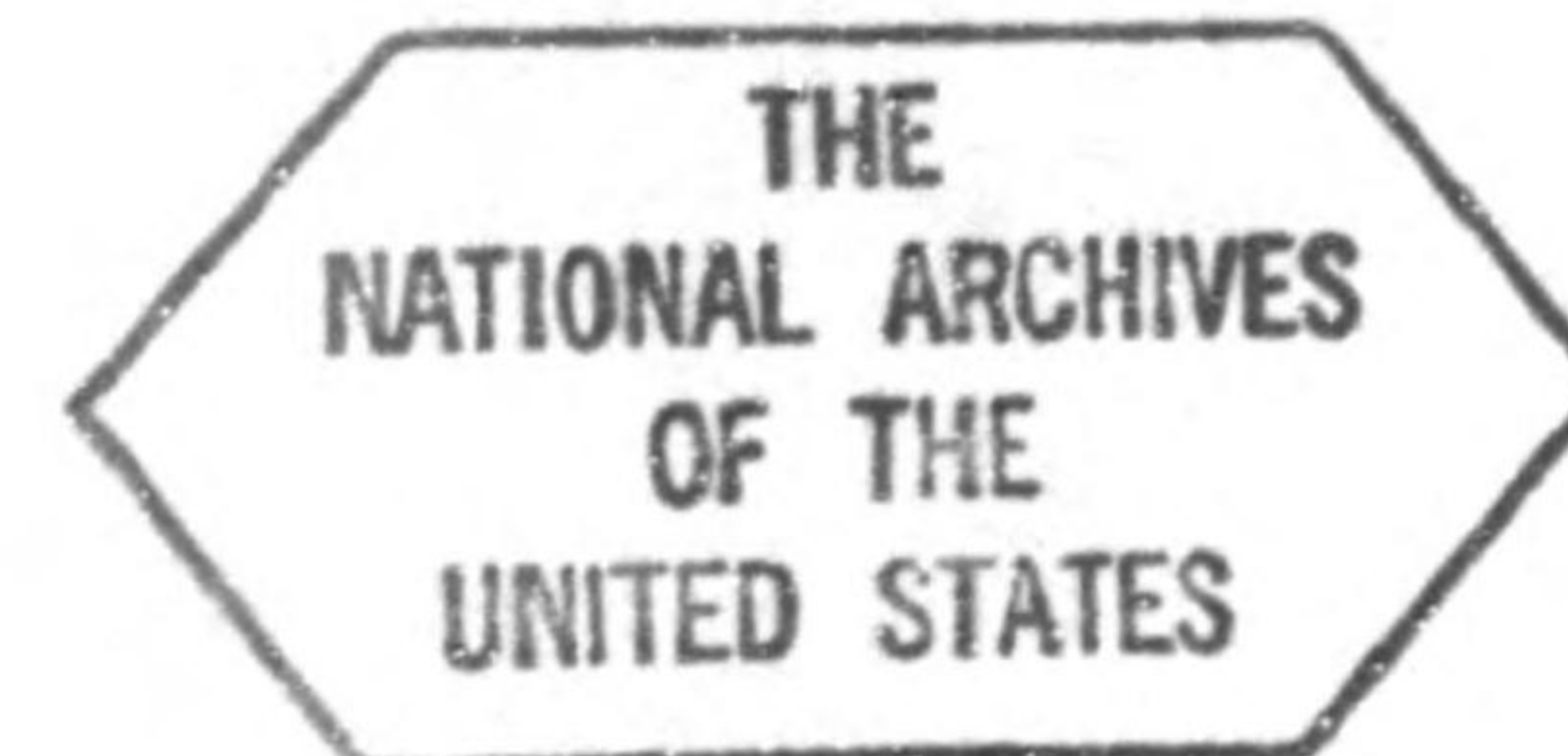


**GHQ/SCAP Records(RG 331)**  
**Description of contents**



- (1) Box no. 2189
- (2) Folder title/number : (13)  
Flags
- (3) Date : July 1946 - Nov. 1951

(4) Subject :

Classification	Type of record
021	e

(5) Item description and comment :

(6) Reproduction :  Yes  No

(7) Film no. \_\_\_\_\_ Sheet no. \_\_\_\_\_

*File*

Mr. J.S. Crane 26-7695

Authorization for Japanese Merchant Vessels to Fly the Japanese Flag Abroad

DS 6 of 8 6 November 1951

1. In consideration of Japan's approaching resumption of full sovereignty, it is believed desirable that Japanese merchant vessels be authorized at an early date to fly the Japanese flag on the high seas and in foreign ports. At present the Japanese vessels are authorized to use the Japanese flag only within Japan's territorial waters. The inclosed draft memorandum to the Japanese Ministry of Foreign Affairs (TAB A) removes, effective 1 January 1952, the mandatory provision that Japanese vessels fly the modified International Code E flag, the so-called SCAP flag. Permission to use the Japanese flag does not alter any of the existing Occupation controls over Japanese shipping.

2. The original instruction requiring the use of the International Code E flag was contained in a memorandum dated 16 September 1945 from the Commander in Chief of the U. S. Pacific Fleet to the Imperial Japanese Minister of the Navy (TAB C). The sole applicable SCAPIN reference to the use of the International Code E flag is Section 3e of SCAPIN 2090, dated 10 October 1949, subject, Japanese Fishery Inspection System, reading as follows: "The modified International E instead of the Japanese flag shall be used to mark inspection vessels".

3. It is considered that the use of the International Code E rather than the Japanese flag is not a basic condition of the permission given by foreign governments for the clearance of Japanese vessels into their ports. As a courtesy and to avoid any misunderstanding, however, DS proposes that advance notice be given to the foreign governments of authorization of the use of the Japanese flag and that inquiry be made whether any objections are foreseen to the Japanese vessels flying the Japanese flag in their waters. A proposed draft note to be sent to the diplomatic missions in Japan is given as TAB B.

4. The Japanese vessels, while authorized to fly the Japanese flag, would under the provisions of the draft memorandum be free to fly the International Code E flag if this were deemed desirable for particular voyages or in particular areas.

5. DS recommends approval of the proposed draft memorandum (TAB A) and the proposed draft note (TAB B) and requests their return to DS for appropriate action.

TO \_\_\_\_\_ NRS \_\_\_\_\_ COMNAVY \_\_\_\_\_  
LS \_\_\_\_\_ ESS \_\_\_\_\_ GS *WENT for FR.*

3 Incls: TAB A - Draft memo to Ministry of Foreign Affairs.  
TAB B - Draft note to diplomatic missions in Japan.  
TAB C - Memorandum to Imperial Japanese Minister of the Navy.

..... H. J. S. ....

Flag

B. F. Lynner 26-6278

WPH/CCG/LCS/STX/ag

Elimination of SCAP Flag on Japanese Merchant Vessels

333

Thru: TO  
OS  
COMNAVFE (SCAJAP)

Concur in proposal in Paragraph 1, O/W 1.

1 Incl - n/c

----- W. F. W. -----

Maj. Monagan, 26-8806  
Date: 22 October 1951

From: Govt Sec

To: TO  
Thru: COMNAVFE (SCAJAP)

4

Government Section perceives no objection to the action proposed by DS, provided it becomes effective no earlier than 1 January 1952. Prior to this date, it is suggested that it be ascertained whether or not Japanese vessels are likely to be seized in certain areas on the technical ground of an existing state of war.

1 Incl  
n/c

----- F. R. -----

65  
D

Mr. Cruise 26-7695

Elimination of SCAP Flag on Japanese Merchant Vessels

DS

TO  
Thru: NRS  
ESS  
GS  
COMNAVFL (SCAP)

9 October 1951

1. As a preliminary step leading to assumption of full control by the Japanese Government over Japanese shipping activities, DS proposes to initiate necessary action to provide for Japanese merchant vessels to fly the Japanese flag on the high seas and in foreign ports.
2. DS considers that the conditions which rendered it advisable that the Japanese merchant vessels fly the SCAP flag rather than the Japanese flag no longer obtain and anticipates that those nations which admit Japanese ships to their ports would have no objection to the use of the Japanese flag on Japanese ships within their territorial waters.
3. No basic prohibition against the flying of the Japanese flag on Japanese merchant vessels has been found to exist. The initial reference on the subject appears to be a memorandum dated 16 Sept 45 from the Office of the CINC, United States Pacific Fleet, to the Japanese Minister of the Navy, directing merchant ships authorized to operate with Japanese crews under the control of SCAP to fly at all times the International Code Flag "J" with a triangle cut from the fly (SCAP flag). A copy of this memorandum is inclosed. In addition, SCAPINS 1339, 1913, and 2050 state that the International Code Flag "J" will be flown by Japanese whaling vessels. No necessity is seen for the continued use of the SCAP flag on whaling vessels as distinct from other Japanese ships.
4. DS considers that notification to the foreign powers concerned that as of a given date, say, 1 Jan 1952, the Japanese merchant vessels will cease to fly the SCAP flag and begin to use the Japanese flag will sufficiently meet procedural requirements. No clearance arrangements with foreign countries for the entry of Japanese ships specify that the SCAP flag must be used or that the Japanese flag may not be used.
5. Request comments on the proposed elimination of the SCAP flag on Japanese merchant vessels, prior to DS's submission of the proposed to C/S.

Incl: Copy of Memo dtd  
16 Sept 1945.

2.

From: NRS

TO: DS

H. J. S.  
Mr. W. C. Neville  
26-6218  
Date 11 Oct 1951

NR supports the proposal stated in Checknote 1, para 1 above.

H. B. D.

5125

Government Section

8 October 1951

MEMORANDUM FOR: Chief, Government Section

SUBJECT : Display of North Korean and Chinese Communist Flags

*agree*

1. The attached memorandum requests opinion as to status of previous directives issued by Eighth Army and I Corps. In the opinion of the undersigned, unless these have been rescinded by Japan Logistical Command, the successor command, they are still in full force and effect. No opinion is expressed as to the wisdom of such an instruction but it is believed that no action toward rescission should be initiated at this time for obvious political reasons.

2. With reference to the question concerning action to be taken in the event of display of the flag of Communist China the following opinion of Government Section was set forth in a memorandum to G-1, dated 21 April 1949, subject: Display of Flags in Japan.

Eighth Army should be advised that  
"while this Headquarters does not view with favor public display of the North Korean or Chinese Communist flags or any other similar revolutionary emblems, suppression of the same should be limited to situations in which the local unit commander deems it necessary thereby to forestall violence and public disorder threatening local security . . . ."

3. It is not, therefore, believed desirable to prohibit the display of the Chinese Communist Flag, except in circumstances justifying the application of the principle announced in the Government Section memorandum quoted above. Upon such a pronouncement by a local commander, action could be taken by Japanese agencies under Ordinance No. 325.

WEMf.  
WM

Noted  
JK

Re: Display of North Korean Flag

Walker told Mr  
Rizzo about this  
for you

1. With reference to the Korean demonstrations planned for October 1948, the Japanese Government was informed on Oct. 8, 1948 by the 8th U.S. Army Hq. of the SCAP decision that the North Korean flag or posters showing the said flag would not be displayed within Japan at any time.
2. On Oct. 8, 1948, a legal officer of the Kanto Military Government informed the above to a Japanese liaison officer of the Foreign Office and also told that violators of the directive should be prosecuted by Imperial Ordinance No. 311. However, as a result of conversation which was held on Oct. 22, 1948 between Mr. Canney, Legal Section, GHQ and Attorney General's Office, it was agreed upon that Imperial Ordinance No. 311 should not apply to this case, authorities were told that the Military Government teams would be informed thereof through the 8th Army.
3. In October 1948, a sub-organization of the Osaka Hq. of Democratic Youth Union under the Korean League put posters showing Korean flag on notice boards and electric poles. The Osaka City police gave warnings several times for the removal, which was not observed by the Koreans and the responsible Koreans were arrested and put under the Military Court of the 25th Division. As a result of the trial, 2 of the 6 alleged offenders were sentenced to a hard labor of 8 years and to be deported to Korean after the execution of sentence, on the ground that they had violated the provisions of OD 28 as amended by OD 58, Eighth Army and wire that has dated Oct. 9, 1948.
4. It is recently reported that, in connection with the so-called "peace movement" gathering scheduled to be held in localities coincidentally with the signing of the peace treaty, a question was raised by Osaka police as to the validity of the instruction issued by the Occupation authorities, since the 8th Army or the 1st Corps are no longer in Japan.
5. In this connection, are there any prohibition or restrictions on the hoisting of Communist China's flag in Japan?

Formal Request  
4 October 11:00 am  
From Mr. Takahashi  
u. u.

C  
O  
P  
Y

HEADQUARTERS EIGHTH ARMY

INFORMAL CHECK SLIP

8 Oct 1948

The following radio was dispatched this date to:

CG I CORPS  
CG IX CORPS  
GOC BGOF  
CG KOBE BASE  
CO CHUGOKU MG REGION  
CO SHIKOKU MG REGION  
CO SHIZUOKA MG TEAM  
CO YOKOHAMA COMMAND (COURIER)  
CO TOKYO MG TEAM (COURIER)  
CO KANAGAWA MG TEAM (COURIER)

CITE DX 73532 EO

"REFERENCE KOREAN DEMONSTRATIONS PLANNED FOR OCTOBER NINTH ONE NINE FOUR EIGHT PD INFORM JAPANESE AUTHORITIES OF SUGAR CHARLIE ABLE PETER DECISION THAT THE NORTH KOREAN FLAG OR POSTERS SHOWING SAID FLAG WILL NOT RPT NOT BE DISPLAYED WITHIN JAPAN AT ANY TIME PD FLAG IS BLUE WITH BROAD RED CENTER STRIPE RUNNING HORIZONTALLY BORDERED WITH THIN WHITE STRIPES PD RED CENTER STRIPE INSCRIBED WITH RED STAR IN CIRCULAR WHITE FIELD NEAR STAFF PD"

Col. JONES  
G-2

Government Section

27 August 1951

MEMORANDUM FOR THE RECORD:

SUBJECT: The Use of Foreign Flags

On 24 August 1951, Mr. MASAKI of the Liaison Bureau, Foreign Office, requested advice on the display of United Nation Flags.

Previously, Civil Affairs Section had made it a practice to authorize the display of such flags on each separate occasion. Mr. MASAKI was informed that no SCAPIN had ever been issued to the Japanese Government on the use of foreign flags. Therefore, as far as this headquarters is concerned, there are no restrictions on the display of United Nations' flags other than the specific United Nations' regulations governing the use of flags. Such regulations should be available from the Japan United Nations Organization.

MM



Government Section

27 August 1951

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Informal

Memorandum for Mr. Matsukata

From : Hideki Masaki, Liaison Bureau, Foreign Office  
Subject: Use of Foreign Flags or Similar Designs in Newspaper  
Advertisements.

August 24, 1951

1. An inquiry has been received from the Japan Newspaper Association to the following effect:

It is expected that advertisers will desire to use the national flags of foreign countries or similar designs in newspaper advertisements to commemorate the signing of the peace treaty. Will it be permitted? If so, under what restrictions or with what care?

2. It would be appreciated if we could be given advice with regard to this matter.

3. If the proper GHQ authorities would take this opportunity to give us advice on the display of foreign national flags in general, not only on the occasion of the signing of the peace treaty, but on various other occasions in future, the Japanese side would be most grateful.

*Hideki Masaki*

Hideki Masaki

Liaison Bureau, Foreign Office

Scapin  
14 April 1949

MEMORANDUM FOR: MR. FRANK RIZZO

SUBJECT: Proposed SCAPIN: Display of Flags in Japan

1. Herewith Staff Study supporting a proposed memorandum to the Japanese Government purporting to define procedures under which display of the Japanese Flag and of flags of other nations will be permitted. The proposal presently bears the concurrence of Legal Section and of Diplomatic Section. It is strongly supported by Eighth Army, and Tilton came to this Section a few days ago asking that it be expedited and stating that he had contributed to the proposed draft which was aimed at "settling the difficulty of the North Korean Flag".
2. While I interpose no objection to the stated principles which have dictated the drafting of this memorandum, I do believe that there are some technical faults in the draft. Some of these are very minor and perhaps quite petty, while others appear to be of some moment:
  - a. For the purpose of this Memorandum, Paragraph 3 defines "display of flags". It appears that the definition is not as inclusive as could be desired.
  - b. Paragraph 3b states: "Flags of other nations may not be displayed...." Should this not read: "Flags of other nations will not be displayed."?
  - c. Paragraph 3d reads: "...battle flags, regimental colors, and the like.." Could this not better read: "...and any other symbols of the Japanese Military Establishment"?
  - d. Paragraph 3e states: "...nations of the United Nations and of those nations having diplomatic representatives accredited to the Supreme Commander for the Allied Powers may display their national flag ...." It seems rather odd to express this permission in a Directive to the Japanese Government, and particularly so in consideration of the rather confused second sentence of this paragraph referring to parades, demonstrations, etc.
  - e. Paragraph 5: The words "may be confiscated", as used in this paragraph, appear to be indefinite. I suggest: "will be confiscated."

JACK P. NAPIER  
Maj AGD

122B

file

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS  
Government Section

3 July 1946

MEMORANDUM FOR LT. COL. FRANK E. HAYS

SUBJECT: Verification of the Flag on the High Sea

1. It is a universally recognized customary rule of International Law that men-of-war<sup>1</sup> of all nations in order to maintain the safety of the open sea against piracy<sup>2</sup> have the power to require suspicious private vessels on the open sea to show their flag (Droit d'Enquete or Verification du Pavillon) but such vessels must be suspicious. Since a suspicious vessel may still be a pirate although she shows the flag, she may further be stopped and visited for the purpose of inspecting her papers and thereby verifying the flag. It is, however, quite obvious that this power belonging to men-of-war must not be abused and that the home state is responsible for damages in case a man-of-war stops and visits<sup>3</sup> a foreign merchant-man without sufficient ground of suspicion.

2. A man-of-war which meets a suspicious merchant-man not showing her colors and wishes to verify them hoists her own flag, and fires a blank cartridge. This is a signal for the other vessel to hoist her flag in reply. If she takes no notice, the man-of-war fires a shot across her bows. If the suspicious vessel, in spite of this warning still declines to hoist her flag, the suspicion becomes so grave that the man-of-war may compel her to bring to for the purpose of visiting her and thereby verifying her nationality.

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<sup>1</sup> "Man-of-war" is defined as a recognized navy vessel, especially one armed for active hostilities.

<sup>2</sup> It is very controversial whether piracy, even if interpreted extensively, comprehends smuggling.

<sup>3</sup> For this and the following discussion see particularly L. Oppenheim, International Law, a treatise, edited by A. D. McNair, London, New York, Toronto, Volume I, § 266, et seq.

3. The intention to visit may be communicated to a merchant-man either by hailing, or also by the "informing gun" - that is by firing one or two blank cartridges. If the vessel takes no notice of this communication, a shot may be fired across her bows as a signal to bring to and if this also has no effect, force may be resorted to.

4. The question of whether the requirement of firing a blank cartridge can be met by the use of a machine gun has not been decided by a Court or even discussed in the literature of international law, as far as can be judged from the sources available. As a matter of course, men-of-war are usually equipped with guns and cannons. To be sure, it is possible to fire a blank cartridge from a machine gun. It is also possible to fire one single shot from a machine gun. However, if the purpose behind the regulations of international law is examined, it appears very doubtful whether the machine gun can serve as the "informing gun" in the meaning of the legal requirements for the procedure. Since the shot is designed to induce the suspicious vessel to a specific action, whether verification of the flag or stopping, its sound must be sufficiently strong to be easily audible at a great distance. Quite obviously, one single machine gun shot will not meet these requirements in most cases. Even a burst of machine gun fire, if recognized as a substitute for a single gun or cannon shot, is not sufficiently audible.

ALFRED C. OPPLER  
Governmental Powers Branch

Noted: FEH