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it is delaying the rehabilitation, and I hope that the members of this Commission will not allow it to be charged against them by any action that we failed to take that we have in some way contributed to the delay in that rehabilitation that is essential to Nations that have been so seriously devastated and have suffered possibly the more serious consequences that that war has imposed. I hope, therefore, in the name of the country that I represent, that the Commission will at least take a firm view that this matter must not be delayed further than what already has been indicated, and that in the fortnight there will be an effort to reach the agreement that is so earnestly desired.

MR. LACOSTE: Mr. Chairman, I wish to associate the French Delegation with all that has been said in favor of the speed that is necessary for the settlement of this work. The French Government considers it a matter of utmost urgency and I want to go on record as hoping that it will be settled as quickly as possible.

SIR GIRJA BAJPAI: Mr. Chairman, I would<sup>not</sup>/like to remain silent on this occasion. I speak not because I represent, as I do, a country in Asia and a country, which I venture to submit in all modesty



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but with all confidence, a country which made a substantial contribution to the defeat of Japan, I wish to urge that we are interested in the speedy settlement of this question of Reparations, not merely because we desire our own part of the reparations but because we feel that those who have suffered more than us, China and the Philippines, cannot reasonably be expected to wait indefinitely for a solution to this problem. After all, Mr. Chairman, time and eternity are not synonymous, and when you wait too long, then time does wear the appearance of eternity. You feel that way and I do hope that we shan't have to wait any longer than the fortnight which the Assistant Secretary of State has suggested and the deadline, I hope, by which there will be agreement or a new proposal.

SIR GEORGE SANSOM: Mr. Chairman, I am not speaking for the effort and sacrifice of the United Kingdom and we merely say that this question was urgent before in the Commission. It is quite obvious that the lapse of time is increasing the urgency for that matter to be settled. So, I am in agreement with everybody who has spoken.

ADM. RAMISHVILI: May I, Mr. Chairman. I



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feel that I must say something. First, Mr. Chairman, and gentlemen, I can express my full understanding and appreciation of the point of view expressed here by the members of the Far Eastern Commission, and I should say they worry in this situation in which this question of Reparations for the time being remains. The point of view of my Government was and is now that we shall exhaust all our efforts to reach some sound previous agreement as a basis for acceleration of the work of the Conference itself. And all efforts of my Government and, I am glad to say, the Government of the United States, was devoted to this task--to do the utmost possible in order to facilitate the work of the Conference itself, if and when, and I hope it will be, this Conference starts its work. In this connection, Mr. Chairman, I am very glad to express my appreciation of the statement of General Hilldring, which, I think, showed us today, I should say, officially, although everybody knew that to be so, negotiations were underway. But this question was officially reported to the Far Eastern Commission, which shows that we did not lose hope that we can reach some agreement, which shows that we, gentlemen, are earnestly working to facilitate and reach agreement on this question. I quite agree with General Hilldring, mostly in



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that part of his statement where he proposed to give us, I mean the Governments which are working now on this matter, another two weeks in order to exhaust every possibility before we can say to ourselves that we cannot agree. I hope we can reach some agreement. Thank you, Mr. Chairman.

DR. PATTERSON: Mr. Chairman, I think the Canadian Representative is the only one that has not expressed himself this morning. I hardly felt it necessary to do so because I think that Canada was one of the first countries to accept the proposal made by General Hilldring that a Reparations Conference be held. The only question raised at that time was with respect to the place and I think that has been satisfactorily dealt with. So, I simply reaffirm the position taken by the Canadian Government that it is highly desirable that such a conference should be held at the earliest possible moment.

GEN. McCOY: Thank you very much, General, and we are glad to have taken you into the full conference.

GEN. HILLDRING: Well, thank you, Mr. Chairman, and Members of the Commission, for letting me speak to you this morning.



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ITEM 5 - REPORT ON JAPANESE EXTERNAL ASSETS  
(FEC-072)

GEN. McCOY: Item 5, Report on Japanese External Assets, depends on the general Reparations problem and will be continued on the agenda.

ITEM 6 - THE SELECTION OF PLANTS FOR REPARATIONS REMOVALS? DESTRUCTION OR RETENTION IN JAPAN (FEC-091)

GEN. McCOY: This paper concerns the selection of plants for reparations removals, destruction or retention in Japan. It contains recommendations by Committee No. 1 and Committee No. 6: Aliens in Japan, was amended and approved by the Steering Committee at its last meeting. The Soviet and U. S. members reserved their positions on the document.

SIR GIRJA BAJPAI: Can we have some explanation, Mr. Chairman, of this alternative draft that has been circulated to us. It doesn't seem to make any sense at all. (Laughter)

GEN. McCOY: But I think it will after I explain it. I have just circulated that and I now put the paper before you, calling attention to the fact that the American Government made certain reservations there and now meet the question by proposing the amendment which has been circulated. I will ask Mr. Martin to explain and discuss the



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the amendment.

MR. MARTIN: Our understanding was that the purpose of the Steering Committee was to ask for a new paper on the subject of the treatment to be accorded United Nations property in connection with the various measures we are now taking in Japan affecting industrial property interests, and it seemed to me that if the intent was to postpone any action now by SCAP, which would prejudice a future decision on the paper which is referred to in the draft as approved by the Steering Committee, the paper that should be drawn up for future action, it was necessary to forestall action by the Supreme Commander on any one of at least three lines on which he may be called to act in the near future. We first have given him a directive with respect to Interim Removals for reparations purposes. We want him not to take any action with respect to United Nations property under that directive. The United States Government hopes that in the near future the Far Eastern Commission will give him a directive authorizing him to assure certain facilities that are to be retained in Japan for the use of the Japanese. We <sup>don't</sup> feel that it is desirable to prejudice a future decision by the Far Eastern Commission by



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permitting action of that sort which would foreclose the treatment of those facilities in accordance with the future policy decisions of the Far Eastern Commission. The United States Government hopes also that in the not distant future the Far Eastern Commission will act on a paper now in Committee No. 2 with respect to reduction of industrial war potential which may involve in a number of cases destruction of facilities. We think that there are possibly alternative courses of action which the committee will want to consider with respect to United Nations property in connection with that destruction. We would like to instruct SCAP, as our member proposes, not to take action under such a directive. In other words, the intent is to cover the three lines in which SCAP has been or may be in the future authorized to take action with respect to industrial facilities, to see that he does not take any of those courses of action with respect to United Nations facilities until there is a directive on that specific subject drawn up by the Far Eastern Commission, which is proposed as another section of the paper.

SIR GIRJA BAJPAI: The meaning, Mr. Chairman, if I may presume to say so, is made quite clear now. But, I may venture to say that the language may not



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express the meaning. You almost draw the conclusion that the retention should not be assured and that destruction for security purposes should be secured. That, certainly, is not the meaning. I take it merely that you wish to say, in the meantime such property should not be selected for reparations removals or for destruction for security purposes, and that its retention should be assured. Isn't that your wish?

MR. MARTIN: It is my understanding that by the first sentence the action of the Steering Committee is to postpone a decision that the retention should be assured, the substance decision on which there was not agreement and which, therefore, is to be postponed to a subsequent separate paper. Your language would reach a substantive conclusion with respect to United Nations property, which conclusion is a source of disagreement and the reason for postponing and deleting the original language of the paper and referring it back to the committee on that point.

GEN. McCOY: In other words, it is an effort to get the value of action as far as possible at this time, and the second paragraph goes back to the committee in conference over the next paper that will come up on this subject.



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MR. MARTIN: I just had suggested to me an amendment which may clarify the thing, the document in some respects, namely, to introduce the word "for" in front of "assured retention" and in front of "destruction". In other words, "...should not be selected for reparations removals,<sup>for</sup>/assured retention, or for destruction for security purposes."

DR. PATTERSON: Mr. Chairman, I wonder if the insertion of the word "permanent" would help? "...assured permanent retention..."

ADM. RAMISHVILI: Mr. Chairman, I think that I must make a little statement in order to facilitate the discussion of this question and make clear my point of view. We transmitted this paper to the Soviet Government and still are awaiting the final instructions. Now, I could say my personal opinion, or rather the opinion of our Delegation as a whole on this paper. We think, Mr. Chairman, that any war industry whomever they belong shall be available for reparations, the same as applied to industries belonging to the Japanese.. Coming from this point of view, which I repeat is my personal opinion but I am sure that my Government will agree with this opinion, we will object to the exclusion from reparations of the foreign-owned war industries.



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Therefore, we cannot agree with paragraph 4, even in that wording as it is presented today because it leaves enough room for understanding that the industry belonging to the foreign owners will be spared from destruction. Therefore, we have a reservation. We would agree with this paper with the deletion completely of paragraph 4 and the insertion in the paragraph 1 after the word/ "industries"--this is line three--the words "whomever they belong". I think our position is quite clear.

GEN. McCOY: That seems very clear, the point of view of the Soviet Representative.

SIR GIRJA BAJPAI: Well, I wish to submit, Mr. Chairman, it is desirable first to get the meaning of the paper that has been circulated to us clearly expressed and then after that we can discuss the merits of the paper. The Soviet Representative has expressed his point of view on the substance of the paper. I was concerned more with the consonance, as it were, between substance and form. If I took Mr. Martin correctly, the idea is that property should not be selected whether for removal or for assured retention, whatever that may mean, or for destruction for security purposes. Am I correct in that?



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MR. MARTIN: That is correct, pending the completion of the paper called for in the first sentence.

SIR GIRJA BAJPAI: In that case, perhaps, as you say, it will read "In the meantime such property should not be selected for reparations removals, for assured retention, or for destruction for security purposes." But, if I may, not being born to the purple of the tongue, make a suggestion, the words "assured retention" are somewhat unusual. I don't really know what that means. Perhaps our Canadian colleague's suggestion might be adopted, namely, "for permanent retention".

MR. MARTIN: I think there is no difference in substance. I think the only reason we used this wording is the United States Government--now I believe, in Committee No. 2 where this question was under discussion, the paper is labeled "assured retention" and we have gotten accustomed to the phraseology more or less of the technical working phrase. The substance of the meaning is certainly equally well expressed by "permanent retention".

SIR GIRJA BAJPAI: Well, in that case, perhaps the committee would not object to putting in the words.



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DR. PATTERSON: Mr. Chairman, purely in the interest of clarifying this point, I make a further suggestion that would probably have to be considered later. It would be this that the sentence should be, "In the meantime such property should not be selected for reparations removals, or for destruction for security purposes, nor assured retention." That is the issue, whether assurance should be given at this time that the property may be retained.

SIR GIRJA BAJPAI: But, in the meantime, the property should not be selected for reparations removals, or for destruction for security purposes, nor assured retention?

DR. PATTERSON: Yes. The only question which arises is as to the extent of the permanency. It might be for eternity, as you suggested one time. However, I don't believe that we will further the discussion very much by discussing at this point in the Commission. I should think this should have to be referred again to the committee.

GEN. McCOY: What would your wish be, Representative from the Soviets?

ADM. RAMISHVILI: On this paper?

GEN. McCOY: Of course, there is nothing that can be done beyond presenting this for the consider-



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ation of the Commission. There is no formal motion before the Commission. It was hoped that this might meet the case sufficiently so that a motion could be made and one more paper be given the Supreme Commander for his basis of reparations. At any rate, it would safeguard the property of the Allied Powers, as is desired by a number of them here.

ADM. RAMISHVILI: Well, thank you, Mr. Chairman, for aiming your question personally at me only.

GEN. McCOY: Well, I thought, since you have a definite objection---

ADM. RAMISHVILI: Mr. Chairman, if it is possible under the procedures of such a body as a commission, make some move with some reservation. I mean, I would propose to delete paragraph 4 and insert these three words as I said. This is my proposal and still I would ask kindly to hold this paper until I have received the final instructions. This is rather complicated. This is my proposal on substance, Mr. Chairman.

GEN. McCOY: There is one discussion, you might say, on the particular language; then yours is a substantive proposal which---

ADM. RAMISHVILI: If you have passed a procedure as to what to do with this paper, I would



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like to hear it. I am not ready to answer this question, Mr. Chairman, right now.

GEN. McCOY: If you wish, we can make a motion for both motions and have the action of the Commission on it, or if the Commission feels it would take unnecessary time, over these further discussions, we might postpone action and, in the meantime, refer the paper back.

ADM. RAMISHVILI: Quite agreeable, Mr. Chairman.

GEN. McCOY: Is that the pleasure of the Commission?

DR. PATTERSON: Committee No. 6?

GEN. McCOY: Yes, and the Committee now has the definite proposal of the United States Government and of the Soviet Government, both of whom made reservations at the last meeting.

MR. LACOSTE: Mr. Chairman, as Chairman of Committee No. 6, I have to say that I have just been told that our Russian colleague will be unable to attend our next meeting which will take place tomorrow afternoon, and it was suggested, as we cannot make any headway in his absence, it would be a good thing to postpone this to our next meeting after this. That would be after the next meeting of this Commission. Is there any inconvenience in



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that delay? It means not one week but a fortnight.

GEN. McCOY: Well, a fortnight seems to be the important date and will settle a good many questions with regard to reparations.

MR. LACOSTE: I was just wondering whether it would be agreeable to everybody. That is just what I have been told that our Russian colleague cannot come.

ADM. RAMISHVILI: We had a change of personnel.

MR. LACOSTE: But in his absence we cannot achieve anything. So I just suggest that we postpone our meeting for a week.

ADM. RAMISHVILI: Yes.

GEN. McCOY: The action of the Commission will be to refer it to the Committee, and you, as Chairman, do the best you can under the circumstances.

MR. LACOSTE: If there are no objections to waiting a fortnight.

GEN. McCOY: And we have made of record the explanation for the postponement.

It is now 12:00 and we will recess for five minutes.

(The meeting recessed at 12:00 N.)

(Sir Girja Shankar Bajpai, the Indian Delegate, departed at 12:15 p.m., and Mr. J. Vesugar took his seat as alternate.)



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(The meeting reconvened at 12:20 p.m.)

GEN. McCOY: Gentlemen, the last five minutes, even by my watch, are up and we will sit in open session again. It is now twenty minutes after twelve.

Item No. 8, Restitution of Looted Property.  
No. I beg your pardon, Item No. 7.

ITEM 7 - INTERIM REPARATIONS REMOVALS: STEEL ROLLING INDUSTRY (FEC-059/20)

GEN. McCOY: This paper was approved by the Steering Committee at its last meeting and the United States member reserved his position, and I am sorry to say that I will once more have to ask your indulgence there. But I am informed that I will be able to give the position of the United States at the next meeting, so that I would ask postponement of Item No. 7.

ITEM 8 - RESTITUTION OF LOOTED PROPERTY (FEC-011/18)

GEN. McCOY: This paper contains amendments of paragraphs 2 and 3 of FEC-011/12 prepared by Committee No. 1: Reparations, in response to a request by the Supreme Commander for clarification of those paragraphs with respect to the applicability of the date of 31 December 1946. The paper



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was approved by the Steering Committee three weeks ago, one of the members reserving his position pending receipt of instructions from his Government. At the last two meetings the Commission has postponed consideration, pending such instructions.

ADM. RAMISHVILI: I withdraw my reservation; we can agree.

GEN. McCOY: In view of the statement of the Soviet Representative, who has now received instructions, the paper comes to us with the approval of the Steering Committee and will now be considered unanimous, if there is no objection. It is so ordered.

ITEM 9 - PROVISIONS FOR THE REVIEW OF A NEW JAPANESE CONSTITUTION (FEC-031/36, /39)

GEN. McCOY: That paper I would like to reserve, postpone once more, in view of certain circumstances outside the Commission which lead me to think that, if I can have a little opportunity to take it up with two members of the Commission and the Commission have enough confidence in me to let me do that on the side, I hope to clarify the situation to get unanimous consent at the next meeting of the Commission. That is my hope. It will be a question of clarification. I will ask Major



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Plimsoll and the Admiral if they will consult with me on the subject.

ADM. RAMISHVILI: Yes.

GEN. McCOY: That brings us up to Item No. 10.

ITEM 10 - DRAFT CONSTITUTION (FEC-087/1);  
AMENDMENT AND ADOPTION OF THE DRAFT  
CONSTITUTION BY THE JAPANESE DIET  
(FEC-087/10)

GEN. McCOY: You now have before you the final draft Constitution as approved by the Japanese House. It was first considered by the Commission seven weeks ago and continued on the agenda. This communication, /10, is from the Supreme Commander relative to the final amendment and adoption of the draft Constitution by the Japanese House of Peers. As you were informed in FEC-087/10, the new Japanese Constitution, as amended by the House of Peers, was approved by the House of Representatives on October 7. This completes the legislative phase of the adoption of a new constitution by Japan. The remaining phases consist of consideration by the Privy Council and promulgation by the Emperor. Consideration by the Privy Council is expected to be only perfunctory. The date of promulgation is still uncertain. As you know, the Supreme Commander stated that promulgation would not take place prior to October 20, but that he would



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report the date when fixed. When the various governments represented on this Commission expressed their opinions in regard to the draft Constitution as passed by the House of Representatives some weeks ago, all of the Governments made reservations to the effect that if amendments of substance were made by the House of Peers, adequate opportunity must be given for careful consideration of those amendments by the Commission. As you know, substantial amendments were made by the House of Peers. As these amendments, however, are in accord with the previous policy decisions of the Far Eastern Commission and Potsdam Declaration, they are acceptable to the United States Government, which assumes that they are also acceptable to the other Governments represented on the Commission, and consequently that no further action on the Constitution is required of the Commission.

SIR CARL BERENDSEN: Mr. Chairman, I think that there can be general agreement with that point of view. I wonder whether I might raise quite incidentally and in the most cursory manner some little doubts that were expressed at the meeting of the Steering Committee in connection with this paper, and particularly as to the phrase "public



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officials". It was the desire of the Commission that provision be made for universal adult suffrage rather more definitely than was contained in the original draft and that has been done. But I am not quite sure of that phrase "public officials". My understanding of the phrase "public officials" is that it would not include elected representatives of the people. I would interpret "public officials" as meaning something different from and lower than elected representatives of the people. I am told by those who know that <sup>in</sup> the Japanese the phrase that is used for "public officials" is wide enough, amply wide enough to cover elected representatives, in which case I wondered whether the English text might not with advisability be altered accordingly. I am not at all sure of the effect of the provision that universal adult suffrage is guaranteed with regard to the election of "public officials". I presume that doesn't imply that all "public officials" from top to bottom from elected representatives down to the doormen in the office are to be elected. I just don't feel entirely--I am not complaining at all or criticising. I don't feel entirely happy about the English phrase "public officials" or what the actual effect of the amendment that has been



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made might be.

MR. MAKIN: Has there been any explanation as to how far this principle will apply? What is the nature of the officials that it will apply to?

SIR CARL BERENDSEN: I don't know. Of course, we haven't got the Japanese text yet, Ambassador, so we don't know. But, if this is the accurate interpretation of the Japanese text, it seems to me to have been too wooly edges to it.

GEN. McCOY: We had a rather amusing example that is pertinent. Have you that little memorandum showing what misunderstandings do arise in trying to find the proper and exact phrasing when it is a new idea to the Japanese? Does this seem a natural point to you as knowing the Japanese Language?

SIR GEORGE SANSOM: Yes.

GEN. McCOY: For instance, in a broadcast from Tokyo, which shows some of the difficulties the Japanese are experiencing in meeting the requirements of the Commission, the House of Peers almost completed deliberations on the Constitution. Amendments approved at the committee meeting included the coining of a new phrase "Bummin" meaning "civilian", in the amendment that the Ministers must be civilians to prevent the election of persons whose former occu-



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pation was soldiering. It would seem that this phrase "Bummin" is unsuited to the Constitution which aims at simplicity. It is explained in the nature that it corresponds to the English "civilian". It would not be right to use English in the Constitution. Still, it does seem that a normally educated person would understand better if the word "civilian" would be used instead of "Bummin". (Laughter) Now our Latin word "civilian" would be pretty hard for them to interpret. We would have to get our Frenchman out there on that committee. Well, I don't think that this would lead to much difficulty because it would be clarified in their own interpretation and will be subject to review, I hope. When we get our review paper through in some form, just what the exact meaning of these efforts to get a new idea expressed in Japanese and back into English to us, is a difficulty which might be resolved in the way of our just asking for information on the subject.

SIR CARL BERENDSEN: My uneasiness would be due not so much as to <sup>what</sup> the Japanese text implies. I am sure that the implication is perfectly satisfactory--As to whether the term "public officials" as we understand it in the English Language does



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really import the idea that we were anxious to include in the Constitution, that universal adult suffrage is guaranteed with regard to the election of the representatives of the people in the Diet. My uneasiness is to whether that idea is sufficiently imported in English as I am assured it is in Japanese, confuses me. I would immediately say, well "public officials", that has no bearing on the representatives of the people. They are not public officials. My suggestion is we might find some better English phrase to implement the Japanese text.

GEN. McCOY: In either case it wouldn't be inconsistent with the terms of what might be called the controlling papers--our own and the Potsdam Declaration.

DR. LOUDON: If it is understood "public officials" include elected representatives, I would just like to ask for clarification--how are you going to dismiss them? On what basis? If there is a dismissal, he cannot be an elected representative. If there is an elected representative on what basis--impeachment? All right, let's say so. I know nothing about the Japanese wording, whether it is "Bumming" or "Boomin". I don't know what it is. (Laughter) I only have to do here with the words "public officials" in the



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second sentence, and to dismiss them. To dismiss them it seems to be as this, to elect them, and, therefore, is it all officials then must be elected? I mean I would be glad, from the point of clarification, to know what is meant by this change in the Diet which only, I think, can be forthcoming from the Headquarters.

SIR CARL BERENDSEN: This is only one of a large number of difficulties in language interpretation we have had.

GEN. McCOY: Just talking to my assistants, it would have to be considered before we do anything about it in what the Japanese word is and that is not available yet. However, I think, from the tone of the Supreme Commander with regard to the constitution, that it has apparently been satisfactory to him. In view of our interest in it in our former communications to him--it is through his intervention that he was able to get these amendments as we wished--and, apparently, they must have discussed it out there and the Japanese wording didn't cause this point to arise there. Now, of course, we have asked to have the Japanese draft sent immediately and we can get our Japanese experts here to test the wording and bring it up again for clarification.



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In the meantime, I will try to get some way of meeting these explicit misgivings.

GEN. ROMULO: Could we, then, postpone the discussion of this until we get clarification?

GEN. McCOY: I would be perfectly willing. I don't think we have much basis for a discussion until we get the Japanese text. It is a new point to me. I haven't heard it discussed before. I haven't read the minutes of the Steering Committee, where, I understand, it was discussed.

SIR CARL BERENDSEN: My suggestion would be, Mr. Chairman, while agreeing very generally that no further action on the whole can usefully be taken at this stage in connection with the Constitution, I would be inclined that we keep this item on the agenda with the motive of review, because they are twin sides of the same problem, and that we dispose of it at our next meeting or when we have the Japanese text before us.

GEN. McCOY: If that is satisfactory to the Commission, we will accept that and proceed to Other Business.

ITEM 11 - OTHER BUSINESS



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ITEM 12 - PRESS RELEASE

MR. JOHNSON: We have an item in which I propose to mention the welcome to Ambassador Makin as the new Australian Representative. We would like to mention the presence of General Schilling at our meeting, and we intend to release this Inter-Allied Trade Board paper and the Restitution of Property paper in the normal course as the procedure dictates. Otherwise, we have nothing to release.

GEN. McCOY: If there is nothing further before the Commission, we stand adjourned.

(Whereupon the meeting adjourned at 12:40 p.m.)



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FAR EASTERN COMMISSION

Transcript of Thirtieth Meeting of the Far Eastern Commission,  
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.

Thursday, October 17, 1946



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REPRESENTATIVES PRESENT

Maj. Gen. Frank R. McCoy, USA (Ret.), Chairman	(United States)
His Excellency Mr. N. O. Makin	(Australia)
Dr. George S. Patterson	(Canada)
His Excellency Dr. V. K. Wellington Koo	(China)
Mr. Francis Lacoste	(France)
Mr. J. Vesugar	(India)
His Excellency Dr. A. Loudon	(Netherlands)
Sir Carl Berendsen	(New Zealand)
Mr. F. Rodriguez	(Philippines)
Sir George Sansom	(United Kingdom)
Rear Admiral S. S. Ramishvili	(U.S.S.R.)

SECRETARY

Mr. Nelson T. Johnson

Reporter: Mr. R. Holtz, Department of State



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(The meeting convened at 10:30 A.M.)

GEN. MCCOY: Gentlemen, the session is open.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 29th MEETING

GEN. MCCOY: What is your pleasure about the minutes of the last meeting. They are before you and we will give a moment to have you determine whether they are correct from your point of view. Gentlemen, are there any corrections? If not, the minutes of the last meeting will be made a matter of record.

ITEM 2 - REPARATIONS REMOVALS: ACCESSORY PLANTS AND FACILITIES (FEC-059/24)

GEN. MCCOY: This paper was unanimously approved by the Steering Committee at its meeting a week ago. The Commission considered the paper at its last meeting and agreed to retain it on the agenda, pending informal negotiations among representatives who, I hope, have ironed out certain misunderstandings which possibly caused its being held up in the Commission last week. Major Plimsoll, we always seem to get you into these ironing out affairs, have you any comments to make?

MAJOR PLIMSOLL: Mr. Chairman, we had some dis-



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cussions during the week between the Chinese and the Soviet and myself. The Soviet member did not have final instructions, so I don't know whether he is in a position to vote for anything today or not. We did exchange our views and the atmosphere was hopeful. But, we are awaiting instructions for the Soviet member.

GEN. MCCOY: I take it, then, that we will keep it on the agenda?

MAJOR PLIMSOLL: Yes, until the Soviet member receives his instructions.

ADM. RAMISHVILI: Yes.

GEN. MCCOY: If there is no objection, item No. 2 will be continued on the agenda, awaiting final instructions.

ITEM 3 - INTERIM REPARATIONS REMOVALS: STEEL ROLLING INDUSTRY (FEC-059/20)

GEN. MCCOY: In like case is the Interim Reparations Removals under item 3 for the Steel Rolling Industry. I had hoped that I might be able to give the American--that is, the American member held it up the last time and reserved his position. I am happy to say that has been ironed out as far as my position goes. But I am requested to give opportunity, since it is a technical question and



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involves certain statistics, that it be postponed one week more so that the American position after consultation with SCAP can be circulated and put before you at the next meeting. If there is no objection, I will retain that and postpone action on it until the next meeting and you will have had time to see the circulated paper mentioned.



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ITEM 4 - PROVISIONS FOR THE REVIEW OF A NEW  
JAPANESE CONSTITUTION (FEC-031/40)

GEN. MCCOY: It was agreed at the last meeting to consider the draft--Oh, that was a long time ago it was agreed to consider the draft constitution as urgent. It was also agreed to continue this paper on the Commission agenda. At the last meeting the Chairman requested permission to consult informally with the Soviet and Australian representatives, and we now put before you a slightly modified first paragraph,<sup>in</sup> which our subcommittee off the record has made certain changes which are agreeable to the American representative as representing his Government. It is now before you and if there are any questions about it, I can refer you to the former first paragraph which has been modified several times. But I think that you are familiar with the changes up to date, and this new first paragraph is now apparently acceptable to all concerned. But, I would make sure of that by asking your consideration.

MR. MAKIN: Mr. Chairman, in regard to this question that the Far Eastern Commission has been considering dealing with the Constitution for Japan, I understand that the Far Eastern Commission has indicated that, respecting a suggestion made from



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Australia that there should be an adoption of the principle and, furthermore, that there should be immediate publicity given to the fact that the Commission had adopted this principle of a revision as well as effect a review at some subsequent date. I understand that some public statement has been made by the United States that in that regard--they have intimated that they don't quite agree with the idea of the immediate announcement of the intention of a revision. Australia feels very strongly on it and feels that to safeguard against any accusation on the part of the Japanese subsequently that there has been a breach of faith in respect to our attitude upon this matter, we would wish that some early announcement could be made, for the Japanese, no doubt, will have considerable ceremonial and public expression regarding the introduction of this new Constitution. And if before that they have no knowledge of what is intended in this respect, I think we would endanger the prospect of the Japanese having a very strong feeling that we have in some way failed to be quite as frank as we should have been and may even accuse us in some way of a breach of faith. That being so, we hope that there will be no misunderstanding by anybody in respect to what is to



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be done on this particular situation or anything further that governs the future of Japan. Now, that is why Australia has indicated in the strongest terms its feelings that we should make quite clear what we have in mind, and now that the Diet has passed the Constitution there is no circumstance of endangering as far as they are concerned the question of its adoption. And there, we can hardly see what is to be gained by there being any delay in the announcement that is to be made of this principle that we feel should be adopted for the revision at a subsequent period of the Constitution that has been laid down for Japan. But, we are not indifferent to the view that is held by others upon the matter, and to secure unanimity of thought upon it we are prepared to bow to that view that has been expressed by others that they would possibly feel that there was some advantage by not at this moment making the definite pronouncement, although I still register the definite thought of Australia in regard to this matter that we feel it should be indicated at the earliest possible moment after the adoption by this particular Commission. We feel, however, of course, that the major aspect of this question



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is the adoption of the motion that has been submitted for the principle of a revision to be made at a subsequent period; feeling that is the major question, then, we certainly, to secure unanimous vote upon the matter, are prepared to concede that the other is a question of honest difference of opinion, and we are prepared to try and meet other members of the Commission in that respect. We however suggest that General MacArthur might immediately know that we have adopted this principle of a revision of the Constitution at a later date and we might communicate with General MacArthur for his advice as to what would be a suitable time for this statement actually to be announced. We feel it should not be later than the promulgation, for we feel that if it is delayed longer than that, that it could be extremely embarrassing to us. In speaking of us I mean the Far Eastern Commission. I hope that, in view of the argument that I have advanced this morning, members of the Far Eastern Commission will see the wisdom of there being some early announcement made so as to safeguard against any very serious misunderstandings and bad feelings arising by reason of a belated announcement regarding the matter. That will be all, sir.



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GEN. MCCOY: Well, that certainly is a very clear and useful statement from the representative of Australia, and I should give great weight to his wishes because of the fact that you might say it is your baby in the sense that that suggestion, which we are all agreed to, was proposed very wisely by Dr. Evatt in his appearance here. So that, I am very anxious to give full consideration to any wish expressed by the representative of Australia here. Are there any other comments on the subject of the new draft before you?

SIR CARL BERENDSEN: Mr. Chairman, I would like to express general agreement with the remarks of the Australian Ambassador. I am very generally satisfied with the position that the Commission has at last attained on this subject. Not criticizing in the least, I have never been able to understand what is the difficulty that the United States representatives see, and I would beg that we be given some explanation as to what the difficulty is. I could quite readily understand that it would be inadvisable and unwise to publish such a decision as this when the Constitution was in the course of consideration by the Japanese legislative bodies. I can quite



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understand that. I could, perhaps, be made to understand why it would be unwise to publish such a decision as this before promulgation. But if it were possible, I am suggesting in the purest spirit of helpfulness if it is possible to some degree to explain why it could conceivably be unwise to publish this decision at the time of promulgation, I would be extremely grateful. I would agree entirely with the Australian Ambassador that the time to publish this is concurrently with promulgation. If we don't publish it then we stand open to misunderstandings and to accusations of bad faith. But, if there is any real reason why that should be postponed, I would be grateful myself and I would be sure that the people of New Zealand would be properly grateful too if we could have an explanation.

GEN. MCCOY: Well, there have been a good many reasons advanced in the consideration of this paper. I think one that might be mentioned just at this moment, before I begin the particulars in my responsible point of view, is that I would sense that the Supreme Commander feels that, in the difficult position that he is in with the new democratic way of doing things and conscious of the Declaration of Potsdam, nothing be begun to damn the new Con-



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stitution at the particular moment when the Japanese are taking the new Constitution to their bosom. There are many questions that occur, some legal, and those, I think, we have now met in the different efforts to find a formula for that first paragraph, and I think the present first paragraph covers the legal points. But the important one is one that very much concerns the Supreme Commander and we haven't had his views on the subject yet. That is one of the things that we are all conscious of and I want to get his views and put them before you. I think that will answer, Sir Carl, your pertinent question.

I think that I can summarize our position with regard to this apparent delay as to publicity, and I think you used another word "issuance" at the last meeting. At the meeting of the Commission on September 21, I stated that my Government is prepared to accept the review paper provided that the Commission at some subsequent meeting and after obtaining the views of the Supreme Commander will consider the time and manner of issuance of the policy decision embodied in the paper. That is, if the pending paper is approved by the Commission, the next step, after transmitting this paper as a policy



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decision to the United States Government for communication as a directive to the Supreme Commander, will be to request the views of the Supreme Commander as to the time and manner of issuance of this policy decision. After the views of the Supreme Commander had been received, the Commission will then be in a position to consider the time and manner of the issuance of this policy decision. After this review paper is passed, I should be pleased to be authorized to consult with the Supreme Commander in order to obtain his views on this subject.

MR. MAKIN: Thank you, Mr. Chairman.

GEN. MCCOY: The paper is before you under its new guise. This is FEC-031/40, 15 October 1946. It is before you and I will propose it to the Commission, and I don't think it is necessary for me to read it since it is now before you. I will look for your consideration with the hope that we will also have a second to my motion. We present this paper under the reservation as to issuance after consultation with the Supreme Commander and bringing his statement before the Commission for proper consideration as to the time of issuance. But, the paper itself is before you as a policy paper to be issued in a directive at this time.



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MR. MAKIN: I am in favor of seconding the adoption, sir, of the formula that has now been presented to the Far Eastern Commission. I think it is a very satisfactory document and the only difference is, of course, regarding that aspect dealing with the question of the time of its announcement. I am, indeed, gratified to know that we have reached now a stage where there can be substantial agreement upon this question.

GEN. MCCOY: I will also see that the particular remarks of the representatives of Australia and New Zealand are communicated to the Supreme Commander.

MR. MAKIN: Thank you, Mr. Chairman.

DR. PATTERSON: Mr. Chairman, I think it should be perfectly clear as to the action we are taking now. I noticed the Australian representative now used the word "announcement" whereas you used the word "issuance". The reservation, as I understand it, is with respect to the time of issuance of the directive.

GEN. MCCOY: No. The directive will be issued on the action of this paper now, but the time of its issuance out there and publicity is a question of continued consideration when we hear from the



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Supreme Commander. Is that your understanding,

SIR CARL BERENDSEN: That is very satisfactory to me.

ADM. RAMISHVILI: Mr. Chairman, the decision is the directive goes into effect immediately--the directive or, shall we say, the decision goes into effect immediately. This is the question of publication.

GEN. MCCOY: Yes. This is a directive on a policy decision of the Commission. Are there any further questions or remarks? There seem to be none. I put this paper as a policy decision and directive to the Supreme Commander, as proposed by the American member and seconded by the Australian representative, and if there is no further discussion, we will declare it a matter of record and approved by the Commission.

I think that Dr. Evatt will be very much pleased that we finally passed this. I hope that you will give him my congratulations.

MR. MAKIN: I think he will be very pleased too and I will ~~do~~ do that, sir.



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MR. MAKIN: I think he will be very pleased too and I will ~~do~~ do that, sir.



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ITEM 5 - DRAFT CONSTITUTION (FEC-087/1);  
AMENDMENT AND ADOPTION OF THE DRAFT  
CONSTITUTION BY THE JAPANESE DIET  
(FEC-087/10)

GEN. MCCOY: The draft Constitution is still kept on the agenda pending receipt of the Japanese text of the amendment. I must refer to my advisers on this. What is the latest news about the Japanese text? I am not able to report receipt of the Japanese text yet, but we have queried that and tried to get it here as quickly as possible. There seems to be a difference of opinion as to whether the complete Japanese text will come or just the Japanese text of the amendments to the draft. If it is your pleasure, we will continue that on the agenda.

ITEM 6 - PROPOSED UNITED STATES PLAN FOR  
REPARATIONS CONFERENCE (FEC-081 series)

GEN. MCCOY: This paper has remained on the agenda pending the outcome of the United States-Soviet negotiations. As stated by General Hilldring at the last meeting, it is expected to bring the proposal to a vote at the meeting of the Commission on October 24. If there is no objection, that will continue on the agenda until next week.



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ITEM 7 - REPORT ON JAPANESE EXTERNAL ASSETS  
(FEC-072)

GEN. MCCOY: At its 16th meeting the Commission agreed to continue this item on its agenda, awaiting report by the Chairman on further developments. That still goes and will continue on the agenda until the next meeting.

ITEM 8 - SUMMARY REPORT ON THE ACTIVITIES OF  
THE FAR EASTERN COMMISSION (FEC-093)

GEN. MCCOY: The Chairman invites the representatives' attention to this report. You might call it a memorandum or summary report of our work in the last months since the first of January. Does that also cover the action of the Advisory Commission or just of the Far Eastern Commission?

MR. JOHNSON: Just of the Far Eastern Commission.

GEN. MCCOY: Yes, just of the Far Eastern Commission since it was organized in January.

Any time, as I have remarked before, that it occurs to any of you in the way of suggestion or criticism based on this period of our functioning, the soul-searching process is continually going on, and with your help, we will, I hope, bring ourselves to better results and quicker results as time goes on. If we can only get this reparations dam broken satis-



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factorily to all the members of the Commission, I feel that we will have really accomplished a great purpose and be worthy of the conscientious work of our assistants during these past months. Certainly the two major problems of this Commission are the Constitution, which has gradually worked out to the more or less satisfaction of all of us, certainly to our proper cooperation as representatives of independent nations. I think that we can take great comfort over the way it has worked out and the fact that all of the problems that have been attendant have been worked out so conscientiously. And it might be said now to have been successfully handled-- that major problem of this Commission. Now, the other--the burning problem, and the one that is naturally a most difficult one is the reparations problem. I hope that, with the help of all of us, it will be one that can be successfully started next week.

ITEM 9 - OTHER BUSINESS

GEN. MCCOY: Are there any other matters of business from the members of the Commission that are not covered in the agenda?

SIR CARL BERENDSEN: May I raise a matter



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under the item of Other Business?

I have learned with the deepest personal regret that we are to lose the services of Mr. Farley, and I think it would be constant with the wishes of the Commission if we record our sincerest appreciation of the extremely valuable work that he has contributed toward the progress of the Commission. As Chairman of the Steering Committee I have had very close contact, indeed, with Mr. Farley, and I would like him to know how much I owe him. I greatly appreciate his personal qualities, his ability, and his industry. The Commission will be the poorer for his leaving us.

DR. PATTERSON: Mr. Chairman, I was Acting Chairman of the Steering Committee in Sir Carl's and Dr. Loudon's absence and received the announcement regarding his removal from us. I should like to second Sir Carl's motion and I should think it would be appropriate to have it expressed to the members of our Commission.

GEN. MCCOY: I will be very glad to do that. It is a great satisfaction that we have had so distinguished assistance and it is fully appreciated.

SIR CARL BERENDSEN: Very fully.

GEN. MCCOY: It will be in the minutes, and I hope that I can have it placed on his new record as



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a beginning of his record in the Department of State.

The Secretary General has an announcement to make regarding the meeting of Committee No. 7.

MR. JOHNSON: A meeting of Committee No. 7 which was scheduled to meet this afternoon has been canceled at the request of the Chairman. That is for those who did not know about the cancellation.

MR. LACOSTE: Mr. Chairman, may I take advantage of the fact that this meeting has been exceptionally short to bring forth a point under the heading of Other Business, a point which is a matter of some embarrassment for such members of the staffs of the delegations of this Commission who do not have the privilege of being members of the diplomatic body here. They have no stature really. They have no privileges of any kind. They have no special protection in case they engage in difficulties with the police, etc. (Laughter) or such other civilian matters as traffic regulations, and apart from that, they feel that they do not have all the dignity that should be attached to a member of such an exalted body as this. It really is an embarrassing situation and something that ought to be straightened out somehow. As guests of the United States, we feel that we should look to you, sir, to try to do some-



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thing about this matter.

GEN. MCCOY: Well, I have had that before me for about a year now and am quite conscious of the fact. These matters of protocol are very delicate matters apparently. The Secretary General might have something to say as a result of all his experience, sometimes of frustration.

MR. JOHNSON: Well, the matter has been taken up, Mr. Chairman, as you know, under that act, with the Department of State, and we have found that it was not possible to classify the Commission under the act that covers the United Nations, UNRRA, and those other international bodies. The only alternative after that was the suggestion that the several embassies might include the personnel attached to this Commission within the organization of the staff of their embassies and notify the Department of State for inclusion in the diplomatic list, as there seems to be no other way to accomplish that situation.

MR. LACOSTE: It is to relieve certain situations. For instance, that of the French Ambassador, Mr. Naggair, who happens not to be the head of the French Delegation here, and he still has absolutely nothing but his diplomatic passport to establish his equality here.



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ADM. RAMISHVILI: Mr. Chairman, another fact in connection with this question. You know, of course, our proposal, which was supported by the other members, and we learned that the United States Government found it impossible to do this now. But, in the same answer, as I remember and I think that other members remember, there was given some hope. If you remember this paper, in the final lines was that if the Far Eastern Commission feels it necessary--that this hampers our functions, the United States Government is lead to do anything possible. Maybe we can take the friendly gesture in this matter and raise this question again, maybe informally, of course.

MR. JOHNSON: The sentence that the Soviet Delegate has reference to is this. I am reading now from that reply that was given to the document that was for the Commission. The reply that we got from the Department of State: "Under these circumstances, it is believed that the activities of the Far Eastern Commission should not be seriously affected as a consequence of the Commission's inability to qualify as a public international organization under Public Law 291." That is after the suggestion that the gentlemen in question might be covered



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under the diplomatic lists of the several missions. "If, however," and this is the particular point that the Soviet delegate raises, "If, however, the Far Eastern Commission finds that the effective performance of its duties is impaired because it has not been so designated, I shall be glad to receive further information from you and to give consideration to any possible means by which any impediments to its work may be removed." Now, I could communicate again with the Secretary of State, taking from the minutes and transcription of what has been said here this morning.

DR. PATTERSON: Well, Mr. Chairman, I would suggest that if this line is followed in accordance with the suggestion of the French delegate, might we agree that his reference as to possible implications with the police is no reason for such action? (Laughter)

MR. JOHNSON: Yes.

MR. LACOSTE: Of course, certainly.

GEN. MCCOY: I would think that at this time since there are two suggestions there, one that the members of this Commission be included by the respective embassies on their diplomatic list, that a statement be made why that is not practicable from



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the point of view of each embassy. It would seem to me, not being a diplomat and not being familiar with all the rules of protocol, that that would be the easiest way out. Why don't embassies in themselves include--there may be different reasons-- but I would pose that question before we go further with the State Department, because they give two ways out. That is first. And then second, putting the burden of proof on us to show that it is impairing the purposes and objectives of the Commission.

DR. LOUDON: May I make a suggestion, Mr. Chairman. I am trying to make a little consideration as far as inclusion in the diplomatic corps is concerned. I think the French representative especially alluded to the police. Now, I think that, in general, you can define the status of the diplomatic corps in two large sections. One is the privileges and the other is the immunity. For immunity I go so far as to say that he is indeed not covered by the police; as far as the immunities are concerned I think he is not covered. As far as privileges are concerned, that is just for importation of clothing, wines, and all those things. A solution can be found anyway which will not prove to be in any sense an abuse of privileges. As far as immunities



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are concerned we come to the thing of the police. He is, indeed, I think, not covered at present. We don't have a special license but might it not be helpful if the State Department would consent to issue them like the United Nations in New York, especially tags which you could put on the rear of the car saying you are a delegation of the Far Eastern Commission, and that the police would be requested by the State Department to handle those gentlemen with special care. To which I may add that if they don't act in a way in which they really should--and I just this morning when coming here saw a diplomatic car coming along and tearing along west of Massachusetts Avenue like a singed cat. If he had been a member of my Mission he would have got hell. But in this case it was a lady driving, (Laughter) really at a speed which was endangering. I think that is a model responsibility on the diplomats anyhow to keep within a courtesy and within the sense of not endangering public safety, which really the chiefs of Missions have the duty to back and to enforce and warn every person not only holding a diplomatic passport but even holding an official government passport. There is a way out. If we get just a little thing with one color--I think the



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United Nations is red and green, if I remember correctly, in New York City. We could issue a tag not to be put on the car but on the windshield or in the rear window, in which the police can see that that particular car with the good will and with the courtesy of the Government can enjoy a certain amount of immunity to regulations which will not be disagreeable and incompatible with their important status as working with the Far Eastern Commission. It would just be an in-between thing. It wouldn't give any rights; it would be a good will or courtesy.

GEN. MCCOY: It was suggested by the Secretary General that we include that suggestion of yours in the letter as a result of this discussion.

MR. LACOSTE: There is another matter, Mr. Chairman, which might be put under the same category, and that is a matter of issuance of identification cards to the members. It might be devised that the State Department or Police Department issue special identification cards which can be given to those members of the Far Eastern Commission who are not members of those embassies.

GEN. MCCOY: Couldn't we get those cards ourselves without any--



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MR. LACOSTE: To show they are some sort of government officials of a certain quality and engaged in international work.

DR. LOUDON: Doesn't every government official who comes here get a card which exempts him from the draft anyhow? I think so. I have one myself. You used to get that exemption card from the draft.

MR. JOHNSON: It would be of interest and helpful if you could have some statement as to why the suggestion about covering all of these individuals under the diplomatic lists can not be done.

MR. LACOSTE: Couldn't a special section be added to the blue list after the listing of all the members of the embassies proper with a special heading "Far Eastern Commission" and then an indication of the delegation?

MR. JOHNSON: I doubt it. If they would hold to protocol--

MR. LACOSTE: Well that was just a suggestion.

GEN. MCCOY: Before adjourning, I would like to present a distinguished elder statesman from down under and ask the Secretary General, who is so grounded in friendship and interest in Australia to present Senator Collings who is here with the



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Ambassador from Australia.

MR. JOHNSON: Mr. Chairman, and gentlemen of the Commission, I would like to present to you from Australia an old friend of mine and member of the Senate of Australia, Senator Collings, who is visiting Washington, and who has come today to act as an adviser to his delegation and visit the Commission.

SENATOR COLLINGS: Mr. Johnson, gentlemen, when I understood that I would be allowed as an alien in a foreign country to attend your meeting here today, I certainly didn't understand that it *would be* ~~was entirely~~ my responsibility <sup>to</sup> of saying anything at all here, particularly in response to just another issue of kindness from my friend, Mr. Nelson Johnson, <sup>of</sup> whose courtesy and good will I have already had quite extensive experience. I should just like to say that I left Australia with a good many expressions of good will and it was suggested that I should prove, probably because of my somewhat longer life and varied experience, a pleasant kind of ambassador for Australia. I have been here for some time now and I am not quite sure whether I shall not leave here as an ambassador for America rather than the way I came here as an ambassador



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for Australia. Anyhow, I should like to say that we have had some experience in my country with the gentlemen that the U. S. A. has sent to represent them in Canberra where our national capital and national government is located, and also from all those other countries that I can see represented at the table here this morning. That makes it exceedingly interesting to me to have been here amongst you today because I have always visualized here in my more than half a century of life in Australia that some day we should have there the representatives of all the great nations of the world. We can't, of course, have them now--not all of them--because of various complications which intervene. But those we have had have always been particularly welcome, and this morning amongst you all here I don't feel exactly like a stranger. Thank you again, gentlemen. (Applause)

SIR CARL BERENDSEN: Mr. Chairman, I feel that I ought to make a statement which I know will meet with the ready and most cheerful acquiescence of the Commission and that is that I shall be unable to attend either the Commission or the Steering Committee for some time because I am obliged to go to the meeting of the United Nations Assembly in New



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York, and while that meeting is continuing I shall be absent from Washington and when that meeting will end no man can say.

GEN. MCCOY: Sir Carl, we will miss you, and I would hope that you could tell us who your alternate will be.

SIR CARL BERENDSEN: Colonel Powles, and very capably too.

MR. MAKIN: Mr. Chairman, I wish to announce that I am in somewhat the same position as Sir Carl, and I would like to intimate that Major Plimsoll will act as my alternate delegate while I am absent in New York at the meetings of the Assembly.

MR. RODRIGUEZ: Mr. Chairman, the general is very busy with United Nations preparatory work, and for that reason he was not able to attend.

ADM. RAMISHVILI: Mr. Chairman, the Soviet Ambassador also is heading to New York. Therefore, I am entitled to assist the Far Eastern Commission and perform this work which is very hard for me but at the same time pleasant during his absence.

GEN. MCCOY: Well I am glad that we will still see some familiar faces around.

DR. KOO: Mr. Chairman, quite a number of our colleagues have announced their impending absence



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for elsewhere. Therefore, I feel that I should not keep silent as to any misunderstandings which may arise because of my absence from next week on, also in connection with the meeting of the United Nations Assembly. However, I may add that while I shall be there most of the time, I still hope that whenever there is a very important meeting I will be able to be present. During my absence my work will be taken care of by my minister and councillor, Dr. Tan, who has sat from time to time, and who will be quite able to take my place here.

DR. LOUDON: May I take the privilege of saying that I am staying.

GEN. MCCOY: You are not going to be a representative, Dr. Loudon, on the United Nations?

DR. LOUDON: No, I am not going. I am staying here.

GEN. MCCOY: Who represents Holland on the United Nations?

DR. LOUDON: The Foreign Minister, who is coming over here.

GEN. MCCOY: Well, we are very much tied up with United Nations apparently. Possibly we can learn from them but even so you might help them, showing how we can agree around the table.

MR. LACOSTE: It is my duty to say that Mr.



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Naggiar is coming back to the United States but he also has an assignment on the United Nations Assembly and will not always be present here.

GEN. MCCOY: I hope you will continue to be here in his absence.

Gentlemen, we stand adjourned.

(Whereupon the meeting adjourned at 11:30 A.M.)







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FAR EASTERN COMMISSIONTranscript of Thirty-First Meeting of the Far Eastern Commission,Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.Thursday, October 24, 1946



FAR EASTERN COMMISSION

Transcript of Thirty-First Meeting of the Far Eastern Commission,  
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.  
Thursday, October 24, 1946

REPRESENTATIVES PRESENT

Maj. Gen. Frank R. McCoy, USA (Ret.), Chairman	(United States)
Major J. Plimsoll	(Australia)
Mr. R. E. Collins	(Canada)
Dr. S. H. Tan	(China)
Mr. Robert Douteau	(France)
Mr. J. Vesugar	(India)
His Excellency Dr. A. Loudon	(Netherlands)
Colonel G. R. Powles	(New Zealand)
Mr. F. Rodriguez	(Philippines)
Sir George Sansom	(United Kingdom)
Rear Admiral S. S. Ramishvili	(U.S.S.R.)

SECRETARY

Mr. Nelson T. Johnson

Reporter: R. Holtz, Department of State



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(The meeting convened at 10:30 A.M.)

GEN. MCCOY: Good morning, gentlemen. The session is open.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 30th MEETING

GEN. MCCOY: The approval of the minutes of the last meeting is before you. Are there any corrections or remarks from around the table? If not they will be made a matter of record.

ITEM 2 - REPARATIONS REMOVALS: ACCESSORY PLANTS AND FACILITIES (FEC-059/24)

GEN. MCCOY: This paper was unanimously approved by the Steering Committee at its meeting two weeks ago. The Commission considered the paper two weeks ago and agreed to retain it on the agenda, pending informal negotiations among some of our members. I understand that there is still postponement requested.

ADM. RAMISHVILI: Yes.

GEN. MCCOY: If there are no objections that will be done as heretofore, with the hope that the parties interested will informally arrange to be ready for the next meeting, if possible.

ITEM 3 - INTERIM REPARATIONS REMOVALS: STEEL ROLLING INDUSTRY (FEC-059/20)

GEN. MCCOY: Item 3 is Interim Reparations



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Removals in which the United States member of the Steering Committee reserved his position. The position of the United States has been circulated but not until the last minute. We tried to get it before you in time to act this morning but I think it has just been circulated, and as it involves certain statistics and certain changes along those lines, if it meets with your approval I would suggest that it be referred back to the Committee to consider the changes proposed by the United States.

I will skip Item 4 for the moment and proceed to Item 5, which is the important problem before us and has been for some time. I have once more invited General Hilldring to sit in with us on this problem and continue the reports that he has been making to you from time to time.

ITEM 5 - PROPOSED UNITED STATES PLAN FOR REPARATIONS CONFERENCE (FEC-081 Series)

GEN. MCCOY: Informally you have been aware that there have been certain negotiations going on outside the Commission, and I would like General Hilldring to tell us about that so that you will be brought up to date. General Hilldring.

GEN. HILLDRING: Mr. Chairman, I again want to thank the Commission for the opportunity to appear



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before it again. In an effort to reduce the length of time I have to speak to you this morning, I asked the Chairman of the Commission to circulate yesterday a memorandum of the statement that I wish to lay before the Commission. I would like now to ask two corrections be made in this statement. They are corrections as to accuracy to fact which have been called to my attention by my Soviet colleague in these discussions. On page 3, paragraph 5, the fourth line from the bottom, it says, "The Soviet Representative promised to urge his Government". That is wrong. What the Admiral really said there was, "He promised to ask his Government", and I agree with the Admiral that his language is right and mine is wrong. We would like to ask the members of the Commission to change the word "urge" to "ask". On the last page I would like to make another change in accuracy. The sentence at the top of the page reads, "...pre~~re~~quisite for Soviet participation in a Reparations Conference, either within the jurisdiction of the Far Eastern Commission or outside". That sentence should end with the word "conference". The second line and the first word in the third line should be deleted. Then it would read "...pre<sup>re</sup>quisite for Soviet participation in a Reparations Con-



ference".

SIR GIRJA BAJPAI: Delete "...either within the jurisdiction of the Far Eastern Commission or outside"?

GEN. HILLDRING: That is correct. I have nothing else to add with respect to this statement except to say very regretfully I report to the Commission that the unilateral negotiations between my Government and the Soviet Government have not come to a settlement which is agreeable to the two governments completely. I think you will find, in reading the report of our negotiations, that we didn't close the gap materially, and for that I want to take occasion to express the gratitude of my Government to the Soviet negotiator for those concessions which were made by his Government. However, in view of the situation this morning with respect to that negotiation and the fact that two weeks ago I informed the Commission that my Government would no longer ask this Commission to delay final consideration of the Reparations Conference, I have come this morning to say that my Government feels it cannot longer ask the Commission to delay its decision. I think, Mr. Chairman, that about completes the report of my Government to the Commission on this issue.



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It may be that my collaborator in these negotiations may care to say something.

GEN. MCCOY: Have all the members had an opportunity to consider this important report of the very lengthy and conciliatory efforts of both the representatives involved, so that we can discuss it and consider it around the table? Have all members received a copy?

SIR GIRJA BAJPAI: Speaking for myself, Mr. Chairman, this copy was put in my hands just as I came into this room, so that I have not had an opportunity of reading the paper at all.

GEN. MCCOY: Well I will declare a recess to give you an opportunity to do it because I think it will be discussed--

SIR GIRJA BAJPAI: I don't wish to hold up the discussion at all, Mr. Chairman, if others have received the paper.

GEN. MCCOY: But I would like you to read it. You can read it now, if you will, and I will declare a recess. I think it is important for us all to be brought up to date

SIR GIRJA BAJPAI: I was going to submit that if others have been more fortunate than I, there is no reason why the discussion shouldn't start.



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I am quite capable of shutting out all discussion from my mind while I am reading the paper.

GEN. MCCOY: However, I think I will declare a recess.

(The meeting recessed at 10:45 A.M.)

(The meeting reconvened at 10:55 A.M.)

GEN. MCCOY: Gentlemen, our session is now open again. In view of the report before you from the American representative in these negotiations, I have now turned to the Admiral to see if he has any remarks to make or any--

ADM. RAMISHVILI: Yes. First, Mr. Chairman, I would like to say that these negotiations, information about which was brought kindly by General Hilldring here, I think are not on the agenda of this meeting, and my firm opinion is that these negotiations, which took place between two governments, must not be discussed in this meeting, and I will be very glad if General Hilldring shares my view on this question. On the agenda of the various meetings was the question of the Conference itself-- whether it should be <sup>convoled</sup> ~~invited~~ or not, and I say we would be glad to hear the opinion of members on this subject. As to this subject, Mr. Chairman, I have



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to say, as is known, the position of the U.S.S.R. regarding the Conference within the framework of the Far Eastern Commission was that before the opening of the Conference there should have been reached an agreement as to the diplomatic procedure, so long as the question of External Assets lies outside the jurisdiction of the Far Eastern Commission. These negotiations have not brought forth for the time being the desired results and we continue to keep our position on this question. Therefore, the Government of the U.S.S.R. does not consider it possible to give its consent on the convocation of the Reparations Conference or to participate in the work of such Conference. Thank you, Mr. Chairman.

GEN. MCCOY: I feel very much cast down by the result of this very well-meant effort because I had hoped up to the last that the gap, which has been so narrowed, would in itself indicate some way of wisely meeting the situation, particularly at this time, ~~when our representatives in United Nations,~~ <sup>and</sup> following the very fine opening speeches of our leaders, <sup>at the U.N. opening</sup> ~~there~~ all based on the collective efforts of our countries, ~~and~~ I can't at this moment or at any time as Chairman of this Commission look



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failure of this Commission in the face. We haven't failed up to date to reach agreement on a great many problems and questions that have been put before us. We had our own points of view, and they were very decidedly different at times, ~~and~~ <sup>but</sup> we have always been able to iron them out and reach agreement. And that is the great point of concern here where, in this very important question, ~~is~~ <sup>with</sup> its complex problems which we all recognize, where human nature and ~~then~~ that terrible word "prestige" is so much in point, that we haven't under these conciliatory negotiations been able to find a formula that the Commission could go ahead on. However, I emphasize the fact that this Commission can't fail to find a formula and propose a way to keep collective effort going however slowly it may seem. I don't think it is, on the spur of the moment, wise to question failure. In fact I would hope that you all agree with me and with our leaders that collective effort can work. It has worked up to date. Now, let us see if we can find a way of finding a cooperative agreement and do it quickly. I am quite conscious that the Supreme Commander is in a very parlous position waiting for our definite policies on the broad lines, and my Government is most urgent before



this Commission to find some way of meeting the situation. Are there any comments not in derogation but in hope?

SIR GIRJA BAJPAI: I submit, Mr. Chairman, that we all share your hope that a way out of the difficulty about agreement can be found. But it is rather difficult at the moment to make a constructive suggestion as to how that way is to be found.

GEN. MCCOY: Well, the Terms of Reference have worked very wisely, I think, so far, so that I think we should look to the Terms of Reference when we come to an impasse. Certainly there is a way of reaching action that is absolutely necessary.

SIR GIRJA BAJPAI: I was going on to submit, Mr. Chairman, that although, as our Soviet colleague said, the substance of the negotiations was between the Government of the United States and the Government of the U.S.S.R. <sup>and</sup> ~~or~~ may not be an appropriate subject for discussion by the Commission, nevertheless, these points of difference which have been presented to us for the first time must be taken cognizance of by the members of the Commission in consultation with their own governments in determining their own course of action for a substantial proposal what the ruling of the Reparations Conference



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should be, and I think it would not be unreasonable that we be permitted to give a little time to consider this paper.

GEN. MCCOY: Possibly, in view of the urgency of doing something and the delays consequent upon getting ten governments to act, possibly the best thing is to give something to be put before the government rather than just the failure. Would an ad hoc committee of the Commission seem to be a way out for the moment while the general question is being considered by the governments concerned? I don't like to just postpone complete action. It is perfectly evident without a formal vote that the United States plan has for the moment failed, although I was optimistic up to the last that, when the gap had been so narrowed that it seemed tragic that one point, you might say, important though it may be to the governments concerned, should result in a breakdown in negotiations.

DR. LOUDON: Mr. Chairman, wishing to be helpful and referring to what you have said, it occurs to <sup>to ask</sup> me whether the Far Eastern Commission need ~~to~~ go further and express its views as to the desirability of convoking a Reparations Conference. ~~and~~ There is another point which is the Terms of Reference of



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that Conference. If the Terms of Reference are under discussion, it seems to me that perhaps these Terms of Reference do not fall within the competence of the Far Eastern Commission because the Supreme Commander has prepared already for reparations what can be done. We have taken cognizance of what we can get. The information for the ultimate decision of it is not any more, I would say, anything to do with Japan proper. It has been taken away from Japan and, therefore, outside of the atmosphere of, I say, the governing body or a body dealing with affairs inside of Japan itself. In that case, I think I would be correct if the Far Eastern Commission could state the desirability of a Conference, and it might perhaps be feasible then to make a conference, a preparatory, may I call this a preparatory commission for the Reparations Conference to be called, in which each government, let's say at the invitation of the American Government, could discuss in the commission ad hoc--do all the preparatory work for the Conference and see if there we can straighten out and have it off the agenda of the Far Eastern Commission, in which, I think, the unanimity and collaboration of the Far Eastern Commission in the sense of unity, as you expressed,



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which has been so helpful in the past, could to a certain extent and, I think, to a great extent could be maintained. In that case, we won't have, I think, to settle this paper. We would only have to consider the fact, which, I think, has been discussed already whether the Far Eastern Commission decides here it is or not, whether a Reparations Conference is necessary. I call it a preparatory commission for that Conference is a body in itself. I only wish to be helpful and I dare to speak on a subject which is, of course, important to us but which we perhaps should not raise at all our voices. But, I repeat, I only wish to be helpful in finding a formula which would get us over the hurdle which is facing us this morning with this paper which is now in front of us.

GEN. MCCOY: Well, I must say that that is a very helpful thought and gives us food for thought. That is what I hoped--that we would not be concerned so much with a discussion of this paper but a hopeful attitude toward how we can meet the situation as a commission.

SIR GIRJA BAJPAI: If I may first ask a question, Mr. Chairman, I may perhaps say a word or two. I see a reference here in this paper to political



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basis. Could I be informed what the expression "political basis" means? In other words, how would political basis determine the quantity of reparations which each country is to receive? Perhaps General Hilldring or our Soviet colleague could tell us what exactly that means.

GEN. HILLDRING: Well, Sir Girja, since that was a proposal of the Soviet member in the deliberations, I would like him to explain it. It was a Soviet proposal. Isn't that true, Admiral?

ADM. RAMISHVILI: Broad political basis? As I said, I don't desire to get involved in a discussion of this paper, Mr. Ambassador, but I think that everybody understands in point that it means that many political factors might be considered and taken into consideration.

GEN. MCCOY: Thank you. You mean the broad implications.

ADM. RAMISHVILI: Yes.

SIR GIRJA BAJPAI: Well, Mr. Chairman, I wasn't thinking of embarrassing any of our colleagues at all, but perhaps those of my colleagues around the table who have understood something that I had not could give me the benefit of their understanding. Perhaps even a dictionary could be used to explain



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how political aspirations are to be the basis of the adjustment of reparations. May I venture to submit in the way of clarification, might I ~~urge~~ ~~to~~ suggest that the war contribution made or the damage suffered by countries should be taken **into** consideration? That is clear to my thinking. But when I am told that political aspirations should govern this adjustment, and there is no complete expression of what that signifies, I think I am justified in asking for some clarification.

GEN. HILLDRING: Well, Sir Girja, I didn't wish to be brusque myself in handling your question. I share almost the same view. I apply the infantry mind to this problem, as I do to all others, and I must admit that I don't quite, ~~now~~ after considerable discussion, <sup>understand</sup> ~~have~~ the point. ~~quite understood.~~

SIR GIRJA BAJPAI: Well, I won't press the point.

GEN. HILLDRING: Well, I think my understanding of it is that in addition to the points you raised, which make sense to me, there would be added other considerations outside of those which you mention which have a direct bearing on it that should be considered in connection with the more direct considerations--more reasonable isn't the word--more readily understandable justification that would be



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thrown into the scale also in the final determinations.

SIR GIRJA BAJPAI: I won't press the point.

GEN. MCCOY: Are there any other discussions of my colleagues?

SIR GEORGE SANSOM: I want to confess that these words "broad political basis" were not in the formula in the beginning. The insertion of these words was our proposal. I never was able to understand them thoroughly. (Laughter) I think I should, in justice to the authors of that phrase, say that what they had in mind was the fact that a purely statistical computation of claims would not produce any satisfactory result. Other considerations, mostly of a political nature, obviously have to be brought into account. The exact nature of those considerations would only be revealed when the problem is studied in detail. But I think it was felt that when you got down to the problem you would find that statistical treatment was insufficient and you would wish to bring in other matters. That is as much as I can see but I think I should say something.

GEN. MCCOY: Yes. I remember that you and I had several talks on that, and I understood from your use of that phrase that there were certain



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intangible things and that we shouldn't be governed just by statistics, and there was a suggestion at that time in our discussion. Just off the record, it was an effort to break a jam at that time and get something done, and that is what we are trying to do now.

SIR GIRJA BAJPAI: Of course, Mr. Chairman, I don't think, as I said, with all respect to the pundits in London, I don't think that the words imponderable and political are synonymous. (Laughter) However, I won't go into that. I have no doubt that there would be, actually when we get down to discussing it, a basis of settlement. We should be able to find some settlement.

GEN. MCCOY: Possibly you will consider during the time that we have the Commission carrying on for us by an ad hoc committee. It would seem to me, with the narrow gap that these negotiations have brought us, before on every other subject we have found a way and very often by a small committee such as we have now on this paper that the Russian, Australian and Chinese--you remember you gave me your confidence several meetings ago to see if I couldn't find a way with such an ad hoc committee to iron out the small differences on that review



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paper, that is with regard to the Constitution, and we were able to do it. And possibly there might be a helpful attitude there while we are all thinking about it with our assistants, and before any action which might be taken by the Commission.

COL. POWLES: Mr. Chairman, my Government would be extremely reluctant to accept any form of solution of the problem which might be regarded as a last resort solution and a solution which would possibly be outside the province of the Far Eastern Commission. My Government has always taken the view that the Far Eastern Commission is the body which should consider all matters relating to Japan, and it most earnestly desires that every possible avenue be explored to find the result whereby reparations may be dealt with by all the participating nations within the boundaries of the Far Eastern Commission. And, consequently, I feel the suggestion that you have made that the matter might be considered by an ad hoc committee is one worthy of very careful attention. I think that it is related to the suggestion made by Dr. Loudon that there might possibly be, in his words, something in the nature of a preparatory commission. But I think that the general idea of the two proposals is similar. That is to say, that we



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should now endeavor, we should now consider setting up some body which could by speedy and carefully considered negotiations make a most careful endeavor to see whether we can't solve what should be the Terms of Reference for the Reparations Conference. If you <sup>desire</sup> ~~feel~~ likely to put your proposal any further, I should like to support it very strongly. I think it is a very wise one.

GEN. MCCOY: I will declare a recess for a few moments/<sup>so</sup> that I can consult my advisers, and we hoped and I hoped that in the roundtable discussion we would have some ideas expressed, and they have come forth from Dr. Loudon and Colonel Powles. I had no plan or no way of breaking this jam myself for the moment and I was receptive, and we have some help. I would like to declare a recess.

SIR GIRJA BAJPAI: I wish to apologize, Mr. Chairman, for having spoken more often than is my wont, but, as I have tried to make clear on previous occasions when the question of reparations has been up, we, perhaps, have a more direct and sincere interest in the matter than some others. Now, I am all in favor of finding a solution by agreement if we possibly can, and it, of course, follows that I am in favor of any method of procedure which would



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bring about an agreement. Now the two suggestions have been put forward, one that we have something in the nature of a preparatory commission, the other that we have an ad hoc body appointed by this Commission and working, presumably, under the supervision of this Commission which can explore the possibility of bridging the narrow gulf in the two points of view. I confess that the idea of a preparatory commission doesn't appeal to me very much. I think that a preparatory commission by its very size would be an ~~unruly~~ <sup>unwieldy</sup> body and that we would get once more what I quite often call a "morass of time". I think that idea of an ad hoc committee of the Commission, a small one, is likely to be more conducive to expeditious results, and if that were agreeable to you, I would be one to support it.

GEN. MCCOY: We will declare a recess.

(The meeting recessed at 11:25 A.M.)

(The meeting reconvened at 11:45 A.M.)

GEN. MCCOY: Gentlemen, we are around the table once more and we will now reopen the session. In view of our opportunity for consultation, I feel as I have felt often before, that when we approached an important problem that we ought to give it due consideration, and I am obliged to request postpone-



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ment of further discussion until the next meeting. I want to thank the members for the help that has been given in the sense of suggestions and advice which will also be given due consideration.

ITEM 4 - DRAFT CONSTITUTION (FEC-087/1):  
AMENDMENT AND ADOPTION OF THE DRAFT  
CONSTITUTION BY THE JAPANESE DIET  
(FEC-087/10)

GEN. MCCOY: We now go to our familiar Item 4, the Draft Constitution, and there I am sorry to say we have not yet received the Japanese text nor have we received any reply to our last item on the review paper. It will be communicated as soon as possible.

ITEM 7 - OTHER BUSINESS

GEN. MCCOY: Is there any other business this morning before the Commission? There seems to be none.

ITEM 8 - PRESS RELEASE

GEN. MCCOY: Mr. Secretary General, have you any remarks to make?

MR. JOHNSON: There will be no press release this morning.

GEN. MCCOY: And if there is no objection, I will declare adjournment until next Thursday.

(Whereupon the Committee adjourned at 11:50 A.M.)



FAR EASTERN COMMISSION

Transcript of Thirty-Second Meeting of the Far Eastern Commission,  
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.

Thursday, October 31, 1946



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Transcript of Thirty-Second Meeting of the Far Eastern Commission,  
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.  
Thursday, October 31, 1946

REPRESENTATIVES PRESENT

Maj. Gen. Frank R. McCoy, USA (Ret.), Chairman	(United States)
Major J. Plimsoll	(Australia)
Mr. R. E. Collins	(Canada)
Dr. S. H. Tan	(China)
His Excellency M. Paul E. Naggiar	(France)
The Honorable Sir Girja Shankar Bajpai	(India)
Dr. A. D. A. de Kat Angelino	(Netherlands)
Colonel G. R. Powles	(New Zealand)
Mr. F. Rodriguez	(Philippines)
The Honorable Sir George Sansom	(United Kingdom)
Rear Admiral S. S. Ramishvili	(U.S.S.R.)

SECRETARY

Mr. Nelson T. Johnson

Reporter: R. Holtz, Department of State

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(The meeting convened at 10:30 A.M.)

GEN. MCCOY: Good morning, gentlemen. I notice that a number of our members are apparently attending the sessions in New York but I also welcome back to the Board our Ambassador for France, although I am afraid that he will be tied to New York more often from now on that he will to us.

M. NAGGIAR: My heart will remain here.

GEN. MCCOY: Is Dr. Loudon in New York too?

DR. DE KAT: No, but he couldn't come this morning. Perhaps he will come later.

GEN. MCCOY: But I am glad to see you here.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 31ST MEETING

GEN. MCCOY: Our minutes are before you and I would ask if there are any corrections or changes. A corrigendum is incorporated at the request of the Soviet representative.

SIR GIRJA BAJPAI: I have a comment, Mr. Chairman. On page 3, it was alleged to my remarks in the last line but one, "They must nevertheless be taken into account by the other member governments since they were relevant to the question of participation".

- That is what I said really as to the question of participation in the proposed reparations conference.



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"They must nevertheless be taken into account by the other member governments since they were relevant to the question of participation by these member governments in the proposed reparations conference." If the Secretary General would make that correction.

GEN. MCCOY: Is there any objection to that additional correction? If there is no objection, the correction as submitted by the Soviet representative and this last request for correction by the Indian representative will be made as indicated. If there is no objection, the minutes will stand recorded with these corrections.

ITEM 2 - REPARATIONS REMOVALS: ACCESSORY PLANTS AND FACILITIES (FEC-059/24)

GEN. MCCOY: In Item 2 I will ask Major Plimsoll to give us a report.

MAJOR PLIMSOLL: Mr. Chairman, on this matter the committee is waiting for the Soviet member to get instructions from his Government. I don't think they have arrived yet.

ADM. RAMISHVILI: Not yet.

GEN. MCCOY: Well then, I will ask postponement hoping that the paper will eventually be agreed to by all concerned.



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ITEM 3 - THE SELECTION OF PLANTS FOR REPARATIONS  
REMOVALS, DESTRUCTION OR RETENTION IN  
JAPAN (FEC-091/2)

GEN. MCCOY: This paper is a revision of FEC-091, containing a saving clause exempting property owned by nationals of Members of the United Nations from the provisions of the paper. The saving clause was drafted by Committee No. 6 as SC-041/5 pursuant to instructions of the Far Eastern Commission at its 29th meeting on 10 October. This revision was approved by the Steering Committee at its last meeting. The Soviet member opposed approval of the document on the ground that such a statement of policy should not be adopted until a decision had been reached on the question of disposition of property owned by nationals of Members of the United Nations. Is that a correct statement of your position, Admiral?

ADM. RAMISHVILI: Yes sir.

GEN. MCCOY: There seems to be an impasse here. Is there any discussion on the impasse?

ADM. RAMISHVILI: Mr. Chairman, may I say a few words because I have some proposals? I am sorry but this must be translated from Russian into English.

GEN. MCCOY: I am filled with wonderment with your success in doing that.

ADM. RAMISHVILI: Mr. Chairman, I would like



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to make it clear once again the point of view of the U.S.S.R. Government regarding the question of selection of plants and reduction of war potential. The Government of the U.S.S.R. considers that all war industries in Japan must be destroyed and I think that the reasons for this point of view are well known. Japan has many times attacked our Allied countries and we cannot take any chances in the future in this regard. At the same time, Mr. Chairman, we think that no exception from this rule should be made regarding the ownership of the nationals of the United Nations since these industries too were used by the Japanese to prepare and wage war against our countries. I think that this point of view is shared by many people who have suffered from Japanese aggression.

While discussing this question, ~~Mr. Chairman~~, in the committee, several members of the committee expressed their agreement with our point of view. I would like to mention it here because, as we think, this principle is regarded as correct. We have just received, ~~Mr. Chairman~~, new instructions regarding this same paper which I will ~~tell you~~ now is to be the Soviet Government's proposal for a substitution to paragraph 4. ~~I will hand it to you~~. At the same time, Mr. Chairman, we are quite willing to discuss

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hand to you



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and expedite action on the separate paper which is now being discussed in Committee No. 6. That is our point of view, Mr. Chairman.

GEN. MCCOY: I think that is a clear statement of your position and one that we will consider. The Admiral has handed to me instructions from his Government on this subject.

ADM. RAMISHVILI: Only on subject of paragraph 4, Mr. Chairman--substitution of paragraph 4 of this paper which we are right now considering, and we are working on and will present to you some more corrections. ~~Maybe not so important for this is the most important.~~ <sup>say that</sup> At the same time, I would like to ~~empha-~~ <sup>necessary steps must be taken</sup> size that we want to accelerate the action on that paper.

GEN. MCCOY: I will read paragraph 4. "A separate statement of policy covering the treatment of property of nationals of Members of the United Nations will be issued by the Far Eastern Commission. In the meantime no action should be taken under the present paper with respect to such property."

Now, the statement of the Admiral, which he has handed me as embodying the wishes of his Government with reference to that paragraph. "In carrying out the selection of particular plants, machinery and



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equipment for reparations removals, the following order of removal should be exercised. First, plants and equipments owned by the Japanese Government, the Zaibatsu concerns, and other big industrial and financial concerns and companies. Two, plants and equipment owned by other Japanese nationals and by nationals of the countries allies of Japan. Three, plants and equipment owned by nationals of the neutral countries. Four, plants and equipment owned by nationals of Members of the United Nations." Presumably that would be a substitute for paragraph 4.

ADM. RAMISHVILI: Yes. We propose that it be substituted.

GEN. MCCOY: What is your pleasure, gentlemen? What is your wish concerning this proposal of the Soviet Government?

M. NAGGIAR: Mr. Chairman, I think that, before we express our opinions, perhaps we would like to have a copy of the Russian statement and make a study of it.

GEN. MCCOY: Yes. Possibly that would be better then to refer it back to the committee with the paper.

M. NAGGIAR: Yes, with the paper. That is my suggestion.

GEN. MCCOY: Is that agreeable to you, Admiral?



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ADM. RAMISHVILI: Yes.

GEN. MCCOY: Is there any other suggestion or point to be taken up here or is the Commission agreeable to returning this paper to Committee No. 6 with the proposal of the Soviet Government for their consideration and further report?

SIR GIRJA BAJPAI: I venture to submit, Mr. Chairman, that this matter has been discussed sufficiently in the committee already, that perhaps it might expedite a decision if we were to have one for the next week to study the amendments by the Soviet colleague and then we can discuss them in the Commission. Then if the discussion discloses the necessity for a further reference back to the committee, it can go back to the committee.

MAJOR PLIMSOLL: Perhaps we could meet both Sir Girja's and M. Naggiar's suggestions by referring it back to the committee with instructions to report back to the next meeting of the Commission. I think the Soviet suggestions are extremely available and probably acceptable. There may be one or two changes in the wording.

ADM. RAMISHVILI: In the meantime we are expecting some other suggestions and it may well expedite the paper because we will have one week to work.



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SIR GEORGE SANSOM: I was going to inquire, Mr. Chairman, if I might, what is the position in Committee No. 6 as to the general policy paper which was being considered, I think, by Committee No. 6?

ADM. RAMISHVILI: That is tomorrow.

SIR GEORGE SANSOM: Oh yes, that is tomorrow. I understand the paper is in draft and will be ready at the next meeting.

GEN. MCCOY: In accepting your remarks, would it be agreeable to you to refer it to Committee No. 6 for report at the next meeting?

SIR GIRJA BAJPAI: Oh yes, certainly.

GEN. MCCOY: That will be done and copies will be available for study in the meantime.

ITEM 4 - REDUCTION OF JAPANESE INDUSTRIAL WAR POTENTIAL (FEC-084/1)

GEN. MCCOY: This paper is a proposed statement of policy on the reduction of Japanese industrial war potential, approved by the Steering Committee at its last meeting. A saving clause like that in Item 3, above, is included. The Soviet member opposed the motion to approve the document on the ground that such a statement of policy should not be approved until a decision had been reached on the question of disposition of property owned by nationals of Members



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of the United Nations. The United Kingdom member reserved his position on the question of industrial explosives. This seems bound up with the preceding paper.

ADM. RAMISHVILI: Why not consider this question with the other paper here? Can we keep this paper on the agenda of the Commission until the other paper is settled?

GEN. MCCOY: Is that agreeable with the United Kingdom?

SIR GEORGE SANSON: Yes.

GEN. MCCOY: The paper in question will be kept on the agenda until the report of the committee on the previous paper reaches us which will solve the problem for both papers, I hope.



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ITEM 5 - PROVISION FOR THE REVIEW OF A NEW  
JAPANESE CONSTITUTION (FEC-031/41)

5-1 GEN. MCCOY: Item 5 is still kept on the agenda for continued interest.

MAJOR PLIMSOLL: Mr. Chairman, may I say something concerning this item? Mr. Chairman, this item has been placed back on the agenda today at my request to consider the question of publication. You will remember that the Commission adopted this statement on the 17th of October. That is a fortnight ago today, with the understanding that after we had received the views of the Supreme Commander on publication, the Commission should then proceed to discuss the time and the manner of publication of this decision. The Commission resolved that General MacArthur should be consulted on this matter and that at the same time he should be informed of the views that were expressed at this Commission meeting by certain members, particularly the Australian member, Mr. Makin. Now, I think General MacArthur was probably sent a copy of the minutes and in those minutes there are such statements as these by Mr. Makin: "To delay announcement might lay the Commission open to the charge by the Japanese that it had broken faith by not declaring to them the existence of the review provision, par-



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ticularly since the Japanese were planning elaborate ceremonies to celebrate the new constitution". And again, "He agreed that the Supreme Commander should be consulted on the question of publication. He urged, however, that such announcement take place as soon as possible, and that it not be delayed later than the date of promulgation of the constitution". Now, the Constitution is going to be promulgated on the third of November, which is next Sunday or actually in Washington time next ~~Friday~~ Saturday, two days from now. And so, this is the last time I think that the Commission can decide before promulgation the question of publication. Now, I feel that the question of publication is not simply an occupation problem. It is a problem that relates to the whole question of the faith and the intention of the Allied powers. There are several ways in which the Supreme Commander could publish it. One is, to talk informally to Yoshida, the Japanese Premier, on the subject. That is the way in which General MacArthur has acted in the past on a number of occasions. Now, I think that is open to a number of objections. This policy paper will not come into effect completely for two years time possibly and Yoshida may not be in power. He may be dead. Quite possibly he is going to be



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replaced within two years by a premier of a very different political complexion, and whatever we may say to Yoshida privately now may not have very much effect on his successor in one or two years time. A second say in which we could inform the Japanese is to tell them in two years time that they have to hold a special session of the Diet to consider this matter and that the Far Eastern Commission is then going to review it. Now that may be a little difficult because the Japanese would probably feel that the Allied powers have been guilty of a breach of faith with them. We have allowed them in two days time to promulgate this Constitution with a flourish of trumpets. We have given the impression that they have adopted this Constitution of their own free will and that the Allied powers have not interfered because they are satisfied with the Constitution, and then in two years time we are going to come out and say that the Constitution must be reviewed, that we ourselves had some doubts concerning the Constitution, and that we, nevertheless, had passed a resolution that it should be reviewed in two years time, that the Japanese themselves should review it--and yet we did not tell them that. And I think the Japanese can very well argue in two years time that a resolution or decision



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which was not communicated to them is not binding upon them. It is very difficult first to say what the situation in Japan is going to be in two years. Conditions may have changed very much. We may no longer be able to influence the Japanese quite so easily by informal methods. Now, the third way, and I think the way we should adopt, is to tell the Japanese by the time of promulgation that the Commission has passed this resolution, that within one or two years the Constitution shall be reviewed by both the Japanese Diet and by the Far Eastern Commission. Now, that may have certain temporary disadvantages but it does--it is a straightforward way, it is an honest way, and it is a way that is going to avoid us getting involved in long-term difficulties. We have nothing to be ashamed of in this decision, and the Japanese people, I think, themselves can be brought to welcome it. And I have quite a bit of confidence in General MacArthur's ability to inform the Japanese people of this. General MacArthur in the past has been able to make decisions palpable to them. And I am quite sure at the time of promulgation for the Japanese people of this decision without in any way arising either the hostility or creating distrust of the Constitution.



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Now, to repeat, I don't think this is simply a matter of occupation policy. It is a matter which involves each country on this Commission. Each of us has become a party to a decision that the Constitution shall be reviewed in two years, and I think our relations with the Japanese people, the faith that we are trying to build up between the two parties, the Japanese and the Allied Powers, is involved in this. We have got to tell them now that we have come to this decision. Now, I understand that General MacArthur has not yet replied, and I am not critical of him for not doing that because we know in the past he has been very prompt in replying to us, and there must be some reason for his delay in this case. Now, I think, before possibly deciding what action we are to take it would be a good thing if other members would express their opinion on the general principle of publication.

GEN. MCCOY: I am sorry I assure you that we haven't had a reply from General MacArthur, and I also assure you that it is no fault of his. My Government was conscious of this very problem that you have stated so well, clearly, and reasonably, and it was for that reason that I made the reservation.