

opportunity to get off and dissociate themselves. I therefore disagree with the contention that mere presence of the defendants and their failure to get off the vehicles has lawfully established the guilt of the accused.

There was no evidence that any particular defendant fired a pistol or otherwise engaged in the disturbance of the peace. There was not even evidence of firing by the one defendant who admitted possessing a pistol. The testimony of the Japanese police witnesses as to what took place was vague and insufficient to substantiate any charge against the defendants as specified. Not only was it countered by testimony of witnesses for the defense, but it was also contradicted by another prosecution witness, Kojiro, a Japanese driver of the trucks, who testified that the occupants on the trucks after being stopped were talking loudly and did not do anything besides that. The testimony of the police witnesses regarding the actual start of the shooting was likewise confusing and inconsistent although they were agreed that firing by the police occurred only after three shots had been fired by the Formosans, of which one hit Sergeant Haga. Further testimony as to where the three shots came from, however, was contradictory in spite of the fact that many of the police witnesses claimed to have seen the flashes. Police chief Tsuchida testified that he saw the flashes and that the three shots came from the third truck which was the last of the three trucks that had lined up and passed him. Policeman Okada, however, testified that the three shots were fired from "the truck in front of the truck that had stopped in front of me" and that he saw the flashes. Policeman Higuchi Tosaie testified that the first shot was fired by a person on the right, a little forward of the center of the first truck from which he was five or six meters away.

Regarding the origin of the alleged first three shots, the testimony of the police witnesses, who were all interested parties in the incident, was very confusing, to say the least. Considering such confusion and inconsistencies in the testimony as well as considering the testimony of witnesses for the defense who all stated that a burst of shots fired by the police came unprovoked from both sides of the road, I believe there is substantial doubt whether the three initial shots, if any, did come from any of the trucks. The failure of the prosecution to offer, as promised, the bullet extracted from the body of Sergeant Haga further deepens the doubt, since so much significance was attached to the three shots which allegedly started the incident.

Balancing all the evidence, it is difficult at least to see that there is evidence showing these defendants, with one exception, are guilty of any specification or specifications in the charge. On the contrary, in addition to other defense witnesses who all attributed the responsibility of shooting to the police alone, the only completely disinterested witness, Reuel Bennett, an American civilian employee of the U.S. Army, testified to the effect that firing was done by the police on both sides of the road, that he did not see any shooting on any of the trucks, and that there was no commotion among occupants on the trucks although there was on the part of the police men and the civilians on the road. True it is that his testimony appeared to be in error in certain respects, such as, he did not place the point where he parked his jeep correctly on the map prepared by the police, he was mistaken in the number of trucks he had seen and also he might possibly be mistaken in the manner how the vehicles were brought to stop by the police. However, inasmuch as he was the only disinterested eye-witness, I do not believe his testimony in substance can be rejected entirely merely because of some possible inaccuracies.

It is not only axiomatic in a civil criminal trial, but also in a trial by Military Commission, that the guilt of the accused must be proved beyond reasonable doubt. Section 112 in the Manual for Courts-Martial provides "an accused person is presumed to be innocent until his guilt is proved beyond reasonable doubt." It is a matter of interest to note that in the beginning of the trial before the IMTFE, President Webb stated on May 3, 1946 that the onus will be on the prosecution to establish guilt beyond reasonable doubt. Similar views were expressed by the Chief Prosecutor, Mr. Keenan, in his opening statement. It is apparent that irrespective of what the law the Commission was to apply, fundamental principles of justice demand that the guilt of the accused be proved beyond reasonable doubt. To deny this is to deny the defendants a fair trial to which all accused are entitled, whether before a civil court or a Military Commission, by the laws of all civilized countries.

In conclusion, I wish to reiterate that the evidence must show beyond a reasonable doubt that each of the defendants is guilty of the offense or offenses set forth in the specifications. It must be borne in mind that conspiracy was neither charged nor found in this case. Therefore, there must be explicit evidence to connect each defendant with the offense or offenses with which he is charged. No evidence, was, however, adduced in this case to substantiate the guilt

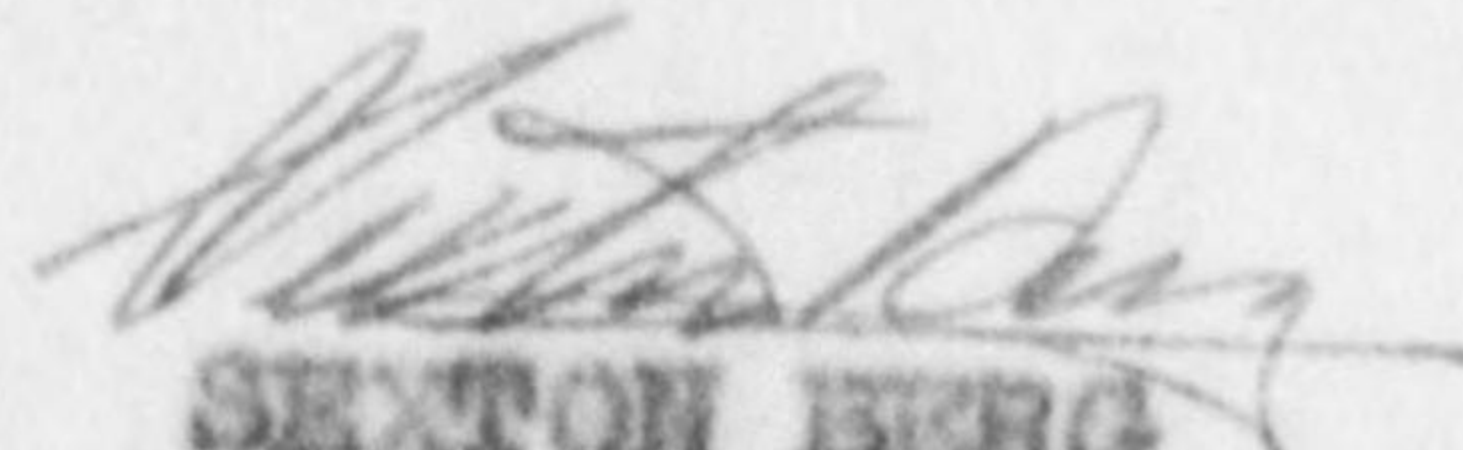
of any of the defendants with the exception of defendant No. 21 who admitted having in his possession a pistol at the time the incident occurred although evidence shows that he did not fire it at any time during the incident.

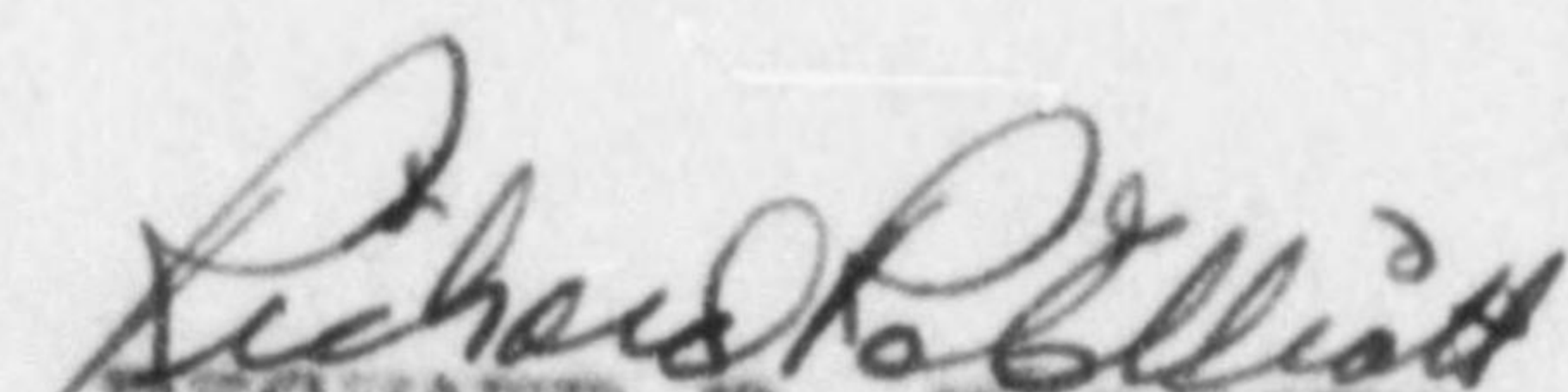
For the above and foregoing reasons, I respectfully dissent from the decision of the Commission and I am of the opinion that there should be a verdict of "not guilty" concerning all defendants with the exception of defendant No. 21 who should be found guilty on specification 1 only for the unlawful possession of a dangerous weapon.

(Signed): "Henry Chiu
Member of the Commission"

AUTHENTICATION OF RECORD

The foregoing typewritten record of trial, together with Prosecution exhibits 1 to 32, inclusive, and Defense exhibits A to C, inclusive, accompanying and referred to, and identified therein, except such exhibits withdrawn or such portions of the exhibits as have been lined out, deleted, and initialed, constitute the complete record of trial in this case.

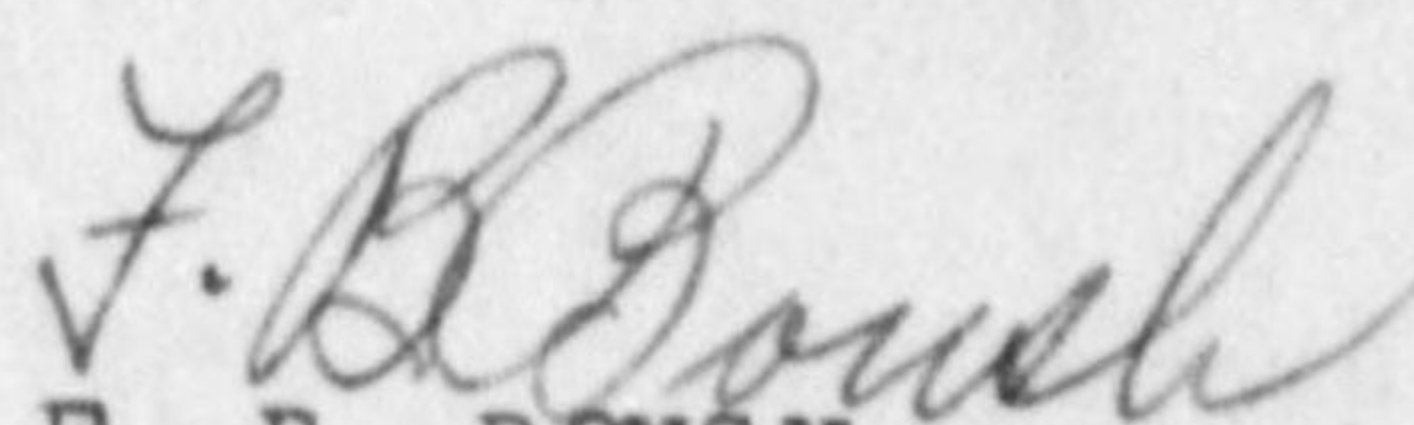

SEXTON BERG
Colonel, ICD
President


RICHARD R. ELLIOTT
Chief Prosecutor

I examined the record before it was authenticated, and Prosecution exhibits 1 to 32, inclusive, and Defense exhibits A to C, inclusive, accompanying, referred to, and identified in the record are a part thereof, except such exhibits withdrawn or such portions of the exhibits as have been lined out, deleted, and initialed.

/s/ Herbert L. Berman
HERBERT L. BERMAN
T/5, 31504920
Advisory Counsel

Original signature of President and Prosecution.
Authentication by Defense Counsel: A TRUE COPY.


F. B. BOUSH
Capt. AUS WAC

7 January 1947.

SUBJECT: Proceedings of a Military Commission in the case
of United States of America vs Cheng Shung et al

THRU : Judge Advocate, Eighth Army.

TO : Commanding General, Eighth Army.

1. Reference: par. 43, Special Order Number 243, Headquarters
Eighth Army, dated 23 September 1946.

2. The following is submitted on behalf of the accused for
consideration by the Reviewing Authority in these proceedings:

THE FINDINGS AND SENTENCE OF THE COMMISSION
SHOULD BE DISAPPROVED BECAUSE THE DEFENDANTS HAVE
NOT BEEN PROVED GUILTY BEYOND A REASONABLE DOUBT
AND TO A MORAL CERTAINTY.

1. The evidence submitted in this case is legally insufficient
to support the findings of the Commission that the defendants are
guilty of Specifications 3, 4 and 5 and of the Charge that they
committed acts prejudicial to the objectives of the occupation.

It is a firmly established principle of law and justice that
an accused is presumed to be innocent until proved guilty beyond a
reasonable doubt and to a moral certainty. No accused can be found
guilty without such proof. Proof must establish not merely that an
offense did occur, but also that these accused did themselves commit
the offense. Although the technical rules as to the admissibility
of evidence were simplified in the instant case by SCAP directives,
no SCAP rule has taken away the presumption of innocence, nor has
any SCAP order reduced or changed either the amount or the necessity

of proof of guilt beyond a reasonable doubt and to a moral certainty.

2. In the present case, all of the defendants were found not guilty of Specification 1 (except CHU Teh-Fu, defendant #21) and of Specification 2 but were found guilty of Specifications 3, 4 and 5. But it is clear that there has been no proof beyond a reasonable doubt and to a moral certainty that these defendants are guilty of the latter three Specifications.

With respect to these three specifications there has been no evidence of any unlawful act committed by any particular defendant (with the possible exception of CHU Teh-Fu, defendant #21). The most that has been shown as to these defendants is that they were present in the area surrounding the Shibuya-ku police station on the 19th of July, 1946, when an incident occurred and when several other unidentified persons were present. Nothing further as to any particular defendant has been shown. None of these defendants has been identified as possessing or firing a gun, as possessing or using a club in a violent or threatening manner, as using reproachful or provocative language, or as shouting and spitting. Nothing is established by the evidence except presence in the area.

Without evidence of individual guilt there is not even proof of the existence of a conspiracy or preconceived joint plan in which these defendants participated or of which they had knowledge. In fact, the Prosecution conceded that it was not attempting to prove a conspiracy and was not basing its case on the existence of a conspiracy.

It is contended, however, that since it was shown that the defendants were present in an area where there were several other unidentified

persons and where pistols were fired, clubs brandished and provocative language used, then these defendants should be found guilty of committing those acts -- even though there is absolutely no evidence that these defendants did such things. But presence without proof of a common unlawful purpose is obviously not sufficient to establish guilt when one considers all the circumstances. The defendants were all crowded together on moving trucks with many other persons, so that even if, and when, the situation did appear to become dangerous, they were unable as a practical matter to get away from the area. They had no alternative, under those circumstances, but to remain with the others. In fact, one Japanese policeman testified that he personally arrested four persons who were trying to run away from the area. (R.183). Of course, the first group of vehicles did stop near the Shibuya-ku police station for a few minutes. But at that time nothing took place which required any of the passengers to run away. The second convoy of vehicles was not stopped or ordered to stop by the police at all. Escape from those vehicles was therefore impossible, no matter how strongly any of the occupants may have desired to withdraw his presence when the danger of the situation became apparent.

3. The evidence further is legally insufficient to support a finding of guilty of the Charge, namely, "Acts prejudicial to the objectives of the occupation."

These words are given exact but limited meaning in Operational Directive Number 29/2, Headquarters Eighth Army, dated 17 August 1946, paragraph 3, which states:

"Acts prejudicial to the objectives of the occupation are defined as acts which violate any directive issued to

the Imperial Japanese Government by the Supreme Commander for the Allied Powers or which violate any orders or instructions issued by occupation force commanders to implement SCAP's directives."

The defendants have not, and cannot violate any directives issued to the Imperial Japanese Government or any implementing orders or instructions issued by occupation force commanders, which are not directed to them. In order to sustain this Charge, it is not sufficient merely to allege that an offense was committed in an area under the jurisdiction of the Occupation Forces. Otherwise, every offense so committed would constitute an act prejudicial to the objectives of the occupation. Such an interpretation is obviously precluded by the clear and restricted definition set forth in Operational Directive Number 29/2.

THE COMMISSION HAD NO JURISDICTION BECAUSE IT WAS NOT PROPERLY COMPOSED IN CONFORMITY WITH GENERAL ORDERS NUMBER 56, HEADQUARTERS EIGHTH ARMY, 4 JUNE 1945.

The Commission appointed by par. 43, Special Orders Number 243, Headquarters Eighth Army, dated 23 September 1946, was illegally composed of only three members. General Orders Number 56, Headquarters Eighth Army, 4 June 1945, paragraph 2a, applies to this military commission, and provides that military commissions shall consist of not less than ^{five} ~~four~~ members, one of whom shall be a qualified lawyer designated as law member.

General Orders Number 56, with respect to the composition of military commissions, has not been rescinded or modified, and has in no way been amended by SCAP letter order or directive. Letter Order to the Commanding General Eighth Army, AG 015 (29 Aug. '46) LS-L, merely provides that at least one member of the Commission in this case be a representative of the

Chinese Government but does not modify the existing General Order that the Commission have five members in all. Letter Order to the Commanding General, Eighth Army, AG 015 (19 Feb. '46) LS, as amended 19 September 1946, provides in effect that where a United Nations national is being tried by any military occupation court -- military commission or provost court -- that there be no less than three members on the court and that one be a representative of the defendant's nation. But such a provision neither expressly nor impliedly modifies the existing and applicable requirement that any military commission appointed by order of the Commanding General, Eighth Army, as was this Commission, must be composed of five and not three members.

THE REVIEWING AUTHORITY SHOULD NOT APPROVE THE FINDINGS AND SENTENCE OF THE COMMISSION BECAUSE THE DEFENDANTS DID NOT HAVE A FAIR TRIAL.

1. These thirty-six defendants, together with five others, were brought to trial on 30 September 1946, upon charges dated 23 September 1946, after having been held in confinement for approximately ten weeks without any charges being preferred or served upon them. Most of these accused, although all Chinese nationals, had been confined by the Japanese police for a week before being delivered to the Allied authorities. Others were placed in confinement immediately after they were released from hospitalization. One defendant (CHEN Ching-Lung, defendant #45), although also a Chinese national, was kept in Japanese custody and remained there throughout the trial. The accused while in confinement were entitled to be promptly advised of the exact nature of the charges against

them and to be brought to trial within a reasonable time. The failure to grant the accused these fundamental rights was prejudicial and constituted an undue deprivation of their rights to a fair and speedy trial.

Not only were these defendants unlawfully confined for an excessive period of time before trial, but during that period these defendants were individually subjected to interrogation by Japanese policemen within their stockade cells. Although the accused were then in confinement and charges were being prepared against them, none of the accused was warned or advised that whatever statements he made could be used against him and that he could remain silent. (R.1106). Significantly the admissions thus obtained from some accused -- to the effect that they were present in Shibuya on certain trucks on the 19th of July 1946 -- was the only evidence whatsoever having any probative value with respect to those accused.* In presenting its evidence in chief, the Prosecution offered a written statement from only one of the forty-one defendants -- and it should be noted that he was the one defendant who had always been in the control and custody of the Japanese police.

2. When the defendants were finally brought to trial for an incident in which it was highly questionable whether they, the Chinese nationals, or the majority of the prosecution witnesses, the Japanese

* CHUANG Ting Piao, defendant #32.
HWANG Chin-Pao, defendant #34.
LIU Wei-Chiang, defendant #36.
CHEN Ching-Lung, defendant #43.

policemen, were the guilty persons, a temporary court room was arranged in a room at the Headquarters of those same Japanese police. It is not contended that the Commission was deliberately influenced in its decision. However, it is certainly clear that the trial was not conducted in the neutral and impartial surroundings, implied in a fair trial. (R. 2-3). Each defendant was individually entitled to such a trial and could not be deprived thereof merely because other authorities deemed it more practical to try a large number of other accused at one time in a place convenient for the Japanese police.

3. Although it is a primary principle of law and justice that an accused be confronted with the witnesses against him and that he be aware of the actual proceedings, the rights of the defendants in this respect were denied. CHEN Ching-Lung, defendant #43, was not present in the court room during all of one afternoon session while the Commission heard additional testimony. (R. 49).

Furthermore, the Commission erroneously considered that the purpose of the Interpreters was for the sole benefit of the Commission and witnesses and refused to authorize official interpreters, who were available, to make known to the accused the testimony of witnesses as it was presented. The use of official interpreters who spoke only English and the language of the witnesses was plainly insufficient without proof or fair inquiry as to what languages the defendants understood. Even if it were believed that Japanese was a language common to most of the defendants, the testimony of a number of witnesses as well as the arguments and rulings by the

Commission were not interpreted even into Japanese.* The duty of informing the accused of the proceedings could not be simply avoided and delegated to Defense counsel. (R. 14).

The defendants were even unduly restricted in their opportunity to learn the substance of the proceedings from others who had followed it themselves or had learned it from counsel, since during the period the trial was in progress all of the defendants were placed in solitary confinement -- except when attending the trial or at mess, when as a practical matter there was no true opportunity for relating the events of the trial. (R. 1077). The President of the Commission even questioned the action of one defendant who was seen taking notes during one session.

The order establishing the Commission specifically stated that the accused were to provide individual counsel and designated American counsel merely as Advisory. Yet at the very outset of the trial, the Commission ruled that Defense counsel, whether or not he spoke English, would have to provide questions in English first, and could then if he so desired ask them in Japanese, but would not be permitted to ask questions in Japanese and then have them interpreted into English by the official Interpreter before the witness answered.

* Three of the defendants do not understand the Japanese language at all:

CHENG Ah-Ping, Defendant #19.
LO Hsiu-Keng, Defendant #31.
CHUANG Ting-Piao, Defendant #32.

(R. 14-15). Such a ruling was neither necessary nor practical and merely obstructed effective participation in the trial by the non-American counsel the defendants were obligated to obtain in order to be represented.

4. That the defendants did not have a fair trial is plainly demonstrated by a number of erroneous and discriminatory rulings by both the President and the Law Member of the Commission.

a. The Commission wrongfully denied Defense counsel opportunity to impeach the credibility of adverse witnesses by showing that they had made prior contradictory statements inconsistent with their testimony on the stand. On the other hand, the Prosecution, in a similar situation, was permitted to do so.

For example, on cross-examination by Defense counsel, Police Chief Tsuchida stated that he did not receive any reports or rumors that members of the Matsuda Gumi were planning to attack Formosans, that he did not tell anybody such a thing, and that he did not make any preparations for such an attack. (R. 108-109). When Defense counsel attempted, for the purpose of impeachment, to introduce a document which would show that the witness had made statements contradictory to that testimony (R. 110-111), it was objected to as being only a report and not certified or sworn testimony. (R. 111). The Law Member then stated:

"It is a recognized fact that any report official or otherwise can be in error and is always subject to change. Your questioning the witness relative to this report will serve no purpose insofar as impeachment is concerned. The President has ruled that you may not use this document for impeachment purposes. The Law Member has ruled that you may not question the witness regarding it." (R. 113).

On the other hand, the Commission permitted the Prosecution in rebuttal to introduce for the purpose of impeaching Mr. Ling, a defense witness, a report which was not signed, not sworn, not certified, and without any proof that the report thus introduced was a true translation of a report which Mr. Ling had previously testified he prepared in Chinese. (R. 1165, 1168; see also R. 965).

Again the Commission permitted the Prosecution to go to great lengths in an attempt to impeach WENG Tien-Lang, defendant #38, when he stated, during cross-examination with respect to an interrogation by a Japanese policeman, that "I did not ^{answer} anything that he did not ask. I answered all his questions and nothing more." (R. 980), and later stated that he answered the questions he knew and didn't answer the questions he didn't know. (R. 981, 984). Defense counsel, however, attempted to impeach the credibility of policeman Morita's testimony by showing that he testified that he took written notes of answers during an interrogation of WENG Tien-Lang, defendant #38 (R. 1100-1102) after he had previously testified (R. 366), when questioned whether he obtained a written statement from the defendant, "When I interrogated him I just took down the name."

Defense counsel then asked (R.1102),

"When you said at that time that 'I just took down names', were you telling the truth or are you telling the truth now when you say you took notes?"

but the Law Member sustained an objection (R. 1102) and the President of the Commission believed further questioning was not warranted.

(R. 1104). Yet the Prosecution, in cross-examining WENG Tien-Lang, defendant #38, was permitted to proceed, over objection by Defense counsel,

"Q. Since you made both statements under oath, and liable to punishment for perjury, how do you reconcile those two statements," (R. 983).

and later, "A. I made a statement that I answered those questions I knew but did not answer those questions that I did not know."

"Q. Exactly. Therefore you were not telling the truth when you said you answered all of the questions, were you?" (R. 986).

Thus, where inconsistent statements by a defense witness were shown, his credibility could be impeached, but where a prosecution witness was shown to have made prior contradictory statements, it was the ruling and opinion of the President and the Law Member that there was no impeachment but only a language interpretation difficulty. (See also R. 87).

b. The Commission erroneously, and to the prejudice of the defendants, further limited the scope of cross-examination by Defense counsel but did not impose a similar restriction upon the Prosecution.

For example, Takeichi Suzuki testified on direct examination for the Prosecution that he drove a truck during the Shibuya incident and later found some clubs on his truck. (R. 316). But when Defense counsel in cross-examination sought to learn which truck he referred to, the Prosecution objected and asked, "that the defense be bound by this witness's testimony on collateral issues, since he is making him his own witness", (underlining supplied) and the Law Member ruled, "It is so ordered." (R. 317).

On the other hand, although the direct testimony of Mr. Ling,

a witness for the defense, did not refer to any Chinese Self-Governing Youth Association or Youth Charity Organization or CHAI Lun-Tu, defendant #26, the Commission permitted cross-examination as to these matters, over the objection of Defense counsel that they were not brought up on direct examination and were not subjects of cross-examination. (R. 634).

c. Examination by the President of the Commission of witnesses for the defense was unfair and biased in that questions repeatedly implied facts which had not been shown in evidence, misquoted prior testimony of witnesses, and failed to allow for dual meanings of words.

For example, questions repeatedly implied as an established fact (R. 663, 747, 755) that persons had come from Yokohama, Osaka, and Kobe in order to attend meetings at the Showa School and Chinese Mission on the 19th of July but there was no evidence of any probative value to establish that fact. (See R. 42).

When witnesses for the Defense testified that persons gathered at the Chinese Mission were pleased with the decisions reached and were in a "happy" mood (R. 731), the President of the Commission preferred to state that "a convention atmosphere prevailed". (R. 749).

Again, when a defendant testified that he joined a group going to the Chinese Mission to make an appeal because he had never been there before and wanted to see the Mission, the President of the Commission presumed a "sight-seeing trip." (R. 1081).

When a defendant testified he went to the Mission with a group and "Because I saw everybody going into the auditorium I followed them", the President asked, "What did you do on the street? People go in all directions. Who do you follow?" (R. 1034).

When Major General LI testified that a jeep followed by one or more trucks might constitute a convoy, the President stated, "At that rate, General Li, I am convoying foreign nationals and other nationals every day. Do you believe that to be the case, that every time a truck falls in behind me I am convoying said truck?" (R. 752).

In another instance, CHENG Teh-wan, defendant #37, on direct examination testified that he attended the meeting at the Showa School (R.1047), and on cross-examination testified that while he was at the School,

".....two or three Chinese came and said that there would be a talk by Chief Ling downstairs and told us to listen to the lecture, so everybody went down." (R.1058).

He later testified (R. 1079),

".....about two or three persons came into the room and said, 'There will be a talk by Mr. Ling downstairs.' Everybody started going out. So, I followed them."

Yet the President of the Commission further questioned the defendant (R. 1079 - 1080),

"Q Didn't you previously testify that this person said, 'There will be a meeting and you had better attend'? Isn't that correct?"

"A I testified that they told us to come and hear the talk."

"Q You were under obligation to do as you were told, were you not?"

"A When these two or three persons came and told us that there would be a meeting downstairs, everyone went down and even the office employees went down. So, I could not register and I followed them downstairs."

"Q In other words, everyone was summoned to appear at the meeting, were they not?"

"A Yes."

"Q Who is this person or by what authority were you summoned to appear at the meeting?"

"A I do not know. He just said, 'Come and hear the talk.'"

Although the President of the Commission had thus misquoted previous testimony of the defendant and had picked words of dual meaning in order to reach the conclusion that the defendant had been ordered to listen to the talk, he denied Defense counsel permission to ask the defendant simply and directly whether he had been ordered. Contrary to the facts, the President stated,

"I am not trying to get into translation difficulties; I tried to find out if he was ordered, called or summoned or asked and he was told. He himself in his own words, in answers to my questions stated he better attend." (Underlining supplied) (R. 1085).

d. The rights of the accused were unfairly and illegally restricted because the Commission did not permit them to make unsworn statements not subject to cross-examination and did permit the Prosecution to comment on the failure of some of the defendants to testify.

By the well-settled rules of military justice, and as set forth in the Manual for Courts-Martial, an accused may remain silent or may testify in his own behalf if he so desires, and if he does so testify he may elect to make an unsworn statement not subject to cross-examination. The statement may be oral or in writing, and may be made by the accused or by his counsel. If the accused fails to take the stand, such fact must not be commented upon. Yet the Commission in the present case violated every one of these rules to the

prejudice of the accused. (R. 1043-1044, P247-1248). If Defense counsel had been permitted to make such statements on behalf of the accused they would have been able to put before the Commission their denial of guilt or participation in the offenses alleged. In view of the language difficulties of some of the accused necessitating the inconvenient introduction of additional interpreters, and in view of the strong and mounting pressure to expedite the trial, the ruling of the Commission made it, in effect, impossible for the large number of defendants to make any denial of the charges.

It is provided in both letter, GHQ, SCAP, 29 August 1946, AG 015 (29 Aug. '46) LS-L, Subject: "Establishment of Military Commission", and Special Order Number 243, Headquarters Eighth Army, 23 September 1946, that the proceedings of this Commission be governed by letter, GHQ, SCAP, 19 February 1946, AG 015 (18 Feb. '46) LS, Subject: "Establishment of Military Occupation Courts". In paragraph 4d of the letter it is stated that "The Military Occupation Courts shall be guided generally by the applicable rules of procedure prescribed by the Manual for Courts-Martial, 1928, as amended," and that the commission shall have power to make such rules as it shall deem necessary for a full and fair trial consistent with this order, and that the convening authority shall have power to prescribe changes or make additional rules of procedure.

It is certainly clear that the rulings of this Commission as to these matters were completely contrary to the rules set forth as Procedure in the Manual for Courts-Martial (paragraphs 76 and 77) and did not come within the Commission's power to make rules "consistent with this order."

It is conceded that the Convening Authority had the power to change the rules of procedure for this Commission as was done for the trials of persons accused as war criminals. (See letter, Headquarters Eighth Army, 5 February 1946, AG 000.5 (Y0) Subject: "Rules of Procedure and Outline of Procedure for Trials of Accused War Criminals"). But nowhere did it appear that the rules had been changed for this case or that this trial was to be considered as a trial of war criminals.

In fact, in properly ruling that the Commission would apply a war crimes trial rule to the effect that leading questions might be asked of non-English speaking witnesses, no indication was given that the present trial was to be considered as a war crimes trial or that all other rules would be applicable. (R. 53). And later the President of the Commission specifically stated, "The Commission is fully aware that this is not a war crimes trial", and recommended those rules only as helpful with respect to questioning Oriental witnesses, a matter common to the trial of the present case. (R. 161).

Only at the very end of the trial when Defense counsel objected to the Prosecution's improper comment on the fact that some of the accused had elected to remain silent, did the Law Member of the Commission, in overruling the objection, state that the Judge Advocate of the staff of the Convening Authority had ruled at the beginning of the trial that the rules for the trials of accused war criminals governed the present case. (R. 1248). But such a ruling, if made, was never reduced to writing or attached to any orders establishing the Commission, never introduced into evidence or incorporated into the record, never

communicated to Defense counsel, except by the passing remark of the Law Member on the last day of an eleven-weeks' trial.

The administration of law in such a manner cannot be said to be in accord with fundamental conceptions of fairness and justice.

THE REVIEWING AUTHORITY SHOULD NOT APPROVE THE FINDINGS AND SENTENCE AS ANNOUNCED BY THE COMMISSION BECAUSE THEY ARE INCONSISTENT AND EXCESSIVE.

It has been established by the findings of not guilty of Specification 1 as to all of the defendants (with one exception) that they did not have or possess dangerous weapons, including pistols. Yet the majority of the Commission was of the opinion that each of these defendants was guilty of Specifications 3 and 4 which alleged the firing of pistols and guilty of Specification 5 which alleged the possession of pistols. These findings of Specifications 3, 4 and 5 are obviously inconsistent and contradictory and should therefore not be approved.

The sentence announced by the Commission illegally exceeds a fair and just punishment for the offense alleged as well as the powers of the Commission. The defendants (with one exception) were found guilty actually of only a single offense, namely, engaging in a disorder. The repetition of the allegations into three specifications does not aggravate the offense nor warrant any increase in punishment. Furthermore, in any true view of all the findings of the Commission the defendants were found guilty of

engaging in a disorder only in that they used reproachful language and acted in a threatening manner but did not possess or consequently use any dangerous weapons. The offense thus found can be regarded only as a minor one, while under the applicable Japanese Criminal Code even the offense of being a follower or being present at a riot, as was contended in this case, is punishable not by confinement but only by a fine of ¥50. Criminal Code of Japan, Article 106.

Furthermore, the sentence announced by the Commission is illegal in that it was beyond the authority granted in Letter Order to the Commanding General, Eighth Army, AG 015 (19 Feb. '46) LS, Subject: Establishment of Military Occupation Courts, paragraph 6a. Military Commissions thereunder can neither impose sentences which include both imprisonment at hard labor and also expulsion nor suspend the execution of sentences. The Reviewing Authority should not approve a sentence which inconsistently included confinement for a period of time as well as expulsion by the first available transportation, and therefore prior to the termination of that period, and which was illegally determined on the erroneous assumption by the Commission that a portion of the sentence was suspended.

It is plain that the sentence intended by the Commission was no more than confinement only until the first available transportation, then expulsion, and a suspended sentence of confinement for the remainder of the two years (or three years in the case of one defendant).

Since the Commission had no power to impose the suspended sentence and since the Reviewing Authority does not have the power in any way to increase the sentence of the Commission, it is submitted that the Reviewing Authority does not have the power to approve more than so much of the sentence as imposes expulsion by the first available transportation with confinement until such time.

Respectfully submitted,

Herbert L. Berman
HERBERT L. BERMAN.

John L. Murphey
JOHN L. MURPHEY.

Paul F. Faison.
Ling Ting-Sheng.
Tsai Hsi-Yuan.
Yeh Chih-Mao.

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Paul F. Faison.
Ling Ting-Sheng.
Tsai Hsi-Yuan.
Yeh Chih-Mao.

14 February 1947

SUBJECT: Proceedings of a Military Commission in the case of United States of America vs Cheng Shung et al.

THRU : Judge Advocate, Eighth Army.

TO : Commanding General, Eighth Army.

1. Reference: par. 43, Special Order Number 243, Headquarters Eighth Army, dated 23 September 1946.

2. The following is submitted on behalf of the accused for consideration by the Reviewing Authority in these proceedings:

The testimony of the Shibuya police was to the effect that on the 19th July 1946, the Formosans opened fire and carried on a running battle with them; that the fighting took place in a small area on the street almost immediately in front of the police station. According to the police a great number of shots were fired by the Formosans. In their opening statement the prosecution described the shooting as all hell suddenly breaking loose; in another place the Formosans were described as fighting it out with the police volley for volley. The police admittedly shot 242 cartridges, but might in fact have fired a great many more. Yet despite the very small space in which this battle raged and the meticulous search that was carried out by the police that same night and the next day for evidence of Formosan shooting, not one empty cartridge case which could be attributed to the Formosans was found. Had the Formosans done any shooting at all, the police would have found, collected and produced in court the empty cartridge cases as irrefutable proof that the Formosans had attacked them.

It is confidently submitted that the only inference that can be drawn from this fatal weakness in the prosecution's case is that the police, highly tensed and nervous as they were and expecting to be attacked by the Formosans, did, because of some undisclosed cause or motive, open unprovoked fire upon the Formosans, and that they did not themselves realize that the Formosans had done no shooting until later that night or the next morning.

But unfortunately it was then too late to repair the damage that had been done-six persons had been killed and many seriously wounded. So the police had to choose between two courses; the one, to admit their mistake and take the

consequences; the other, to falsify a case of self-defense. They chose the second course and afterwards accomplished it with consummate skill, succeeding in bringing about the conviction of their innocent victims for an offense of which they themselves were guilty, and thus evading the criminal responsibility for their own wrong.

It is difficult indeed to understand how the military members of the Commission failed to draw the inference from the dearth of empty cartridge cases that the Formosans did no shooting; it is believed, however, that the civilian member of the commission appreciated its significance fully but considered reference to it superfluous in view of the legal argument incorporated in his dissenting opinion.

If the decision is approved, this case will probably go to the United States Supreme Court on appeal and achieve a notoriety that will reflect no credit on any one.

The subordinate charges in the case obviously rest upon grounds not less invalid than the charge of Formosan shooting, and it would seem hardly necessary to discuss them in detail. However, it may be said generally, that taking in view the whole of the evidence and the surrounding circumstances and the logic of the case, the entire case for the prosecution appears little less than fantastic, and at times dangerously near to becoming actually insulting to one's intelligence.

Rational thinking compels the conclusion that the findings of the Commission are not supported by the evidence and should therefore be disapproved.

Respectfully submitted,

P. F. Faison
P. F. FAISON
Assistant Defense Counsel

HEADQUARTERS EIGHTH ARMY
United States Army
APO 343

8 February 1947

In the foregoing case of Cheng Shang Tang, et al.:

As to defendant #2 Chen Sung Ming, the sentence is disapproved.

As to defendant #21 Chu Teh Fu, the findings of guilty of Specification 4 and 5 are disapproved, the finding of guilty of Specification 1, except the words connoting all other defendants, is approved; the finding of guilty of Specification 3, except the words connoting defendants #1 Cheng Shang Tang, #2 Chen Sung Ming, #3 Liao Jung Chin, #4 Hung Tsung Jen, #13 Yeh Hsung Ting, #39 Lin Shui Yuan, #40 Liang Chi Fa, and #41 Ryu Shi Zai, is also approved. The sentence is approved and will be duly executed but that portion of the sentence to confinement at hard labor remaining unexecuted on the date of his deportation from Japan is suspended as of such date. The Eighth Army Stockade, or elsewhere as the Supreme Commander for the Allied Powers or other proper authority may direct, is designated as the place of confinement pending deportation.

As to defendants #5 Hsieh Tsai Hsun, #6 Chang Jung Li, #7 Liao Tsiang Chin, #8 Li Wen Chih, #9 Kuo Chu Hou, #10 Sung Wen Hsiang, #11 Chien Hu Soong, #12 Lin You Soong, #14 Wang Hsing Chuan, #15 Chang Mao, #16 Liu Chao Kuang, #17 Wang Ying Pang, #18 Liao Chin Jung, #19 Cheng Ah Ping, #20 Fang Fong Yi, #22 Li Hou Ju, #23 Li Fei Tung, #24 Hsu Hsi Fu, #25 Lin Chia Wen, #26 Tsai Lung Tu, #27 Chang Shu Chi, #28 Tsai Li Tsao, #29 Liao Shun Ching, #30 Yen Lai Ming, #31 Lo Hsiu Keng, #32 Chuang Ting Piao, #33 Chiang Hung Kai, #34 Hwang Chin Poo, #35 Hsu Yu Chang, #36 Liu Wei Chiang, #37 Cheng Teh Wan, #38 Weng Tien Lang, #42 Fang Yun Ho, and #43 Chen Ching Lung, the findings of guilty of Specifications 4 and 5 are disapproved; the findings of guilty of Specification 3, except the words connoting defendants #1 Cheng Shang Tang, #2 Chen Sung Ming, #3 Liao Jung Chin, #4 Hung Tsung Jen, #13 Yeh Hsung Ting, #39 Lin Shui Yuan, #40 Liang Chi Fa, and #41 Ryu Shi Zai, are approved. The sentences are approved and will be duly executed but those portions of the sentences to confinement at hard labor remaining unexecuted on the date of their deportation from Japan are suspended as of such date. The Eighth Army Stockade, or elsewhere as the Supreme Commander for the Allied Powers or other proper authority may direct, is designated as the place of confinement pending deportation.

R. L. NICHENBERGER
Lieutenant General, U. S. Army
Commanding

A TRUE COPY

F. B. Boush
F. B. BOUSH
Capt. AUS WAC

DEPARTMENT OF STATE
ASSISTANT SECRETARY

L/A: pls attach this
to our draft cable on Jap
technical survey.

3-11-47
A-H: Mr. O'Sullivan -

The attached telegram
was approved by Mr. Green
today. I have attached
for reference a record
of the meeting last
Tuesday, March 4, at-
tended by Gen. Snow,
Mr. Smith, Judge Spencer
(War), Mr. Fearey and
myself, which you were
unable to attend but
which considered the
questions which you
drew up, attached as
Enclosure 2 to the memo-
randum sent you Feb. 27.

JSA
NA:JMallison:mls

Ed:

Have talked with
Fearey who agrees to
FEC notification
before any dispatch
of personnel

RBSJ

G.E. Stephens
3 BBSY
CAD

Barnett
Both you & Ed know
my views on this -
at some time before
publicly - you must
the body & its work,
FEC should be told
what it is

3-11-47

JK: Mr. Smith -

This is just as you
saw it except for a few
minor changes suggested
by yourself and Mr. Green.
Is "Petroleum Mission"
correct?

Please initial if
OK, remove this tab and
send on to Mr. O'Sullivan
in Room 21, State.

Smith - Do you & Barnett
agree
L.

OK. RBSJ

NA:RAFearey:mls

STANDARD FORM NO. 64

450

Office Memorandum • UNITED STATES GOVERNMENT

TO : A-H: Mr. O'Sullivan
FROM : NA: Mr. Emmerson
SUBJECT: Draft Message to SCAP

DATE: March 11, 1947

It is requested that the following draft cable be submitted to the War Department for transmission to SCAP:

QUOTE Executive Secretary John C. Green of Publication Board, interdepartmental committee of Cabinet rank established under Executive Order 9568 June 1945 as amended by Order 9604 August 1945 specifically to cover information secured in enemy countries, has been endeavoring since January 1946 obtain permission dispatch small number technical specialists Japan to examine and report on Japanese technical and scientific advances. Project approved in principle by State May 1946 but disapproved August by War, presumably after consultation SCAP, on grounds proposed missions raised insoluble problems Allied rights and interests, SCAP had agreed obtain and forward any requested information.

Green has reapproached Department, stating technicians specially recruited here by Commerce from ceramics, metalurgical and other principally interested industries are alone competent to find, evaluate and report Japanese discoveries. Emphasizes Publication Board entirely agreeable make reports available Allies after security screening, investigators would be despatched on rotating basis, only 6 or 7 at a time, possibly 25 in all, and would be paid by Commerce Department from \$200,000 funds

740.00119 Control (Japan) / 3-11-47

X5013

-2-

already appropriated by Congress specifically for the Japanese survey, or on basis similar to Petroleum Mission. Would be attached SCAP's staff under SCAP supervision and control, available advise Office Civil Property Custodian if desired. States there is positive evidence valuable processes and developments in Japan, his office under continuing pressure American industry exploit Japanese discoveries. Project would be on far smaller scale than in Germany where similarly organized missions have obtained much valuable information.

State Department has examined international and legal problems involved and perceives no serious obstacles.

Right as victors to seize information in first instance unquestioned. Allied rights and interests protected to maximum possible extent, considering practical impossibility many nations participate actual investigations in Japan. Nations actively participating war against Japan might later be allowed conduct on spot examinations, with reparation and restitution mission personnel already in Japan, of equipment or processes in which they were particularly interested noted in U.S. investigators' published reports. *It is believed this double protection would satisfy PEC members particularly if notification were given them prior to departure of groups as recommended, instead of press reports regarding this.* ~~receives publicity and inquiries are submitted by Allies, it is believed specification above-mentioned measures protection Allied interests would adequately satisfy them.~~ While Japan might theoretically be entitled reparation credit to value secret, unpatented information

-3-

acquired, it is believed for variety of reasons such credit should not, as it has not in Germany, be given.

Please advise earliest if in light above considerations possibly not previously made clear Publication Board and Commerce might not be permitted dispatch proposed missions.

War Dept. sees no objection to prof

NA:RAFearey:xa
gnd

Le
(Cleared by
Gen. Snow)

[Signature]
JK

JRM DS-322
7-18-46

OUTGOING TELEGRAM

CLASSIFICATION

INDICATE

Collect

2017

Charge Department:

Department of State

CONFIDENTIAL

Charge to

Washington

MAR 11 1947

US URGENT

10 am

CONFIDENTIAL

YOKOHAMA, BRANCH

OFFICE OF US POLITICAL ADVISER

Info: War Dept., Chief of Staff

YOKOHAMA, (JAPAN).

#1

con Japan/3-7

NO ADVERSE INFORMATION. (URTEL 36 MARCH 7). HANDLE CASE

WITHOUT FURTHER REFERENCE TO THE DEPARTMENT.

*Kay Sugano
to come to U.S.*

Achuson
ACTING

740.00119 CONTROL (JAPAN) / 3-1147

*740.00119 Control
Japan/3-1147*

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TELEGRAPH
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CS/R

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DESIRED
(OFFICES ONLY)

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FC:HHBarger:egc

3/10/47

ADO

VD

NA

AH

JK

cleared by phone Mr. Schuler
cleared by phone Mr. Larkin
cleared by phone Mr. Gross
cleared by phone Mr. Smith

CR CLEARANCE

MAR 11 1947

541
AFA

740.00119 CONTROL (JAPAN) / 3-1247

In reply refer to
NA

CONFIDENTIAL

MEMORANDUM FOR THE SECRETARY, STATE-WAR
NAVY COORDINATING COMMITTEE

Subject: Draft Directive Regarding Assured Pro-
duction Capacity Levels for Japan.

With reference to the memorandum of March 12, 1947 from the Secretary of the State-War-Navy Coordinating Committee stating that the Joint Chiefs of Staff have requested that the enclosed message dated March 10, 1947 from the Supreme Commander for the Allied Powers be transmitted to the Far Eastern Commission, it is recommended that this message be referred to the State-War-Navy Coordinating Committee and that it not be transmitted to the Far Eastern Commission, for the following reasons:

1) The message is extremely critical of a policy decision duly passed by the Far Eastern Commission with the necessary affirmative vote of the United States Government. It is unlikely that the FEC would reconsider its action even if the United States Government were to reverse its own position by supporting General MacArthur's views. Reference of the message to the FEC would serve only to create ill will within the Commission and harm relations between SCAP and FEC.

2) The points made in the SCAP message were thoroughly considered by the United States Government before decision to support the proposal was taken. The following conclusions were reached:

a) The reference in the policy decision to consultation with the Allied Council is worded in such a way as to prevent any alteration in the Terms of Reference of the Allied Council. The phrase as it now stands: "upon consultation with the Allied

CS/V

740.00119 Control
(Japan) 3-1247

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-2-

the Allied Council for Japan in accordance with the Terms of Reference of the Allied Council for Japan", does no more than recognize a fact, without broadening the Terms of Reference or permitting any consultation which is not already provided for.

b) The Terms of Reference of the Allied Council provide that "He (SCAP) will consult and advise with the Council in advance of the issuance of orders on matters of substance, the exigencies of the situation permitting. His decisions upon these matters shall be controlling." It is not believed that the wording of the FEC policy decision would as indicated in SCAP's telegram, "impose upon the Supreme Commander the obligation to seek, and upon the Allied Council for Japan the obligation to give, technical advice concerning thousands of industrial plants.." SCAP will still decide in each particular instance whether the matter is one of substance, and whether the exigencies of the situation permit. Only if his decision on both points is affirmative, is he obligated to consult the Council, and in any case, his decision is controlling.

3) The SWNCC has already approved the establishment of an Allied Technical Advisory Committee whose functions will be to advise SCAP on technical matters concerned with reparations. Thus the Allied Council will not be called upon for technical advice and its terms of reference will not be affected since even in the case of the Technical Advisory Committee, SCAP's decisions will be controlling.

It is further believed that no reply to SCAP's message is required for the following reasons:

1) General MacArthur's message does not specifically request any action by the United States Government, 2) by now SCAP must have access to the minutes of the FEC meetings at which this subject was discussed, and 3) Ambassador Acheson, who is thoroughly informed of the considerations which led to the U.S. Government decision, is now in Tokyo.

I therefore recommend that 1) the message not be transmitted to the Far Eastern Commission, 2) the Joint Chiefs of Staff be informed of the foregoing considerations, and 3) no reply be made to the SCAP message.

2/28
MAR 24 1947 F:100

(Signed) J. H. Hilldring
J. H. Hilldring
Assistant Secretary

A true copy of
the signed orig-
inal. G.M.W.

Enclosure:
> As stated.

NA:JKEmmerson:re

FE

COPY

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THE STATE-WAR-NAVY COORDINATING COMMITTEE
WASHINGTON, D.C.SWNC-5218
12 March 1947

MEMORANDUM FOR THE SECRETARY OF STATE:

Subject: Draft Directive Regarding Assured
Production Capacity Levels for Japan.**References:** a. SWN-5198 dtd 5 Mar 47
b. FEC Policy Decision
dtd 20 Feb 47

At the request of the Joint Chiefs of Staff, the enclosed message from the Supreme Commander for the Allied Powers in reply to WAR 93518 (reference b) is forwarded to the Department of State for transmittal to the Far Eastern Commission.

For the State-War-Navy Coordinating Committee:

H.W. MOSELEY,
Secretary**Enclosures:**
CM-IN-1653 (10 Mar 47),
Copy No. 47

COPY

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From: CINCFE, Tokyo, Japan sgd MacArthur

To: War Department for JCS

Nr: C 50730

10 March 1947

Reurad W 93518 dated 9th March. Those provisions of the policy decision of the Far Eastern Commission which require consultation between the Supreme Commander and the Allied Council for Japan are violative of the terms of reference of the Moscow agreement and consequently entirely lacking in validity. They attempt to prescribe the detailed action of the Supreme Commander and the Allied Council, both of which are agencies independent of the Far Eastern Commission, in carrying out the provisions of their inherent responsibilities. They would arrogate to the Far Eastern Commission an authority which by the Moscow Agreement lies within the exclusive functions of other bodies. The Far Eastern Commission in itself cannot thus change the terms of reference of the Moscow Agreement which can only be altered by the formal agreement of the 4 governments concerned - not by the representatives appointed by them to serve on the Far Eastern Commission for the purpose of exercising its legitimate and prescribed functions.

Even if valid there would be imposed upon the Supreme Commander and the Allied Council for Japan an unrealistic burden rendering impossible the orderly implementation by the Supreme Commander of the policy decision in reference, in that it would impose upon the Supreme Commander the obligation to seek, and upon the Allied Council for Japan the obligation to give, technical advice concerning thousands of industrial plants for which neither individually nor collectively is there available to the Allied Council for Japan or its members the large technical staff essential to an intelligent approach to this vast problem; and even were the contrary true, many months of study would be required to make such technical advice possible - causing a delay in implementation which would defeat entirely the purpose of the directive. On the other hand, to require the Supreme Commander to seek and act upon the Allied Council's non-technical advice upon so highly technical a subject, would be to make a mockery of his executive and the Allied Council's consultative responsibility in the occupation of Japan.

End.

CM-IN-1653 (10 Mar 47)

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CLASSIFIED MESSAGE CENTER
INCOMING CLASSIFIED MESSAGE

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

From: CINCPAC, Tokyo, Japan sgd Mac Arthur

To: War Department for JCS

Nr: C 50730

10 March 1947

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CM-IN 1653

(10 Mar 47)

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Page 2

From: CINCPAC, Tokyo, Japan sgd Mac Arthur

Rr: C 50730

10 March 1947

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End

ACTION: JCS

INFO : AAF, Adm Leahy, ASW, CAD, ID, Adm Nimitz, P&O, SSP,
CSA

CM-IN 1653

(10 Mar 47) DTG 101207Z svc

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CONFIDENTIAL
THE STATE-WAR-NAVY COORDINATING COMMITTEE
WASHINGTON, D. C.

SWN-5218
12 March 1947

MEMORANDUM FOR THE SECRETARY OF STATE:

**Subject: Draft Directive Regarding Assured
Production Capacity Levels for Japan.**

References: a. SWN-5198 dtd 5 Mar 47
b. FEC Policy Decision
dtd 20 Feb 47

At the request of the Joint Chiefs of Staff, the enclosed message from the Supreme Commander for the Allied Powers in reply to WAR 93518 (reference b) is forwarded to the Department of State for transmittal to the Far Eastern Commission.

For the State-War-Navy Coordinating Committee:

H. W. MOSELEY,
Secretary

Enclosure:
CM-IN-1653 (10 Mar 47),
Copy No. 47

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From: CINCFE, Tokyo, Japan sgd MacArthur

To: War Department for JCS

Nr: C 50730

10 March 1947

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End.

CM-IN-1653 (10 Mar 47)

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DEPARTMENT OF STATE

ASSISTANT SECRETARY

March 14, 1947

Office of
FAR EASTERN AFFAIRS

MAR 14 1947

FE
Mr. Vincent

I agree, but would add a
reference to the proposal to estab-
lish an Allied Technical Advisory
Committee (now agreed by SWNCC).
This shows

- a. We understand that the Allied Council is not a technical forum.
- b. We are not corroding the Allied Council's terms of reference, since even in the case of the Technical Committee, we insist that SCAP's decision is controlling.

Eag
EAC

STANDARD FORM NO. 64

cee

Office Memorandum • UNITED STATES GOVERNMENT

DATE:

TO : A-H - Mr Gross
FROM : J.C. Vincent
SUBJECT :

STATE

In view of MacArthur's opening statement I do not see how we can avoid replying.

Emerson's memo seems to me to form a sound basis for such a reply. Do you concur? If so, I'll have Emerson draft a reply.

J.C.V.

An 721

FE ROUTING SLIP

FE - JCV	JA - HB
JKP	JMA
CRB	JKE ✓
GHB	HL
FMF	JZW
RB	RAF
RDW	HGK
EGC	ALD
REK	
PCE	PI - RRE

Message Center	EWM
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Action ✓ _____
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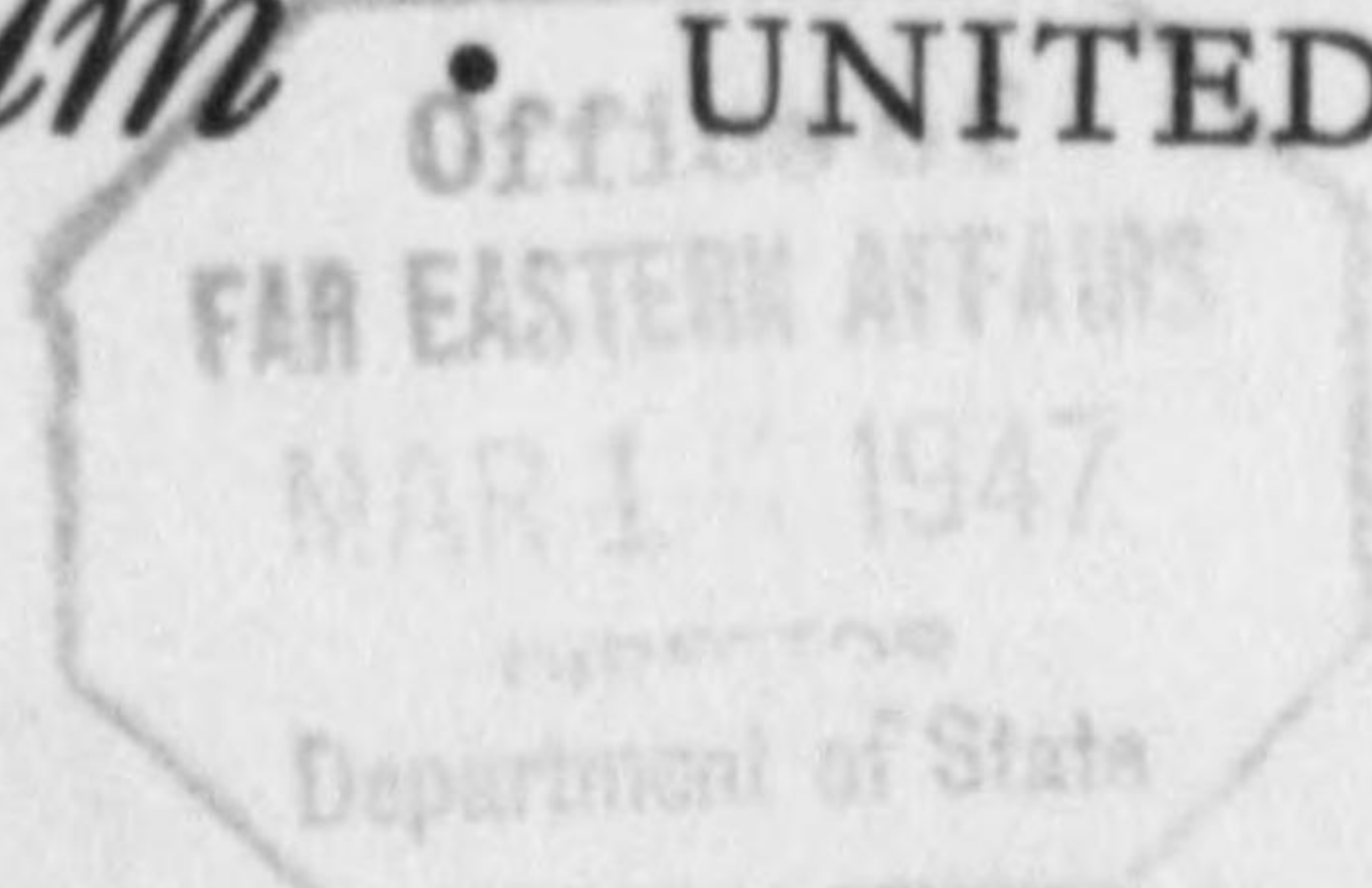
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT



TO : FE- Mr. Vincent

FROM : NA- Mr. Emmerson



DATE: 3-14-47

SUBJECT: SCAP Telegram to JCS regarding FEC policy decision's reference to consultation with Allied Council.



CONFIDENTIAL

XR 594.60

Ambassador Acheson was present at meetings of the U.S. delegation to FEC during which the Soviet amendment regarding consultation was discussed, and is thoroughly familiar with the considerations which prompted the U.S. Government to agree to the inclusion of the phrase in the form in which it was finally accepted. He is therefore in a position to explain this background to General MacArthur.

Should a reply be sent to SCAP, the following points should be emphasized:

- 1) The State, War and Navy Departments were agreed that passage by the FEC of a decision regarding Assured Production Capacity Levels for Japan was a matter of the greatest urgency. It was also decided that every effort should be made to attain agreement within the FEC and that issuance of a U.S. interim directive should be considered only as a last resort.
- 2) While the Soviet amendment in its original form, "upon consultation with the Allied Council", was totally unacceptable to the United States, the State, War, and Navy Departments agreed that language which did not by any conceivable interpretation alter the terms of reference of the FEC or the Allied Council, could be accepted.
- 3) The U.S. Government on February 13 proposed to the Commission an alternative wording of the Soviet amendment: "upon such consultation with the Allied Council for Japan as is required by the Council's Terms of Reference".
- 4) At the FEC meeting of February 20, it became clear that the Soviets objected to the word "required" but might not oppose language similar to the American amendment. War and State representatives present at the meeting agreed to acceptance of the language "upon consultation with the Allied Council for Japan in accordance with the Terms of Reference of the Allied Council for Japan" which was incorporated in the decision passed by the FEC.

FW 740.00119 CONTROL (JAPAN)

13-1247

For 740.00119
Japan 13-1247
CS/V

5) The Terms

Anal. _____

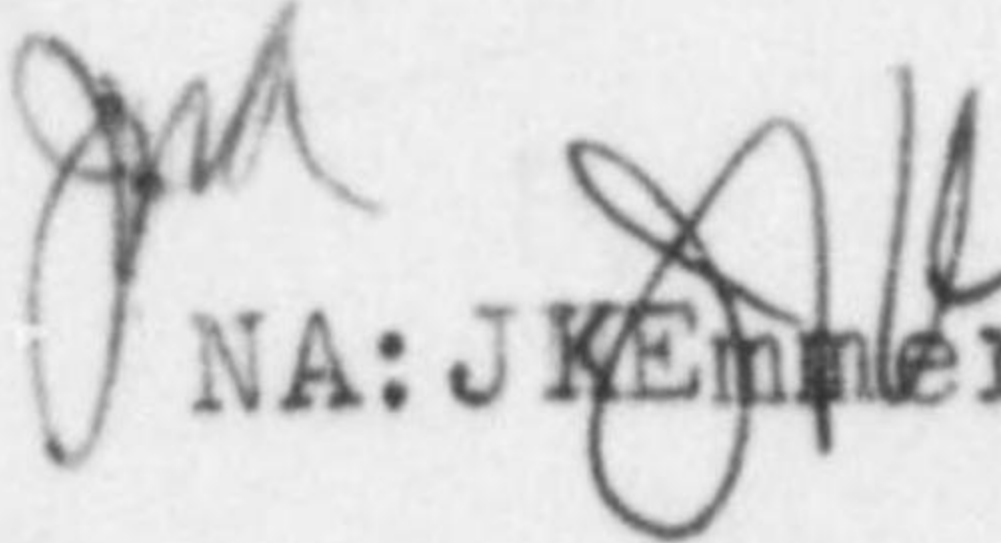
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-2-

- 5) The Terms of Reference of the Allied Council provide that "He (SCAP) will consult and advise with the Council in advance of the issuance of orders on matters of substance, the exigencies of the situation permitting. His decisions upon these matters shall be controlling." As is clear from the wording of the policy decision, consultation with the Allied Council is undertaken only in accordance with its Terms of Reference, which remain unchanged and which, of course, the FEC would have no authority to change.
- 6) It is not believed that the wording of the FEC policy decision "would impose upon the Supreme Commander the obligation to seek, and upon the Allied Council for Japan the obligation to give, technical advice concerning thousands of industrial plants.." SCAP will still decide in each particular instance whether the matter is one of substance, and whether the exigencies of the situation permit. Only if his decision on both points is affirmative, is he obligated to consult the Council, and in any case, his decision is controlling.
- 7) The U.S. Government considered this matter fully and the Departments concerned would never have given their consent to any language which would, as SCAP avers, 1) violate the Moscow Agreement by changing the terms of reference set up by it, or 2) require SCAP to consult the Council regarding the designation of individual industrial plants.


NA: JKENNEMERSON:mle

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

From: CINCFFE, Tokyo, Japan sgd Mac Arthur

To: War Department for JCS

Nr: C 50730

10 March 1947

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CM-IN 1653

(10 Mar 47)

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to keep*
Fu 740.00119 Central (Japan) / 3-12-47

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Page 2

From: CINCPAC, Tokyo, Japan sgd Mac Arthur

Nr: C 50730

10 March 1947

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End

ACTION: JCS

INFO : AAF, Adm Leahy, ASW, CAD, ID, Adm Nimitz, P&O, SSP,
CSA

CM-IN 1653

(10 Mar 47) DTG 101207Z svc

CONFIDENTIAL

3

COPY NO.

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STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Gross
 FROM : Mr. Frank
 SUBJECT: Attached Memorandum from British Embassy.

DATE: March 13, 1947

Pursuant to your request, I showed this memorandum from the U.K. to Dan Fahey, who recommended that the matter be referred to SWNCC for consideration. In his opinion, this also is connected closely with the project of John Green's in the Department of Commerce and with certain decisions to be taken in respect to Japanese patents.

Fahey's first inclination was to oppose this request on the basis that SCAP has consistently been unwilling to receive delegations and special missions in view of his alleged logistic difficulties. Fahey stated, however, that he would like to investigate in the War Department to ascertain what kind of a discussion took place there by the British on November 8th, and that I would hear further from him. I inadvertently left the original of this memorandum with Fahey - he is now returning it to me and I will give it to you as quickly as I receive it.

Attachment.

Memo dated 11 March 1947
 fm British Embassy.

Joe-

1. Fahey will find that Dean Rusk held the Nov 8 conference at which I was present and that no commitment was made to the British.

2. Why do you think this question should go to SWNCC?

3. Whether or not it goes to SWNCC, what is State's view with Allison or Ruppel? Have you talked with Allison or Ruppel?

74 0.00119 central (Japan) 1347

737

May 1946
Sept 1946
Holliday etc

REF: G.8/-/47

MEMORANDUM

His Majesty's Government in the United Kingdom were informed of the United States proposal, made during a discussion at the War Department on the 8th November last, that British scientists should participate in an American investigation into Japanese pure and applied scientific research. In order that a suitable list of research enquiries might be prepared it was also suggested that the United States Head of Military Intelligence should confer with the British Senior Military Intelligence Officer.

2. His Majesty's Government consider that the scientific reports already received probably cover military requirements adequately but they are of the opinion that such academic research, especially on subjects not directly concerned with waging war, must have remained untapped. In these circumstances His Majesty's Government think that a non-military approach to the subject would yield more valuable results and they would accordingly prefer to transpose the matter from a military to a civil plane. Experience gained in Germany has shown that better results are obtained from informal discussions between individual men of science than from enquiries made on a different scientific level. The State Department may moreover agree that other non-military missions to Japan, such as the United States Educational and Textile Missions, have proved successful both in the manner in which their investigations were conducted and in the nature of their findings.

3. His Majesty's Government are mindful of the fact that any such civilian mission would have to be careful to avoid repeating, or over-lapping with, the more technological enquiries made hitherto and to confine itself to academic research. To

ensure/

-2-

ensure that the Mission would be of the high calibre suitable to these circumstances and to the nature of the task, His Majesty's Government propose, for their part, to select two senior academic scientists, one for the physical and one for the biological sciences.

4. His Majesty's Government would be pleased to know whether the United States Government is able to concur in the formation of this joint scientific mission on a non-military basis. If so it would be of great assistance if the views of the United States Government on the date of departure of the Mission and the duration of the investigation could be communicated.

5. Having in mind the prevailing logistic difficulties His Majesty's Government would have to rely on the help of the United States authorities over housing, food and transport but they trust that, as the British delegation would be small, no undue strain would be placed on American facilities.

BRITISH EMBASSY,

WASHINGTON, D. C.

11th March, 1947.

March 20, 1947

Col. Chard, Executive Officer, CAD, War Dept.

Technical Survey in Japan
B. J. Sullivan, A-H, State Dept. (3613/3719)

The attached draft cable to SCAP has been prepared for dispatch by the War Department. It would be appreciated if your action officer would notify me as soon as possible of War Department concurrence, or of any changes in the message desired by the War Department.

Attachment

AH- 1323

SCAP

D/PO, Mr. Petersen: CAD (STATE): CAD

Executive Secretary John C. Green of Publication Board, interdepartmental committee of Cabinet rank established under Executive Order 9568 June 1945 as amended by Order 9604 August 1945 specifically to cover dissemination of technical information secured in enemy countries, has been endeavoring since January 1946 obtain permission dispatch small number technical specialists Japan to examine and report on Japanese technical and scientific advances, ^{with potential & unpotential,} Project approved in principle by State May 1946 but disapproved August by War on grounds that proposed missions would raise insoluble problems Allied rights and interests, and that SCAP had agreed obtain and forward any requested information.

Green has renewed request stating technicians specially recruited here by Commerce from ceramics, metallurgical and other principally interested industries are alone competent to find, evaluate and report Japanese discoveries. Emphasizes Publication Board entirely agreeable make reports available Allies after security screening, investigators would be despatched on rotating basis, only 6 or 7 at a time, possibly 25 in all, and would be paid by Commerce Department from \$200,000 funds already appropriated by Congress specifically for the Japanese survey, or on basis similar to Petroleum Mission. Would be

SCAP

~~SECRET~~ ACTION

- 2 -

attached your staff under your supervision and control, available advise Office Civil Property Custodian if desired. Green states there is positive evidence valuable processes and developments in Japan, his office under continuing pressure American industry exploit Japanese discoveries. Project would be on far smaller scale than in Germany where similarly organized missions have obtained much valuable information.

State has considered international and legal problems involved and perceives no serious obstacles. Allied rights and interests protected to maximum feasible extent, through publication of information, considering practical impossibility many nations participate actual investigations in Japan. Nations actively participating war against Japan might later be allowed conduct on spot examinations, with reparation and restitution mission personnel already in Japan, of equipment or processes in which they were particularly interested noted in U.S. investigators' published reports. Believed Allies would be satisfied, particularly if, as seems desirable, notification were given them prior to departure of mission to Japan, and officially, rather than through subsequent

SCAP

ACTION

- 3 -

unofficial press reports.

~~Reparation credit for secret unpatented information theoretically justifiable, but impractical in view of difficulty of placing value on information and debiting against claims of respective countries. For this and other reasons, such credit has not been given to Germany for similar information.~~

~~War Department sees no objection to proposal.~~

~~Your comments requested soonest.~~

*State & War Dept request your
comments on this proposal soonest.*

Form DS-302
(7-2-46)

DIVISION OF
COMMUNICATIONS AND RECORDS
TELEGRAPH BRANCH

DEPARTMENT OF STATE
INCOMING TELEGRAM
PLAIN

ACTION COPY

Office of
FAR EASTERN AFFAIRS
MAR 19 1947
10:45am
DIRECTOR
Department of State

MA	
FE	✓
CA	
JA	✓
SEA	
PL	✓

B X

- Action: FE
- Info:
- S/S
- U-E
- A -B
- A-H
- SA/M
- OCD
- COG
- DC/L
- ITP
- ESP
- FC
- OIC
- DC/R

Control 5572

Rec'd March 18, 1947
11:30 p.m.

DIVISION OF JAPANESE AFFAIRS
MAR 19 1947
DEPARTMENT OF STATE

FROM: Tokyo
 TO : Secretary of State
 NO : 59, Fourteenth (PART ONE OF THREE PARTS)

PRIORITY

This headquarters PRO will issue press release Tokyo time 10:30 Wednesday morning, 19 March, as follows:

Under heading: "Substance of remarks to Allied Council of Ambassador George Acheson, Junior, Chairman and United States member in regard to American attitudes toward the occupation as observed on his visit to the United States". Mister Acheson said:

"The Supreme Commander has suggested that I lay before the Council my observations during my recent visit to the United States as to the general attitudes and opinions of American governmental officials and the American people in regard to the Allied occupation of Japan. I am very glad to do this.

General. I was privileged to have an opportunity to discuss the occupation and some of its problems with a number of the highest officials of the United States Government. As I recently stated to the press, the American Government is solidly behind the Supreme Commander. Also in discussions with a wide variety of people in different parts of the United States I gained a definite impression that the American people as a whole are much gratified at the progress of the occupation and are giving General MacArthur their fullest support. The American people are proud of what the Supreme Commander has accomplished; they are proud of the Allied occupation;

they look

PLAIN

FILED
MAR 25 1947

DEPARTMENT OF STATE
APPROX - 10/17
LIARON/CEICE

740.00119 CONTROL (JAPAN) /3-1447 L.L.

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PLAIN

-2-, #59, Fourteenth, (PART ONE OF THREE PARTS) from Tokyo.

they look upon the occupation as a bright spot in a troubled world and one where wholehearted Allied cooperation can achieve Allied goals to the benefit of the entire world.

There was not as complete news coverage of events and developments in Japan as I should like to see in the American press. But I found among the American people at large a very keen interest in our problems here and also what seemed to me to be a very common sense attitude toward both the present and the future. There is very naturally a feeling among the American people that the Japanese must prove themselves. So far, the American people are impressed by the spirit of cooperation which the Japanese have shown and by the energy and diligence of the average Japanese in working to rehabilitate his life and the economic life of this country. The great difficulties facing the Japanese are appreciated. American commercial firms, notably those who previously have had interests in this part of the world, are prepared to assist in practical and mutually beneficial ways in the development of the peace time economy in Japan and in international trade. This readiness can be, I think, encouraged by Japanese determination to do everything possible to make the most of their commercial and economic resources, including labor, and the development of productive cooperation between capital and labor. American businessmen, as well as the rest of the American people, hope for and look forward to a peaceful and prosperous world. American businessmen desire to do their part in furthering the establishment of peaceful and prosperous relationships between all countries. But American businessmen seeking markets for American goods abroad or for foreign products to sell in the United States have grown through experience to be much more hardheaded than they sometimes have been in the past. They do not seek large profits. They seek the development of sound business -- but they cannot be expected to speculate or sink money into enterprises when stability and reasonable security are lacking. Workable and stringent steps by the Japanese to control inflation in general, and practical progress in such

specific

PLAIN

PLAIN

-3-, #59, Fourteenth, (PART ONE OF THREE PARTS) from Tokyo.

specific problems as the establishment of a fair and realistic relationship between prices and wages could, it was felt, do much toward this end.

I found a general realization among those interested in the occupation that Japanese industrialists must be informed without delay what plants are to remain so that they can produce goods for their own peace time needs and for export to pay for necessary imports for food and greatly needed raw materials and other essentials to ordinary life. When this question is settled -- and I hope that it will be very soon -- Japanese economy can make a considerable stride forward if Japanese industrial interests and workers are willing, as I think they are, to put forward their best efforts to revive peace time production.

End part one, part two follows.

ATCHESON

JMS:PPM

PLAIN

Form DS-302
(7-2-40)

DIVISION OF
COMMUNICATIONS AND RECORDS
TELEGRAPH BRANCH

DEPARTMENT OF STATE
PLAIN
INCOMING TELEGRAM

ACTION COPY
Office of
FAR EASTERN AFFAIRS
MAR 19 1947
DIRECTOR
Department of State

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Action: FE
Info:
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H-R
A-D
A-H
SA/M
OCD
CIG
DC/L
ITP
ESP
FC
OIC
DC/R

NA	/
FE	/
JA	/
SA	/
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Control 4634

Rec'd March 15, 1947
8:17 a.m.

FROM: Tokyo
TO: Secretary of State
NO: 59, March 15 (PART TWO)

DIVISION OF JAPANESE AFFAIRS
MAR 19 1947
DEPARTMENT OF STATE

File

While speaking of the general attitude of the American people, I might add that my impression is that most of them have an objective and non-emotional attitude toward Japan. While they do not forget, they are not vengeful and their eyes are turned to the future. They expect Japan to be given access to the resources of raw materials and exports of other countries for Japan's peacetime needs; they expect the Japanese to do their share in the eventual development of mutually beneficial economic exchanges with other countries. The American people expect the Japanese people to fashion Japan into a truly democratic and cooperative member of the commonwealth of nations. Effective Japanese political and economical efforts to this end will continue to meet with favorable American interest and assistance.

Allied Council for Japan. I was interested to find how closely the proceedings of this Council are followed by persons of high place in the United States. I had the privilege of meeting with the Far Eastern Commission and while its proceedings are as you know confidential, I am sure that there is no breach of faith if I tell you that the members take a very keen interest in what goes on among us here. I heard expressed a general view that the Council affords the allies represented here a favorable opportunity to voice constructive advice and suggestions for consideration by the Supreme Commander to assist him in his tremendous task, so important to all of us, in showing the Japanese people and nation the way to becoming a democratic, peace-loving member in good standing of the United Nations.

General strike. I was in the United States at the time of the recent threatened strike of Japanese Government

employees

PLAIN

MAR 25 1947

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PLAIN

-2- 59, March 15 (PART TWO) from Tokyo.

employees. I heard considerable surprise expressed that in the midst of severe economic crisis, unions of government employees should contemplate a strike which would be ruinous to Japanese economy. People in general seem to feel that the Japanese deserve help if they are willing to help themselves. Opinion was unanimous in supporting General MacArthur's intervention and stoppage of the strike. A number of people considered that a good deal of ground has been lost in healing the wounds of war as a result of a situation engendered by the strike threat and the endeavors, as reported in the press, of some of the misguided strike leaders to circumvent the Supreme Commander by appealing to members of the Allied Council.

The strike threat was generally regarded in the United States as purely political in purpose and not motivated by the natural desire of the workers to bring about improvements in their conditions of living or to work needed reforms in the bureaucracy which has had a feudalistic stranglehold on much of the governmental machinery of this country. The union members were regarded as dupes and tools of the aggressive minority which in so many cases has been manipulating unions in this country for selfish and ulterior political purposes. The Japanese are considered in the United States to be a very patriotic people and any action taken by individual Japanese or Japanese groups which is harmful to Japan in this period of economic emergency causes both surprise and concern -- concern because it causes Americans to wonder whether, with all their organizational genius, the Japanese people are capable of organizing a peacetime economy and of integrating themselves into the new post-war world. I believe that the Japanese people are in fact capable of achieving these objectives.

ATCHESON

MRM:ECW

PLAIN

Form DS-302
(7-2-46)

DIVISION OF
COMMUNICATIONS AND RECORDS
TELEGRAPH BRANCH

DEPARTMENT OF STATE
INCOMING TELEGRAM

ACTION COPY
FAR EASTERN AFFAIRS
MAR 19 1947
11:10am
DIRECTOR
Department of State

B X

- Action: FB
- Info:
- S/S
- U-E
- A-B
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- SA/M
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A

Control 4633

Rec'd March 15, 1947
8:30 a.m.

FROM: Tokyo

TO: Secretary of State

NO: 59, March 15, (PART THREE)

DIVISION OF JAPANESE AFFAIRS
MAR 19 1947
DEPARTMENT OF STATE
W. Adams

Trade unions. I encountered condemnation of the wide tendency on the part of Japanese trade unions, in their new-found freedom, to place emphasis upon political aims. Gratification was expressed that such rapid progress had been made in the organization of labor unions but it seemed generally felt that the unions in Japan are somewhat lacking in discipline, fail to appreciate the full obligations which unionization entails and appear to be concerned too unilaterally with the rights which are granted to union organizations. As you know, encouragement of union organization so that unions can bargain in an orderly way for the just rights labor was one of the earliest actions of the Supreme Commander. In consonance with the general sentiment of the American people, the United States Government felt that one of the first freedoms to be given the Japanese people should be the right to organize unions and protect the rights of workers which had been largely suppressed. The American Government expected that the newly-created unions would contribute much to the democratization of Japan. It is felt now that the Unions themselves must adopt democratic practices and become truly democratic bodies if they are to make such contribution.

Education. The several educators with whom I spoke were in full accord with the direction given by the Supreme Commander in the decentralization and liberalization of the Japanese educational system. These educators were of the opinion that Japan's future lies largely in its young people who are now in school and who are beginning to receive a liberalized education which is, in addition,

teaching them how to

PLAIN

MAR 25 1947

FILED

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PLAIN

-2-#59, March 15 (PART THREE) from Tokyo

teaching them how to think. There was some feeling that the Japanese educational authorities could take more determined steps to hasten the process. One step I heard mentioned was the improvement of the livelihood of the teachers and related measures to make the teaching profession sufficiently attractive so that it could be assured of always attracting capable and zealous people.

I heard hope expressed that the problem of language simplification would be solved by the Japanese in a common-sense and workable way as it is felt that only in this manner could the Japanese take full and equal advantage of the great literature and scientific knowledge of the western world.

The new constitution. The American people are also much gratified with the progress toward democratization of Japan as revealed in their new constitution. They look forward with interest to the forthcoming elections which will provide the Japanese people with opportunity to select their representatives for the Parliament which is to operate under this constitution when it comes into effect."

(END MESSAGE)

ATCHESON

MRM:FAE

Note: Mr. Emmerson notified 9:30 a.m., 3/18/47 CWO-M

PLAIN

March 17, 1947

TO: Executive Officer, CAD.

FROM: AH Mr. Hemmendinger.

SUBJECT: Use Jap Crews to Man Vessels Enroute Greece.

The draft cable on the above subject sent to CAD on February 10, 1947 is being withdrawn.

AH:NHemmendinger:lk

7-11 569/1834 740.00119 Central Japans 3-17-47

ah1047

Form DS-10 Department of State
 6-1-45 REFERENCE SLIP

To: *Mr. Hemmendinger A-H.
 Rm 35 Main State*

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| <input type="checkbox"/> Advise | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Approve & Return | <input type="checkbox"/> Note & File |
| <input type="checkbox"/> As You Requested | <input type="checkbox"/> Per Telephone Talk |
| <input type="checkbox"/> Attention | <input type="checkbox"/> Previous Correspon. |
| <input type="checkbox"/> Attach File | <input type="checkbox"/> Priority Action |
| <input type="checkbox"/> Comment & Return | <input type="checkbox"/> Reconsider |
| <input type="checkbox"/> Consider | <input type="checkbox"/> Recommend Action |
| <input type="checkbox"/> Copying | <input type="checkbox"/> Record |
| <input type="checkbox"/> Correct | <input type="checkbox"/> Reply |
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| <input type="checkbox"/> Follow-up | <input type="checkbox"/> Rewrite |
| <input type="checkbox"/> Hold | <input type="checkbox"/> Signature Required |
| <input type="checkbox"/> Initials Needed | <input type="checkbox"/> See Me |
| <input type="checkbox"/> Investigate & Report | <input type="checkbox"/> Take Action |
| <input type="checkbox"/> Instruct | <input type="checkbox"/> Transfer |
| <input type="checkbox"/> Justify | <input type="checkbox"/> Type |
| <input type="checkbox"/> Keep Me Advised | <input type="checkbox"/> Verify |
| <input type="checkbox"/> Legal Matter | <input type="checkbox"/> Reply for Signature of |
| <input type="checkbox"/> Memo Required | |
| <input type="checkbox"/> Not Interested | |
| <input type="checkbox"/> Note & Destroy | |
| <input type="checkbox"/> Note & Forward | |

REMARKS:
Withdrawn

Mr. Hemmendinger
mar. 7, 1947
R-
File
pl

From *Fisher JK*

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

DATE: 2/13

TO :

Mortimer and Fisher

FROM :

DAB

SUBJECT:

- I talked with Emerson, we agree
1. Cable should go as is + we thereby learn SCAP's views
 2. This is thus far an isolated case + we are not certain an FEC policy req'd
 3. U. S. has notified other countries that in dividing ^{JAP} shipping, ships will be delivered by Jap crews + each country will be responsible for returning crews to Japan
 4. With SCAP's comments in hand, and as result of point (3), we can then determine whether general FEC policy needed
 5. I cleared cable,

Feb. 10, 1947

Executive Officer, CAD

A-H - Mr. Hemmendinger (State ext. 3611)

Use Jap ^{Crews} Officers to Man Vessels Enroute Greece.

Attached herewith is a draft cable to CINCPAC Command, Tokyo, with respect to the above subject.

The communication from the General Steamship Company was sent originally to the War Department where it was handled by Transportation Corps (Col. Elliot, Ext. 5175). It is understood that Colonel Elliot discussed it with Major Miller of CAD before referring it to the Shipping Division, State Department, for action.

I would appreciate it if you would inform me when War Department concurrence has been obtained.

Attachment:

Draft cable.

AH:NHemmendinger:pl

ah-1047

Feb. 10, 1947

Clear

Routine

CINCPAC Command, Tokyo

Action

D/PO; Mr. Petersen; CAD; CAD-State; TC

From WDSGA.

General Steamship Company San Francisco agent for Greek shipowners who have purchased five or six vessels from US Maritime Commission to be transferred to Greek registry, request they be allowed use Jap officers and crews from decommissioned SCAGAP ships presently Astoria Oregon to man their vessels enroute Greece. Reason given absence available Greek officers and crews and delay if seamen brought from Greece. Company offers arrange mutually satisfactory terms and wages and will repatriate officers and crews to Japan from Greece.

State concurs if SCAP has no objection to arrangement. Comments will be appreciated.

ah. 1047

CINCFE Command

Tokyo, Japan

General Steamship Company San Francisco agent for Greek shipowners who have purchased five or six vessels from US Maritime Commission to be transferred to Greek registry, request they be allowed use Jap officers and crews from decommissioned SCAGAP ships presently Astoria Oregon to man their vessels enroute Greece. Reason given absence available Greek officers and crews and delay if seamen brought from Greece. Company offers arrange mutually satisfactory terms and wages and will repatriate officers and crews to Japan from Greece.

State concurs if SCAP has no objection to arrangement. Comments will be appreciated.

FMD
SD:FMDailor:nma

2/10/47

Cleared with
Mr. Emmerson - JA

al.1047

CINCPAC Command

Tokyo, Japan

General Steamship Company San Francisco agent for Greek shipowners who have purchased five or six vessels from US Maritime Commission to be transferred to Greek registry, request they be allowed use Jap officers and crews from decommissioned SCAGAP ships presently Astoria Oregon to man their vessels enroute Greece. Reason given absence available Greek officers and crews and delay if seamen brought from Greece. Company offers arrange mutually satisfactory terms and wages and will repatriate officers and crews to Japan from Greece.

State concurs if SCAP has no objection to arrangement. Comments will be appreciated.

7502

SD:FMDailor:nma

2/10/47

Cleared with
Mr. Emmerson - JA

JKE — OK JR
tdr

2-7-1047

STANDARD FORM NO. 64

*Bowman
action*
Office Memorandum • UNITED STATES GOVERNMENT ^E

TO : Mr. Martin

FROM : R. W. Barnett *R.W.B.*

SUBJECT: Japanese Seamen for Liberty Steamers

DATE: 10 February 1947

1. Two State policy statements are in the works dealing with dispatch or employment of Japanese outside of Japan: (a) Interchange of Persons - JA, and (b) Japanese technical Aid in Utilization Reparations - ED. Neither paper quite meets the Greek request.
2. Before taking further action I suggest that problem be taken up with SCAP. Thereafter, the problem together with SCAP's comment, if favorable, might be placed before FEC.
3. It is hard to imagine any FEC country objecting to proposal on security grounds. Favorable action on this would facilitate prompt consideration, later, of ED recommendations.
4. Does this fall under McDiarmid's jurisdiction?

740. 00119 Central (Japan) / 2-1047

STANDARD FORM NO. 64

*Barr + views E.**Office Memorandum* • UNITED STATES GOVERNMENT

TO : JK: Mr. Martin

DATE: February 5, 1947

FROM : SD: Mr. Deimel

SUBJECT:

Confirming our telephone conversation, the following is the text of telegram received in the Water Transport Division, War Department, and telephoned to me by Colonel Elliott. Pursuant to our discussion, I suggested he reply to the effect that the question would have to be considered by the State Department and suggested that the General Steamship Corporation address an inquiry direct to the Department.

"From Astoria, Oregon, 4 February 1947 to Lt.Gen. Leavey, US Army, Water Division.

My principals certain Greek shipowners purchasing from U.S. Maritime Commission a number of Liberty steamers for transfer to Greek registry. Expect in very near future take delivery five or six steamers from Astoria reserve fleet. Because of urgent need of vessels and great difficulty securing officers and crews from Greece respectfully request your early and favorable consideration allocate Japanese officers and crews from SCAJAP vessels now being decommissioned in area under jurisdiction Seattle Port Embarkation. My principals will give suitable undertaking repatriation such temporary Japanese crews to Japan after arrival steamers in Mediterranean not east of Suez. Wages and conditions to be arranged to mutual satisfaction. Please telegraph reply collect in care of General Steamship Corporation, San Francisco.

J. Gapohl *

HT
cc: NE: Mr. Baxter

SD:HLDeimel, Jr:hh

OFFICE OF JAPANESE AND KOREAN
ECONOMIC AFFAIRS
DEPARTMENT OF STATE
FEB - 5 1947

Form DS-302
(7-2-46)

DIVISION OF
COMMUNICATIONS AND RECORDS
TELEGRAPH BRANCH

DEPARTMENT OF STATE
INCOMING TELEGRAM

ACTION COPY



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- Action: FE
- Info:
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PLAIN

Control 4919

Rec'd March 17, 1947
8:58 a.m.

FROM: Tokyo
 TO: Secretary of State
 NO: 61, March 17
 REMYTEL 59, March 14

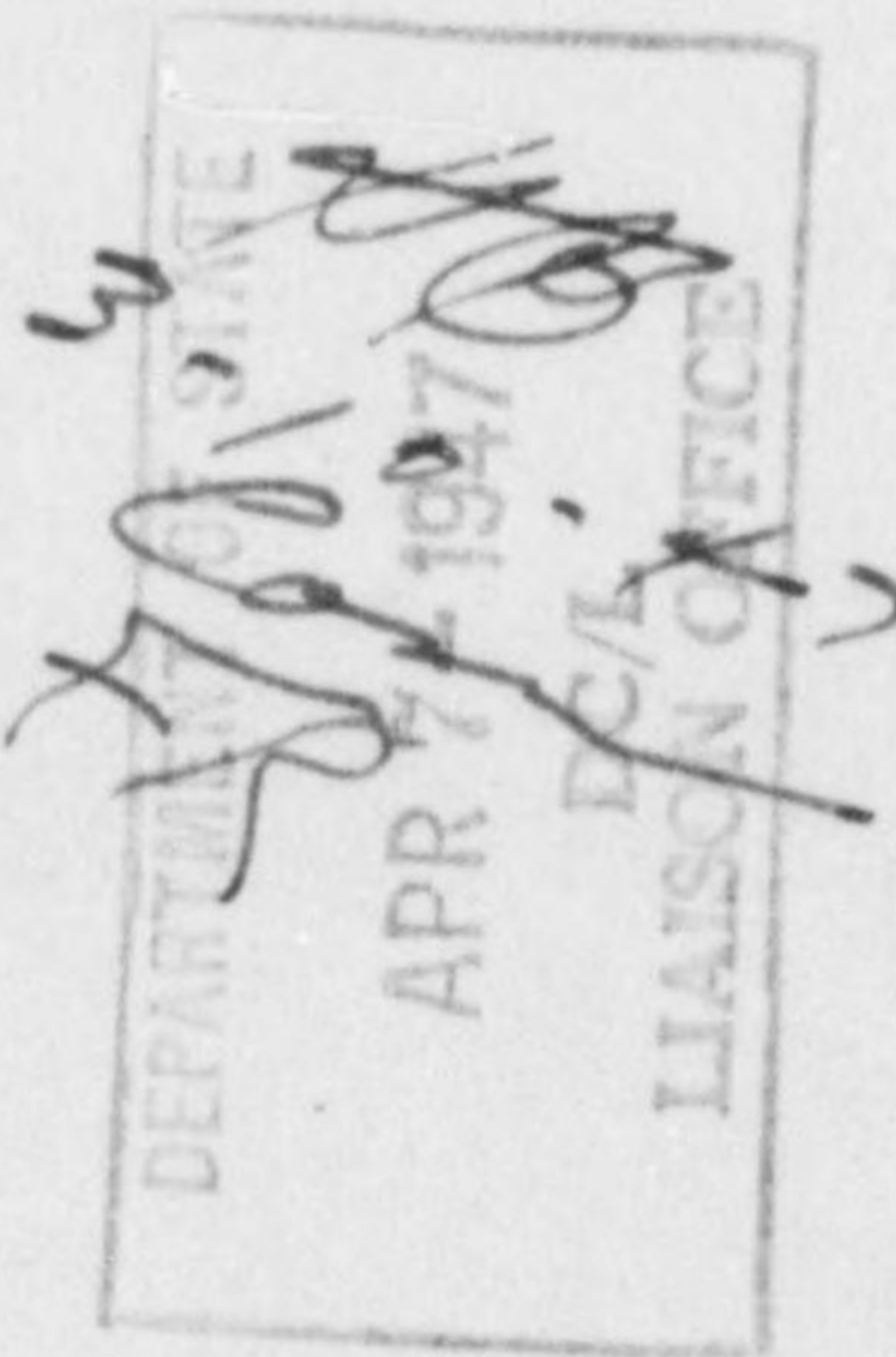


*Noted
no action required
Date*

Draft statement has been altered to extent of removing first paragraph, part 2 from its place and making it concluding paragraph opening with the words: "In conclusion I might add that my impression is that most of the American people have an objective, etc".

ATCHESON

MH:ME



740.00119 CONTROL (JAPAN)/3-1747 HH

PLAIN

MAR 25 1947

FILED

PERMANENT RECORD COPY: THIS COPY MUST BE RETURNED TO DC/R CENTRAL FILES WITH NOTATION OF ACTION TAKEN.



THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Moscow, March 17, 1947

003500

DETB
JA FE
DC/R

UNCLASSIFIED

No. 1016



Subject: Soviet Lecture, "Americans in Japan",
by O. Kruganov, delivered Tuesday,
March 4, 1947

740.00119 CONTROL (JAPAN) / 3-1747

The Ambassador has the honor to enclose a summary
of a public lecture delivered by O. Kruganov on March
4 entitled, "Americans in Japan".

Kruganov presents the established Soviet inter-
pretation of American preservation of Japanese reaction
and imperialism.

Enclosure: *att*
Copy of above mentioned summary.

Original and Hectograph to the Department.
CC - Tokyo

JDavies

ID

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TO:
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APR 21 1947

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740.00119 Control (Japan)
3-1947

Enclosure for Despatch No. 116.
Moscow, March 17, 1947

AMERICANS IN JAPAN
Lecture by O. Kruganov
Delivered at the Polytechnic Museum on
March 4, 1947

The lecturer stated that he was a member of a group of Soviet journalists who recently visited Japan. He reported that they were kept under close supervision by the American occupation authorities, were always accompanied by American officers, that they were not allowed to take photographs, that their treatment was typical of the occupation regime. During their stay, which included visits to Tokyo, Osaka, Kyoto and Nagasaki, the journalists had to follow a plan drawn up in advance by an American officer, Capt. Lowrie, and were directed to visit seven Japanese shrines instead of the factories which they expressed a wish to see. The lecturer complained that when they asked about Japanese factories, the escorting American officer replied "I know nothing about factories".

The lecturer reported that in Japanese schools nationalistic ideas were still being taught, that Japanese children were being induced to subscribe to such slogans as "No one can defeat Japan", "Japan must remain strong". During a tour of Kyoto on foot accompanied by the ever present American officers, the lecturer noticed that Filipinos and Hawaiians were treated as colonials, that everywhere American foods, Coca-Cola, and American beer were on sale, that bars were marked as reserved "Only for American Officers". He described the Japanese scene as demonstrating America without the glitter.

The lecturer discussed the economic reforms which the American authorities were carrying out in Japan in the name of democratization. Noting that the economy of Japan had been controlled in feudal fashion by a small group of families, the Zaibatsu, he described the gigantic aggregation of Japanese wealth in their hands and the meetings at which the branches of the Mitsui family met monthly, and stated that Emperor Hirohito was the largest landowner in Japan.

The lecturer ascribed the fact that the present Yoshida Government was able to maintain itself in power in spite of opposition from the Japanese masses to the support of the occupation authorities, and compared American policy in Japan after World War II to American policy towards Germany after World War I, when, he asserted, American and British capitalists had assisted in restoring imperialism in Germany. Asserting that the shadows of the Zaibatsu lay over the present program for democratization of Japan, the lecturer discussed the progressive and liberal parties in Japan as a mask for reaction and traced the careers of Namura and Shidehara. The lecturer ridiculed the "popular" parliament of Yoshida and attempts to present the divine Emperor as a democratic human being, asserting that the American soldiers in Japan did not believe that a real democratic reform had been effected.

General MacArthur was attacked by the lecturer for preventing the outbreak of the general strike on February 1, and the American authorities were accused of supporting the newspaper "Mainichi" which favored a revival of Japanese imperialism. Stating that American control over Japanese radio stations prevented dissemination of the truth about workers' conditions, the lecturer attacked American censorship as "doing everything to prevent" information on internal conditions in Japan from reaching the outside world.

-2-

Duration: 1 hour
Audience: About 100

The following replies were given to questions asked:

Question: What has happened to Konoye?

Answer: Konoye committed suicide before his trial as a war criminal.

Question: Did the lecturer see any evidence of the effects of the atom bomb?

Answer: Yes, he had seen the effects of the atom bomb in the ruins of Hiroshima. The atom bomb which killed so many people was a dreadful thing.

FOREIGN POLICY ASSOCIATION

Incorporated

NATIONAL HEADQUARTERS, 22 EAST 38 STREET, NEW YORK 16

Telephone: MURray Hill 5-5740

Cable Address: Forpolas

740.00119 CONTROL (JAPAN) / 3-1947

March 19, 1947.

Mr. James Penfield
Office of Far Eastern Affairs
Department of State
Washington, D.C.

Dear Mr. Penfield:

I believe I mentioned on my last visit to Washington that I would soon be working on a Foreign Policy Report on the occupation of Japan. I am now deep in work on this project and find that I do not have volume II of the report of the cartels mission or any material published by the labor mission. I would greatly appreciate it if the second part of the cartels report and any labor material that is publicly available might be sent to me here.

VR
894.602

Sincerely yours,

Lawrence K. Rosinger

Lawrence K. Rosinger

DIVISION OF JAPANESE AFFAIRS
ANSWERED 3/25/47
DEPT. OF STATE
APR 1 1947

FILED

740.00119 Control
Japan/3-1947
CS/V

Mr.	
Mrs.	
Mr.	
Dist.	AN

MAR 27 1947

740.00119 CONTROL (JAPAN) / 3-1947

In reply refer to
NA

My dear Mr. Rosinger:

I have received your letter of March 19, 1947, in which you ask for Part II of the Report of the Mission on Japanese Combines and any material published by the Advisory Committee on Labor.

I regret to say that Part II of the Japanese Combines report has not been published and is therefore not now available. However, I am enclosing a copy of the final report of the Advisory Committee on Labor and I trust that it will be useful to you in writing your Foreign Policy report on the occupation of Japan.

Sincerely yours,

James K. Penfield
Deputy Director
Office of Far Eastern Affairs

Enclosure:

Final Report of the
Advisory Committee on Labor.

Mr. Lawrence K. Rosinger,
Foreign Policy Association, Incorporated,
Midston House
22 East 38th Street
New York 16, New York

NA:HL
3/25/47

MAR 26

CS/V
RECEIVED
MAR 26 1947

740.00119 Control (Japan)
3-1947

Form DS-402
(7-2-40)

DIVISION OF
COMMUNICATIONS AND RECORDS
TELEGRAPH BRANCH

DEPARTMENT OF STATE

ACTION COPY

INCOMING TELEGRAM

DIVISION OF JAPANESE AFFAIRS
MAR 24 1947
DEPARTMENT OF STATE

Office of
FAR EASTERN AFFAIRS
MAR 22 1947
9:15 AM
DIRECTOR
Department of State

9

Action: FE

Info:

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DC/R

FROM: London
TO: Secretary of State
NO: 1749, Twentieth
US URGENT

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VE	✓
CA	
JA	✓
ORA	
PL	✓

Control 6667

Rec'd. March 21, 1947
4:33 p.m.

The TIMES is only major British newspaper thus far to comment on General MacArthur's interview of 17th. Digest follows:

Even those who fear democracy may be less firmly established in Japan than MacArthur seems to believe, will agree reforms effected with allied encouragement in political, economic and administrative spheres must be given fair chance of commending themselves to Japanese people. This cannot be done so long as economic blockade isolates Japan from channels normal international intercourse and makes every project of peaceful rehabilitation impossible.

MacArthur's views will command sympathy and respect throughout British Commonwealth. Britain has long favored early conclusion general Far Eastern settlement of which formal peace with Japan must constitute an essential part. Dominions have lately given expression to similar views. American opinion appears moving in same direction partly because American public have confidence in MacArthur's judgment and partly because they see, unless Japanese economy can be established on self-supporting basis, financial obligations now shouldered by US in Japan may be converted into onerous and indefinite commitment.

It greatly to be hoped this growing consensus favoring early settlement with Japan may prove strong enough to overcome difficulties obstructing efforts Far Eastern Commission

arrive

PLAIN

PERMANENT RECORD COPY: THIS COPY MUST BE RETURNED TO DC/R CENTRAL FILES WITH NOTATION OF ACTION TAKEN.

740.00119 CONTROL (JAPAN) /3-2047 FILED L.L.

MAR 28 1947

APR 3 - 1947
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COMMUNICATIONS SECTION

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-2- #1749, Twentieth, from London

arrive at agreed allied policy. US suggestion for pact prevent revival Japanese aggression should now be taken up in earnest. Prevention of aggression in Japan as in Germany is one essential and overriding requirement. Next step should be another attempt fix by agreement level Japanese industry. Once this achieved any surplus over immediate Japanese needs could form basis for interim reparations scheme. Agreement upon final reparations scheme will remain difficult while Russia declines include Japan's external assets in reparations pool. But need for general settlement even of tentative character now so great allies must redouble efforts reach understanding. Pacific peace and Japanese destiny depend upon acceptance of counsel of those who appreciate as do MacArthur and Evatt urgency of need. End digest.

Sent Department 1749. Department repeat USPOLAD Tokyo as 3.

DOUGLAS

NOTE: Repeated to USPOLAD, Tokyo March 21, 6 p.m. (CWO-FED)

DES: MES

PLAIN

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EMBASSY OF THE UNITED STATES OF AMERICA

London, March 20, 1947

AIR MAIL

SECRET

No. 52

Subject: Present Status of Draft Treaty on Disarmament and Demilitarization of Japan



NA
DCLR

XR 794,0013

RECEIVED DEPARTMENT OF STATE

DC/M FACILITIES BRANCH

The Honorable
The Secretary of State,
Washington

Sir:

1. In reference to the Embassy's despatch No. 2999, December 17, 1946, on the above-cited subject, I have the honor to enclose copy of a self-explanatory memorandum of a conversation held between an officer of the Foreign Office and an officer of the Embassy on the subject on March 19, 1947.

2. It will be observed from the enclosed memorandum that the Foreign Office is desirous of negotiating such a "control" treaty prior to the conclusion of a general treaty with the Japanese Government, and that the Foreign Office accordingly wishes to be apprised of the present attitude and intention of the Department on the subject.

3. It would be appreciated if the Department would see fit to set forth its present position on the subject for communication to the Foreign Office.

Respectfully yours,

For the Ambassador:

Everett F. Drumright
Everett F. Drumright
First Secretary of Embassy

Enclosure: att. 1/100
Copy of Memorandum of Conversation

(Original and hectograph to Department)

EFDrumright/wg

Form with fields for Cat and Dist, and a signature.

SECRET FILE

740.00119 CONTROL (JAPAN) / 3-2047

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(Japan) / 3-2047

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RECEIVED DEPARTMENT OF STATE

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JUL 7 - 1947

Enclosure to Despatch No. 52 dated March 20, 1947
from American Embassy, London, England.

MEMORANDUM OF CONVERSATION

March 19, 1947

Subject: Status of Draft Treaty on Disarmament
and Demilitarization of Japan

Participants: Mr. D.F. MacDermot, Head, Japan and
Pacific Department, Foreign Office

Mr. Drumright

In the course of a general conversation this afternoon, Mr. MacDermot inquired whether the Embassy had received any information from the Department of State in regard to the current status of Mr. Byrnes' draft treaty on the disarmament and demilitarization of Japan.

Mr. Drumright replied that, although the Embassy had brought the matter to the attention of the Department in December 1946, no information in regard to the Department's current position on the question had yet been received.

Mr. MacDermot then inquired whether the Embassy would be good enough to take up the matter once again with the Department of State. Mr. Drumright replied that the Embassy would be glad to do so.

Speaking further on the subject, Mr. MacDermot said that it is the view of the Foreign Office that such a "control" treaty as that proposed by Mr. Byrnes should be concluded among the interested powers prior to the conclusion of a general international treaty with Japan. It was for this reason, Mr. MacDermot continued, that the Foreign Office was desirous of ascertaining whether the Department of State proposed to go forward with Mr. Byrnes' draft treaty or whether the Department proposed to let the draft treaty lapse.

Everett F. Drumright

3-2047

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AIR MAIL

London, December 17, 1946¹¹SECRET

No. 2999

Subject: Present Status of Draft Treaty on Disarmament
and Demilitarization of Japan

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The Honorable
The Secretary of State,
Washington.

Sir:

I have the honor to report that in November 1946 Mr. D. P. McDermot, Head of the Japan and Pacific Department of the British Foreign Office, made oral inquiry in regard to the status of the draft treaty on the disarmament and demilitarization of Japan which had been proposed by the Secretary of State to Mr. Bevin by way of a communication from this Embassy to Mr. Bevin dated March 1, 1946. Reference to the Embassy files disclosed that the last development on this subject had been the transmission by this Embassy to Mr. Bevin of a communication under date of June 14, 1946, to which there was attached a revised draft of the proposed treaty. In this same letter Mr. Bevin was informed that the Secretary of State had authorized the release to the press of the revised draft during the ensuing week. From information available to the Embassy, it appears that the revised draft treaty was released to the press on June 21, 1946.

With a view to ascertaining the sequence of events as reflected in the records of the Foreign Office it was suggested that Mr. McDermot might wish to draft a letter to the Embassy on the subject. This Mr. McDermot has now done in a communication dated December 13, 1946, a copy of which is enclosed.

It will be observed from Mr. McDermot's letter that the Foreign Office now desires information in regard to the present status of the draft treaty. In particular, as will be noted from the concluding paragraph of Mr. McDermot's letter, information is desired (1) with respect to the British proposal that the Dominion Governments and probably the Government of India be included among the signatories of the treaty, (2) with respect to the reactions, if any, of the Chinese and Soviet Governments, and (3) with respect to what further action the Department may be contemplating in regard to the treaty.

If the Department feels that it is in a position to

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Despatch no. 2999
December 17, 1946
From London

Page 2.

respond in whole or in part to the queries of the Foreign Office, the Embassy would appreciate the receipt of the Department's instructions on the subject.

Respectfully yours,

For the *Chargé d'Affaires ad interim*:

Everett F. Drumright
First Secretary of Embassy

Enclosure:
Letter from Foreign
Office dated
December 13, 1946.

(Original and hectograph
to Department)

EFDrumright/ejs

SECRET

SECRET

Enclosure No. 1 to Draft Treaty dated December 17, 1946
 From American Embassy, London, England.

FOREIGN OFFICE, S.W.1.

13th December, 1946.

No. F 10083/405/23

Confidential

Dear Drumright:

You will recall my enquiry about the present position of the United States Draft Treaty on the Disarmament and Demilitarization of Japan and of the uncertainty which developed, when we both examined our records, as to where the ball now lay.

The following is the sequence of events, so far as I have been able to trace it.

Your Embassy communicated a draft of the treaty in Mr. Gallman's letter to Mr. Bevin of the 1st March, 1946. We replied, by Sir Orme Sargent's letter of 9th May, welcoming the proposals in principle but adding that, owing to the limited circulation given to the original document, we were not in a position to give you final views. In particular, we observed that we should be bound to consult the Dominions Government before finally committing ourselves and that our view was that the Dominion Governments principally concerned, and probably the Government of India, should be signatories of any treaty of the kind proposed. We asked for the concurrence of your Government in communicating it to the Dominions Governments and to the Government of India, and to inviting their comments.

In reply, Mr. Gallman informed Mr. Butler, in his letter of 13th May, that you had no objection to our discussing the draft with the Dominions Governments and the Government of India.

On 14th June, Mr. Harriman wrote to Mr. Bevin transmitting a revised draft of the treaty and adding that Mr. Byrnes had authorized its release for the following week. The draft was published in the Department of State Bulletin dated 30th June (Vol. XIV. No. 365).

As regards the attitude of the other Governments concerned, our information is limited to a press message from Washington published in the "Times" of 13th July which reads:

"Great Britain and China have replied favourably to the United States suggestion for a 25-year treaty to keep Japan disarmed, the State Department said yesterday, but no reply has yet been received from Russia."

The position now appears to be that we are awaiting the comments of the United States Government on our proposal that the Dominions Governments and probably the Government of India

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should be included about the signatories of the Treaty. It would also be most helpful to us to be informed of the reactions of the Chinese and Soviet Governments (if the latter have not replied) and of what further action the State Department may be contemplating in the light of the replies so far received. For our part, we took action upon Mr. Galbraith's letter of 13th May and communicated the text of the draft treaty to the Chinese Government and the Government of India. We have not yet had their replies.

(Yours sincerely,)

/s/

(D. F. MacArthur)

Mr. Everett S. Drumright,
United States Embassy,
1, Grosvenor Square,
W. 1.

SECRET

FORM DS-222
7-18-46

OUTGOING TELEGRAM

CLASSIFICATION

INDICATE

Collect

Charge Department:

Department of State

SECRET

Charge to

Washington

SECRET

MAR 21 1947 4833

SUPREME COMMANDER FOR THE ALLIED POWERS

TOKYO

INFO: WAR DEPT CHIEF OF STAFF

7 pm

FOR POLITICAL ADVISER

text as follows

~~The following~~ Draft/ ~~message~~ submitted to WAR DEPT today approval and by separate War Dept. telegram for/transmission/to SCAP: QUOTE. REF War's C-50511, Mar 1, 1947. Apostolic Delegate in Washington is not, repeat not, recognized by this GOVT as a diplomatic representative. State believes that since the Apostolic Delegate in Tokyo has not been accredited to SCAP as a diplomatic representative, his status should be considered that of the head of a religious organization and should receive the same privileges as representatives of other religious organizations now living in Japan.

With reference to the Apostolic Delegate's claim that he was not applying for privileges of purchasing essential supplies from US Army agencies as representative of a religious organization, but as Apostolic Delegate, State received letter dated Nov 15, 1945, from Apostolic Delegate in Washington which states: INNERQUOTE. I am, in consequence, instructed by the Acting Secretary of State of His Holiness to bring to the attention of the

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(Japan) / 3-2147

FORM DS-222
7-18-46

OUTGOING TELEGRAM

CLASSIFICATION

INDICATE

Collect

Charge Department:

Department of State

SECRET

Charge to

Washington

-2-

United States Government that the Apostolic Delegate in Japan is a representative of the Holy Father for the Bishops and clergy of the country, and for the establishment and development of religious works. As such, he has no diplomatic standing with the Government, nor is he accredited to the Government. His strictly religious mission makes it extremely important that he be allowed to remain and to establish his residence in Tokyo where he can carry on his activities as he did prior to the war. END INNERQUOTE. UNQUOTE.

*Acheson
acting
(JCP)*

DISTRIBUTION
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(OFFICES ONLY)

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MAR 21 1947 P.M.

MAR 21 1947

SECRET

No. 454

To the
United States Political Adviser to the
Supreme Commander for the Allied Powers,
Tokyo, Japan.

The Acting Secretary of State encloses for the
information of the Political Adviser copies of SWNCC
papers as listed below.

Enclosures:

- ✓ 1. SWNCC 228/13.
- ✓ 2. SWNCC 228/14.
- ✓ 3. SWNCC 236/35.
- ✓ 4. SWNCC 334/5.



Handwritten initials "204" in the top right corner of the routing slip.

Routing slip with fields for "na", "R", "OM", "215", and "OR".

MAR 21 1947

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EMBASSY OF THE UNITED STATES OF AMERICA

London, March 21, 1947



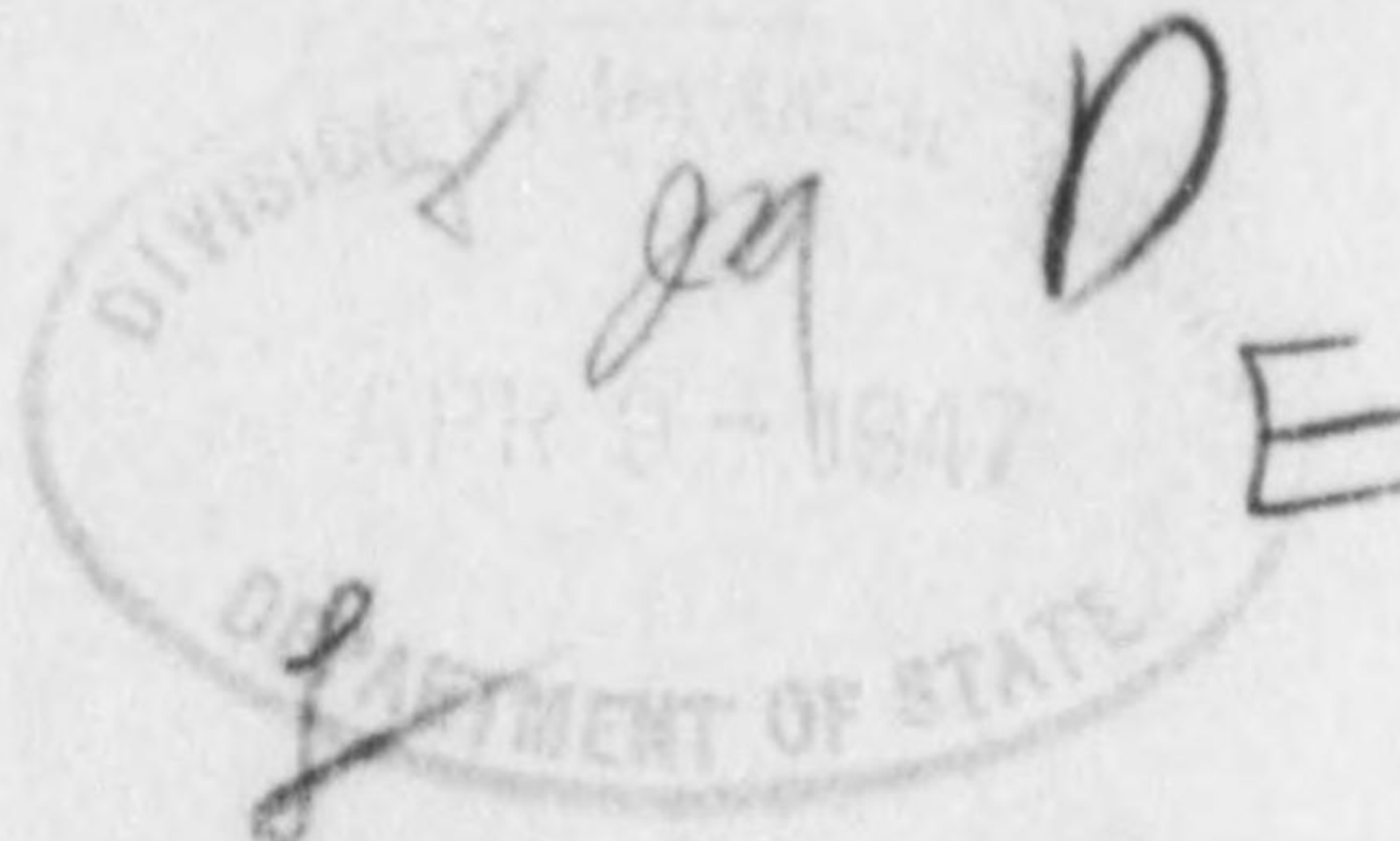
H.P. (N Last H) A/R

AIR MAIL
OIC EUROPEAN AREA DIVISION (ABE)
JUN 17 1947
DEPARTMENT OF STATE

RESTRICTED

No. 86

Subject: Transmitting Times Article Commenting on General MacArthur's interview of March 17, 1947



DEPARTMENT OF STATE RECEIVED MAY 1947 DIVISION OF BIOGRAPHIC SERVICE

ACTION
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TO:
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The Honorable
The Secretary of State,
Washington

Sir:

740.00119 Control (Japan)
3-2047 FE

1. In reference to the Embassy's telegram No. 1749, March 20, 1947, communicating a digest of an editorial from The Times of March 20, 1947, on the subject of General MacArthur's interview of March 17, 1947, with foreign correspondents on the future of Japan, I have the honor to enclose herewith a clipping of the article as it appeared in The Times.

2. It is perhaps well to observe that The Times is the only important British newspaper to date to comment editorially on General MacArthur's momentous pronouncements. This is no doubt due in part to British preoccupation with other major developments, and in part to newspaper space limitations.

3. In the Embassy's view, the article in question was almost certainly composed after the editorial writer had been briefed at the Foreign Office. Or to put it in other words, the views set forth in the article bear a remarkable similarity to the views expounded in private by a responsible official of the Foreign Office to an officer of the Embassy on the day

preceding/

FR-INQUIRY SERVICE
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1947 MAR 31 PM 3:54

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DEPARTMENT OF STATE RECEIVED
MAY 3 1947
OFFICE OF INTELLIGENCE COLLECTION AND DISSEMINATION

JUN 23 1947

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740.00119 Control (Japan)
3-2147

OM

Despatch No. 86
March 21, 1947
from London

Page 2.

preceding publication of the article in question.
For that reason, if for no other, it is suggested
that The Times article deserves the close scrutiny
of the Department.

Respectfully yours,

For the Ambassador:

Everett F. Drumright
Everett F. Drumright
First Secretary of Embassy

289
Enclosure: *act* *Reck*
Clipping from The Times *with orig*

1 c enc "clipping" only - retained in DAF-Japan

Original and four copies to Department

Copy to U.S. Political Adviser, SCAP, Tokyo
Copy to Embassy, Moscow

EFDrumright/wg

Enclosure No. 1 to despatch No. 86 of March 21, 1947
from the Embassy at London, England.

PAPER: THE TIMES

NUMBER:

CITY: LONDON

DATE:

20 MAR 1947

Peace in the Pacific

The plea put forward by GENERAL MACARTHUR on Monday for an early peace settlement with Japan summarizes the conclusions already outlined in his latest reports on the allied occupation. The SUPREME COMMANDER has formed the view that to continue the present system of administration will impede the main purpose of the allies, which is to encourage the Japanese people to pursue peaceful progress along democratic lines. Even those who fear with good reason that the new fashion of democracy may be less firmly established in Japan than GENERAL MACARTHUR seems to believe will agree with him that the reforms effected with allied encouragement in the political, economic, and administrative spheres must be given a fair chance of commending themselves in practice to the Japanese people. This they cannot do so long as the economic blockade isolates Japan from the channels of normal international intercourse, both cultural and commercial, and makes every project of peaceful rehabilitation impossible. The trade agreement which Japan is now being permitted to sign with the Philippines is a practical recognition of this fact.

GENERAL MACARTHUR'S views, based upon an estimation of both the present needs of Japan and the requirements of future international security, will command sympathy and respect throughout the British Commonwealth. Britain has long favoured the early conclusion of a general Far Eastern settlement, of which formal peace with Japan must constitute an essential part. The Dominions, to whose association with such a settlement this country attaches the highest importance, have lately given expression to similar views. American opinion appears to be moving in the same direction, partly because the American public have confidence in GENERAL MACARTHUR'S judgment, and partly because they can see that, unless the Japanese economy can be established upon a self-supporting basis, the financial obligations now shouldered by the United States in Japan may become converted into an onerous and indefinite commitment. Indeed all countries could benefit from the restoration of conditions enabling Japanese industry to regain a level fixed by allied agreement and permitting commercial intercourse between Japan and other countries to return to normal channels without discrimination.

It is greatly to be hoped that this growing consensus in favour of an early settlement with Japan may prove strong enough to overcome the difficulties which have so far obstructed the efforts of the Far Eastern Commission to arrive at agreement upon allied policy. The American suggestion for a pact to prevent the revival of Japanese aggression should now be taken up in earnest; the prevention of aggression, here as in Germany, is the one essential and overriding requirement. The next step should be another attempt to fix by agreement the level to be permitted to Japanese industry. Once this has been achieved, any surplus over the immediate needs of Japan could form the basis for an interim reparations scheme. Agreement upon a final reparations scheme will remain difficult while Russia declines to include Japan's external assets in the reparations pool. But the need for a general settlement, even of a tentative character, is now so great that the allies must redouble their efforts to reach an understanding. The peace of the Pacific, as well as the destiny of the Japanese people, depend upon the acceptance of the counsel of those who appreciate, as do GENERAL MACARTHUR and DR. EVATT, the urgency of the need.

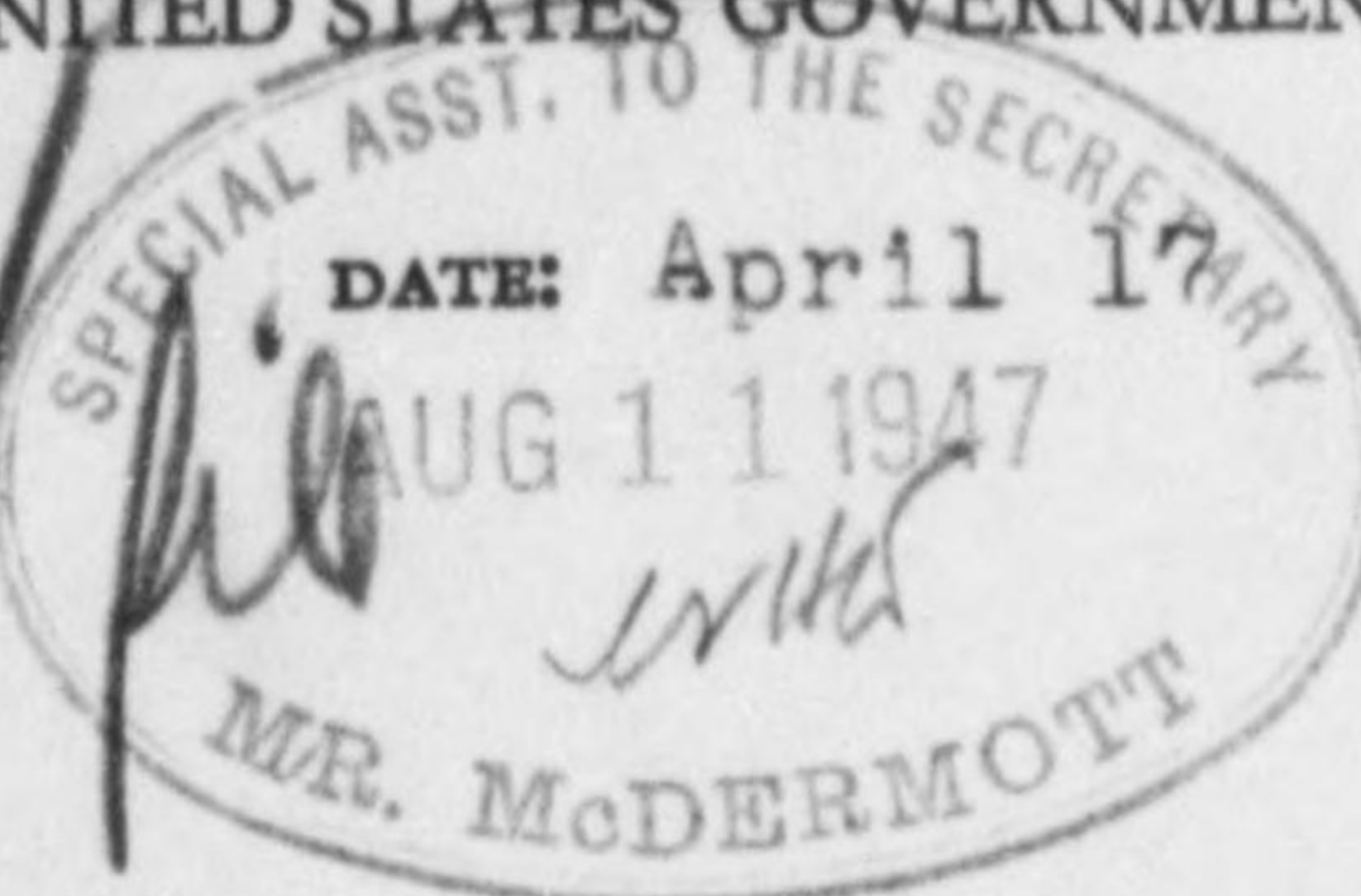
3-2147

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : NA: JWA JKE
FE: JKF

FROM : NA: RAF



SUBJECT: Allied Council Meeting of March 19.

The first half of the meeting was taken up by the reading by Mr. Atcheson of his prepared statement, cleared with the Department, regarding his trip home. The statement elicited no comment. During the second half of the meeting Mr. Pierce, Chief of the Gas and Electric Branch of the Economic and Scientific Section, SCAP, read prepared answers to nine questions posed by the Soviet Member regarding "The Operation of the Power Industry of Japan". Mr. Pierce reported that notwithstanding the increased use of electricity for heating and cooking due to the coal shortage electric power production was sufficient during 1946 except during early fall, when an abnormal dry period was encountered, and early winter, the normal annual dry season. Shortages resulted during these periods because of lack of coal to operate thermal generating plants. Discussion was held over to the next meeting.

DIVISION OF MIDDLE
EASTERN AND INDIAN AFFAIRSMAY 15 1947
DEPARTMENT OF STATE

NA:RAF:mle



UNITED STATES POLITICAL ADVISER 00 497 FOR JAPAN

Tokyo, March 22, 1947

Office of Financial & Development Policy

Department of State International Resources Division

UNCLASSIFIED

No. 931

1947 APR 2 12 05

DC/M FACILITIES BRANCH

SUBJECT: Twenty-eighth Meeting of the Allied Council for Japan, March 19, 1947.

DIVISION OF MIDDLE EASTERN AND INDIAN AFFAIRS

The Honorable The Secretary of State Washington

DEPARTMENT OF STATE

DEPARTMENT OF STATE AUG 5 1947

1 copy of enclosures returned to N.A.

INTERNATIONAL TRADE

Sir:

I have the honor to refer to this Mission's despatch No. 897, March 1947, and to previous correspondence in regard to meetings of the Allied Council for Japan, and to forward as an enclosure five copies each of the Agenda and Corrected Verbatim Minutes of the Twenty-eighth Meeting of the Allied Council, held on March 19, 1947.

The first subject on the Agenda was my statement "Report of the Chairman in Regard to American Attitudes Towards the Occupation as Observed on His Visit to the United States" (transmitted to Department by telegram no. 59, March 14, 1947). This appears on page 1, et seq. of the Corrected Verbatim Minutes.

The Member for the Union of Soviet Socialist Republics placed the subject "The Operation of the Power Industry in Japan" on the Agenda. Mr. V. Pierce, Chief, Gas and Electric Branch, Economic and Scientific Section of General Headquarters, Supreme Commander for the Allied Powers, prepared detailed replies to the nine specific questions raised by the Soviet Member. Mr. Pierce's statement appears on page 7, et seq. of the Minutes. There was no general discussion of the subject as the Soviet Member wished to have it retained on the Agenda for the next meeting.

Respectfully yours,

George Atcheson, Jr.

OFFICE OF EUROPEAN AFFAIRS DISTRIBUTION OFFICE APR 30 1947 DEPARTMENT OF STATE

Enclosures:

- Five copies of Agenda
Five copies Corrected Verbatim Minutes of 28th Meeting, Allied Council for Japan, March 19, 1947.

Original and hectograph to Department
Copies to American Embassies at London, Nanking, Moscow, Canberra, New Delhi
Copy to American Legation at Wellington

DIVISION OF FINANCIAL AFFAIRS MAY 8 1947

DEPARTMENT OF STATE

DOE - NE Unit MAY 8 1947 Department of State

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RECEIVED DEPARTMENT OF STATE 18 APR 1947

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MAY 8 1947

P F Mc

Agendas:

Encl. No. 1 to Dispatch 931 of the U. S. Political Adviser for Japan, Tokyo, dated 22 March 1947, subject: "Twenty-eighth Meeting of the Allied Council For Japan

28-319

AGENDA

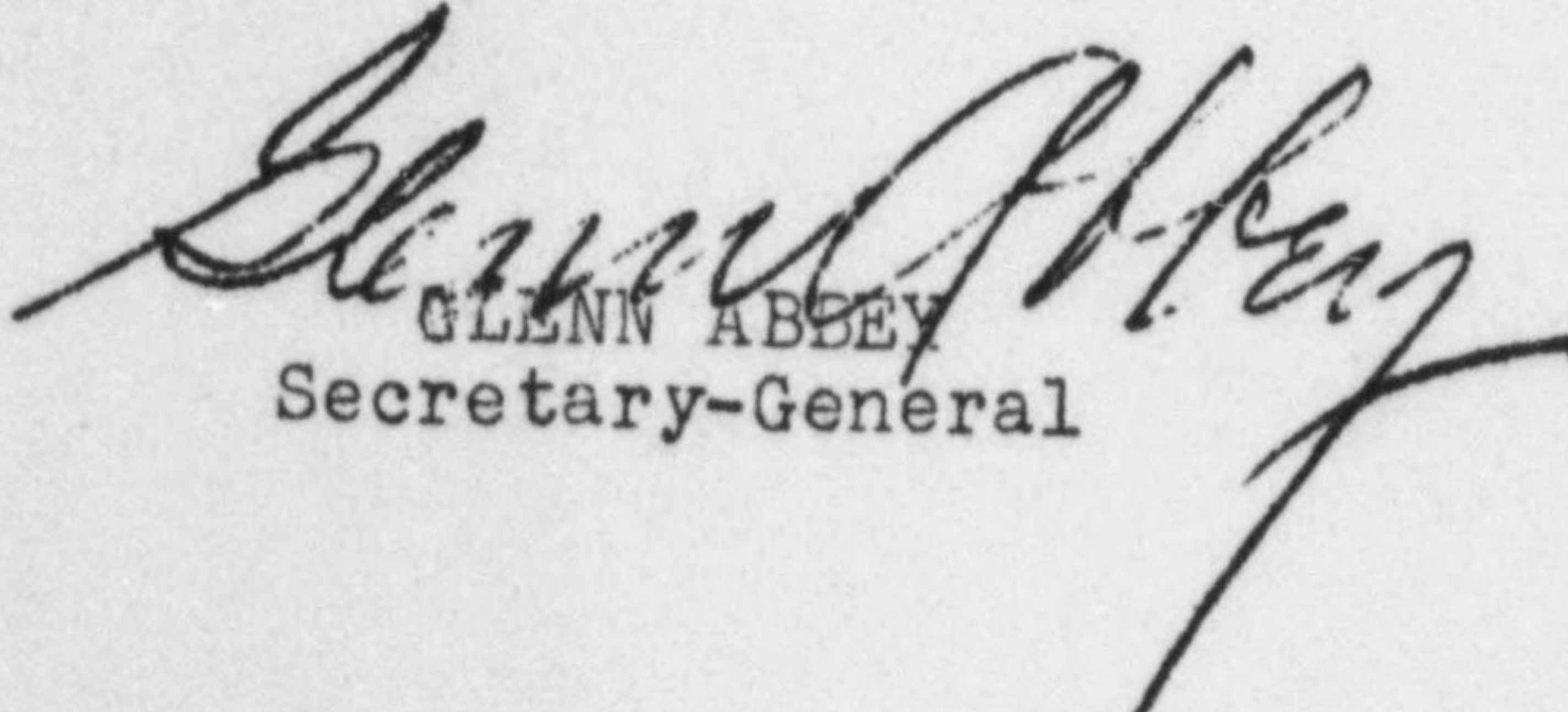
for the

TWENTY-EIGHTH MEETINGALLIED COUNCIL FOR JAPAN

To be held in the Meiji Building, Tokyo,
Wednesday, 19 March 1947, at 1000 Hours

- I APPROVAL OF THE CORRECTED VERBATIM MINUTES OF THE TWENTY-SEVENTH MEETING (1 Session, Numbered 27-305).
- II PROCEDURAL MATTERS
- None held over or submitted as subjects for this Agenda.
- III OFFICIAL MATTERS
1. Report of the Chairman in Regard to American Attitudes Toward the Occupation as Observed on His Visit to the United States. (Inclosure #1).
 2. The Operation of the Power Industry of Japan. (Inclosure #2).

By Direction of the Chairman



GLENN ABBEY
Secretary-General

2 Incls:

- 1 - Agenda Item 28-319-1.
- 2 - Agenda Item 28-319-2.

14 March 1947

ALLIED COUNCIL FOR JAPANProposed Discussion Agenda

- I AGENDA NO. 28-319-1.
- II PROPOSED BY: AMBASSADOR GEORGE ATCHESON, JR., Deputy for the Supreme Commander, Chairman and United States Member.
- III SUBJECT FOR DISCUSSION: Report of the Chairman in Regard to American Attitudes Toward the Occupation as Observed on His Visit to the United States.
- IV DATE PROPOSED FOR DISCUSSION: 19 March 1947.
- V SCOPE OF INFORMATION DESIRED: None.
- VI SPECIFIC INFORMATION DESIRED ON PROGRESS TO DATE: None.
- VII REFERENCES: None.

Inclosure #1

ALLIED COUNCIL FOR JAPANProposed Discussion Agenda

- I AGENDA ITEM NO. 28-319-2.
- II PROPOSED BY: LIEUTENANT GENERAL KUZMA N. DEREVYANKO,
Member for the Union of Soviet Socialist Republics.
- III SUBJECT FOR DISCUSSION: The Operation of the Power
Industry of Japan.
- IV DATE PROPOSED FOR DISCUSSION: Wednesday, 19 March 1947.
- V SCOPE OF INFORMATION DESIRED:
1. What is the actual capacity of the power plants,
separately for hydro and thermal plants?
 2. What is present day demand for power and necessary
capacity of the power plants both for the whole
country and for separate administrative regions,
separately for hydro and thermal plants?
 3. The rate of utilization of the existing capacities
of the power plants during 1946, separately for hydro
and thermal plants?
 4. What were the reasons of insufficient generation of
power during 1946?
 5. For what purposes and in what quantities was power
used during 1946?
 6. What measures were taken by the Japanese Government
to increase the generation of power?
 7. Is there any possibility for transmission of power from
the regions with excess of power to the regions having
shortage of power by means of high voltage transmission
lines and if not what is being done in this direction?
 8. Is the equipment of the power plants, selected for
repairs, being used at present?
 9. What is the structure of the semigovernmental Nihon
Hassoden Company and who are its shareholders, besides
the government, and to what extent?
- VI SPECIFIC INFORMATION DESIRED ON PROGRESS TO DATE: None.
- VII REFERENCES: None.

Inclosure #2

Verbatim Minutes:

Encl. No. 2 to Dispatch 931 of the U.S. Political Adviser for Japan, Tokyo, dated 22 March 1947, subject: "Twenty-eighth Meeting of the Allied Council For Japan."

28-319

CORRECTED
VERBATIM MINUTES
of the
TWENTY-EIGHTH MEETING
ALLIED COUNCIL FOR JAPAN

Meiji Building, Tokyo, Wednesday, 19 March 1947 at 1000 Hours

MEMBERS PRESENT

The Honorable George Atcheson, Jr., Deputy for the Supreme Commander, Chairman, and Member for the United States

The Honorable Yorkson C. T. Shen, representing the Member for China

The Honorable W. Macmahon Ball, Member representing jointly the United Kingdom, Australia, New Zealand and India

Lieutenant General Kuzma N. Derevyanko, Member for the Union of Soviet Socialist Republics

SECRETARY-GENERAL

Mr. Glenn Abbey

Office of the Secretariat
Allied Council for Japan
21 March 1947

THE CHAIRMAN: The meeting will please come to order.

The first matter before us is the approval of the Minutes of the last meeting. I believe the Minutes have been circulated among the Members for correction. In the absence of any objection (Pause) they will be recorded as approved.

Are there any Procedural Matters? (Pause)

We come to the first subject under Official Matters. The Supreme Commander has suggested that I inform the Council of my observations during my recent visit to the United States as to the general attitudes and opinions of American governmental officials and the American people in regard to the Allied Occupation of Japan. I am very glad to do this.

By way of general remarks, I may say that I was privileged to have an opportunity to discuss the Occupation and some of its problems with a number of the highest officials of the United States Government. As I recently stated to the press, the American Government is solidly behind the Supreme Commander. Also, in discussions with a wide variety of people in different parts of the United States, I gained a definite impression that the American people as a whole are much gratified at the progress of the Occupation and are giving General MacArthur their fullest support. The American people are proud of what the Supreme Commander has accomplished; they are proud of the Allied Occupation; they look upon the Occupation as a bright spot in a troubled world and one where wholehearted Allied cooperation can achieve Allied goals to the benefit of the entire world.

There was not as complete news coverage of events and developments in Japan as I should like to see in the American press. But I found among the American people at large a very keen interest in our problems here and also what seemed to me to be a very common sense attitude toward both the present and the future. There is very naturally a feeling among the

American people that the Japanese must prove themselves. So far, the American people are impressed by the spirit of cooperation which the Japanese have shown and by the energy and diligence of the average Japanese in working to rehabilitate his life and the economic life of his country. The great difficulties facing the Japanese are appreciated. American commercial firms, notably those who previously have had interests in this part of the world, are prepared to assist in practical and mutually beneficial ways in the development of the peacetime economy of Japan and in international trade. This readiness can, I think, be encouraged by Japanese determination to do everything possible to make the most of their commercial and economic resources, including labor, and the development of productive cooperation between capital and labor. American business men, as well as the rest of the American people, hope for and look forward to a peaceful and prosperous world. American business men desire to do their part in furthering the establishment of peaceful and prosperous relationships between all countries. But American business men seeking markets for American goods abroad or for foreign products to sell in the United States have grown, through experience, to be much more hardheaded than they sometimes have been in the past. They do not seek large profits. They seek the development of sound business, but they cannot be expected to speculate or sink money into enterprises when stability and reasonable security are lacking. Workable and stringent steps by the Japanese to control inflation in general, and practical progress in such specific problems as the establishment of a fair and realistic relationship between prices and wages could, it was felt, do much toward this end.

I found a general realization among those interested in the Occupation that Japanese industrialists must be informed without delay what plants are to remain so that they can produce

goods for their own peacetime needs and for exports to pay for necessary imports of food and greatly needed raw materials and other essentials to ordinary life. When this question is settled--and I hope that it will be very soon--Japanese economy can make a considerable stride forward if Japanese industrial interests and workers are willing, as I think they are, to put forward their best efforts to revive peacetime production.

As regards the Allied Council for Japan, I was interested to find how closely the proceedings of this Council are followed by persons in high place in the United States. I had the privilege of meeting with the Far Eastern Commission, and while its proceedings are, as you know, confidential, I am sure that there is no breach of faith if I tell you that the members take a very keen interest in what goes on among us here. I heard expressed a general view that the Council affords the Allies represented here a favorable opportunity to voice constructive advice and suggestions for consideration by the Supreme Commander to assist him in his tremendous task, so important to all of us, in showing the Japanese people and nation the way to becoming a democratic, peace-loving member in good standing of the United Nations.

I was in the United States at the time of the recent threatened general strike of Japanese Government employees. I heard considerable surprise expressed that in the midst of a severe economic crisis, unions of government employees should contemplate a strike which would be ruinous to Japanese economy. The American people, in general, seem to feel that the Japanese deserve help if they are willing to help themselves. Opinion was unanimous in supporting General MacArthur's intervention and stoppage of the strike. A number of people considered that a good deal of ground had been lost in healing the wounds of war as a result of a situation engendered by the