandate and for which the United States will be the administering authority, I have the honor to inform you of the following:

The Soviet Government considers it necessary to study the given question and the "Draft Trusteeship Agreement for the Japanese Mandated Islands" which was presented by the Government of the United States of America.

The Soviet Government is prepared to take into account the interests of the United States of America in connection with this question, but at the same time it considers it necessary to express its view that the question of trusteeship over the islands formerly under Japanese mandate, as well as over any Japanese islands, must be considered by the Allied Powers in the peace settlement in regard to Japan.

Accept Sir, the assurance of my very high esteem for you.

(signed) F. OREKHOV

Charge d'affaires ad interim  
of the USSR in the USAMr. Dean Acheson  
Acting Secretary of State  
Department of State  
Washington



Suggested Addition to the Sixth Draft of the Statement by Mr. Herschel Johnson, to Replace the First Sentence of the First Full Paragraph on Page 3.

This announcement was made during the opening weeks of the General Assembly meetings because it was felt that the Members of the United Nations, which were beginning their consideration of draft trusteeship agreements for other mandated territories, were entitled to know the views of the United States concerning the Japanese Mandated Islands and the terms upon which the United States is prepared to administer these islands under trusteeship.

This Government believes that under the instrument of surrender of September 2, 1945 in which the Emperor of Japan and the Japanese Government accepted the Potsdam Declaration, the placing of the Japanese Mandated Islands or of any Japanese islands under trusteeship in accordance with the Charter of the United Nations does not depend upon, or need to await, the conclusion of a general peace settlement with Japan.

This Government also believes that the United States should take the initiative in preparing terms of trusteeship for the Japanese Mandated Islands. These islands were entrusted to Japan ...

DA:JFGreen:mbr  
12/12/46



*File 1/30/47*  
**AUF**  
 LEGAL ATTACHE  
 JAN 28 1947  
 DEPARTMENT OF STATE

*Handwritten notes and initials*  
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 DCIR

UNITED STATES POLITICAL ADVISER  
 FOR JAPAN

RESTRICTED

No. 776

DEPARTMENT OF STATE  
 FEB 3 1947  
 OFFICE OF THE LEGAL ATTACHE

*REN*  
 SPECIAL PROJECT DIVISION  
 FEB 10 1947  
 DEPARTMENT OF STATE

SUBJECT: English Text of "Constitution of Japan."

*mel*  
 DEPARTMENT OF STATE  
 DIVISION OF FOREIGN REPORTING SERVICES  
 DEC 27 1946

The United States Political Adviser has the honor to refer to this Mission's depatch No. 718, November 21, 1946, with which were transmitted the changes made by the Diet to the draft constitution, and to enclose six copies of the English Text of the "Constitution of Japan."

894.01/12-1746

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 As stated

DEPARTMENT OF STATE  
 FEB 7 1947  
 OFFICE OF INTELLIGENCE COLLECTOR AND DISSEMINATION

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 1 Navy - 1 each  
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 FEB 12 1947  
 DEPARTMENT OF STATE

ON ORDERED MAIL DIVISION (ADD)  
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DIVISION OF INTELLIGENCE AFFAIRS  
 DEC 30 1946  
 DEPARTMENT OF STATE

FEB 24 1947

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# THE CONSTITUTION OF JAPAN

Encl. to Despatch No. 776, Dec. 17, 1946, from the U. S. Political Adviser for Japan, subject: "English Text of 'Constitution of Japan.'" "



**CABINET SECRETARIAT**



I rejoice that the foundation for the construction of a new Japan has been laid according to the will of the Japanese people, and hereby sanction and promulgate the amendments of the Imperial Japanese Constitution effected following the consultation with the Privy Council and the decision of the Imperial Diet made in accordance with Article 73 of the said Constitution.

Signed: HIROHITO, Seal of the Emperor

This third day of the eleventh month of the twenty-first year of Showa  
(November 3, 1946)

Countersigned :

Prime Minister and concurrently		YOSHIDA Shigeru
Minister for Foreign Affairs		SHIDEHARA Kijuro
Minister of State	Baron	KIMURA Tokutaro
Minister of Justice		OMURA Seiichi
Minister for Home Affairs		TANAKA Kotaro
Minister of Education		WADA Hiroo
Minister of Agriculture and Forestry		SAITO Takao
Minister of State		HITOTSUMATSU Sadayoshi
Minister of Communications		HOSHIJIMA Niro
Minister of Commerce and Industry		KAWAI Yoshinari
Minister of Welfare		UEHARA Etsujiro
Minister of State		HIRATSUKA Tsunejiro
Minister of Transportation		ISHIBASHI Tanzan
Minister of Finance		KANAMORI Tokujiro
Minister of State		ZEN Keinosuke
Minister of State		



## The Constitution of Japan

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith.

We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.

We believe that no nation is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations.

We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.



**CHAPTER I. THE EMPEROR**

**Article 1.** The Emperor shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power.

**Article 2.** The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

**Article 3.** The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor.

**Article 4.** The Emperor shall perform only such acts in matters of state as are provided for in this Constitution and he shall not have powers related to government.

The Emperor may delegate the performance of his acts in matters of state as may be provided by law.

**Article 5.** When, in accordance with the Imperial House Law, a Regency is established, the Regent shall perform his acts in matters of state in the Emperor's name. In this case, paragraph one of the preceding article will be applicable.

**Article 6.** The Emperor shall appoint the Prime Minister as designated by the Diet.

The Emperor shall appoint the Chief Judge of the Supreme Court as designated by the Cabinet.

**Article 7.** The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people :

Promulgation of amendments of the constitution, laws, cabinet orders and treaties.

Convocation of the Diet.

Dissolution of the House of Representatives.

Proclamation of general election of members of the Diet.

Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law, and of full powers and credentials of Ambassadors and Ministers.

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.

Awarding of honors.



Attestation of instruments of ratification and other diplomatic documents as provided for by law.

Receiving foreign ambassadors and ministers.

Performance of ceremonial functions.

**Article 8.** No property can be given to, or received by, the Imperial House, nor can any gifts be made therefrom, without the authorization of the Diet.

#### CHAPTER II. RENUNCIATION OF WAR

**Article 9.** Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

#### CHAPTER III. RIGHTS AND DUTIES OF THE PEOPLE

**Article 10.** The conditions necessary for being a Japanese national shall be determined by law.

**Article 11.** The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

**Article 12.** The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

**Article 13.** All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

**Article 14.** All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.

Peers and peerage shall not be recognized.



No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

**Article 15.** The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any group thereof.

Universal adult suffrage is guaranteed with regard to the election of public officials.

In all elections, secrecy of the ballot shall not be violated. A voter shall not be answerable, publicly or privately, for the choice he has made.

**Article 16.** Every person shall have the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations and for other matters; nor shall any person be in any way discriminated against for sponsoring such a petition.

**Article 17.** Every person may sue for redress as provided by law from the State or a public entity, in case he has suffered damage through illegal act of any public official.

**Article 18.** No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

**Article 19.** Freedom of thought and conscience shall not be violated.

**Article 20.** Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice.

The State and its organs shall refrain from religious education or any other religious activity.

**Article 21.** Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.

No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

**Article 22.** Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.



Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

**Article 23.** Academic freedom is guaranteed.

**Article 24.** Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis.

With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

**Article 25.** All people shall have the right to maintain the minimum standards of wholesome and cultured living.

In all spheres of life, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health.

**Article 26.** All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free.

**Article 27.** All people shall have the right and the obligation to work. Standards for wages, hours, rest and other working conditions shall be fixed by law.

Children shall not be exploited.

**Article 28.** The right of workers to organize and to bargain and act collectively is guaranteed.

**Article 29.** The right to own or to hold property is inviolable.

Property rights shall be defined by law, in conformity with the public welfare.

Private property may be taken for public use upon just compensation therefor.

**Article 30.** The people shall be liable to taxation as provided by law.

**Article 31.** No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

**Article 32.** No person shall be denied the right of access to the courts.



**Article 33.** No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offense with which the person is charged, unless he is apprehended, the offense being committed.

**Article 34.** No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

**Article 35.** The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued for adequate cause and particularly describing the place to be searched and things to be seized, or except as provided by Article 33.

Each search or seizure shall be made upon separate warrant issued by a competent judicial officer.

**Article 36.** The infliction of torture by any public officer and cruel punishments are absolutely forbidden.

**Article 37.** In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.

He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense.

At all times the accused shall have the assistance of competent counsel who shall, if the accused is unable to secure the same by his own efforts, be assigned to his use by the State.

**Article 38.** No person shall be compelled to testify against himself.

Confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence.

No person shall be convicted or punished in cases where the only proof against him is his own confession.

**Article 39.** No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he be placed in double jeopardy.

**Article 40.** Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law.



**CHAPTER IV. THE DIET**

**Article 41.** The Diet shall be the highest organ of state power, and shall be the sole law-making organ of the State.

**Article 42.** The Diet shall consist of two Houses, namely the House of Representatives and the House of Councillors.

**Article 43.** Both Houses shall consist of elected members, representative of all the people.

The number of the members of each House shall be fixed by law.

**Article 44.** The qualifications of members of both Houses and their electors shall be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income.

**Article 45.** The term of office of members of the House of Representatives shall be four years. However, the term shall be terminated before the full term is up in case the House of Representatives is dissolved.

**Article 46.** The term of office of members of the House of Councillors shall be six years, and election for half the members shall take place every three years.

**Article 47.** Electoral districts, method of voting and other matters pertaining to the method of election of members of both Houses shall be fixed by law.

**Article 48.** No person shall be permitted to be a member of both Houses simultaneously.

**Article 49.** Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with law.

**Article 50.** Except in cases provided by law, members of both Houses shall be exempt from apprehension while the Diet is in session, and any members apprehended before the opening of the session shall be freed during the term of the session upon demand of the House.

**Article 51.** Members of both Houses shall not be held liable outside the House for speeches, debates or votes cast inside the House.

**Article 52.** An ordinary session of the Diet shall be convoked once per year.

**Article 53.** The Cabinet may determine to convoke extraordinary sessions of the Diet. When a quarter or more of the total members of



either House makes the demand, the Cabinet must determine on such convocation.

**Article 54.** When the House of Representatives is dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election.

When the House of Representatives is dissolved, the House of Councillors is closed at the same time. However, the Cabinet may in time of national emergency convoke the House of Councillors in emergency session.

Measures taken at such session as mentioned in the proviso of the preceding paragraph shall be provisional and shall become null and void unless agreed to by the House of Representatives within a period of ten (10) days after the opening of the next session of the Diet.

**Article 55.** Each House shall judge disputes related to qualifications of its members. However, in order to deny a seat to any member, it is necessary to pass a resolution by a majority of two-thirds or more of the members present.

**Article 56.** Business cannot be transacted in either House unless one-third or more of total membership is present.

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution, and in case of a tie, the presiding officer shall decide the issue.

**Article 57.** Deliberation in each House shall be public. However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefor.

Each House shall keep a record of proceedings. This record shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy.

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be recorded in the minutes.

**Article 58.** Each House shall select its own president and other officials.

Each House shall establish its rules pertaining to meetings, proceedings and internal discipline, and may punish members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more



of those members present must pass a resolution thereon.

**Article 59.** A bill becomes a law on passage by both Houses, except as otherwise provided by the Constitution.

A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

The provision of the preceding paragraph does not preclude the House of Representatives from calling for the meeting of a joint committee of both Houses, provided for by law.

Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection of the said bill by the House of Councillors.

**Article 60.** The budget must first be submitted to the House of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when no agreement can be reached even through a joint committee of both Houses, provided for by law, or in the case of failure by the House of Councillors to take final action within thirty (30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives shall be the decision of the Diet.

**Article 61.** The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties.

**Article 62.** Each House may conduct investigations in relation to government, and may demand the presence and testimony of witnesses, and the production of records.

**Article 63.** The Prime Minister and other Ministers of State may, at any time, appear in either House for the purpose of speaking on bills, regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

**Article 64.** The Diet shall set up an impeachment court from among



the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted.

Matters relating to impeachment shall be provided by law.

#### CHAPTER V. THE CABINET

**Article 65.** Executive power shall be vested in the Cabinet.

**Article 66.** The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State, as provided for by law.

The Prime Minister and other Ministers of State must be civilians.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

**Article 67.** The Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Councillors disagree and if no agreement can be reached even through a joint committee of both Houses, provided for by law, or the House of Councillors fails to make designation within ten (10) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives shall be the decision of the Diet.

**Article 68.** The Prime Minister shall appoint the Ministers of State. However, a majority of their number must be chosen from among the members of the Diet.

The Prime Minister may remove the Ministers of State as he chooses.

**Article 69.** 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 70.** When there is a vacancy in the post of Prime Minister, or upon the first convocation of the Diet after a general election of members of the House of Representatives, the Cabinet shall resign en masse.

**Article 71.** In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

**Article 72.** The Prime Minister, representing the Cabinet, submits



bills, reports on general national affairs and foreign relations to the Diet and exercises control and supervision over various administrative branches.

**Article 73.** The Cabinet, in addition to other general administrative functions, shall perform the following functions:

Administer the law faithfully; conduct affairs of state.

Manage foreign affairs.

Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

Administer the civil service, in accordance with standards established by law.

Prepare the budget, and present it to the Diet.

Enact cabinet orders in order to execute the provisions of this Constitution and of the law. However, it cannot include penal provisions in such cabinet orders unless authorized by such law.

Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

**Article 74.** All laws and cabinet orders shall be signed by the competent Minister of State and countersigned by the Prime Minister.

**Article 75.** The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister. However, the right to take that action is not impaired hereby.

#### CHAPTER VI. JUDICIARY

**Article 76.** The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.

No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power.

All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws.

**Article 77.** The Supreme Court is vested with the rule-making power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs.

Public procurators shall be subject to the rule-making power of the Supreme Court.



The Supreme Court may delegate the power to make rules for inferior courts to such courts.

**Article 78.** Judges shall not be removed except by public impeachment unless judicially declared mentally or physically incompetent to perform official duties. No disciplinary action against judges shall be administered by any executive organ or agency.

**Article 79.** The Supreme Court shall consist of a Chief Judge and such number of judges as may be determined by law; all such judges excepting the Chief Judge shall be appointed by the Cabinet.

The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of members of the House of Representatives following their appointment, and shall be reviewed again at the first general election of members of the House of Representatives after a lapse of ten (10) years, and in the same manner thereafter.

In cases mentioned in the foregoing paragraph, when the majority of the voters favors the dismissal of a judge, he shall be dismissed.

Matters pertaining to review shall be prescribed by law.

The judges of the Supreme Court shall be retired upon the attainment of the age as fixed by law.

All such judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

**Article 80.** The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court. All such judges shall hold office for a term of ten (10) years with privilege of reappointment, provided that they shall be retired upon the attainment of the age as fixed by law.

The judges of the inferior courts shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

**Article 81.** The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act.

**Article 82.** Trials shall be conducted and judgment declared publicly.

Where a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press or cases wherein the rights



of people as guaranteed in Chapter III of this Constitution are in question shall always be conducted publicly.

#### CHAPTER VII. FINANCE

**Article 83.** The power to administer national finances shall be exercised as the Diet shall determine.

**Article 84.** No new taxes shall be imposed or existing ones modified except by law or under such conditions as law may prescribe.

**Article 85.** No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

**Article 86.** The Cabinet shall prepare and submit to the Diet for its consideration and decision a budget for each fiscal year.

**Article 87.** In order to provide for unforeseen deficiencies in the budget, a reserve fund may be authorized by the Diet to be expended upon the responsibility of the Cabinet.

The Cabinet must get subsequent approval of the Diet for all payments from the reserve fund.

**Article 88.** All property of the Imperial Household shall belong to the State. All expenses of the Imperial Household shall be appropriated by the Diet in the budget.

**Article 89.** No public money or other property shall be expended or appropriated for the use, benefit or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprises not under the control of public authority.

**Article 90.** Final accounts of the expenditures and revenues of the State shall be audited annually by a Board of Audit and submitted by the Cabinet to the Diet, together with the statement of audit, during the fiscal year immediately following the period covered.

The organization and competency of the Board of Audit shall be determined by law.

**Article 91.** At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.



**CHAPTER VIII. LOCAL SELF-GOVERNMENT**

**Article 92.** Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

**Article 93.** The local public entities shall establish assemblies as their deliberative organs, in accordance with law.

The chief executive officers of all local public entities, the members of their assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

**Article 94.** Local public entities shall have the right to manage their property, affairs and administration and to enact their own regulations within law.

**Article 95.** A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

**CHAPTER IX. AMENDMENTS**

**Article 96.** Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds or more of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.

Amendments when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution.

**CHAPTER X. SUPREME LAW**

**Article 97.** The fundamental human rights by this Constitution guaranteed to the people of Japan are fruits of the age-old struggle of man to be free; they have survived the many exacting tests for durability and are conferred upon this and future generations in trust, to be held for all time inviolate.



**Article 98.** This Constitution shall be the supreme law of the nation and no law, ordinance, imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

The treaties concluded by Japan and established laws of nations shall be faithfully observed.

**Article 99.** The Emperor or the Regent as well as Ministers of State, members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

#### CHAPTER XI. SUPPLEMENTARY PROVISIONS

**Article 100.** This Constitution shall be enforced as from the day when the period of six months will have elapsed counting from the day of its promulgation.

The enactment of laws necessary for the enforcement of this Constitution, the election of members of the House of Councillors and the procedure for the convocation of the Diet and other preparatory procedures necessary for the enforcement of this Constitution may be executed before the day prescribed in the preceding paragraph.

**Article 101.** If the House of Councillors is not constituted before the effective date of this Constitution, the House of Representatives shall function as the Diet until such time as the House of Councillors shall be constituted.

**Article 102.** The term of office for half the members of the House of Councillors serving in the first term under this Constitution shall be three years. Members falling under this category shall be determined in accordance with law.

**Article 103.** The Ministers of State, members of the House of Representatives and judges in office on the effective date of this Constitution, and all other public officials who occupy positions corresponding to such positions as are recognized by this Constitution shall not forfeit their positions automatically on account of the enforcement of this Constitution unless otherwise specified by law. When, however, successors are elected or appointed under the provisions of this Constitution, they shall forfeit their positions as a matter of course.



June 22

UNITED STATES

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DEPARTMENT OF STATE

1947 JUN 6 AM 11 17

Encloses copy of SCAP memo ordering that the National Government of Japan henceforth be referred and addressed as the "Japanese Government" and not as the "Imperial Japanese Government".

24, 1947.

UNCLASSIFIED

No. 1061

SUBJECT: Designation

Correspondence.

1/

The United States of Staff Memorandum Headquarters, Supreme Commander for the Eastern Districts of Asia, Pacific Command, entitled "Designation of Japanese Government". In effect the memorandum states that in official correspondence and other documents of this Headquarters the national government of Japan will hereafter be referred to as the "Japanese Government" and not as the "Imperial Japanese Government".

to enclose copy  
General Head-  
r East Command,

The attention of the Department is invited to the fact that this is a memorandum of this Headquarters and not a directive to the Japanese Government. At the suggestion of the Government Section of Headquarters, this Mission, as the Diplomatic Section, recommended in a communication dated May 7, 1947, that the Government Section take necessary action to effect the change in the designation of the Japanese Government. It was pointed out that in the new Constitution of Japan the term "Imperial Japanese Government" is studiously avoided, implying that the Japanese themselves prefer to drop the word "Imperial".

Public announcement of this change in designation appeared in the May 22 and May 23 issues of Pacific Stars and Stripes and Nippon Times, respectively.

Enclosure: *at*

- 1. Copy of Staff Memorandum No. 43, May 20, 1947, of GHQ, SCAP and FEC.

Original and ozalid to Department.

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JWBurnett/blc

Mr. Tolson	
Mr. E.A. Tamm	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Harbo	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

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UNITED STATES POLITICAL ADVISER  
FOR JAPAN

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DIVISION OF  
NORTHEAST ASIAN AFFAIRS

Tokyo, May 24, 1947.

UNCLASSIFIED

No. 1061

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*file*  
JUN 1 1947  
DEPARTMENT OF STATE

SUBJECT: Designation of Japanese Government in Official Correspondence.

894.01/5-2447

1/

The United States Political Adviser has the honor to enclose copy of Staff Memorandum No. 43 dated May 20, 1947, issued by General Headquarters, Supreme Commander for the Allied Powers and Far East Command, entitled "Designation of Japanese Government". In effect the memorandum states that in official correspondence and other documents of this Headquarters the national government of Japan will hereafter be referred to as the "Japanese Government" and not as the "Imperial Japanese Government".

The attention of the Department is invited to the fact that this is a memorandum of this Headquarters and not a directive to the Japanese Government. At the suggestion of the Government Section of Headquarters, this Mission, as the Diplomatic Section, recommended in a communication dated May 7, 1947, that the Government Section take necessary action to effect the change in the designation of the Japanese Government. It was pointed out that in the new Constitution of Japan the term "Imperial Japanese Government" is studiously avoided, implying that the Japanese themselves prefer to drop the word "Imperial".

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Enclosure: *at*

1. Copy of Staff Memorandum No. 43, May 20, 1947, of GHQ, SCAP and FEC.

Original and ozalid to Department.

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Enclosure No. 1 to Despatch No. 1061, dated May 24, 1947, from the United States Political Adviser for Japan, Tokyo, on the subject "Designation of Japanese Government in Official Correspondence".

COPY

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS  
AND  
FAR EAST COMMAND

AG 091.1 (17 May 47)CS

APO 500  
20 May 1947

STAFF MEMORANDUM )

NO.....43 ) (SCAP & FEC)

DESIGNATION OF JAPANESE GOVERNMENT

Effective immediately, whenever the national government of Japan is addressed or referred to in official correspondence and other documents of any headquarters under the Supreme Commander for the Allied Powers or the Commander-in-Chief of the Far East Command, it will be referred to as "Japanese Government" and not as "Imperial Japanese Government."

BY COMMAND OF GENERAL MacARTHUR:

PAUL J. MUELLER,  
Major General, General Staff Corps,  
Chief of Staff.

OFFICIAL:

R. M. LEVY  
Colonel, AGD,  
Adjutant General.



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FILE NO.

894.01/8-147

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DESP. 1208 FROM TOKYO

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## THE POLITICAL ADVISER FOR JAPAN

AUG 25 1947

Tokyo, August 1, 1947

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No. 1208

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SUBJECT: Forwarding Memorandum Regarding Status Under  
SCAPIN 550 of Tanzan Ishibashi.

NR-0-0-0

The Political Adviser for Japan has the honor to forward herewith five copies of a memorandum dated April 30, 1947 prepared in the Government Section of this Headquarters regarding the record of Tanzan ISHIBASHI, former Managing Director, Chief Editor, and President of the Oriental Economist and more recently Minister of Finance in the Japanese Government.

The memorandum reviews the record of Mr. Ishibashi and reaches the conclusion that he should be removed from public office and excluded from government service as an undesirable person within the meaning of paragraph 3, Category G, Appendix A of SCAPIN 550.

*894. 01/8-147*

## Enclosure:

Five copies of memorandum regarding status of Tanzan Ishibashi under SCAPIN 550.

Original and ozalid to Department.

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FILE NO. 894.01/11-1347  
DESP. 1390 FROM TOKYO

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UNITED STATES POLITICAL ADVISER  
FOR JAPAN

DEC 5 1947

Tokyo, November 13, 1947

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SUBJECT: Rules Established by the House of Councillors.

O-O-O

The Acting Political Adviser has the honor to enclose five copies of a pamphlet dated November 3, 1947 issued by the Government Section of this Headquarters, containing a translation of the rules of the House of Councillors of the Japanese Diet, adopted by the House on June 28, 1947.

Enclosure:

Five copies of a pamphlet,  
November 3, 1947, containing  
a translation of rules of the  
House of Councillors.

Original and ozalid to the Department

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RHBushner:vr

*894. 01/11-1347*





UNITED STATES POLITICAL ADVISERS FOR JAPAN

MAR 24 1948

DEPARTMENT OF STATE Tokyo, Japan, February 24, 1948.

No. 118

CONFIDENTIAL (For Department Use Only)

Subject: Policy of New Ashida Government.

DEPARTMENT OF STATE

RECEIVED

JUN 30 1948

DEPARTMENT OF STATE DIVISION OF BIOGRAPHIC INFORMATION RECEIVED MAY 14 1948 OFFICE OF INTELLIGENCE COLLECTION AND DISSEMINATION

RECEIVED DEPARTMENT OF STATE

The Honorable The Secretary of State, Washington.

Sir:

I have the honor to report that Prime Minister-Designate ASHIDA Hitoshi, at his own request, informally called upon me today in my capacity as Chief of the Diplomatic Section, General Headquarters, Supreme Commander for the Allied Powers, with a view to apprising me of the policies which he hopes to pursue after having formed a Cabinet. Dr. Ashida stated that he had today called upon General MacArthur and subsequently upon Brigadier General Courtney Whitney, Chief of the Government Section, and was assured both by General MacArthur and by General Whitney of their support. He stated that his relations with the Government Section had always been most cordial and that he has never experienced any difficulties from that quarter.

In discussing the question of forming his Cabinet, Dr. Ashida stated that he does not anticipate any particular difficulty in this regard in view of the support of the so-called left-wing Socialists who, he said, are wholeheartedly in favor of the new Cabinet. It was Dr. Ashida's impression that the leaders of the left wing are chiefly concerned with being allocated important posts in the Cabinet. He said that the present propaganda which is being circulated by certain Socialist left-wing elements is merely to "cover up" their rather contradictory action in having forced the resignation of the Katayama Cabinet and now agreeing to support a new coalition Cabinet under the leadership of the Democratic Party.

As a matter of interest, there is enclosed copy of a statement which Dr. Ashida said he read to General MacArthur today. The statement purports to contain the chief policies which will be followed by the new Cabinet. These policies are summarized as follows: (1) to build up a new Japan worthy of world trust; (2) to enhance the democratization process and social stability; and (3) to push economic reconstruction.

Of particular interest is the explanation contained under the heading of economic reconstruction. It is stated therein that priority will be given to key industries and "the Government will be prepared to take over control of such industries in case of necessity".

CONFIDENTIAL

DEPARTMENT OF STATE REFERENCE DIVISION RECEIVED MAY 18 1948 Copy of disp + [unclear] removed for cataloging

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Tokyo's 118,  
February 24, 1948.

CONFIDENTIAL

- 2 -

It should also be noted that Dr. Ashida has declared support for all labor organizations of moderate tendency, that he is of the belief that "communism and extreme political views are inimical to the healthy growth of democracy", and that "firm steps will be taken to combat" Red elements.

Dr. Ashida also stated that for the time being he expects concurrently to hold the Foreign Minister's Portfolio in view of the difficulty which he foresees in selecting an individual of sufficient experience suitable for this post. He stressed that his chief aim will be to cooperate wholeheartedly with the aims of the Occupation and with American national policies vis-à-vis Japan, but added that it would be unrealistic for any Government to act otherwise.

Respectfully yours,

*W. J. Sebald*

W. J. Sebald

Enclosure: *art*

Statement by Dr. ASHIDA Hitoshi.

Original and ozalid to Department.

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CONFIDENTIAL (For Department Use Only) Enclosure to Despatch No. 118, dated February 24, 1948, from the Office of the United States Political Adviser for Japan, Tokyo, on the subject "Policy of New Ashida Government".

(COPY)

STATEMENT READ BY DR. ASHIDA Hitoshi TO GENERAL MacARTHUR ON  
FEBRUARY 24, 1948

Having been given the mandate to form a new cabinet, by virtue of the decision taken by the Diet, I avail myself of this opportunity to seek Your Excellency's esteemed and valued views on the matter and at the same time to submit an outline of what I believe to be most vital policies of the Government.

In view of the situations confronting us at present, both at home and abroad, I sincerely believe that there is no alternative for me but to carry out a firm "middle of the road" policy. To save Japan, I am fully determined to fight against both extremes, the rightists and leftists, and in organizing the new cabinet this will be my fundamental policy.

I am confident that this will be possible because of the support assured me by the Social Democratic Party, the People's Cooperative Party and the Democratic Party as well as by the support I am expecting to obtain from the so-called leftist elements of the Liberal Party.

However, in order to successfully carry out my task, to bring about a cabinet which will truly reflect the will of the people and which will effectively combat the various difficulties that beset this nation, the full support of the Supreme Commander for the Allied Powers is the foremost and most important requisite, for without such assurance and help, no one can hope to succeed.

The most vital policies of the new Government are as follows:

1) To build up a New Japan worthy of world trust;

Utmost efforts will be made to faithfully carry out our responsibilities as enumerated in the Potsdam Declaration.

Every cooperation and aid will be offered toward successful accomplishment of the Occupation aims.

2) To enhance democratization process and social stability;

Since I am of the belief that Communism and extreme political views are inimical to the healthy growth of democracy and also in view of the fact that Red elements are exerting deteriorate influences among Japanese labour circles at present, leading to disruption of reconstruction efforts, firm steps will be taken to combat them.

Vigorous measures to purify political circles are contemplated and revision of the Election Law is planned.

The Government will take the lead in efforts to thoroughly diffuse democratic principles among the people.

3) To push economic reconstruction;

Determined

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Encl. to  
Tokyo's 118,  
February 24, 1948.

CONFIDENTIAL

- 2 -

Determined war against inflation will be launched. As one means, all-out efforts will be continued toward increased production.

Priority will be given to key industries and the Government will be prepared to take over control of such industries in case of necessity.

Every encouragement will be given to small and medium-sized manufacturers in order to stimulate export trade.

To encourage and promote the working will of the people in order to assure industrial recovery only rational administrative adjustments are contemplated.

As to the labour problems, which require tactful handling in view of the fact that the working class is now definitely a political power, I am confident that the new cabinet will be able to secure, in cooperation with the Social Democratic Party, the support of all the labor organizations of moderate tendency.

Though the above is a very brief and sketchy version of my convictions regarding the course which the new cabinet should take, it is nevertheless presented to you in all sincerity and good faith with determination to carry them through to the best of my abilities in the event the reins of government are entrusted to me.

Your Excellency, on the brink of my formal acceptance of the heavy responsibility, I wish to promise to you my utmost efforts and cooperation for the successful continuation of your task in Japan.

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DIVISION OF  
THE FOREIGN SERVICE **NORTHEAST ASIAN AFFAIRS**  
OF THE  
UNITED STATES OF AMERICA **MAY 17 1948**

DEPARTMENT OF STATE

United States Political Adviser  
for Japan

No. 261

Tokyo, May 4, 1948

CONFIDENTIAL

(For Use of Department Only)

**SUBJECT:** Conference on Local Autonomy Law (Chihojichiho) held in  
IBARAKI Prefecture.

RECEIVED  
DEPARTMENT OF STATE  
MAY 3 1948

The Honorable  
The Secretary of State,  
Washington.

Sir:

DEPARTMENT OF STATE  
RECEIVED  
JUL 16 1948  
OFFICE OF INTELLIGENCE  
COLLECTION AND DISSEMINATION  
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I have the honor to refer to this Mission's despatch No. 259 of May 4, 1948 concerning a series of conferences on the Local Autonomy Law (Chihojichiho) being held by the Local Government Division of Government Section of this Headquarters in each prefecture and to report that at the invitation of Mr. C. G. TILTON, Chief of this Division, an officer of this Mission attended the IBARAKI Prefectural Conference held at Mito on March 31 and April 1, 1948. This was the second in a series of conferences (the first having been held at Sendai, Miyagi Prefecture on March 17 and 18) which it is planned, will cover all prefectures by the end of June. This special program is designed by Mr. Tilton to acquaint local government officials with the new law and to stimulate the latter to implement the law as well as to enable discussion on various points which may require clarification.

On the first day of the conference, five papers were read (summarized in this Mission's despatch referred to above) to the audience which consisted of the Governor, the members of the Prefectural Assembly, the Chiefs of Sections of the Prefectural Government, Judges and Prosecutors, and prominent people including the leading government officials of Mito, educators, and school children. Speeches were also given by the Governor and Chairman of the Assembly as well as brief speeches by Mr. Tilton and other members of the Local Government Division before each individual's paper was read by an interpreter.

Need for Education as to Powers Granted  
by Local Autonomy Law

On the second day of the Conference the group of individuals who attended the first day, except the school children, was divided into five sections. Each member of the team whose paper had been read the day before spent an hour with each group in order to afford opportunity

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Tokyo's No. 261  
May 4, 1948.

CONFIDENTIAL

-2-

for questions. The type of questions revealed great interest in the powers granted by the new law but considerable uncertainty as to how to go about using such powers. It is evident that it will be a long time before the new law is fully appreciated by the politicians and bureaucrats who are operating under it. It was encouraging, however, to note that many of the individuals present advocated that the type of information being furnished to them should also reach the people.

Mr. Tilton and his group feel strongly that in order for the Japanese to appreciate the new law there must be an educational campaign over a period of time. Mr. Tilton was uncertain as to how this could be accomplished and fears that there will be insufficient personnel in Government Section to carry out anything more than the present one time series of conferences. Mr. Tilton stated that by the end of June there would only be chiefs of divisions in Government Section.

Comment: Mr. Julian Garrett, Field Liaison Officer of the Civil Information and Education Section of this Headquarters, who accompanied the group as an observer, plans to aid in dissemination of information about the program through the press, radio, and other media. He stressed the need of emphasizing the importance of the conferences by furnishing information before they take place and the necessity of supplying data continuously thereafter.

#### Women in Local Government

There was considerable emphasis placed by Mr. Tilton on the part that women should play in local government (there were three women representatives present). He claimed that they were just as capable as men and could contribute needed qualities for the realization of local government reforms. It was pointed out by the Japanese that it will be necessary to educate women because for so long in Japan they have been prevented from participating in politics.

#### Local Autonomy Law Inspired by Government Section

Throughout the trip from off-the-record comments it was clear that the Local Autonomy Law was inspired by Government Section and that the amendments being planned were mainly being devised by Government Section in order to improve defects found in the new law. Because of the reduction in personnel in Government Section it is felt that these changes must be achieved by the end of June. For example, Mr. Michael E. Nolan, Chief of the Town and Village Branch of the Local Government Division, is interested in an amendment on insurance for local public buildings. He said that by enabling the National Association of Towns and Villages to insure buildings the cost would be about one-half of the private rate and

therefore

CONFIDENTIAL



Tokyo's No. 261  
May 4, 1948.

CONFIDENTIAL

-3-

therefore could be afforded by many more local government bodies. Mr. Nolan said that he planned to call in a member of the Diet and tell him the law must be passed but that he, Nolan, had to be around in order to get it done otherwise other interests might prevent the Diet from passing the amendment.

Other points of major interest during the trip are attached in 1/ the form of a memorandum but may be briefly high-lighted as follows:

I. Interest in Operation of U. S. Local Governments.

There is an intense desire on the part of local Japanese Government officials to know the details of local Government operation in the United States.

II. Difficulty of Financing Local Government and Recommendations of Local Finance Committee of Diet.

The question of how to finance local government operations is an acute one. The Local Finance Committee of the Diet has recommended to the Diet that admission taxes and part of profits on government monopolies be turned over to local governments. Increases in local independent taxes and the imposition of new local taxes are also recommended. In addition, a local government bank has been proposed.

III. Reaction to Committee System

The use of the committee system in local governments, authorized by the new law, is not understood by the Japanese. The same difficulty was experienced when Government Section sought to have the Diet adopt the committee system on a large scale, but now it is hard to hold the committees down.

IV. "Hands-off" Policy Toward Russians.

There is an impression among Military Government personnel that this Headquarters has adopted a "hands-off" policy with respect to Russians in Japan. Counterfeit yen printed in Siberia is reported to be coming into Hokkaido to finance communist activities.

V. U.S. Information Program to Offset Communist Propaganda.

There is evident a belief that the United States should have an information program for the Japanese to reveal what is being done for them by the United States. Such a program would be extremely valuable in offsetting communist propaganda that the Americans are responsible for high taxes, a low standard of living, etc.

VI. Labor Conditions

Labor is better off than ever although the labor laws

are

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Tokyo's No. 261  
May 4, 1948.

CONFIDENTIAL

-4-

are far ahead of practice. Communist inspired strikes continue to interfere with production of coal and equipment.

VII. Military Government View of Headquarters.

Headquarters is so slow in answering questions from the field that the tendency is to avoid asking them.

Respectfully yours,

*W. J. Sebald*

W. J. Sebald

Enclosure: *W*

Memorandum for the Record  
dated May 4, 1948.

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(For Use of Department Only)

Enclosure to Despatch No. 261 dated May 4, 1948 from the Office of the United States Political Adviser for Japan, Tokyo, entitled: "Conference on Local Autonomy Law (Chihojichihō) Held In IBARAKI Prefecture".

MEMORANDUM FOR THE RECORD

May 4, 1948

SUBJECT: IBARAKI Prefectural Conference on Local Autonomy Law (Chihojichihō).

The following information has been gleaned during a trip to Ibaraki Prefecture by an officer of this Mission, who on invitation accompanied members of the Local Government Division of Government Section of this Headquarters. The trip is described in the despatch with which this memorandum is enclosed (this Mission's despatch No. 261 of May 4, 1948). In addition to comments of these individuals, there were statements of interest made by the local Military Government Team and Japanese leaders.

I. Interest in Operation of U.S. Local Government.

In the discussions on the second day of the conferences, the Japanese showed a very active desire to know how the United States Government operates on a local level, but do not have the facilities for finding out. This emphasis on America is likely in part due to the fact that all members from General Headquarters were Americans. Although passing reference was made to the fact that the Occupation was an Allied operation, there was practically no reference to any system except that of the United States, and the American way of doing things. It is understood that on some future trip to other prefectures Mr. C. G. Tilton, Chief of the Local Government Section will invite some of the members of foreign missions to go along with him.

II. Difficulty of Financing Local Government and Recommendations of Finance Committee.

1/ A major question during the discussions was taxes. In this connection a clipping from the Nippon Times of April 6, 1948 is enclosed (5 copies) entitled "Provincial Finances Strained". It points out that the amount of income which can be devised independently by rural government bodies is only 34 percent of the total revenue, indicating the weakness of provincial financial authority. The local government officials in Ibaraki are greatly concerned to find means of supporting measures which they must see carried out or which they vote to undertake. They asked for help in explaining to people the new income tax system of declaring incomes based on the American system. Mr. Michael E. Nolan, Chief of the Town and Village Branch, told each group about a report on tax amendments prepared by the Local Finance Committee of the Diet. It was clear that he had had a great deal to do with the ideas in the report and that there existed a difference of opinion between the Government Section and the Finance Division of the Economic and Scientific section

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Enc. to Despatch  
No. 261, May 4, 1948.

CONFIDENTIAL

May 4, 1948

-2-

concerning the proposed changes in the tax structure.

According to Mr. Nolan the report recommended to the Diet that admission taxes now collected by the central government be turned over to local government to provide eleven billion yen a year. He pointed out that before the war the local government collected the taxes and that General Headquarters thought revenues should be given back. The report further proposed that 20% of the profit on food, sake and tobacco sold by the government should go to support of local government which would produce about twenty-four billion yen.

There is also a proposal that permission be given to increase local independent taxes and to devise new local taxes. There was considerable discussion in the sessions concerning the method of allocation of taxes. For example, it was claimed that taxes are arbitrarily allocated among business men and farmers. A proposed method is to do it on a production basis. This was considered much fairer by the Japanese. The second part of the report dealt with the creation of a local government bank which would serve all prefectural governments. It was pointed out several times that the local governments were in the red for last year which led Mr. Nolan to say that it would be necessary for the national government to underwrite local government for some time to come.

Considerable discussion centered around recent taxes levied upon farmers. Farmers were given such short notice that it worked great hardship upon them. It was advocated that taxes should not have to be paid by farmers until after their crop quotas had been delivered. This prompted Mr. Nolan to suggest that the assembly should send a resolution to the Diet with a copy to General Headquarters. He said he would also talk to the Local Finance Committee of the Diet. Later, privately, Mr. Nolan said there was considerable discussion in General Headquarters whether or not the farmers could stand additional taxes. According to him, Natural Resources Section says the farmers cannot pay more than they are now while the Finance Section of Economic and Scientific Section claim that they can.

It was advocated by the Japanese that the new yen rich be taxed. Mr. Nolan advocated passing a resolution in the assembly to that effect and sending it to the Diet because if enough prefectural assemblies did likewise the Diet could then feel the wishes of the people but otherwise there is always a resistance in the Diet to passing new taxes of any kind.

### III. Reaction to Committee System.

The committee system of which Government Section thinks  
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Enc. to Despatch  
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CONFIDENTIAL

May 4, 1948

-3-

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Major Harris said that Mr. Williams, Chief of the Legislative Division of Government Section had had a very difficult time in getting across the idea of committees to the national Diet. He had, for example, to make the Chairmen of the Diet committees equivalent to vice ministers, which for one thing allowed them to have an official car in order to impress the Diet members with the importance of this position. Major Harris said now that it was hard to hold the Diet committees down.

#### IV. U. S. Information Program to Offset Communist Propaganda.

It was of interest to note that in private conversations with members of Government Section it was felt that there should be some way for the United States to bring home to the Japanese what the United States is doing for them. This opinion was shared by Major Edward A. Limbaugh, the Commanding Officer of the Ibaraki Military Government Team, who is of the opinion that information as to what the United States is doing does not reach the public. This he is convinced is a mistake because the facts would be useful in offsetting the claims of the Communists. The Communists in his area, he said, miss no opportunity to blame the Occupation for such things as imposition of taxes, the inadequate amounts of food available to the people, and the generally unstable conditions in Japan.

#### V. "Hands-off" Policy toward Russians.

During the talks about Communism the Commanding Officer of the team mentioned that he could not understand this Headquarters' policy toward the Russians. He said that even when he had caught them breaking some of SCAP regulations he was told by higher authorities to release the individuals. Since this has happened several times he feels that he has lost prestige with the Japanese because of this Headquarters' hands-off policy as far as

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CONFIDENTIAL

May 4, 1948

-4-

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VI. Labor Conditions

The Labor Officer of the Military Government Team stated that the labor laws were far ahead of practice in his area but that he was convinced that labor was better off than ever with regard to such factors as sanitation, hours, and working conditions. He said Communists were quite active in arousing labor to strike or to slow production. In one instance in a strike in the coal mines the strikers had gone so far as to hold the mine manager in custody in his own home. Another Communist-inspired strike in a farming implement plant was immediately settled, when a vote was taken of the whole staff. The particular point at issue was the need by the company to let nearly a third of its workers go, because there was not sufficient business to keep them. After the vote the workers who were leaving were given a bonus and a promise that they would be rehired if business improved. A major difficulty the labor officer stated was the inability of the Government to pay sufficient salaries to get good men to deal with labor problems.

VII. Military Government View of Headquarters.

The Commanding Officer of the Ibaraki Military Government Team, who has been in military government since very early in the Occupation, volunteered that it took him three to six months to get an answer on a question which he raised with this Headquarters so that even if he eventually got an answer the situation usually had changed. It was apparent that his attitude was such that very seldom did he raise questions any longer.

W. H. Lawrence, Jr.

Enclosure:

Clipping from Nippon Times,  
April 6, 1948 (5 copies)  
entitled "Provincial Finances  
Strained".

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NIPPON TIMES: Apr 6, 1948

**ECONOMIC REVIEW****Provincial Finances Strained**

Finances of provincial government bodies are as strained as those of the central Government. As of the end of September, last year the total fiscal budget of the 10,554 local government bodies were estimated at ¥87,485,000,000 or about one third of the Government finances.

About one half of the revenue or ¥42,846,000,000 is derived from taxation while Treasury subsidies amount to ¥27,321,000,000 out of the incomes accruing from sources other than tax totaling ¥44,639,000,000.

The amount of income which can be derived independently by rural government bodies is only 34 per cent of the total revenue, indicating the weakness of provincial financial authority. However, an attempt to make local finances independent of the Treasury is likely to cause terrible difficulty in obtaining the necessary revenue.

Among the types of revenues peculiar to rural finances are the business taxes, business supertax and residents' tax. Due to the increase in the income tax rate, however, it is estimated that business tax payments have decreased by 30 to 40 per cent while it is considered impossible to raise the resident tax rate since it has already been raised twice from the average ¥100 to ¥400 per head.

**No Hope of Increase**

On the other hand, no increase in the income from the Treasury can be hoped for inasmuch as the rates of income tax, juridical person tax and admission tax from which are derived the Treasury allocations to rural government bodies have been raised to the maximum. Nor is it possible to expect an increase in Treasury subsidies. On the contrary, there is now a possibility that the subsidies may be cut down. The relief budget for the Kanto-Tohoku flood damages for example, may possibly be reduced.

An income totaling ¥12,200,000,000 is expected to be derived from local bond issues but as of the end of January, only ¥6,500,000,000 worth of bonds had been sold.

While the source of revenue is so tight, a total of ¥67,400,000,000 or 70 per cent of the ¥87,485,000,000 revenue is earmarked for personnel expenses and expenditures for this purpose are likely to increase further due to growing wage demands.

Principal items among the expenditures include ¥25,100,000,000 for educational expenses, ¥15,400,000,000 for construction works and ¥10,500,000,000 for boosting business and industrial enterprises. Expenses to build facilities for the new 6-3 school system, which constitute a large portion of the educational expenditures need further increases, if possible, while the damage rehabilitation disbursements which occupy the bulk of the construction and business-industry boosting budgets are of the similar character.

A total of ¥3,100,000,000 including a ¥1,400,000,000-Treasury subsidy and ¥1,700,000,000 to be borne by local finances has been earmarked for construction of school buildings for the implementation of the 6-3 educational system but the budget is still short of the requirements. As a result, donation campaigns have been launched by various town and village governments, creating an issue in rural administration.

The paucity of damage rehabilitation expenses can be seen in the fact that the necessary budget for rehabilitation of damages wrought by last year's disastrous floods is estimated at ¥40,000,000,000 whereas the Treasury budgets for this purpose include only ¥3,400,000,000 as damage rehabilitation disbursement and ¥14,700,000,000 as public works expenses. They call for profound self-reflection on the part of the Japanese people lest they should burden the Allied authorities any more on problems all too self-evident.



Enclosure to Despatch No. 261 dated May 4, 1948 from the Office of the United States Political Adviser for Japan, Tokyo, entitled: "Conference on Local Autonomy Law (Chihojichiho) Held In IBARAKI Prefecture".

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Enc. to Despatch  
No. 261, May 4, 1948.

CONFIDENTIAL

May 4, 1948

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CONFIDENTIAL

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-3-

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CONFIDENTIAL

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WHLawrence, Jr.:emh

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THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

DIVISION OF  
NORTHEAST ASIAN AFFAIRS

United States Political Adviser  
for Japan

Tokyo, May 11 1948  
DEPARTMENT OF STATE

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DEPARTMENT OF STATE  
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No. 259

UNCLASSIFIED

SUBJECT: Prefectural Conferences on Local Autonomy Law (Chihojichiho).

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DEPARTMENT OF STATE  
1948 MAY 11 10 17

1948 MAY 11 10 17

FACILITIES BRANCH

The Honorable  
The Secretary of State,  
Washington.

Sir:

have the honor to enclose four copies each of the following papers prepared by the Local Government Division, Government Section, General Headquarters, Supreme Commander for the Allied Powers, concerning the Local Autonomy Law (Chihojichiho):

1. Representative Government
2. Powers and Responsibilities of the office of Governor.
3. Powers and Responsibilities of the Legislative Body.
4. Administration, Functions and Responsibilities.
5. The Committee System of the Local Public Bodies.

A team of officials from the Local Government Division of this Headquarters is conducting a two days conference in each of the Japanese prefectures between now and June, at which these papers will be presented and discussed in order to encourage the Japanese to participate in local government to a greater extent than before. Mr. C. G. TILTON, Chief of the Local Government Division stated that the idea first occurred to him when he was writing the Army manual on Japanese government during the war. He said that the papers were largely written by him.

The first of the institutes was held in Sendai, Miyagi Prefecture March 17 and 18 and the second in Ibaraki Prefecture on March 31 and April 1. The participants, other than individuals from this Headquarters, were prefectural assemblymen, the governor, his secretariat and department heads, prominent citizens, and educators.

The five papers are summarized below:

1. Representative Government by Mr. Tilton.

Democratic Government is one in which men and women organize themselves as sovereign and through elected representatives attain their goals. The Japanese Constitution is one of the most democratic in the world. The Local Autonomy Law implements the Constitution by granting direct popular election of local officials and recognizing the right of local communities to manage their own property and affairs. Local government is

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Tokyo's No. 259  
May 4, 1948

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the strongest check on unwholesome concentration of national power. Citizens now have powerful methods of direct relation with their government officials such as the power of recall.

The abolition of the pernicious Tomari Gumi system, the basic unit of some ten families which served the national government as a means for exerting autocratic control of the people, in January 1947 released the Japanese people from involuntary servitude. All people of Japan will have to strive hard for the success of representative government. Women should come forward to contribute.

Every Japanese must realize that to afford the services of democracy will necessitate revenues. New, fruitful sources must be found. The democratic form of government particularly in the United States has made industrial and economic progress possible. Witness that the United States feeds and helps reconstruct the victims of aggressor nations and the very aggressors themselves.

2. Powers and Responsibilities of the Office of Governor by Mr. Michael E. Nolan, Chief of Town and Village Branch.

The Diet composed of prefectural representatives in passing the Chihejichiho established the office of Governor on the same basis as in western democracies. The governor now has only executive powers. He has a dual character, as chief executive of the prefecture and as a national agent. He must strive for harmonious relations with the assembly, and settle honest differences of opinion by available lawful means.

He is the representative in the prefectures of the national government and is responsible for execution of Diet Laws and Cabinet and Ministerial Orders. He formerly coordinated all national branch offices, but now the law must specifically provide him with responsibility.

A major problem of the prefectural government is the onrush of national officials, swarming like leeches, into the prefectures. In general, their duplicating services are undesirable and under the Law should be invited to leave. The local finance problem must have an early practical solution. The Local Finance Committee of the Diet has this great problem to help solve.

3. Powers and Responsibilities of the Legislative Body by Mr. Howard D. Porter, Chief of Prefectural Branch.

The Chihojichiho creates local assemblies which are  
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