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to the FEC. This latter action was taken in issuing the directive concerning economic stabilization.

I believe your conclusion is sound that informal action is insufficient to accomplish the desired purge modifications. The administrative and executive interpretation of FEC policies is a matter solely for SCAP determination. The original US directive to you which was filed with the Far Eastern Advisory Commission was presented solely for information of the FEAC and was later circulated, by the Far Eastern Commission Secretariat, to the FEC again solely for information. FEC-015 has no force as a policy directive of the FEC and may be modified or rescinded unilaterally by the U.S. The U.S. would as a matter of courtesy inform the other FEC members of its action with respect thereto. We are reviewing with the State Department the most appropriate method of handling this question and will inform you earliest. In the meantime you are authorized to delay implementation of Par 13 NSC 13/2.

It is important to emphasize that modification of the purge is desirable to permit appeal and review in those cases, where specific FEC policy would not be contravened, in which assumption of guilt by reason of holding key positions rather than proof of guilt resulted in the purge of individuals. The action taken in November 1945 was to a degree at least based on the assumption that certain individuals were guilty unless proved innocent, and subject to purge simply because they were

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they were in a particular category rather than because of personal guilt. This is contrary to the universally accepted American concept of justice and it is desirable to correct this implication to the extent possible within FEC directives, and also to take account that the purge was without age limit. You will be advised when the appropriate method of implementing the purge modifications has been agreed upon here.

Concerning your reference in ourad C 66402 to ourad WAR 80599, this matter can be handled separately and will be taken up in another message.

Concerning your C 66456, the directive in ourad W 81395 seems to have been drafted by the US over a year and a half ago and presented to the FEC exactly one year prior to its adoption by that body. The FEC action to the degree that it requires extension of the purge to positions not already covered is an extension of the purge and thereby inconsistent with NSC 13/2. It is expected that there will be no further action by FEC of this character. However, para 13 of that FEC directive does recognize that SCAP may issue subsequent directives to the Japanese concerning the purge.

In preparing NSC 13/2 it was recognized that, in many instances, in light of previous policies and commitments, it posed no easy task for you. The National Security Council felt, however, that you would find, in the authority that you possess and in

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and in your wide background of experience, means for seeing that progress is made, gradually and smoothly and with a minimum of disturbance of public opinion, in the direction of the goals outlined in the NSC paper.

I have shown this message to the Chief of Staff and Acting Secretary of State who agree with it.

Request a reply at the earliest practicable date.

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FORM DS-323  
7-18-46

OUTGOING AIRGRAM

CLASSIFICATION

Department of State

CONFIDENTIAL

NO. A-180

Washington,  
Dec. 29, 1948  
3106

3106

To the  
Acting United States Political Adviser for Japan,  
Tokyo.

Subject is Summary Steering Committee Meeting, December 14,  
1948.

Review of the Japanese Constitution (SC-326/3) - US Member proposed that draft consultative message be revised to include statement defining scope of information desired as that which "SCAP believes may be of assistance to the Commission in satisfying itself that this Constitution fulfills the terms of the Potsdam Declaration and other controlling documents". US proposal objected to, particularly by Australian, Indian, Canadian and Netherlands members on grounds that message should be kept either in general terms or in terms which would include not only the criterion of whether or not the Constitution fulfilled the terms of the Potsdam Declaration, but also the criteria of how it had worked in practice and whether it expressed the free will of the Japanese people. US amendment defeated by vote of one in favor to five opposed. US proposal to change last phrase of message "its review" to "this review" accepted. In order to meet desire of UK, New Zealand and Australian members to make message read more courteously, following phrase inserted in second sentence after word "Commission": "which would of course attach the utmost importance to the views of the Supreme Commander". Paper as amended forwarded to Commission by vote of ten in favor with one abstention (USSR).

740.00119 CONTROL (JAPAN)  
112-2948

Following papers also forwarded to Commission:

- (1) Policy Toward Access to Japanese Technical and Scientific Information by Non-FEC Countries which have been at War with Japan (SC-315/5) by vote of 9 in favor with 2 abstentions (India and USSR);
- (2) Policy Towards Patents, Utility Models

and

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NO. A-180

Washington,

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Dec. 29, 1948

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and Designs in Japan (SC-284/7) by vote of 7 in favor to 1 (USSR) opposed and 3 abstentions (China, France, Netherlands); (3) Recommendations Regarding Japanese-Owned Patents, Utility Models and Designs in Territories of Countries at War with Japan by vote of 5 (Canada, India, New Zealand, UK, US) to 1 (USSR) opposed with 5 abstentions.

Replacement of Lost Cultural Objects (SC-272/10) and Removal of Aircraft and Private Munitions Plants from Japan (SC-312) retained on agenda.

*Robert*  
Acting

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File Designation 740.00119 CONTROL  
(JAPAN) / 12-2948  
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 Date 29 Dec 1948  
 From AMCONSULATE GEN'L, Hong Kong  
 To J. Leighton Stuart, Nanking

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7-18-46

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Department of State

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NO. A-184

Washington,  
Dec. 31, 1948  
3426

3426

~~To the~~

~~Acting United States Political Adviser for Japan,~~  
USPOLAD  
Tokyo.

The Department would appreciate receiving text and full comment Premier Yoshida's interview with the United Press December 27, 1948 in which he is reported to have discussed inter alia General MacArthur's recommendations for Japan's economic recovery, the effect upon Japan of the Communists victories in China, and a new "purge board".

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740.00119 CONTROL (JAPAN) / 12-3148

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