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FEC-054/17

FEC-RESTRICTED

FEC-054/17

27 April 1950

FAR EASTERN COMMISSION

DIRECTIVES TO THE SUPREME COMMANDER FOR THE ALLIED POWERS
As of 27 April 1950

Note by the Secretary General

1. The enclosure, a complete chronological index of Directives to the Supreme Commander for the Allied Powers as of 27 April 1950, is circulated for the information of the Far Eastern Commission.

2. It should be noted that although the last directive serial number is 110 there have been 111 directives since directive serial number 20 was followed by directive serial number 20 A.

3. This document fully replaces all documents previously circulated in this series.

Eastern Commission.

2. It should be noted that although the last directive serial number is 110 there have been 111 directives since directive serial number 20 was followed by directive serial number 20 A.

3. This document fully replaces all documents previously circulated in this series.

NELSON T. JOHNSON
Secretary General

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ENCLOSURE

DIRECTIVES TO THE SUPREME COMMANDER FOR THE ALLIED POW

BASIS OF DIRECTIVE	TITLE
U. S. Government Decision - Directive filed under Section III, para 4, of FEC Terms of Reference	Directive to SCAP (Instruments For the Surrender of Japan)
"	Execution of Directive Establishing the SCAP
"	Directive to SCAP (Instruments for the Surrender of Japan: General Order No. 1, Military and Naval)
"	Use of Bank of Chosen and Bank of Taiwan Notes in Outlying Islands of Japan
"	Authority of the SCAP
"	Authority of the SCAP
"	Trial of Japanese War Criminals
"	Statement of Policy on Disarmament, Demobilization & Disposition of Enemy Arms, Ammunition & Implements of War
"	Employment and Disposition of Captured Japanese Merchant Vessels
"	U. S. Initial Post-Surrender Policy for Japan
"	Policy of the United States in Regard to the Apprehension and Punishment of War Criminals in the Far East
"	Directive on the Identification, Apprehension and Trial of Persons Suspected of War Crimes
"	Policy on Silk Production in Japan
"	Custody of Japanese Archives and Diplomatic Property
"	Policy Regarding Relations of Neutral Diplomatic Missions with Japanese Government
"	Provisions for the Coordinated Exploitation of Japanese Intelligence Targets of Interdepartmental and International Concern

ENCLOSURE

TO THE SUPREME COMMANDER FOR THE ALLIED POWERS

	JCS DIRECTIVES		FEC FILING	
	Serial No.	Date	FEC No.	Date Filed
truments For the Surrender of Japan)	1	13 Aug 45	FEC-013	11 Mar 46
Establishing the SCAP	2	14 Aug 45	FEC-013/1	26 Apr 46
truments for the Surrender of Japan: Military and Naval)	3	15 Aug 45	FEC-013/2	11 Mar 46
and Bank of Taiwan Notes in Outlying	4	6 Sept 45	FEC-046	26 Apr 46
	5	6 Sept 45	FEC-016	11 Mar 46
	6	6 Sept 45	FEC-049/2	8 May 46
Criminals	7	11 Sept 45	FEC-007/6	26 Apr 46
Disarmament, Demobilization & rms, Ammunition & Implements of War	8	10 Sept 45	FEC-017	11 Mar 46
ion of Captured Japanese Merchant Vessels	9	14 Sept 45	FEC-047	26 Apr 46
render Policy for Japan	10	22 Sept 45	FEC-014	11 Mar 46
ates in Regard to the Apprehension Criminals in the Far East	11	6 Oct 45	FEC-007/1	4 Mar 46
fication, Apprehension and Trial f War Crimes	12	6 Oct 45	FEC-007	26 Apr 46
on in Japan	13	8 Oct 45	FEC-048	26 Apr 46
hives and Diplomatic Property	14	13 Oct 45	FEC-049/1	26 Apr 46
ons of Neutral Diplomatic Missions at	15	22 Oct 45	FEC-049	26 Apr 46
linated Exploitation of Japanese Interdepartmental and International	16	24 Oct 45	FEC-065	26 Apr 46

BASIS OF DIRECTIVE	TITLE
U. S. Government Decision - Directive filed under Section III, para 4, of FEC Terms of Reference	Policy for Research on Atomic Energy
"	*Basic Directive for Post-Surrender Military Government in Japan Proper
"	Apprehension and Punishment of War Criminals (Japan)
"	Policy on Japanese Imports-Exports
"	Policy with Respect to Fishing and Aquatic Industries in Japan
"	Disposition of Captured Japanese Merchant Vessels
"	U. S. Policy Regarding Displaced Persons in Japan
"	Examination of Foreign Banks in Japan
"	Policy for Research on Atomic Energy
"	Delivery of Naval Buoys to the British for Use in Hong Kong Harbor
27 DECEMBER 1945 - FEC TERMS OF REFERENCE SIGNED AT MOSCOW	
"	Treatment of Japanese Workers' Organization
"	Agreement as to Participation of British Commonwealth Force in Occupation of Japan
"	Convoking the Allied Council for Japan
"	Control of Yen Currency Held by the Supreme Commander for the Allied Powers for Use of Forces Under his Command
"	Interim Procedures for Restitution of Looted Property Found in Japan
"	U. S. Policy Regarding Displaced Persons in Japan

* Title subsequently changed to "Basic Initial Post-Surrender Directive to the Supreme Commander for the Allied Powers for the Occupation and Control of Japan."

FEC-RESTRICTED

	JCS DIRECTIVES		FEC FILING	
	Serial No.	Date	FEC No.	Date Filed
on Atomic Energy	17	30 Oct 45	FEC-012/2	6 Mar 46
Post-Surrender Military Government	18	8 Nov 45	FEC-015	11 Mar 46
ishment of War Criminals (Japan)	19	10 Nov 45	FEC-007/8	23 May 46
mports-Exports	20	13 Nov 45	FEC-032/1	1 May 46
to Fishing and Aquatic Industries in Japan	20A	13 Nov 45	FEC-035	26 Mar 46
red Japanese Merchant Vessels	21	26 Nov 45	FEC-047/1	26 Apr 46
ng Displaced Persons in Japan	22	7 Dec 45	FEC-034	22 Mar 46
gn Banks in Japan	23	12 Dec 45	FEC-040/1	26 Apr 46
on Atomic Energy	24	14 Dec 45	FEC-012/3	6 Mar 46
oys to the British for Use in	25	19 Dec 45	FEC-050	26 Apr 46
1945 - FEC TERMS OF REFERENCE SIGNED AT MOSCOW				
e Workers' Organization	26	4 Jan 46	FEC-039	28 Mar 46
icipation of British Commonwealth of Japan	27	4 Feb 46	FEC-051	26 Apr 46
Council for Japan	28	11 Feb 46	FEC-052	1 May 46
ncy Held by the Supreme Commander for or Use of Forces Under his Command	29	14 Feb 46	FEC-053	1 May 46
or Restitution of Looted Property	30	22 Feb 46	FEC-011/7	2 May 46
ng Displaced Persons in Japan	31	24 Feb 46	FEC-034	22 Mar 46

hanged to "Basic Initial Post-Surrender reme Commander for the Allied Powers for the ol of Japan."

BASIS OF DIRECTIVE	TITLE
U. S. Government Decision - Directive filed under Section III, para 4, of FEC Terms of Reference	Interim Directive for Supplying Yen to Representatives of Allied Governments in Japan
	26 FEBRUARY 1946 - 1ST FEC MEETING
"	Disposition of Combatant Vessels of the Japanese Navy
"	Special Directions for the Disposition of Captured Japanese Equipment
"	Convocation of Allied Council for Japan
FEC Policy Decision - FEC-031/1 20 March 1946	Japanese Constitution
U. S. Government Decision - Directive filed under Section III, para 4, of FEC Terms of Reference	Foreign Banks in Japan
"	Reports by Allied Governments on Yen Expenditures by their Occupation Troops in Japan
"	Administration of Izu Islands
FEC Policy Decision - FEC-007/3; /4 3 April 1946	Apprehension, Trial and Punishment of War Criminals in the Far East
U. S. Gov't Decision - Interim Directive issued under Section III, para 3, & filed under Section III, para 4, of FEC Terms of Reference	Treatment of German Property in Japan
"	Disposition of Uranium Oxide Impounded by the Supreme Commander for the Allied Powers
"	Applicability of Proposed Japanese Extraordinary Laws to Non-Japanese Individual and Corporations
"	Arrangements for Release to Claimant Nations of Former Allied Vessels Captured by Japan
FEC Policy Decision - FEC-059/3 13 May 1946	Removal of Facilities from Japan for Reparations--Priority According to Ownership or Control

	JCS DIRECTIVES		FEC-RESTRICTED FEC FILING	
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or Supplying Yen to Representatives ts in Japan	32	24 Feb 46	FEC-056/1	16 May 46
1946 - 1ST FEC MEETING				
tant Vessels of the Japanese Navy	33	27 Feb 46	FEC-017/2	29 Apr 46
or the Disposition of Captured Japanese	34	1 Mar 46	FEC-017/3	29 Apr 46
Council for Japan	35	9 Mar 46	FEC-052/1	1 May 46
n	36	27 Mar 46	FEC-031/4	29 Apr 46
	37	26 Mar 46	FEC-040	30 Mar 46
ernments on Yen Expenditures by their Japan	38	5 Apr 46	FEC-056	1 May 46
Islands	39	9 Apr 46	FEC-057	1 May 46
d Punishment of War Criminals in	40	23 Apr 46	FEC-054/9	15 May 46
operty in Japan	41	27 Apr 46	FEC-066	23 May 46
Oxide Impounded by the Supreme ed Powers	42	10 May 46	FEC-012/1	27 May 46
ed Japanese Extraordinary Laws to l and Corporations	43	11 May 46	FEC-063/1	23 May 46
e to Claimant Nations of Former d by Japan	44	13 May 46	FEC-047/2	24 May 46
rom Japan for Reparations--Priority or Control	45	23 May 46	FEC-059/8	3 June 46

BASIS OF DIRECTIVE	TITLE	Seria
FEC Policy Decision-FEC-059 13 May 1946	Interim Reparations Removals: Army and Navy Arsenals; Aircraft Industry; Light Metals Industry	
FEC Policy Decision-FEC-031/7 13 May 1946	Criteria for the Adoption of a New Japanese Constitution	
FEC Policy Decision-FEC-059/4 23 May 1946	Interim Reparations Removals: Machine Tool Industry; Sulphuric Acid Industry; Shipbuilding Industry	
U. S. Gov't Decision - Interim Directive issued under Section III, para 3, & filed under Section III, para 4, of FEC Terms of Reference	Applicability of Proposed Japanese Extraordinary Tax Laws to Non-Japanese Individual and Corporation	
FEC Policy Decision-FEC-059/6 29 May 1946	Interim Reparations Removals: Ball & Roller Bearing Industry	
FEC Policy Decision-FEC-034/1 5 June 1946	Directive Regarding Aliens in Japan	
FEC Policy Decision-FEC-059/14 12 June 1946	Interim Reparations Removals: Iron and Steel Industry; Thermal Electric Power; Soda Ash, Chlorine, and Caustic Soda Industry	
FEC Policy Decision-FEC-059/15 20 June 1946	Interim Reparations Removals: Privately Owned Munitions Plants	
FEC Policy Decision-FEC-031/19 2 July 1946	Basic Principles for a New Japanese Constitution	
U. S. Gov't Decision - Interim Directive issued under Section III, para 3, & filed under Section III, para 4, of FEC Terms of Reference.	Interim Procedures for Supplying Yen to Representatives of Allied Governments in Japan	
FEC Policy Decision-FEC-055/4 8 July 1946	Japanese Taxation of Aliens	
FEC Policy Decision-FEC-011/12 18 July 1946	Restitution of Looted Property	
FEC Policy Decision-FEC-038/1 15 Aug 1946	Exercise of Criminal and Civil Jurisdiction Over Nationals of Members of the United Nations	
FEC Policy Decision-FEC-059/21 12 Sep 1946	Interim Reparations Removals: Synthetic Oil and Synthetic Rubber Industry	
FEC-Policy Decision-FEC-087/9 25 Sep 1946	Further Policies Relative to a New Japanese Constitution	
FEC Policy Decision-FEC-011/21 10 Oct 1946	Revision of Directive on Restitution of Looted Property	

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s Removals: Army and Navy Arsenals; Light Metals Industry	46	23 May 46	FEC-059/9	3 June 46
doption of a New Japanese Constitution	47	23 May 46	FEC-031/10	3 June 46
s Removals: Machine Tool Industry; dustry; Shipbuilding Industry	48	26 May 46	FEC-059/10	5 June 46
roposed Japanese Extraordinary Tax Laws dividual and Corporation	49	30 May 46	FEC-063/3	11 June 46
Removals: Ball & Roller Bearing Industry	50	2 June 46	FEC-059/12	7 June 46
Aliens in Japan	51	11 June 46	FEC-034/3	21 June 46
Removals: Iron and Steel Industry; Thermal da Ash, Chlorine, and Caustic Soda Industry	52	15 June 46	FEC-059/17	24 June 46
Removals: Privately Owned Munitions	53	25 June 46	FEC-059/18	3 July 46
r a New Japanese Constitution	54	6 July 46	FEC-031/27	16 July 46
for Supplying Yen to Representatives of in Japan	55	23 July 46	FEC-056/2	5 Aug 46
Aliens	56	24 July 46	FEC-055/6	5 Aug 46
d Property	57	24 July 46	FEC-011/14	5 Aug 46
and Civil Jurisdiction Over Nationals nited Nations	58	23 Aug 46	FEC-038/3	11 Sep 46
Removals: Synthetic Oil and Synthetic	59	18 Sep 46	FEC-059/23	4 Oct 46
ative to a New Japanese Constitution	60	10 Oct 46	FEC-087/11	22 Oct 46
e on Restitution of Looted Property	61	16 Oct 46	FEC-011/22	29 Oct 46

FEC-051/17

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FEC Policy Decision-FEC-031/40 17 Oct 1946	Provisions for the Review of a New Japanese Constitution	
FEC Policy Decision-FEC-045/5 6 Dec 1946	Principles for Japanese Trade Unions	
FEC Policy Decision-FEC-059/29 6 Dec 1946	Interim Reparations Removals: Steel Rolling Industry	
FEC Policy Decision-FEC-059/30 6 Dec 1946	Interim Reparations Removals: Temporary Retention of Electric Steel Furnaces	
FEC Policy Decision-FEC-099/3 12 Dec 1946	Issuance of Policy Decision on Review of the Japanese Constitution	
FEC Policy Decision-FEC-024/6 30 Jan 1947	Japanese Research and Activity in the Field of Atomic Energy	
FEC Policy Decision-FEC-106/1 23 Jan 1947	Determination of the Peaceful Needs of Japan	
FEC Policy Decision-FEC-094/3 13 Feb 1947	Delivery of Reparations Goods in Japan	
FEC Policy Decision-FEC-079/5 27 Feb 1947	Short Period Controls over the Japanese Economy to Relieve World Shortages	
FEC Policy Decision FEC-083/5 20 Feb 1947	Assured Production Capacity Levels for Japan	
FEC Policy Decision-FEC-088/2 13 Mar 1947	Allied Trade Representatives in Japan	
FEC Policy Decision-FEC-011/29 6 Mar 1947	Interim Principles for Restitution of Identifiable Property Confiscated in Japan from Allied Nationals	
FEC Policy Decision-FEC-092/2 27 Mar 1947	Policy for the Revision of the Japanese Educational System	
U. S. Gov't Decision - Interim Directive issued under Section III, para 3, & filed under Section III, para 4, of FEC Terms of Reference	Advance Transfers of Japanese Reparations and Reparations Allocations Procedures for Industrial Facilities in Japan	
FEC Policy Decision-FEC-226/2 24 Apr 1947	Destruction or Removal of United Nations Property in Japan	
FEC Policy Decision-FEC-060/12 8 May 1947	The Sources of Japanese Imports	
FEC Policy Decision-FEC-032/22 8 May 1947	The Destination of Japanese Exports	
FEC Policy Decision-FEC-219/7 8 May 1947	Division of Reparations Shares	

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nese Trade Unions	63	13 Dec 46	FEC-045/6	30 Dec 46
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Removals: Temporary Retention of naces	65	13 Dec 46	FEC-059/34	30 Dec 46
Decision on Review of the Japanese	66	18 Dec 46	FEC-099/5	30 Dec 46
nd Activity in the Field of Atomic Energy	67	7 Feb 47	FEC-024/8	19 Feb 47
e Peaceful Needs of Japan	68	12 Feb 47	FEC-106/3	20 Feb 47
ions Goods in Japan	69	19 Feb 47	FEC-094/4	3 Mar 47
ls over the Japanese Economy to Relieve	70	5 Mar 47	FEC-079/0	20 Mar 47
Capacity Levels for Japan	71	7 Mar 47	FEC-083/6	20 Mar 47
entatives in Japan	72	19 Mar 47	FEC-088/3	28 Mar 47
for Restitution of Identifiable Property an from Allied Nationals	73	22 Mar 47	FEC-011/30	1 Apr 47
sion of the Japanese Educational System	74	5 Apr 47	FEC-092/3	16 Apr 47
f Japanese Reparations and Reparations lures for Industrial Facilities in Japan	75	4 Apr 47	FEC-216/1	8 Apr 47
val of United Nations Property in Japan	76	2 May 47	FEC-226/3	14 May 47
nese Imports	77	15 May 47	FEC-060/13	23 May 47
Japanese Exports	78	15 May 47	FEC-032/23	23 May 47
ions Shares	79	15 May 47	FEC-219/10	5 June 47

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FEC Policy Decision - 22 May 1947	FEC-091/7	The Selection of Plants for Reparations Removals, Destruction or Retention in Japan
FEC Policy Decision - 12 June 1947	FEC-204/14	Property of War Criminals
FEC Policy Decision - 19 June 1947	FEC-014/9	Basic Post-Surrender Policy for Japan
FEC Policy Decision - 26 June 1947	FEC-239/2	Temporary Extension of FEC Policy on Temporary Retention of Electric Steel Furnaces (FEC-059/30)
FEC Policy Decision - 24 July 1947	FEC-032/26	Interim Import-Export Policies for Japan
FEC Policy Decision - 24 July 1947	FEC-239/7	Extension of FEC Policy on Temporary Retention of Electric Steel Furnaces
FEC Policy Decision - 7 Aug 1947	FEC-241/6	Disposition of Funds Covering Fines Collected by Allied Military Occupation Courts
FEC Policy Decision - 14 Aug 1947	FEC-084/21	Reduction of Japanese Industrial War Potential
FEC Policy Decision - 11 Oct 1947	FEC-248/9	Supply of Food for Civilian Consumption in Japan
FEC Policy Decision - 12 Feb 1948	FEC-017/23	Prohibition of Military Activity in Japan and Disposition of the Japanese Military Equipment
U. S. Gov't Decision - Interim Directive issued under Section III, para 3, & filed under Section III, para 4, of FEC Terms of Reference		Restitution of Looted Property
FEC Policy Decision - 9 June 1948	FEC-300/10	Attendance at Inter-Governmental Conferences
FEC Policy Decision - 24 June 1948	FEC-280/9	Access to Japanese Technical and Scientific Information in Japan
FEC Policy Decision - 29 July 1948	FEC-011/51	Restitution of Looted Property
FEC Policy Decision - 21 Oct 1948	FEC-293/12	Travel Outside Japan of Japanese Commercial Representatives
FEC Policy Decision - 18 Nov 1948	FEC-273/22	Conduct of Trade With Japan

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r Reparations Removals, in Japan	80	3 June 47	FEC-091/8	16 June 47
	81	20 June 47	FEC-204/15	8 July 47
y for Japan	82	26 June 47	FEC-014/10	9 July 47
Policy on Temporary Retention of (FEC-059/30)	83	30 June 47	FEC-239/4	11 July 47
icies for Japan	84	1 Aug 47	FEC-032/27	18 Aug 47
n Temporary Retention of Electric	85	31 July 47	FEC-239/8	13 Aug 47
ring Fines Collected by Allied ts	86	12 Aug 47	FEC-241/7	25 Aug 47
ustrial War Potential	87	23 Aug 47	FEC-084/22	9 Sep 47
an Consumption in Japan	88	19 Dec 47	FEC-248/10	14 Jan 48
ctivity in Japan and Disposition Equipment	89	17 Mar 48	FEC-017/21	30 Mar 48
perty	90	17 Mar 48	FEC-303/1	31 Mar 48
rnmental Conferences	91	17 June 48	FEC-300/11	6 July 48
ical and Scientific Information	92	1 July 48	FEC-280/11	20 July 48
operty	93	4 Aug 48	FEC-011/52	8 Sep 48
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pan	95	2 Dec 48	FEC-273/23	27 Dec 48

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U. S. Gov't Decision - Interim Directive issued under Section III, para 3, & filed under Section III, para 4, of FEC Terms of Reference	Economic Stabilization in Japan	
FEC Policy Decision-FEC-277/19 9 Dec 1948	Principles for Japanese Farmers' Organizations	
FEC Policy Decision-FEC-315/7 23 December 1948	Access to Japanese Technical and Scientific Information by Non-FEC Countries at War with Japan	
FEC Policy Decision-FEC-314/8 24 Feb 1949	Trial of Japanese War Criminals	
U. S. Gov't Decision - Interim Directive issued under Section III, para 3, & filed under Section III, para 4, of FEC Terms of Reference.	Priority for Patent Applications in Japan	1
FEC Policy Decision-FEC-284/18 17 Mar 1949	Policy Towards Patents, Utility Models and Designs in Japan	1
FEC Policy Decision-FEC-280/16 7 Apr 1949	Extension of Far Eastern Commission Policies on Access to Japanese Technical & Scientific Information in Japan	1
FEC Policy Decision-FEC-335/10 28 Apr 1949	Agrarian Reform in Japan	1
U. S. Gov't Decision - Interim Directive issued under Section III, para 3, & filed under Section III, para 4, of FEC Terms of Reference.	Advance Transfers of Japanese Reparations and Reparations Allocations Procedures for Industrial Facilities in Japan (Recission of Serial No. 75)	1
FEC Policy Decision-FEC-332/12 28 July 1949	Trade Marks, Trade Names and Marking of Merchandise in Japan	1
FEC Policy Decision-FEC-014/9 19 June 1947	Directive pursuant to Basic Post Surrender Policy for Japan	1
FEC Policy Decision-FEC-011/58 29 September 1949	Extension of Far Eastern Commission Policy on Restitution of Looted Property	1
FEC Policy Decision-FEC-011//59 6 October 1949	Amendment of Far Eastern Commission Policy on Restitution of Looted Property	1

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ion in Japan	96	10 Dec 48	FEC-329/2	16 Dec 48
nese Farmers' Organizations	97	17 Dec 48	FEC-277/20	30 Dec 48
Technical and Scientific Information by at War with Japan	98	31 Dec 48	FEC-315/9	17 Jan 49
War Criminals	99	8 Mar 49	FEC-314/14	28 Mar 49
t Applications in Japan	100	23 Mar 49	FEC-333/6	7 Apr 49
nts, Utility Models and Designs in Japan	101	23 Mar 49	FEC-284/19	7 Apr 49
stern Commission Policies on Access to l & Scientific Information in Japan	102	16 Apr 49	FEC-280/18	10 May 49
Japan	103	4 May 49	FEC-335/11	16 May 49
of Japanese Reparations and Reparations dures for Industrial Facilities in Japan ial No. 75)	104	12 May 49	FEC-216/3	19 May 49
Names and Marking of Merchandise	105	13 Aug 49	FEC-332/13	30 Aug 49
to Basic Post Surrender Policy	106	3 Oct 49	FEC-343/9	6 Oct 49
Eastern Commission Policy on oted Property	107	5 Oct 49	FEC-011/60	20 Oct 49
Eastern Commission Policy on oted Property	108	14 Oct 49	FEC-011/61	25 Oct 49

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FEC Policy Decision-FEC-014/9 19 June 1947	Establishment of Admiralty Courts in Japan
U. S. Gov't Decision - Interim Directive issued under Section III, para 3, & filed under Section III, para 4, of FEC Terms of Reference	Japanese Participation in Technical Agreements and Conferences

	JCS DIRECTIVES		FEC-RESTRICTED FEC FILING	
	Serial No.	Date	FEC No.	Date Filed
iralty Courts in Japan	109	31 Jan 50	FEC-349	15 Feb 50
on in Technical Agreements	110	21 Feb 50	FEC-347/1	23 Feb 50

FEC-054/17 END

INDEX TO NONSERIALLY NUMBERED DIRECTIVES

NONSERIAL NO	RADIO NUMBER	SUBJECT
1	W 81022	Liquidation of Zaibatsu, dated 3 Nov 45. (JCS 1565)
2	WX89117	Exercise of Criminal and Civil Jurisdiction Over United Nations Nationals, dated 18 Dec 45. (SWNCC 192/3) (SUPERSEDED BY JCS SERIAL NO. 58)
3	W94752	Interim Reparations Program for Japan, dated 26 Jan 46. (JCS 1606) (SUPERSEDED BY JCS SERIAL NOS. 46, 48, 50, 52, 59, 64 and 65)
4	W 99981	Official Channels of Communications Between the United States Government or Its Agencies and SCAP or His Staff, dated 9 Mar 46. (JCS 1638)
5	W 84181	War Department and US Commercial Company Contract for Exports from Japan, dated 12 Apr 46. (JCS 1566/2) (AMENDED BY W 89161 and JCS 1566/9)
6	W 93982	Policy on Disposition of Puppet Government Assets in Japan, dated 11 Jul 46. (JCS 1689) (AMENDS JCS SERIAL NO. 41)
7	W 98792	Treatment of German Property in Japan, dated 28 Aug 46. (JCS 1655/6) (AMENDS JCS SERIAL NO. 41)
8	W 89161	Sale of Japanese Exports to Foreign Countries by the US Commercial Company, dated 8 Jan 47. (JCS 1566/8) (AMENDS W 84181)
9	W99660	Amendment of War Department and US Commercial Company Contract for Exports from Japan, dated 7 Jun 47. (JCS 1566/9) (AMENDS W 84181)

W 99660

Amendment of War Department and US Commercial Company Contract for Exports from Japan, dated 7 Jun 47. (JCS 1566/9) (AMENDS W84181)

THIS RADIO LISTED BY AG RECORDS SECTION AS STILL BEARING THE CLASSIFICATION OF

TOP SECRET

NON-SERIAL DIRECTIVE # 9

non serial #8

COPY

GENERAL HEADQUARTERS
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

BBS
gs

INCOMING MESSAGE

Restricted
PRIORITY

8 Jan 47

FROM : WAR (JOINT CHIEFS OF STAFF)

TO : CINCFE (MACARTHUR)

NR : W 89161

Basic War Dept US, Commercial Company Japanese export agreement (17 Jan46) is amended as follows to enable USCC, when deemed necessary and desirable, to sell Japanese exports in any country, subject to current US governmental directives on imports or exports and provided such sales in such countries are limited to:

A. Cotton textiles manufactured in Japan under terms of the US Commercial Company, Commodity Credit Corporation, War Dept cotton contract (4 Feb 46).

B. Sales of other Japanese exports in short world supply as listed in the War Dept's Memo of 26 Jun 46, reference AGO (WDSCA) 400, 19 Jun 46.

C. Special instances in which a specific transaction in one country is approved by SCAP.

Amendments follow:

Para three shall read: "Unless USCC shall otherwise direct, delivery of merchandise to USCC shall take place upon issuance of onboard ocean bill of lading at POE. Title shall pass to USCC upon delivery."

Para four shall read:

a. After delivery of merchandise to USCC, it will arrange for the care and storage of merchandise and will sell such merchandise in such manner and in such quantities and in such country as SCAP, through the War Dept, may approve prior to delivery of any commodity to USCC for sale. Price levels shall be determined by USCC. USCC will provide the War Dept with gross proceeds of all sales less all out of pocket expenses incurred and less a three per cent charge on the gross receipts to cover administrative expenses. At the War Dept's request, delivered in form satisfactory to USCC, USCC will pay such proceeds to the War Dept or to its designee."

51969

PRIORITY
Restricted
-1-

"Paraphrase not required. Handle as RESTRICTED correspondence per paragraphs 51 i and 60 a (4) AR 380-5."

note: Amends W 84181

NON SERIAL DIRECTIVE NO. 8

INCOMING MESSAGE

Restricted
PRIORITY

FROM : WAR (JOINT CHIEFS OF STAFF) NR: W 89161 8 JAN 47 CONT'D

b. "It is understood that in the event payment for Japanese exports is planned to be accepted from any foreign country in other than US dollars, contemplated action will be referred to the War Dept and through the War Dept to SCAP for concurrence."

Para five shall read: "Only such merchandise as USCC shall approve for shipment shall be shipped. Prior to shipment of such merchandise SCAP will advise USCC directly or through War Dept all pertinent details relative to any merchandise available and approved for shipment and such merchandise shall be placed aboard a ship destined for such port as may be specified by USCC unless shipping conditions or mil necessity direct otherwise. SCAP will take all reasonable steps to assure that requests of USCC re packing routing and other normal details of shipping are carried out."

Para ten shall read: "This agreement shall be in complete substitution of agreement set forth in my letter to you dtd Dec 5, 45."

NO SIG

ACTION: ECON & SCI SECT

INFORMATION: COMMANDER-in-CHIEF, CHIEF OF STAFF, AG, DIPLOMATIC SECT

51963

PRIORITY
Restricted

TOO : 080014 Z
MCN : YB 52/08

"Paraphrase not required. Handle as RESTRICTED correspondence per paragraphs 51 i and 60 a (4) AR 380-5."

Non-Serial
7

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GENERAL HEADQUARTERS, U. S. ARMY FORCES, PACIFIC
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

CORRECTED COPY

29 August 1946

SECRET
PRIORITY

FROM : WASHINGTON (JOINT CHIEFS OF STAFF)

TO : CINCAFPAC (MACARTHUR)

NR : W 98792

Following, received from the State, War, and Navy Departments, is furnished for your guidance in reply to your C 62080 dated 17 June 1946 and C 62990 dated 12 July 1946:

"Part 3 C of your CA 57309 dated 28 January 1946 refers. You are authorized to utilize former German-owned property now vested German External Property Commission (GEPC) for Japanese Internal Economy or Export Program when in your opinion such property is spoiling, seriously deteriorating and depreciating. Yen proceeds from use in internal economy and foreign exchange proceeds resulting from use in export program to be blocked. Copies of your C 62080 and C 62990 and this message referred U. S. Member Allied Control Council (ACC) Germany requesting him to inform GEPC of U. S. action, if he offers no objections, and requesting his comments be seeking approval ACC for release blocked foreign exchange proceeds to Japanese import-export account, yen counter values to accrue to GEPC.

Your estimate quantities and values of commodities involved requested soonest."

NO SIG.

ACTION: CIV PROP CUST

INFORMATION: COMMANDER-in-CHIEF, CHIEF OF STAFF, G-2, AG, C GOVT SECT, STAT & RPTS SECT, ECON & SCI SECT

NOTE: Ref 62990 (CPC) requests action in 62080.

NOTE: Message correct as orginally received.

86659

PRIORITY
SECRET

TOO : 282143 Z
MCN : SA 36/29

NON SERIAL DIRECTIVE NO. 7

note: Amends JCS Serial No. 41

NON-SERIAL
6

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GENERAL HEADQUARTERS, U. S. ARMY FORCES, PACIFIC
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE
CONFIDENTIAL
PRIORITY 11 July 1946

FROM : WASHINGTON (JOINT CHIEFS OF STAFF)

TO : CINCAFPAC (TO MACARTHUR)

NR : W 93982

The following, received from the State, War, and Navy Departments, is in reply to C 62099 of 25 April 1946 and C 61485 of 29 May 46:

"This radio in 2 parts:

Part 1: (a) Ourad WX 86033 of 27 April answers parts 1 and 2 of urad C 60299. Part I may be retroactive as you deem necessary.

(b) Reurad C 61485, agree your interpretation that business expenses of German concerns in Japan may be paid, provided expenses are for maintenance and preservation, whether business concern is in category A or B.

(c) Following is regulation nbr 1 effective 5 May 1946 under Berlin law nbr 5:

'In accordance with article IV of control council law nbr 5, there shall be added to the category of persons covered by article III also those persons who were German citizens on or after 1 September 1939 and who at any time have lived abroad (continuously or intermittently) and who aided or attempted to aid Germany or her allies during the war or who assisted Germany or her allies in the preparation for war, but shall not apply to any citizen of any country annexed or claimed to have been annexed by Germany since 31 December 1937.'

Interpretation here is to subject to law nbr 5 individuals previously included in category B (ourad WX 86033). The foregoing has been repeated to the Office of Military Govt for Germany (U.S.) for information, together with parts 1 and 2 of urad C 60299.

Part. 2: Agree recommendation part 3 of urad C 60299 except that interim restitution procedure (see WX 98260 of 22 Feb 1946), applicable when conditions met. This applies assets allpuppet regimes. For your information, broader restitution policy now under consideration in Far Eastern Commission expected to include currency, jewelry, etc. Non-restitutable property subject further policy determination."

NO SIG

ACTION: CIV PROP CUST

INFORMATION: COMMANDER-in-CHIEF, CHIEF OF STAFF, AG, C GOVT SECT, STAT & RPTS SECT

60749

PRIORITY
CONFIDENTIAL

TOO: 110106 Z
MCN: YB 45-11

NON SERIAL DIRECTIVE NO. 6

Note: Amends JCS Serial No. 41

non-serial #5

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I N C O M I N G M E S S A G E

RESTRICTED
ROUTINE

13 April 1949

FROM : WASHINGTON (THE JOINT CHIEFS OF STAFF)

TO : CINCAFPAC (MACARTHUR)

NR : W 84181

With ref to C581023 of 22 Feb 1946.

The WD/U.S. Commercial Co. contract including form of bill of sale and form of indorsement, providing for exports from Japan, is approved for your guidance.

no sig

ACTION: ECONOMIC & SCIENT SEC

INFORMATION: COMMANDER IN CHIEF, CHIEF OF STAFF, G-4, AG,

NOTE: Ref C 581023 is believed to be C 58152 (ESS).

Handling and transmission of the literal plain text of this message as correspondence of the same classification has been authorized by the War Department in accordance with the provisions of paragraphs 44g and 53a (3) (Changes No 3) of AR 380-5, 15 March 1944.

7957

ROUTINE
RESTRICTED

TOO: 121832 Z
MCN: SD 44

Note: Amended by W 89161 and JCS 1566/9

NON SERIAL DIRECTIVE NO. 5

refers to non-serial #4

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GENERAL HEADQUARTERS, U. S. ARMY FORCES PACIFIC
ADJUTANT GENERAL'S OFFICE
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CONFIDENTIAL
PRIORITY

10 January 1946

TO : CINCAFPAC ADV

FROM : WASHINGTON

NR : W91800

1. Would appreciate your comments and suggestions regarding solution of Inter-Departmental Problem of United States Government currently of concern,

2. Although the JCS, War Department and United States Army are charged in the administration of occupied territory with administering applicable governmentalor inter-governmentalpolicy, the development and formulation of government policy in the framework of the United States Government rests primarily with the civilian agencies of the government, in particular the State Department. The view of the civilian departments of the government has been that in order to properly formulate policy with respect to the government of occupied countries they should be free to nominate representatives to act in an advisory capacity to the military authorities in occupied countries with the right to have free and direct communication for the transmission of information and instructions between such representatives and the department nominating them. This position has been held especially by the State Department in the over-all field of foreign policy and the Treasury Department with respect to financial problems.

3. The problem is illustrated by the view which has been held in the State Department that a State Department representative designated as your political adviser should have his own staff and should act not only as your political adviser but as a representative of the State Department with right of direct communication to the State Department with respect to problems arising within your responsibility as SCAP. Treasury Department desire a similar arrangement with Treasury representatives who may be provided to you as advisers or otherwise attached to your staff. Position of these Departments is based on their view that within the responsibility of the United States Government for the administration of occupied territory, the Secretaries of State and Treasury have definite responsibilities for policy consideration and determination which can be discharged only if they have the right of communication with and to some extent control over their personnel who may be serving in occupied countries. This view of the civilian departments is also reflected in the many requests which are received for the dispatch of specialized missions to investigate and report to the appropriate civilian departments on special matters of concern in the government of occupied areas, such as textile production and the Zaibatsu problem.

CONFIDENTIAL
PRIORITY

38112

-1-

REFERS TO NON SERIAL DIRECTIVE NO. 4

WASHINGTON RADIO W91800 DTD 10 JANUARY 1946 (CONTINUED)

4. Efforts to recruit personnel for your staff have been seriously hampered by this position of civilian agencies of the Government. By far the most productive field for recruitment of working staff is in the departments of the Government most concerned with the particular problem to be considered. This is true not only because of the specialized type of personnel available from these sources but also because the fact of the termination of the War inevitably makes general civilian recruitment for service overseas increasingly difficult.

5. It is recognized that the primary responsibility within the United States Government for the formulation of government policy with respect to the administration of occupied areas must rest with the civilian departments of the Government. It is also recognized that the desire of the civilian departments of the Government to obtain advice and information upon which policy must be formulated from their own experts in the various fields under investigation is a natural one.

6. Problem has been the subject of several discussions between the Secretaries of the State, War and Navy Departments without final solution. In the present situation recruitment of personnel for your staff is delayed and with respect to certain types of personnel prevented completely. Moreover, with particular reference to your political adviser, it appears here that you are not receiving the maximum of benefit from his presence in Japan, and State Department is dissatisfied with its inability to receive what to it seems appropriate information and reporting from him.

7. Following solution of the problem with respect to which your comments are desired was suggested in conference between War Department representatives and the Acting Secretary of State:

a. Your political adviser will be assigned, with such assistance as he may have, to your staff, and, as a member of your staff, will be subject to your authority and control. All other government personnel, including missions or groups to examine special questions, will also be assigned to your staff and will be subject to your authority and control.

b. There will be no official channels of communication between the United States Government or its agencies and SCAP or his staff except between SCAP in the theater and the Joint Chiefs of Staff, or, where appropriate, the War Department as the executive agency of the Joint Chiefs of Staff, in Washington. All recognized that the position, views, or recommendations of SCAP on any question will be for your decision and advice to the Joint Chiefs of Staff, or, where appropriate, the War Department as executive agency for the Joint Chiefs of Staff.

WASHINGTON RADIO W91800 DTD 10 JANUARY 1946 (CONTINUED)

c. The normal flow in inquiries regarding information to operation of Government or other factual information will be between SCAP and the War Department.

d. In the event the policy-making civilian agencies of the Government desire the particular views on recommendations of their personnel who are assigned to your staff because of such personnel's technical experience particular relationship with the Department involved, on a special subject, request for such views or recommendations will be transmitted to you by the War Department as executive agency of the Joint Chiefs of Staff and the replies of the representatives of the civilian agencies of the Government should be transmitted through you to the War Department with such consent or recommendation as you may deem appropriate. It is also proposed that representatives of policy-making civilian agencies who are assigned to your staff will be permitted to send reports and information to their Departments in Washington by transmission through your headquarters and the War Department.

8. It is recognized that the foregoing suggested arrangement has the objectional feature of increasing the burden on your staff to transmit or answer inquiries. However, it represents substantial concessions by the civilian agencies of the Government, particularly the State Department, with respect to their obligations and responsibilities regarding which they hold very strong views. The State Department is pressing very strongly for issue of instructions on the matter, consequently your comments are requested as soon as you can conveniently send them.

WARCOS

TOO : 071851 Z

MCN : USFD 8

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CHIEF OF STAFF

non-serial
4

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INCOMING MESSAGE

CONFIDENTIAL
PRIORITY

9 March 1946

FROM : WASHINGTON (THE JOINT CHIEFS OF STAFF)

TO : CINCAFPAC (MACARTHUR)

NR : W 99981

Procedures contained in W 91800 approved.

NO SIG

DISTRIBUTION:

COMMANDER-in-CHIEF, CHIEF OF STAFF, AG

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72987

PRIORITY
CONFIDENTIAL

TOO: 090107 Z
MCN: SA 41/09

NON SERIAL DIRECTIVE NO. 4

non-serial
3

GENERAL HEADQUARTERS, U. S. ARMY FORCES PACIFIC
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

I N C O M I N G M E S S A G E

27 January 1946

TO : CINCAFPAC ADV(TO MACARTHUR)INFO CINCAFPAC MANILA

FROM : WASHINGTON (JOINT CHIEFS OF STAFF)

NR : W 94752

This following, received from the State, War and Navy Departments, is forwarded for appropriate action:

1. On the subject of an interim reparations program for Japan the President has written to the Secretary of State in part as follows:

"I approve ambassador Pauley's repart (see WX 90605 of 28 December 1945) and it should be implemented as soon as the necessary details can be worked out."

2. State, War and Navy Departments now preparing recommendations for implementation of Pauley program. Apart from principle of an interim program of industrial removals on reparations account, promptly executed, and the establishment of an Inter-Allied reparations commission to determine the braad policies governing the entire reparations program, Pauley proposals consined subject to modification as to substance and timing if justification is adequate. Your recommendations desired as to modifications (other than investing arrangements on which your comments already received) considered by you essential to the accomplishment of purposed of occupation.

3. Recommendation of United States Government for internal program of industrial facility removals will be transmitted to governments on far Eastern Commission for approval, either individually or as members of an Inter-Allied Reparatinns Commission whose formation is now under discussion and whose proposed terms of reference will be transmitted to you for comment shortly. It is hoped that the U.S. proposals can go out about 15 February 1946.

4. To Facilitate prompt execution of interim program when agreed upon, it is requested that you:

a. undertake the tentative selection of the particular plants, machine tools, and other facilities which you would con-

priority
SECRET

43964

Note: the radio superseded by JCS Serial No.46,48,50,52,59,64, & 65

NON SERIAL DIRECTIVE NO. 3

SECRET
PRIORITY

WASHINGTON RADIO W 94752 CONTINUED 27 January 1946

sider available for removal if the Pauley program were to receive Inter-Allied approval.

b. take such steps as you consider appropriate to facilitate the availability of this facilities for shipment and to insure able minimum disruption of approved Japanese production programs if and when they are claimed.

c. report your views as to the most satisfactory procedures by which representatives of the governments claiming reparations may examine facilities determined by you to be available for removal in order to select those they wish to claim.

No Sig

TOO: 261818 z
MCN: SA 10/27

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CHIEF OF STAFF
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C CIVIL COMMUNICATIONS SECT
STATISTICAL & REPORTS SECT
NATURAL RESOURCES SECT

43964

PRIORITY
SECRET

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A

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Non serial #2

INCOMING MESSAGE

CONFIDENTIAL
PRIORITY

19 December 1945

TO : CINCAFPAC AMV CINCAFPAC (TO MACARTHUR)

FROM : WASHINGTON (FROM JOINT CHIEFS OF STAFF)

NR : WX 89117

The following instructions, received from War and Navy Depts, are furnished for your guidance:

1. You will provide that no Criminal jurisdiction of any sort will be exercised by the Japanese Courts with respect to United Nations Nationals or Organizations. (including corporations), but that such Criminal jurisdiction will be exercised by Military Courts of the United Nations, as follows:

(A) In the case of Military or Naval personnel and persons accompanying the Armed Forces, Courts of the Nation of the Forces of which they are a part,

(B) In the case of a National of 1 of the Occupying Powers, by a Military Court of his Nationality,

(C) In the case of other United Nations Nationals, the Allied Military Court having jurisdiction in the particular territory.

2. You will strictly limit the authority of the Japanese to take any National of a United Nation into custody.

(A) To those areas of Japan not actually in Allied Military Occupation, and

(B) In such areas, only to those cases in which there is a reasonable suspicion that a serious offense has been committed. You will place the Japanese Authorities under specific orders to hand over such a person forthwith to the nearest Allied Military Authorities.

CONFIDENTIAL
PRIORITY

31305

Note: superseded by JCS Serial No. 58

NON SERIAL DIRECTIVE NO. 2

COPY

CONFIDENTIAL
PRIORITY

3. You will provide that no Civil jurisdiction of any sort will be exercised by the Japanese Courts with respect to United Nations Nationals or Organizations (including corporations), attached to or accompanying the Armed Forces. You will provide that Civil Claims against such persons or organizations shall be presented to you or your representative by the Japanese Government.

4. You will direct that decisions in all Civil cases affecting other United Nations Nationals or organizations, or in which such Nationals or organizations are or may become parties, shall be subject to review, including revision or such other action as may be considered necessary for the protection of their rights, by the Supreme Commander or his representative.

5. You will take such steps as you deem necessary, including suspension of proceedings, to ensure that in the conduct of such civil cases the rights of United Nations Nationals or organizations parties thereto are adequately protected.

6. It is recognized that the available United States Legal Officers will be barely sufficient to deal with such cases as involve United States Nationals. You may therefore advise the responsible commanders of other Allied Forces that assistance in such cases as involve their Nationals must be supplied by them.

WARCOS

TOO: 181915 Z
MCN: USFC 28

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CHIEF OF STAFF
C CI O
G-1
31305

CONFIDENTIAL
PRIORITY

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non-serial #1

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ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

CORRECTED COPY

INCOMING MESSAGE 4 November 1945

URGENT

TO : CINCAFPAC ADV, CINCAFPAC MANILA (MACARTHUR)

FROM : WASHINGTON (THE JOINT CHIEFS OF STAFF)

NR : WX 81022

Zaibatsu policy, reference CA 53580, 20 October; CA 53699, 22 October and WX 77879, 22 October.

1. The State Department has concurred in your proceeding in accordance with plan outlined in your CA 53580 as preliminary steps subject to the reservations set out below, all of which have approval of Legal Department of Justice experts in the field. The Joint Chiefs of Staff have no objection from a Military point of view, subject to those reservations.

2. Full freedom future action should be retained by your concerning subsequent elaboration or modification of plan. This is considered particularly vital with respect to:

a. Subsequent addition of provisions relative to interlocking directorates and intercorporate stock ownership below top holding company. Failure of Yasuda plan expressly to deal with this subject troubles Departments of State and Justice and they will desire to make further recommendations in light of discussions on the spot after arrival State-Justice Advisory Mission. Departments of State and Justice advise they are making urgent efforts to send mission forward and you will be advised ETD soonest.

b. It is understood from reference cables and Mr. McCloy's cable DTG 231812 Z, 23 October, that control commission will be staffed by Japanese Government Officials under your supervision. Departments of State and Justice stress importance of close scrutiny of Control Commission operations in order to assure good faith execution of plan. Hence plan should expressly provide full freedom of action on your part with respect to monitoring the activities of Control Commission.

3. Method and time of appraising prices of company securities is considered by Departments of State and Justice to be an essential factor in the dissolution process. It is felt that appraisal cannot be made in any event until decisions are reached concerning reparations removals and application of industrial disarmament programs. Hence no appraisal action should be taken now nor compensation

URGENT
SECRET
-1-

14892

NON SERIAL DIRECTIVE NO. 1

paid until completion of reparations or disarmament programs. It is assumed that the securities will not be sold to the Japanese people until appraisal of their fair values can be made.

4. Department of Justice suggests that on basis other experience you prohibit transfers of Zaibatsu securities under Provisions of Paragraph 42 B of Financial Directive.

5. Department of State believes desirable that permanent satisfactory solution of Zaibatsu question be initiated by Japanese, but cannot depend on them for satisfactory program or enforcement until implementation of Paragraphs 5 B, 23 and 40 of basic initial directive relatings to elimination from government, industry, and finance of active exponents of militant nationalism and aggresion. This again emphasizes the importance of assuring that neither your hands nor the hands of future Japanese Governments are tied by any arrangements of a contractual or consent-decree nature with persons now in position of leadership in Government and industry. Inasmuch as basic reforms such as Zaibatsu dissolution must ultimately rest upon an informed Japanese public opinion, Department of State urges every effort be made to place issues before Japanese people with full explanation of reasons calling for reforms.

6. The Department of State points out that while voluntary procedures may appear advantageous frompoint of view of speedy results, there is grave danger that voluntary action on the part of many of those now in high governmental and industrial positions may serve to enhance their prestige and solidify their position in public opinion. The Department of State urges that you give full consideration to this danger in working out reforms which are to take place prior to removal of persons whose elimination is required by the directive.

TOO: 032003 Z
MCN: USF A 158

No Sig

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NOTE: Corrected copy received in the AG Office at 041445 I.

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GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

Unclassified per WCL 3967 TG dtd 26 Feb 50

EHD/tjc

~~Restricted~~

PRIORITY

27 Feb 50

FROM : DA (JCS) WASH DC

TO : SCAP TOKYO JAPAN

NR : JCS 99818

The following Interim Directive, serial 110, regarding Japanese participation in technical agreements and conferences, prepared by the Dept of State, received from the Dept of the Army, is transmitted for your guidance in accordance with Paragraph III, 3, of the terms of reference of the Far Eastern Commission:

1. "The Supreme Commander for the Allied Powers, subject to his discretion and continued control, should permit Japan to participate with other nations or groups of nations in such international agreements, conventions, and conferences of a technical character as Japan may be invited to enter into, accede to, or attend, and as the Supreme Commander shall consider to be in the interests of the occupation".

2. "Before leaving Japan, Japanese Representatives appointed in accordance with the provisions of this policy decision, should be instructed to refrain from engaging in propaganda or subversive activities of any kind."

(over)

PRIORITY

~~Restricted~~

Unclassified

$692

Consult Crypto Center before declassifying.
Paraphrase not required. Handle as correspondence of classification carried hereon per paragraphs 17 a (1) (2), and 41 c (2)(3), AR 380-5, 15 November 1949.

Paraphrase not required. Handle as correspondence of classification carried hereon per paragraphs 51i and 60a, AR 380-5.

U. S. GOVERNMENT PRINTING OFFICE 16—57568-1

JCS Directive Serial No. 110

Serial No. 109

COPY NO. 16

31 January 1950

DIRECTIVE TO THE SUPREME COMMANDER FOR THE ALLIED POWERS

DIRECTIVE PURSUANT TO BASIC POST-SURRENDER POLICY FOR JAPAN, SERIAL 82

The following directive, Serial 109, prepared by the Department of State to further implement Part II, Paragraph 3, of the policy adopted by the Far Eastern Commission on 19 June 1947, has been received from the Office of the Secretary of Defense with direction from the President that it be transmitted to you for your guidance in accordance with Paragraph III of the terms of reference of the Far Eastern Commission:

"Whereas it is your responsibility pursuant to Part II, Paragraph 3, of the Basic Post-Surrender Policy for Japan, Directive Serial 82, to protect the interests, assets, and rights of all members of the United Nations and their nationals,

"Whereas there are no courts in Japan having jurisdiction over admiralty and other maritime causes of action in which members of the United Nations and their nationals may have an interest,

"Whereas in order adequately to protect the interests, assets, and rights of members of the United Nations and their nationals, it is necessary to establish courts in Japan having jurisdiction over admiralty and other maritime causes of action in which members of the United Nations and their nationals may have an interest,

"You are hereby authorized and directed to establish in Japan courts with jurisdiction over admiralty and other maritime causes of action to which such members of the United Nations and their nationals may have access."

GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

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rjs

Declassified

ROUTINE PTS

Unclassified per WCL 49941 dtd 25 Oct 49

15 Oct 49

FROM : DA (JCS) WASH DC

TO : SCAP TOKYO JAPAN

NR : W 95429

The fol Directive Serial 108 prepared by State Dept to implement policy adopted by FEC on Oct 6, 49, under provisions Para II, A, 1, of it's Terms of Reference, received from the Dept of Army, is transmitted for your guidance in acc with Para III, 1, of the Commission's Terms of Reference:

"DIRECTIVE REGARDING RESTITUTION OF LOOTED PROPERTY"

"The Far Eastern Commission decides as a matter of policy that the penultimate sentence of Para 8 of it's policy decision on Restitution of Looted Property (FEC-011/51, apd 29 Jul 48 and fwded to the Supreme Commander on 4 Aug 48 as Directive Serial No 93) shall be amended to read as follows:

'The secured fund should finally be distributed among the countries herein specified in accordance with the percentages mentioned above, or in accordance with a schedule of shares to be agreed upon by such countries, payable in US dollars or, the discretion of the Supreme Commander for the Allied Powers, in fgn exchange acceptable to the countries concerned.'"

The Commission has agreed to release to press policy decision upon which foregoing decision is based after its receipt by you; therefore rqst acknowledgment. This msg will be declassified upon press release.

NO SIG

ACTION : CIV PROP CUST

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, AG, GOVT, STAT & RPTS, ECON & SCI, DIPLOMATIC

18957

Unclassified

ROUTINE

Restricted

TOO : 141744 Z
MCN : 53249

Paraphrase not required. Handle as correspondence of classification carried hereon per paragraphs 51*i* and 60*a*, AR 380-5.

U. S. GOVERNMENT PRINTING OFFICE 16—57558-1

JCS DIRECTIVE SERIAL NO. 108

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ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

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INCOMING MESSAGE

~~SECRET~~ Restricted

ROUTINE SM

Unclassified per 6 October 49
WCL 49941 dtd 25 Oct 49

FROM : DA (JCS) WASHINGTON DC

TO : SCAP TOKYO JAPAN

NR : W 95111

The fol Directive Serial 107 prepared by State Dept to implement policy adopted by FEC on Sept 29, 49, under provisions of Paragraph II, A, 1, of its terms of reference has been received from the DA for transmission to you for your guidance in acc with Paragraph III, 1, of the commission's terms of reference:

"Directive regarding the restitution of looted property.

"The Far Eastern Commission decides as a matter of policy that the last sentence of Paragraph 8 of its policy decision on restitution of looted property (FEC-011/51, approved 29 July 1948 and forwarded to the Supreme Commander on 4 Aug 1948 as Directive Serial No. 93) shall be amended to read as follows:

"The secured fund shall be made available for distribution to the recipient countries not later than 1 April 1950."

The commission will release to press policy decision upon which foregoing directive is based after its receipt by you therefore request acknowledgment.

This msg will be declassified when release effected.

NO SIG

ACTION : CIV PROP CUST

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, AG, GOVT, STAT & RPTS, ECON & SCI, DIPLOMATIC

16356

ROUTINE

TOO : 052248 Z
MCN : 52885

~~SECRET~~ Restricted

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COPY No.

16—50735-1 GPO O—795839

SERIAL 107

Extra

GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

EFF
rjs

~~Restricted~~ Unclassified per WCL 4620 dtd 6 Oct 49

PRIORITY TER

4 Oct 49

FROM : DA (JCS) WASH DC

TO : SCAP TOKYO JAPAN

NR : W 95038

The following directive, Serial 106, prepared by State Dept to further implement Part II, Para 3 of policy adopted by FEC on 19 Jun 47, has been recd fr Office Sec Def with direction from the President that it be transmitted to you for ur guidance in accordance with Para III of the terms of reference of FEC:

"DIRECTIVE PURSUANT TO BASIC POST-SURRENDER POLICY FOR JAPAN, SERIAL 82"

"Whereas in International Law and monetary practice in the absence of clear proof of a contrary intent the earmarking of gold transfers the title to such gold and the right to possession thereof to the person in whose name the gold is earmarked with the same force and effect as transfer of title accompanied by physical transfer;

"Whereas there is held under your control in Japan a quantity of gold bullion earmarked by Japanese authorities before the surrender of Japan for the Govt of France and the Govt of Thailand, their agents or nationals;

"Whereas France and Thailand are members of the United Nations, and

"Whereas it is your responsibility pursuant to Part II, Para 3 of The Basic Post-Surrender Policy for Japan, Directive Serial 82, to protect the interests, assets and rights of all members of the United Nations and their nationals,

"You should release to the duly accredited representatives of the Govts of France and Thailand gold held in Japan earmarked before the surrender of Japan for them, their agents or nationals and permit the asgmt or removal of such gold in accordance with International Monetary Practice, except for any portion of the gold to which you determine that the Govt of Japan or its agents did not have good title at the time of earmarking, and any portion which was transferred by Japan in compensation for property which has subsequently been restituted in accordance with policy directives transmitted to you pursuant to the terms

Paraphrase not required. Handle as correspondence of classification carried hereon
per paragraphs 51*i* and 60a, AR 380-5

(over)

15715

PRIORITY

U. S. GOVERNMENT PRINTING OFFICE 16—57558-1

~~Restricted~~ Unclassified

SERIAL NO. 106

Unclassified

~~Restricted~~

PRIORITY

FROM : DA NR : W 95038 4 OCT 49 CONTINUED:

of reference of the Far Eastern Commission. The determination of the portion mentioned in the last clause in the immediately preceding sentence, if any, should be the subject of direct negotiations by you with the claimant govt."

As State desires file directive with FEC soonest, rqst acknowledgment be expedited.

NO SIG

ACTION : CIV PROP CUST

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, AG, GOVT, STAT & RPTS, DIPLOMATIC

Unclassified

15715

~~Restricted~~

PRIORITY

TOO : 032309 Z
MCN : 52822

GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

CORRECTED COPY
UNCLASSIFIED
ROUTINE

14 Aug 49

FROM : DA (JSC) WASH DC

TO : SCAP TOKYO JAPAN

NR : W 92834

The following directive, Serial 105, regarding trade-marks, trade names and marking of merchandise in Japan, prepared by the Department of State to implement the policy adopted by the Far Eastern Commission on July 28, 1949, under the provisions of Paragraph II, A, 1, of its terms of reference has been received from the Department of the Army for transmission to you for your guidance in accordance with Paragraph III, 1, of its terms of reference:

"The Far Eastern Commission decides as a matter of policy the following:

1. Trade-mark rights in Japan which, at the date of the outbreak of hostilities between Japan and the country of the national concerned, belonged to nationals of countries at war with Japan whould be restored upon request made within such reasonable period and in such manner as may be provided by the Supreme Commander. Restoration should be made without payment of any fees and should give the owners protection from the date of restoration for a period equivalent to the period of protection to which they were still entitled at the date of the outbreak of hostilities. When, as a result of conditions growing out of World War II, trade-mark rights of the national of a country at war with Japan could not be exercised before the date of outbreak of hostilities between Japan and the country of the national concerned, such rights shall be restored in accordance with the principles of this paragraph for a period equivalent to the period of protection to which those nationals were still entitled at the date when their rights could not be exercised.

2. Applications for trade-marks which were filed in Japan by nationals of countries at war with Japan prior to the date of the outbreak of hostilities, but final action on which

(over)

00263

ROUTINE
UNCLASSIFIED

COPY No.

Handling and transmission of literal plain text of this msg REQUIRES PARAPHRASE, see Para 51 & 51 d, 55 & 60 AR 380-5 dtd 15 Aug 1948

THE MAILING OF AN EXACT COPY OF THIS MESSAGE IS FORBIDDEN

SERIAL NO. 105

16—48710-1 GPO

UNCLASSIFIED
ROUTINE

FROM : DA NR : W 92834 14 AUG 49 CONT'D

had not been completed at the time of the outbreak of hostilities, should, on request of such nationals, be reinstated as pending applications under the original filing date. No fees should be required for reinstatement.

3. A national of a country at war with Japan who had duly filed in any country the 1st application for a trade-mark not earlier than 6 months before the effective date of loss of the right to file trade-mark applications in Japan, or the effective date of loss of opportunity to exercise that right as the result of conditions growing out of World War II, should be entitled, within 12 months after the date as determined by the Supreme Commander, on which such nationals are again permitted to apply for trade-marks in Japan and to obtain legal services necessary for this purpose, to apply for corresponding rights in Japan with a right of priority based upon the previous 1st filing of the application.

4. The Japanese Government should adopt and enforce appropriate regulations to prevent registration in the future of marks which are confusingly similar to marks or names of foreign nationals which are used by such foreign nationals anywhere and are well-known in Japan.

5. Nationals of countries members of the United Nations should be permitted, within a reasonable period to be established by SCAP, to apply to the Japanese Bureau of Patents for the cancellation of the registration of any trade-mark registered in Japan which so resembles a trade-mark of trade name previously used by the applicant and which is well-known in Japan as to be likely to cause confusion or mistake or to deceive purchasers. The Japanese Bureau of Patents should deal expeditiously with these applications and, if the facts presented by the applicant are found to be correct, cancel registration of such trade-marks.

6. Steps should be taken to assure that merchandise manufactured in Japan should not be marked or advertised so as to suggest that it is made elsewhere than in Japan.

7. Steps should also be taken to assure that goods exported from Japan are not so marked or otherwise described as to convey a false impression of their quantity, quality or content.

00263

ROUTINE
UNCLASSIFIED

Handling and transmission of literal plain text of this msg REQUIRES PARAPHRASE, see Pars 51 d, 51 1, 55 & 60, AR 380-5 dtd 15 Aug 1946:

GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

UNCLASSIFIED
ROUTINE

FROM : DA NR : W 92834 14 AUG 49 CONT'D

8. Trade-mark rights in Japan which now exist, or which are restored, or which are newly acquired during the period of occupation should be protected, except where the continued protection of such rights is in conflict with policies established in accordance with the terms of reference of the Far Eastern Commission.

9. The foregoing provisions should apply, wherever applicable, to trade names and to commercial or corporate names or marks."

The commission has agreed to release to press the policy decision upon which foregoing directive is based, therefore request acknowledgment of receipt. The directive will declassified at time of release.

Three follows an appendix to the directive which was prepared by the secretary, Far Eastern Commission and which is transmitted to you at the request of the Department of State.

The following table contains examples of the way in which the 2d sentence of Paragraph 1 of the proposed policy would apply. All of the hypothetical trade-marks listed below are assumed to have been registered for a 20 year period. For the purpose of the table, 30 June 1949 is taken as the effective date of the policy, and 30 June 1950 as the expiration date for the "Reasonable period" to be provided by the Supreme Commander for the acceptance of requests for restoration of trade-marks.

"Restoration should...give the owners protection from the date of restoration for a period equivalent to the period of protection to which they were still entitled at the date of the outbreak of hostilities.

Tabulate in 5 colms: Heading 1, date of registration; Heading 2, date of outbreak of hostilities between Japan and country of owner; Heading 3, unexpired term of trade-mark at date of outbreak of hostilities; Heading 4, date of restoration; Heading 5, expiration date of restored trade-mark.

1	2	3	4	5
7 Dec 1931	7 Dec 1941	10 yrs	15 July 1949	14 July 1959

(over)

00263

ROUTINE
UNCLASSIFIED

Handling and transmission of literal plain text of this msg REQUIRES PARAPHRASE, see Pars 51 d, 51 i, 55 & 60, AR 380-5 dtd 15 Aug 1946.

COPY No.

THE MAKING OF AN EXACT COPY OF THIS MESSAGE IS FORBIDDEN

16—48710-1 GPO

UNCLASSIFIED
ROUTINE

FROM : DA NR : W 92834 14 AUG 49 CONT'D

1	2	3	4	5
7 Jun 22 8 Sep 26	7 Dec 41 8 Dec 41	6 mos 4 yrs 9 mos	1 Aug 49 15 Oct 49	31 Jan 50 14 Jul 54
20 Mar 38	8 Dec 41	11 yrs 3 mos 14 days	5 Feb 50	18 May 61
26 Nov 29	7 Jul 37	12 yrs 4 mos 19 days	15 Mar 50	2 Aug 62
4 Oct 40	7 Dec 41	18 yrs 9 mos 28 days	10 Sep 50	7 Jul 69

ACTION : CIV PROP CUST NO SIG

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, G-2, AG, GOVT, ECON & SCI DIPLOMATIC

NOTE : This message was downgraded per authority WCL 34631 dtd 16 Aug 49, (DA), and will become effective upon release of Serial Directive 105.

ADDED DIST : Legal (25 Aug 49)

00263

UNCLASSIFIED
ROUTINE

TOO : 132100 Z
MCN : 50955

-4-

Handling and transmission of literal plain text of this msg REQUIRES PARAPHRASE, see Pars 51 d,51 1,555 & 60, AR 380-5 dtd 15 Aug 1946

FEC

104

GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

LRS

LRS
IMM

Restricted
PRIORITY

13 May 49

FROM : DA

TO : SCAP (JCS)

NR : W 88506 - Serial #75

Ref W 95604 Apr 47.

The following Interim Directive Serial 104 regarding advance transfers of Japanese reparations and reparations allocation procedures for industrial facilities in Japan, received from the State and Army Depts in accordance with Paragraph III, 3 of terms of reference of FEC, is transmitted to you for necessary action.

"Interim Directive Serial 75 is hereby rescinded. Items already processed under that directive will, however, be made available for removal in accordance with terms of that directive.

NO SIG

ACTION : CIV PROP CUST

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, G-4, AG, STAT & RPTS, ECON & SCI, DIPLOMATIC

ADDED DIST : GOVT (13 May 49)

69406

PRIORITY

Restricted

TOO : 121803 Z
MCN : 97229

Handling and transmission of literal plain text of this message as correspondence of the same classification has been authorized by the War Department in accordance with the provisions of paragraphs 16-C, 18-E, 53-A, 53-D (1) (2) (3), and 60-A (1) (2) (3) (4), AR 380-5, 6 March 1946.

COPY No.

16—50735-1 GPO O—795839

JCS DIRECTIVE SERIAL NO. 104

FEC Direct.

103

GEN[illegible] HEADQUARTERS, FAR EAST COMM[illegible]D
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

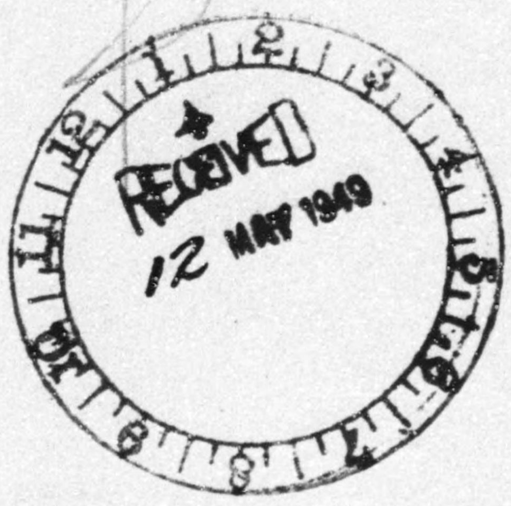
LRS
ewj

LRS

3D CORRECTED COPY

UNCLASSIFIED
ROUTINE

5 May 49



FROM : DA (JCS)

TO : SCAP

NR : W 88090

Following directive regarding agrarian reform in Japan, Serial No 103, prepared by the State Dept to implement policy adopted by the FEC on Apr 28, 1949, under provisions of Paragraph II, A, 1, of its terms of reference, received from State Army, Navy, Air Force Depts, is transmitted for your guidance in accordance with Paragraph III, 1, of the Commission's terms of reference:

"1. In the view of the Far Eastern Commission an equitable and sound agrarian reform program is an important factor favoring the democratization of Japan.

"2. The Far Eastern Commission approved the basic principles underlying the following steps which have been taken since the surrender with a view to securing a thoroughgoing reform of the Japanese agricultural system:

a. The directives issued to the Japanese Government by the Supreme Commander for the Allied Powers, in particular that of 9th Dec, 1945;

b. The agricultural land adjustment law of 1938, as amended by the Japanese Government in 1945, 1946 and 1947, which, together with the ordinance relative thereto dated 25th Jan, 1946, contained provisions designed to bring to an end the system of rents payable in kind and to prevent the exaction of exorbitant rents;

(over)

66519

ROUTINE
UNCLASSIFIED
3D CORRECTED COPY

51

JCS DIRECTIVE SERIAL NO. 103

3 D CORRECTED COPY

UNCLASSIFIED
ROUTINE

FROM : JCS NR : W-88990 DTD 5 MAY 49 CONT'D

c. The land reform law (known also as the law concerning the special measure for the establishment of owner farmers), enacted on 19th Oct, 1946, designed to bring about a large scale transfer of the ownership of land from the landlord class to the tenantry and thereby to create a numerous class of independent owner-farmers;

d. The creation of a network of agricultural land commissions covering the whole country to administer the reforms referred to above;

e. The partial execution of the land transfer program as witnessed by the latest returns of the Japanese Ministry of Agriculture and Forestry;

f. The agricultural co-operative association law enacted on 7th Nov, 1947, which facilitated the provision of credits to operating farmers and the extension of education in farming techniques.

"3. The Far Eastern Commission now decides as a matter of policy as follows:

A. The proper objectives of the reform should be to improve the economic status of all tenant farmers and as far as practicable to create a more numerous class of independent owner-farmers than has previously existed;

B. To these ends, the basic principles underlying the measures set forth in Paragraph 2 above, should continue to be applied."

The Commission agreed to release to press the policy decision upon which the foregoing decision is based after receipt by you, therefore request acknowledgement. This directive will be declassified upon rec.

NO SIG

REVISED : (5 May 49)

ACTION : NAT RESOURCES

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, AQ, GOVT, ECON & SCI, G-2, I & E, LEGAL

NOTE : Corrected copy received AG-OR 051300 I

NOTE : This message downgraded from Restricted to Unclassified in accordance with WCL 39171 dated 12 May 49.

66519

ROUTINE
UNCLASSIFIED

TOO : 041745 Z
MCN : 96815

3D CORRECTED COPY

Correction of 102 -

FEC Policy

GEN HEADQUARTERS, FAR EAST COM
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

IR S
ewj
DA

UNCLASSIFIED
ROUTINE

7 May 49

FROM : DA (JCS)

TO : SCAP

NR : WCL 38060

1. Reference 87?91.
2. The State, Army, Navy, Air Force Depts requests that Directive Serial 10? be corrected to read as follows:

"The Far Eastern Commission decides as a matter of policy that the provisions of the FEC policy decisions entitled 'access to Japanese technical and scientific information in Japan' (FEC-?80/9, approved 24 Jun 48) and 'access to Japanese technical and scientific information by non-FEC countries at war with Japan' (C-315/7, approved ?3 Dec 48) are hereby extended until 31 Dec 49."

NO SIG

ACTION : ECON & SCI

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, AG, GOVT, LEGAL, DIPLOMATIC

67395

ROUTINE
UNCLASSIFIED

TOO : 062020 Z
MCN : AUA 151/06

Note: correction of JCS Serial No. 102

50-A

File two. JCS

102

GENE[illegible]HEADQUARTERS, FAR EAST COMM[illegible]

ADJUTANT GENERAL'S OFFICE

RADIO AND CABLE CENTER

GPM
jrs

INCOMING MESSAGE GPM

Restricted

ROUTINE

17 Apr 49

FROM : DA (JCS)

TO : SCAP

NR : W 87291

The following directive, Serial 102, regarding extension of Far Eastern Commission policies on access to Japanese technical and scientific information in Japan, prepared by the State Dept to implement the policy adopted by FEC on April 7, 1949, under the provisions of paragraph II, A, 1, of its terms of reference has received from the State, Army, Navy, Air Force Depts, is transmitted for your guidance in accordance with paragraph III, 1, of its terms of reference.

"The Far Eastern Commission decides as a matter of policy that the provisions of the FEC policy decisions entitled 'access to Japanese technical and scientific information by non-FEC countries at war with Japan' (FEC-315/7[illegible] approved 23 December 1948) are hereby extended until 31 December 1949."

The commission has agreed to release to press the policy decision upon which foregoing directive is based, therefore request acknowledgement of receipt. The directive will be declassified at time of release.

NO SIG

RECEIVED
17 APR 1949

ACTION : ECON & SCI

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, AG, GOVT, LEGAL, DIPLOMATIC

60281

ROUTINE

Restricted

TOO : 161557 Z
MCN : 95962

Handling and transmission of literal plain text of this message as correspondence of the same classification has been authorized by the War Department in accordance with the provisions of paragraphs 16-C, 18-E, 53-A, 53-D (1) (2) (3), and 60-A (1) (2) (3) (4), AR 380-5, 6 March 1946.

16—50735-1 GPO O—795839

COPY No.

JCS DIRECTIVE SERIAL NO. 102

101

GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

LRS
mfr

Restricted
PRIORITY

JLA

24 Mar 49

FROM : DA (JCS)

TO : SCAP

NR : W 85030

Following directive Serial 101 regarding policy towards patents, utility models and designs in Japan prepared by State Dept to implement policy adopted by FEC on 17 Mar 49 UP Par II, A, 1, of it's terms of reference, received from State, Army, Navy and AF Depts, is transmitted for your guidance under Par III, 1 of those terms of reference:

"1. The Japanese Patent Office.

The Japanese Patent Office should continue to exercise its functions, in such manner as will fulfill the provisions in Par 3, 4 and 5 below. The Japanese Patent Law should contain explicit provisions requiring disclosure in the specifications or drawings of all info necessary to the working of a patented invention, and such provisions should be strictly enforced. The patent office should resume the publication of official gazettes and patent specifications.

"2. Patent Rights in Japan.

No action should be taken to interfere with patent rights in Japan which now exist, or which are restored, or which are newly acquired during the period of occupation, except:

a. Where the continued protection of such rights is in conflict with policies established or to be established in accordance with the terms of reference of the FEC;

b. Where such rights interfere with such production, use, sale or importation of products as are necessary to carry out the purposes of the occupation. In such cases the Supreme Commander should request the Japanese Govt to invoke appropriate provisions of the Japanese Patent Law to the extent that such action may provide a remendy.

The provisions of the par do not apply to German-owned or former German-owned patents in Japan.

"3. Secret patents in Japan

(over)

5-220

PRIORITY
Restricted

Handling and transmission of literal plain text of this message as correspondence of the same classification has been authorized by the War Department in accordance with the provisions of paragraphs 16-C, 18-E, 53-A, 53-D (1) (2) (3), and 60-A (1) (2) (3) (4), AR 380-5, 6 March 1946.

COPY No.

16—50735-1 GPO O—795839

JCS DIRECTIVE SERIAL NO. 101

PRIORITY

FROM : DA NR : W 86030 24 Mar 49 CONT'D

The future maint in secrecy of any patent in Japan should be prohibited, existing secret patents should be published and treated in the same manner as all other patents, and pending applications heretofore treated as secret should be removed from such classification and treated in the same manner as all other applications.

"4. Patents in Japan owned by allied nationals.

(1) "Allied national" is one whose property was treated as enemy property by the Japanese Govt, or whose property rights lapsed owing to the existence of hostilities between Japan and the country of that national.

(2) "Effective date of loss" applicable to the patents or applications therefore of allied nationals should be the date of entry of the country of that national into war with Japan. When the date of entry into war is clearly inapplicable to the case of a particular allied national, as defined above, "effective date of loss" should be the actual date os sequestration of his patent, or the date on which his patent rights lapsed.

A. Patents existing in Japan on the effective date of loss or granted thereafter on applications filed before that date, which were owned or had been applied for by allied nationals and which have since lapsed, or have been invalidated or sequestered or otherwise taken away from such owners without their free consent should be subject to revalidation and restoration upon request therefore made by the allied national owners within a reasonable period and in a manner as may be provided by the Supreme Commander. To such cases the following provisions should apply:

(1) Such owner should be afforded a reasonable time with in which to perform all legally required acts in connection with restoration, revalidation, working and/or maint of his rights which have not been performed since the effective date of loss.

(2) The owner of a patent so restored or revalidated should be entitled to all the rights and privileges to which any national of any country in entitled under the Japanese patent law existing at the time of such restoration.

(3) The owner to whom such patent is restred should refund to the Japanese Govt any sums paid or credited to him that are the proceeds from sale of the patent by the Japanese Govt during the war.

(4) Payment of any special or regular fees that may have accrued to the Japanese Govt with respect to such patents from the effective date of loss to date of such restoration should not be required.

52220

PRIORITY

GEN[illegible] HEADQUARTERS, FAR EAST COM[illegible]D
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER
PRIORITY

FROM : DA NR : W 86030 24 MAR 49 CONT'D

INCOMING MESSAGE

B. At the request of the allied national owner made within a reasonable time (in such form and prior to such date as may be prescribed by the Supreme Commander), the period of duration of any Japanese patent owned by him on the eff date of loss or granted thereafter on an application filed before that date should be extended beyond its normal expiration date. Such extension should be for a period equal to that from the eff date of loss to the eff date of restoration or to the normal expiration date of the patent, whichever is earlier, provided that such owner waives all claim to royalties for use of the patent from the effective date of loss to the date so fixed, and remits any funds received by him or credited to him in a blocked account as royalties for such use.

C. The Supreme Commander should not be responsible for obtaining, or attempting to obtain, on behalf of allied nationals compensation for any use made of their patents prior to date of restoration. However, the Supreme Commander should make aval to allied national owners info as to funds credited to their accounts which constitute royalties for use of their rights from the eff date of loss to date of restoration. If the allied national owner elects to receive such funds in lieu of an extension of term as proved in Par B above, he should be entitled to do so on the same basis as other funds are restored to allied national property owners in Japan.

D. Applications filed by allied nationals for patents in Japan which were pending on the eff date of loss and on which patents were not issued should, upon request of the allied national applicant within a reasonable time and in a manner prescribed by the Japanese Patent Office and be restored to the allied national applicant. Any patents thereafter issued on such applications should be treated in a manner which conforms generally with applicable provisions of sub-par 4 A above.

"5. Application to registered utility models and designs.

This policy applies also to those patents designated as 'registered utility models' and , to the extent applicable, to 'registered designs."

The commission agreed to release to press policy decision upon which foregoing directive based after receipt in Tokyo, therefore, request early acknowledgment. This directive will be declassified at time of release.

NO SIG

ACTION : CIV PROP CUST
INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, AG, GOVT, LEGAL, DIPLOMATIC, ECON & SCI

52220 PRIORITY TOO : 232238 Z
MCN : 94925

Handling and transmission of literal plain text of this message as correspondence of the same classification has been authorized by the War Department in accordance with the provisions of paragraphs 16-C, 18-E, 53-A, 53-D (1) (2) (3), and 60-A (1) (2) (3) (4), AR 380-5, 6 March 1946. COPY No.

16—50735-1 GPO O—795839

GE[illegible] HEADQUARTERS, FAR EAST COM[illegible]
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

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JLA

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100

INCOMING MESSAGE

Secret
PRIORITY

24 Mar 49

FROM : DA (JCS)

TO : SCAP

NR : W 86005

Fol interim directive Serial 100 regarding policy toward pri for patent applications in Japan prepared by State Dept in accordance with Par III, 3 of the terms of reference of FEC, received from the State, Army, Navy AF Depts, is transmitted for your guidance:

"Nationals of countries at war with Japan who had fully filed in any country the first application for a patent not earlier than 12 months before the effective date of loss of right to file patent applications in Japan should be entitled, within 12 months after the date, as determined by the Supreme Commander, on which such govts and nationals are again permitted to apply for patents directly to the Japanese patent office and to obtain legal services necessary for this purpose, to apply for corresponding rights in Japan with a right of pri based upon the previous first filing of the application.

"Third parties who have bona fide manufactured, used, sold or leased the subj matter of any Japanese patent obtained with this pri should not be liable for infringement on account of such use but should be enabled to continue such use after the filing of the application only under terms of a non-exclusive license which the patent owner should be required to grant on terms providing for reasonable royalties as fixed by an agency to be auth to make determination. Payment of such royalties should be subj to applicable financial regulations in effect in Japan at the time they are paid."

The State Dept has agreed to release foregoing interim directive to the press after its receipt in Tokyo, therefore request early acknowledgment. This directive will be declassified at time of release.

(over)

NO SIG

52219

PRIORITY
Secret

20

Handling and transmission of literal plain text of this message as correspondence of the same classification has been authorized by the War Department in accordance with the provisions of paragraphs 16-C, 18-E, 53-A, 53-D (1) (2) (3), and 60-A (1) (2) (3) (4), AR 380-5, 6 March 1946.

COPY No.

16—50735-1 GPO O—795839

JCS DIRECTIVE SERIAL NO. 100

Secret

PRIORITY

FROM : DA (JCS) - - - - MR : W 86005 - - - 24 MAR 49 - - - CONT'D

ACTION : CIV PROP CUST

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, AG, GOVT, ECON & SCI, LEGAL, DIPLOMATIC

NOTE : Duty Officer Signal Msg Center states this msg delayed due to service.

52219

PRIORITY

Secret

-2-

TOO : 231844 Z
MCN : 94907

99

GENERAL HEADQUARTERS FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

I N C O M I N G M E S S A G E

LRS

RESTRICTED
ROUTINE

9 Mar 49

FROM : DA (JCOS)

TO : SCAP (MACARTHUR)

NR : W 85202

The following directive, Serial Nbr 99, regarding trial of Japanese War Criminals, prepared by the State Dept to implement the policy adopted by the FEC on Feb 24, 49, under the provisions of Para I, a, I of its terms of reference has been received from the State, Army, Navy, Air Force Depts for transmission to you for your guidance in accordance with Para III, 1 of its terms of reference:

Directive begins:

"No further trials of Japanese War Criminals should be initiated in respect to offenses classified under Para 1 a of the Policy Decision of the Far Eastern Commission entitled 'Apprehension, Trial and Punishment of War Criminals In the Far East' (FEC-007/3), passed by the Commission on 3 Apr 46."

The Commission has agreed to release to the press the policy decision upon which the foregoing directive is based after it has been received in Tokyo; therefore, acknowledgment of receipt is requested. This directive will be declassified at the time of the press release.

NO SIG

ACTION : SECY GEN STAFF

INFORMATION: COMMANDER IN CHIEF, CHIEF OF STAFF

ADDED DIST : LEGAL (9Mar 49)

ADDED DIST : STAT & RPTS

46647

ROUTINE
RESTRICTED

TOO : 081627 Z
MCN : 94220

Note: this radio amplifies JCS Serial No.40

JCS DIRECTIVE SERIAL NO. 99

98

GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERALS OFFICE
RADIO AND CABLE CENTER

I N C O M I N G M E S S A G E

COPY

RESTRICTED
ROUTINE

SM
1 Jan 49

FROM : DA (JCOS)

TO : SCAP (TO MACARTHUR)

NR : W 82089

The following directive, Serial Nbr 98, prepared by the State Dept to implement the policy decision approved by the Far Eastern Commission on Dec 23, 48, UP of Para II, A, 1, of its terms of reference has been received from the State, Army, Navy, AF Depts for transmission to you for your guidance in accordance with Para III, 1, of its terms of reference:

Directive begins.

"(ACCESS TO JAPANESE TECHINICAL AND SCIENTIFIC INFO BY NON-FEC COUNTRIES AT WAR WITH JAPAN)"

"1. SCAP may, insofar as it proves administratively practical, and without prejudice to arrangements for FEC member nations in accordance with the principles established in FEC-289/9 ('Access to Japanese Technical and Scientific Info In Japan,' approved by the Far Eastern Commission on 24 Jun 48 and forwarded to the Supreme Commander on 1 Jul 48 as Directive Serial Nbr 92), permit investigation of Japanese technical processes by non-FEC countries at war with Japan subsequent to 7 Dec 41.

Technical or scientific info thus obtained should be promptly and dully disclosed to SCAP in response to specific requests.

"2. Technical or sceintific infor disclosed to SCAP in accordance with Para II of 280/9 should, upon specific request, be made available to non-FEC countries at war with Japan subsquent to 7 Dec 41."

Directive ends.

The Commission has agreed that it will, on 4 Jan 49, release to the press the policy decision upon which the foregoing directive is based, together with the Commission's 2d public report on activities of the Far Eastern Commission; therefore acknowledgement of receipt is requested. The directive will be declassified at the time of the press release.

Happy New Year!

NO SIG

23801

ROUTINE
RESTRICTED

JCS DIRECTIVE SERIAL NO. 98

RESTRICTED
ROUTINE

FROM : DA (JSOC) NR : W 82089 1 JAN 49 CONT'D

R E V I S E D (3 Jan 49)

ACTION : ECON & SCI

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, AG
ADDED DIST : G-2, STAT & RPTS (2 Jan 49)

ADDED DIST : G-1, PUBLIC INFORMATION, LEGAL, DIPLOMATIC,
CIV PROP CUST (3 Jan 49)

23801

ROUTINE
RESTRICTED

COPY

TOO : 312213 Z
MCM : 90797

97 ✓
W

GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

PSL
wjg

Restricted PSL
ROUTINE

FROM : JCOS 19 Dec 48

TO : SCAP (MACARTHUR)

NR : W 81395

The following directive, Serial Nbr 97, prepared by the State Dept to implement the policy adopted by the FEC on Dec 9, 1948, under the provisions of Para 2, A, 1, of its terms of reference has been received from the State, Army, Navy, Air Force Depts for transmission to you for your guidance in accordance with Para 3, 1, of its terms of reference:

PRINCIPLES FOR JAPANESE FARMER'S ORGANIZATIONS

GENERAL PRINCIPLES

1. "Japanese farmers should be encouraged to form themselves into farmer's organizations, including unions and cooperatives of all kinds, for their mutual economic and social benefit, and for the purpose of preserving and improving conditions of agricultural work and otherwise assisting the legitimate interests of farmers.

2. "Farmer's organizations and their members should be assured of and encouraged to observe in the conduct of their operations the fundamental freedoms guaranteed by chapter 3 'Rights and Duties of the People' of the Constitution of Japan.

3. "Any existing laws or parts thereof which are contrary to the provisions stated in this policy should be abrogated, and any organizations established thereunder abolished.

4. "This policy should be put into effect gradually, due regard being paid to the immediate economic needs of the country and the need to prevent avoidable dislocation of food control measures.

FARMER'S COOPERATIVES

5. "Farmer's cooperatives should be a means whereby those who are actively concerned in obtaining their living by working on the land or in pursuits closely connected therewith can combine for their mutual advantage.

19641

(over)

ROUTINE
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Handling and transmission of literal plain text of this message as correspondence of the same classification has been authorized by the War Department in accordance with the provisions of paragraphs 16-C, 18-E, 53-A, 53-D (1) (2) (3), and 60-A (1) (2) (3) (4), AR 380-5, 6 March 1946.

COPY No.

JCS DIRECTIVE SERIAL NO. 97

16—50735-1 GPO O—795839

Restricted

ROUTINE

FROM : JCOS NR : W 81395 19 DEC 48 CONT'D

6. "The rights of farmers to organize themselves into cooperatives should be assured and protected by law and the freedom of farmers to join or abstain from joining cooperatives should be provided by law. Any farmer's cooperative should have the power to make rules admitting to membership any person who is not a genuine farmer, which rules may or may not exclude non-farmers from voting. Measures should be taken, however, to prevent cooperatives being controlled by any banking, trade, industrial, or other non-farmer companies and interests.

7. "Farmer's cooperatives should not be subject to any adversely discriminatory taxation, nor to any discriminatory restrictions upon their engaging in any economic activity related to their own agricultural pursuits and for the benefit of members.

8. "Farmer's cooperatives should be subject to laws relating to juridical persons, but should not, in their internal management and operation, be subject to any control, interference, or supervision by any administrative organization of the Japanese Govt, nor should they be subject to dissolution by administrative order. Where it is alleged that cooperatives have violated the law, or their articles of incorporation or by-laws, remedial action should be sought and taken through the courts of law and not through government decree or administrative decision.

9 "Farmer's cooperatives should be free from any obligation to take part in, or from any responsibility for, the enforcement of government measures, except that they should comply with govt measures to the same extent as any other Japanese national or organization under Japanese govt jurisdiction.

10. "Farmer's cooperatives should be encouraged and assisted by the Japanese govt in providing education for their members, both generally in an understanding of democratic processes and particularly in cooperative practices and agricultural techniques. The Japanese govt should, as far as possible, assist cooperatives officials in obtaining information on cooperative activities in other countries These objectives should be given due weight when allocations of paper supplies and import of foreign publications are made.

11. "Japanese should be free to choose the forms of organization of their cooperatives 'Cooperatives should be allowed to associate themselves in regional or national bodies, with representation in such bodies in proportion to the membership of the individual cooperatives. Emphasis, however, should be placed on the importance of a solid local basis for the future of cooperative activity in Japan.

19641

ROUTINE

Restricted

RECEIVED DEC 1948

GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

ROUTINE

FROM : JCOS NR W 81395 19 DEC 48 CONT'D

12. The director and officials, other than administrative officers, of farmer's cooperatives should be elected at regular stated intervals by the farmers concerned by secret ballot and democratic methods. Each member should have 1 vote. It should be the responsibility of the cooperatives to ensure that all their activities are democratically conducted.

13. No member should hold office in a cooperative if,

(1) He is engaged in activities which are likely substantially to compete with the activities of the cooperative, or

(2) He is subject to the Purge Directive of Jan 4, 1946, or subject to subsequent purge directives by SCAP

14. "The Japanese govt, in so far as practicable, should make available to Farmer's Cooperatives technical, advisory and other services and should ensure that credit is available to them on reasonable terms.

15. 'Farmer's cooperatives should be encouraged to participate in voluntary measures to promote the objectives of the occupation.

FARMER'S UNIONS

16. "The principles for Japanese trade unions (FEC-045/5) should, with the necessary modifications, be applicable to farmer's unions."

The Commission has agreed to release to the press the policy decision upon which the foregoing directive is based, after its receipt in Tokyo, therefore acknowledgment of receipt is requested. The directive will be declassified at the time of release.

NO SIG

ACTION : SECY GEN STAFF

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, G-2, G-3, G-4, AG, GOVT, STAT & RPTS, ECON & SCI, NAT RESOURCES

19641

ROUTINE
Restricted
-3-

TOO : 172216 Z
MCN : 90015

Handling and transmission of literal plain text of this message as correspondence of the same classification has been authorized by the War Department in accordance with the provisions of paragraphs 16-C, 18-E, 53-A, 53-D (1) (2) (3), and 60-A (1) (2) (3) (4), AR 380-5, 6 March 1946.

COPY No.

16—50735-1 GPO O—795839

GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

EXTRA

96

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mrs

INCOMING MESSAGE

Secret

URGENT

URGENT

11 Dec 48

Note: this radio amends JCS Serial No. 18 & amplifies JCS Serial No. 95

FROM : DA (JOINT CHIEFS OF STAFF)

TO : SCAP (MACARTHUR)

NR : W 81058

The following Interim Directive of the US Govt, Serial Nbr 96, prepared by the DA in accordance with Par III, 3 of the terms of ref of the Far Eastern Commission and concurred in by the National Security Council, has been received from the DA for transmission to you for necessary action:

Interim Directive begins;

"1. You will direct the Japanese Govt immediately to carry out a program of economic stabilization by adopting whatever measures may be required rapidly to achieve fiscal, monetary, price and wage stability in Japan and to maximize production for export.

"2. In the development of the above program you will direct the Japanese Govt to adopt measures designed to:

a. Achieve a true balance in the consolidated budget at the earliest possible date by stringent curtailing of expenditures and maximum expansion in total Govt revenues, including such new revenue measures as may be necessary and appropriate.

b. Accelerate and strengthen the program of tax collection and insure prompt, widespread and vigorous criminal prosecution of tax evaders.

c. Assure rigorous limitation of credit extension to projects contributing to economic recovery of Japan.

d. Establish an eff program to achieve wage stability.

e. Strengthen and, if necessary, expand the coverage of existing price control programs.

f. Improve the operation of foreign trade controls and tighten existing foreign exchange controls, to the extent that such measures can appropriately be delegated to Japanese agencies.

16821

URGENT

Handling and transmission of literal plain text of this message as correspondence of the same classification has been authorized by the War Department in accordance with the provisions of paragraphs 16-C, 18-E, 53-A, 53-D (1) (2) (3), and 60-A (1) (2) (3) (4), AR 380-5, 6 March 1946.

16—50735-1 GPO O—795839

COPY No. 66

JCS DIRECTIVE SERIAL NO. 96

Secret

URGENT

FROM : DA NR : W 81058 11 DEC 48 CONT'D

g. Improve the law effectiveness of the present allocation and rationing system, particularly to the end of maximizing exports.

h. Increase production of all essential indigenous raw material and manufactured products.

i. Improve efficiency of the food collection program.

"3. The above plans will be developed to meet a target date for the establishment of a single general exchange rate not later than 3 months after the initiation of the stabilization program by the Japanese Govt."

NO SIG

REVISED : (11 Dec 48)

ACTION : ECON & SCI

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF

NOTE: This message removed from SECURITY HANDLING per instructions from Secretary General Staff.

ADDED DIST : NAT RESOURCES ((18 Dec 48)

ADDED DIST : G-2, G-3, G-4, (GOVT, STAT & RPTS (20 Dec 48)

16821

URGENT

Secret

TOO : 110047 Z
MCN : 89458

FEC/95

GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

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INCOMING MESSAGE

Restricted

ROUTINE

3 Dec 48

FROM : JCOS

TO : CINCFE (PERSONAL TO MACARTHUR)

NR : W 80523

Note: this radio Amends JCS Serial No.18, 77, 78, 84 & 88; amplifies JCS Serial No. 72; amplifies by JCS Serial No.96

The following directive, Ser Nbr 95, prepared by the State Dept to implement the policy adopted by the FEC on Nov 18, 48, under the provisions of Para II, A, 1, of its terms of reference has been received from the State, Army, Navy, Air Force Departments for transmission to you for your guidance in accordance with Para III, 1, of its terms of reference:

"DIRECTIVE REGARDING CONDUCT OF TRADE WITH JAPAN"

1. In so far as is compatible with the basic post surrender policy for Japan (FEC-014/9, approved 19 Jun 47 and forwarded to the Supreme Commander on 26 Jun 47 as Dir Ser Nbr 82) and other policy decisions of the Far Eastern Commission including this policy decision, Japan's Foreign Trade should be conducted so as to:

a. Foster the development and balanced growth of Japanese Foreign Trade to a level consistent with Japan's peaceful needs as defined by the Far Eastern Commission;

b. Encourage and increase in Japanese exports:

(I) In order that these exports may, as soon as possible, pay for the imports required for the prevention of disease and unrest within Japan, and for the reestablishment of a self-sustaining economy;

(II) In order that Japan may participate in providing goods for International Trade;

c. Insure competitive conditions in trade free of contracts or arrangements which limit access to markets or foster monopolistic controls, and prevent excessive concentration of economic power in Japan and monopolies

(over)

13807

ROUTINE

Restricted

Paraphrase not required. Handle as correspondence of classification carried hereon per paragraphs 51*i* and 60a, AR 380–5.

JCS DIRECTIVE SERIAL NO. 95

RECEIVED DEC 1948

Restricted

ROUTINE

FROM: JCOS NR: WAR 80523 3 DEC 48 CONTINUED

in Japanese Foreign Trade, whether with the participation of Japanese or Foreign capital.

2. In addition to Allied Trade Representatives whose entry into Japan has been or may be approved consequent upon policy decisions of the Far Eastern Commission, persons in the following categories should be permitted to enter and reside in Japan in accordance with regulations established by the SCAP:

a. Merchants and other traders (including representatives of commercial organizations, governmental or otherwise) who are prepared to purchase or to make arrangements for futhur purchases of potential exports, or to provide raw materials or other commodities which Japan must import;

b. Representatives of banks, insurance companies, airlines, shipping and other companies who are prepared to render necessary services in connection with Japan's Foreign Trade either to provide non-Japanese businessmen, to the SCAP, or to Japnese persons or agencies approved by him;

c. Representatives of companies or individuals who had prewar property interests in Japan, the renewed operation of which would contribute to the accomplishment of the objectives in Para 1;

d. Representatives of companies or individuals who had substantial prewar property interests in Japan, for the purpose of inspection of those interests.

3. Nothingin this policy decision is to be understood as requiring the reopening or operation of factories in Japan.

4. There should be no discrimination against any foreign trade representatives or businessmen in Japan and all should be accorded equality of opportunity to transact business. Accommodations should be allocated to such persons entering Japan under the provisions of this policy decision on an impartial basis.

5. Yen acquired by foreign nationals through activities envisaged in this policy should be useable for local expenditures in accordance with laws and regulations enforced in Japan.

13807

Restricted

GEN[illegible]. HEADQUARTERS, FAR EAST COMM[illegible]D
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

Restricted

ROUTINE

FROM: JCOS NR: WAR 80523 3 DEC 48 CONTINUED - - -

6. The SCAP may impose port and service charges upon foreign vessels entering Japanese Ports for commercial purposes with the exceptions enumerated below:

a. No port charges should be imposed on vessels entering Japanese Ports in so far as they are carrying Occupation Force Cargo or are engaged in the removal of reparations or restitution goods. Where vessels are also engaged at the same time in normal commercial operations, port charges should be imposed in proportion to the bulk of commercial cargo carried.

b. All port charges on commercial vessels as well as the services rendered to commercial vessels in Japanese Ports should be subject to appropriate and non-discriminatory payment in any foreign exchange useful for the purchase of imports for Japan or in local currency, in accordance with laws and regualtions enforced in Japan.

7. The persons referred to in Para 2 should be afforded opportunity for direct access to individual Japanese firms of their own choosing, and should have the opportunity to move freely in Japan subject only to availability of transport and accommodations. Any regulations pertaining to the participation of firms or government agencies, whether Japanese or foreign, in foreign trade should be non-discriminatory in character and confined to measures essential to achieving the principles and objectives set forth in this policy and should be based upon criteria established by and under the supervision of the SCAP.

8. Foreign trade may be conducted by the Japanese Government or agency thereof to the extent deemed by the SCAP to be necessary for the purpose of maximizing export proceeds or for other purposes consistent with the principles and objectives stated in this policy.

9. An exchange rate for the yen should be established as soon as practicable.

(over)

Handling and transmission of literal plain text of this message as correspondence of the same classification has been authorized by the War Department in accordance with the provisions of paragraphs 16-C, 18-E, 53-A, 53-D (1) (2) (3), and 60-A (1) (2) (3) (4), AR 380-5, 6 March 1946.

COPY No.

16—50735-1 GPO O—795839

RECEIVED DEC 1948

Restricted

ROUTINE

FROM: JCOS NR: WAR 80523 3 DEC 48 CONTINUED

Directive ends.

In approving the policy decision on which the enclosed draft directive is based, several members read into the minutes various statements of understanding as to the meaning of certain portions of said policy decision. These statements as recorded in the minutes are included in the following quoted excerpt and are forwarded for your info.

EXCERPT FROM THE DRAFT MINUTES OF THE 128TH FAR EASTERN COMMISSION MEETING

ITEM 2-CONDUCT OF TRADE WITH JAPAN (FEC-273/19, FEC-273/21; 273d Series).

GENERAL MCCOY recalled that on 4 Nov the Chinese and Soviet representatives had agreed, in consultation with the Chairman, to a wording for Para 1 b 2 of FEC-273/19 (Circulated as FEC-273/21), and agreement had been reached among the Chinese, Soviet, and United States Representatives to amend Para 1 c by the deletion of the words 'Restricted Competition.' Further consideration had been postponed to afford the Chinese Representative additional time to consider Para 9.

DR KOO then made the following statement:

'We consider Article 9 regarding the early establishment of an exchange rate as unnecessary and premature. Its language is vague and needs clarification as to the authority which should be called upon to establish an exchange yen rate, and as to the time element in the phrase "As soon as practicable." But we do not wish to insist upon its deletion, since that might affect the passage of the whole paper--a paper to which we, the Chinese Delegation, like other delegations, attach great value and importance. For this reason, we shall vote for this paper with the understanding that when the time is considered as mature for establishing an exchange yen rate, the Far Eastern Commission will be informed of this development and an opportunity given to the members of FEC to express their views on the subject.'

13807

ROUTINE

Restricted

GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

~~Secret~~

ROUTINE

FROM: JCS NR: WAR 80523 3 DEC 48 CONTINUED

MR NAGGIAR said, with reference to Para 9 of FEC-273/19, that the French Delegation could vote for the proposed policy on the understanding that Para 9 referred only to the establishment of an exchange rate for foreign trade transactions and on the further understanding that the Far Eastern Commission was the authority for establishing such an exchange rate.

GENERAL MCCOY said that he understood that the Chinese and French statements had to do simply with the respective understandings of these 2 governments in regard to the present proposed policy, and did not represent the view of the Commission as a whole. These statements of understanding would, however, be communicated to the US Government with the request that they be forwarded to the Supreme Commander. The Commission was, of course, not directly concerned with attempts to fix an exchange rate for the yen. This complex and technical matter concerned the Commission only in its relation to broad policy and had therefore been discussed in the most general way with a wise avoidance of any attempt to establish a procedure for fixing an exchange rate.

GENERAL MCCOY referred again to the amendments to Para 1 b 2 and 1 c which had been agreed on by the Chinese, Soviet and United States Representatives at the meeting of 4 Nov. If there were no objections, he would assume that these amendments were acceptable to all representatives and would consider them incorporated in the proposed policy decision.

"There was no objection to the amendments in question and accordingly FEC-273/19 was voted on and approved unanimously as a policy decision."

The Commission has agreed to release the policy decision upon which the foregoing directive is based to the press after its receipt in Tokyo, therefore acknowledgment of receipt is requested. The directive will be declassified at the time of the press release.

ACTION : SECY GEN STAFF NO SIG
INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, G-1, G-2, G-3, G-4, AG, GOVT, STAT & RPTS, ECON & SCI, LEGAL, DIPLOMATIC

13807 ROUTINE TOO: 022326 Z
MCN: 88949

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COPY No.

16—50735-1 GPO O—795839

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GE RAL HEADQUARTERS, FAR EAST COM AND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

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INCOMING MESSAGE

Restricted
ROUTINE

5 Nov 48

FROM : JCOS

TO : SCAP (MACARTHUR)

NR : W 92042

The following directive, Serial Nbr 94, prepared by the State Dept to implement the policy adopted by the Far Eastern Commission on Oct 21, 1948 UP Para II. A, 1, of its terms of reference has been received from the State, Army, Navy, Air Force Depts for transmission to you for your guidance in accordance with Para III, 1, of its term of reference:

DIRECTIVE REGARDING TRAVEL OUTSIDE JAPAN OF JAPANESE COMMERCIAL REPRESENTATIVES

"1. During the period of the occupation it is recognized that the operation of the private trade of Japan with other countries must be conducted largely through foreign nationals traveling or residing in Japan. However, in order to widen the scope of trade and to further the policy of preventing Japanese monopolies in foreign trade, a limited resumption of private trade contacts by the travel of Japanese commercial representatives abroad may, subject to the approval of the country of destination, be permitted under the following conditions:

a. Such travel should give Japanese no advantage over foreign nationals doing business with or in Japan. To this end foreign nationals in Japan should be given maximum freedom to develop trade, subject only to the economic controls required by reason of the occupation. Such controls should apply equally to Japanese and foreign nationals.

b. Japanese commercial representatives abroad should not be the sole sales or purchasing medium for Boeki Cho or for Japanese trade associations nor should they be allowed to be official representative of SCAP.

c. The specific travel authorized herein and the extent thereof should be only that essential to raise Japan's

(over)

03842

ROUTINE

Paraphrase not required. Handle as correspondence of classification carried hereon per paragraphs 51*i* and 60*a*, AR 380–5.

JCS DIRECTIVE SERIAL NO. 94

Restricted

ROUTINE

FROM : JCOS _ NR : W 92042 _ _ 5 NOV 48 _ _ CONT'D

foreign trade to a level consistent with her peaceful needs as defined by the Far Eastern Commission.

d. The activities of Japanese commercial representatives abroad should be confined to trade. They should not be a cover for other activities such as for instance those of a political or propaganda nature.

e. Japanese commerical representatives should be carefully screened by the SCAP before they are allowed to leave Japan.

"2. Such Japanese travel abroad shall be under such conditions and controls as may be specified by the SCAP and the country of destination. Subject to over-all supervision by the SCAP, the Japanese Govt, or any authorized agency thereof, will be responsible for the conduct of any Japanese commerical representatives permitted to travel abroad under this policy.

"3. This document will be declassified (and available for release to the press) 72 hrs after the time appearing in the date time group of the message containing specific acknowledgement of receipt and statement of concurrence in declassification received by JCS from SCAP."

Directive ends.

In approving the foregoing directive Mr Graves, UK, Dr Koo, China, Gen McCoy, US, Mr Abello, Philippines, Mr Makin, Australia, and Mr Banerji, India, read into the minutes various statements of understandings as to the meanings of certain portions of the directive. These statements are contained in the following quoted excerpt from the minutes and are fwded to you for your info:

EXCERPT FROM THE DRAFT MINUTES OF THE 124TH FAR EASTERN COMMISSION MEETING

ITEM 2--TRAVEL OUTSIDE JAPAN OF JAPANESE COMMERCIAL REPRESENTATIVES (FEC-293/11; FEC-293/8, FEC 293/9)

.... MR GRAVES moved that the 2d clause in Para 1 c be deleted and that the 1st clause be amended to read as follows:

'The specific travel authorized herein and the extent thereof should be only that essential to raise Japan's foreign trade to a level consistent with her peaceful needs as defined by the Far Eastern Commission'

DR KOO asked whether the words 'and the extent thereof' were intended to mean the total number of commercial representatives to be allowed to leave Japan as well as the number of commercial missions to be authorized, the number of countries

GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

Restricted

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FROM : JCOS NR : W 92042 5 NOV 48 CONT'D

to be visited, and similar relevant factors.

GEN MCCOY said that he would interpret the words to refer to the factors mentioned by Dr Koo.

MR GRAVES said that his personal interpretation of the phrase would be that it referred to the factors mentioned.

The proposed UK amendment to Para 1 c was put to vote and approved by 7 (Australia, France, India, Netherlands, New Zealand, UK, US) in favor, with 4 abstentions.

MR GRAVES moved that FEC-293/11 as amended be approved as a policy decision.

DR KOO said he could support the proposed policy as amended on the understanding that the words 'to the extent thereof' in Para 1 c included the total number of commercial representatives, as well as the number of countries, the number of missions and similar factors, and with the further understanding that the phrase 'as defined by the Far Eastern Commission' in Para 1 c referred to the definition laid down in FEC-106/1, determination of peaceful needs of Japan, and to any other relevant policy decisions which had been adopted by the Commission.

MR ABELLO presented the following formal statement:

'Mr Chairman, my govt has carefully considered the policy proposal contained in FEC-293/11 and has arrived at the conclusion that the general objectives are commendable. We do not want to see Japan's economy remain in such ruined and chaotic condition as to make her a burden to any Allied Power. We would like to see the Japanese thrive in an atmosphere of genuine democracy, political freedom, and economic security but, at the same time, we want to reassure ourselves that all efforts towards these ends are legitimate, timely and non-prejudicial to the larger interests of the members of the United Nations.

'The proposed resumption of Japanese travel abroad has caused grave concern to my govt. As one of the victims of Japanese agression and brutality, we of the Philippines naturally feel reluctant to allowing the Japanese to travel outside Japan before the conclusion of a peace treaty. I need not enumerate the dangers attendant to such travels

(over)

0384 Paraphrase not required. Handling and correspondence of classification carried hereon per paragraphs 51*i* and 60*a*, AR 380-5

ROUTINE

Restricted

as these have been discussed fully in the working committees. However, I must make reference to a particular instance where a Japanese by the name of Suzuki made certain statements to the press which were definitely propaganda in nature. If Japanese nationals are to be allowed to travel abroad at this time, adequate safeguards should be instituted to avoid their making use of such trips not only to attempt to secure a soft peace treaty but also to foster dissension among the Allied Powers. Some such safeguards have been incorporated in an Australian paper, SC-309, which was recently withdrawn by the Australian Delegation in view of certain assurances given by the US that SCAP will exercise care and vigilance in the implementation of the paper now under consideration.

'We are now prepared, Mr Chairman, to support the adoption of FEC-293/11 as a policy decision of the Commission with the clarifications just expressed by the Chinese Ambassador. In reaching this decision, we are influenced by the statements of the US Govt which have tended to allay somewhat our fears on the whole issue of Japanese travel abroad. In approving this document, however, my govt wants it recorded in the Minutes of the Commission that the devastating effects of Japanese occupation upon cities and towns and defenseless civilians of our country are still very fresh in the memory of the Filipino people and that strong anti-Japanese feeling still prevalent among the masses does not warrant the admission of Japanese nationals in the Philippines now or in the immediate future. Their presence may well constitute a very serious problem to us. Consequently, we now inform the Commission that notwithstanding the approval of this paper, the Philippines will not permit any Japanese allowed to leave Japan, under the program authorized in this paper, to enter the Philippines.'

MR MAKIN said that he could endorse the substance of Dr Koo's understanding and of the Philippine statement. Australia had entertained serious apprehensions regarding the possiblity of commercial representatives indulging in propaganda activities. He felt, however, that the present proposed policy covered the situation adequately and afforded appropriate safeguards. Nevertheless, Australia would contribute to exert vigilance regarding the conduct abroad of those commercial representatives allowed to leave Japan.

GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

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ROUTINE

FROM : JCOS NR: W 92042 5 NOV 48 CONT'D

MR BANERJI said that, as Indian representative following the departure of Mr Rama Rau, as he had stated at the Steering Committee level (P. 2, Minutes, 116th SC MTG.) he could support the present proposal as a compromise, although his govt would have preferred a more liberal policy in this matter.

MR GRAVES' motion that FEC-293/11 as amended be approved as a policy decision was put to vote and carried by 10 in favor with 1 abstention (USSR)."

The Commission has agreed to declassify and release the foregoing directive to the press 72 hrs after acknowledgement of its receipt in Tokyo, therefore acknowledgement of receipt and your concurrence in its declassification are requested.

NO SIG

ACTION : SECY GEN STAFF

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, G-1, G-2, AG, GOVT, STAT & RPTS, ECON & SCI, DIPLOMATIC

03842 ROUTINE TOO : 042325 Z
MCN : 8?200

Paraphrase not required. Handle as correspondence of classification carried hereon per paragraphs 51*i* and 60*a*, AR 380-5.

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93

GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

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INCOMING MESSAGE

FSS

Restricted
ROUTINE

5 Aug 48

Note: this radio supersedes JCS Serial Nos. 44, 57, & 61.

FROM : JCOS

TO : CINCFE (MACARTHUR)

NR : W 87049

The following Directive, Serial Nbr 93, prepared by the State Dept to implement the policy adopted by the FEC on July 29, 1948 under the provisions of Para II, A 1 of its Terms of Reference has been received from the State, Army, Navy, Air Force Depts for transmission to you for your guidance in accordance with Para III, 1, of its Terms of Reference:

Directive begins.

DIRECTIVE REGARDING RESTITUTION OF LOOTED PROPERTY

"1. This policy supersedes FEC-011/12 (Restitution of Looted Property approved 18 Jul 1946, and transmitted to SCAP on 24 July 1946 as Directive Serial Number 57) as amended by FEC-011/21 (Restitution of Looted Property, approved 10 October 1946, and transmitted to SCAP on 16 Oct 1946 as Directive Serial Nbr 61), and also supersedes FEC 047/2 (Disposition of Captured Japanese Merchant Vessels, filed with the Far Eastern Commission on 24 May 1946, and transmitted to SCAP on 13 May 1946 as Directive Serial Nbr 44).

"2. Immediate steps should be taken to restore to Allied countries property which is found in Japan and which is identified in accordance with this paper as having been located in an Allied country at or during the time of occupation of that country, and which was removed by fraud, force or duress by the

(Over)

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ROUTINE
Restricted

"Paraphrase not required. Handle as "RESTRICTED correspondence per para 51 1 and 60 a (4) AR 380-5."

Handling and transmission of literal plain text of this message as correspondence of the same classification has been authorized by the War Department in accordance with the provisions of paragraphs 16-C, 18-E, 53-A, 53-D (1) (2) (3), and 60-A (1) (2) (3) (4), AR 380-5, 6 March 1946. 16—50735-1 GPO

COPY No.

JCS DIRECTIVE SERIAL NO. 93

Restricted

ROUTINE

FROM : JCOS NR : W 87049 DTD 5 AUG 48 CONT'D

Japanese or their agents. The fact that payment was made should be disregarded unless there is conclusive evidence that fraud, force or duress did not take place. Restitution of industrial and transportation machinery and equipment should be deferred, however, so long as its retention is required for the safety of the Occupation Forces. In such cases SCAP should provide an explanation of reasons for retention and an estimated date of restoration. Special policies with respect to ships are stated below.

"3. Steps should be taken to restore to Allied countries ships of all types and sizes found in Japanese waters which are identified as having been registered in an Allied country at the time of seizure or sinking by the Japanese or their agents, or at the time of acquisition by the Japanese or their agents by fraud, force or duress. The fact that payment was made should be disregarded unless there is conclusive evidence that fraud, force or duress did not take place. Within the limits of feasibility ships found in Japanese waters whether seaworthy, sunk or damaged, should, on the request of the claimant country, be refitted, or salvaged, repaired and refitted, as a matter of priority in Japanese yards, to permit their return in a condition substantially similar to that at the time they came into Japanese hands. The foregoing costs should be borne by the Japanese Govt.

"4. The processing of claims for industrial and transportation machinery and equipment found in Japan should not be permitted in general to delay removals of machinery and equipment on reparations account, but no item for which restitution claim has been received by SCAP should be allocated on reparations account until the claim has been acted upon. On the other hand, no restitution claim should be recognized for articles already delivered to particular countries on reparations account.

"5. The claimant government should take delivery at a point in Japan designated by SCAP except that at the discretion of the Supreme Commander and by agreement with the recipient country,

(A) In the case of Allied vessels subject to restitution the Supreme Commander may make delivery at Western Pacific points outside Japan whenever delivery will thereby be facilitated, in which case any costs of supporting and repatriating ship's crews used for such delivery should not be borne by the recipient country unless it specifically agrees to do so; and

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ROUTINE

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GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

Restricted
ROUTINE

FROM : JCOS NR : W 87049 DTD 5 AUG 48 CONT'D

(B) In the case of delivery of other items of looted property, unutilized outgoing shipping space of Japanese vessels being employed in the importation of goods or repatriation of Japanese from a restitution recipient country to Japan may be made available at the expense of the Japanese Government but at the risk of the recipient country to deliver such items at points outside Japan. Expenses incurred after delivery to the claimant govt should be borne by that govt, except that in the case of delivery within Japan, relevant transportation expenses within Japan and any dismantling, packing and repair necessary for proper transportation, including the necessary manpower, materials and organization, should by borne by Japan and be included in restitution. The recipient governments should indemnify SCAP against all claims made in respect of the property received.

"6. Restitution claims for property other than ships should be made by the govt of the Allied country from whose territory the property claimed was removed; and restitution made to that govt. In the case of ships, restitution claims should be filed by, and restitution made to the govt of the country whose flag the vessels were wearing or on whose register of shipping the vessels were borne at the time of sinking, seizure or acquisition as specified in Para 3.

"7. No property, including cultural objects, should be included in Japanese exports which SCAP considers as probably subject to restitution. If items later found to be subject to restitution should be exported or liquidated equitable compensation should be made to that country to which the items exported or liquidated should have been restored.

"8. After full opportunities have been given for inspection of objects known to have been looted SCAP should be authorized to liquidate property including stocks of gold, silver, other precious metals, precious stones and jewels but not cultural

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ROUTINE

FROM : JCOS NR : W 87049 DTD 5 AUG 48 CONT'D

objects, known to have been looted but not identified pursuant to the terms of this paper. The proceeds of such liquidation shall form a secured fund to be entrusted to the care of SCAP, which may be used, in the discretion of SCAP, as a basis for credit for the purposes of the occupation. The initial value of the Secured Fund is to be preserved by SCAP or his successor authority. The governments of Australia, China, France, India, The Netherlands, The Philippines, and The United Kingdom should have a priority right to purchase items offered for liquidation by foreign exchange acceptable to SCAP up to but not exceeding their recognized national reparations percentage shares (adjusted to total 100 per cent, applicable to this pool) of industrial assets available from within Japan. The Secured Fund should finally be distributed among the countries herein specified in accordance with the percentage mentioned above, payable in United States dollars or at the discretion of SCAP, in foreign exchange acceptable to the recipient countries concerned. The Secured Fund shall be distributed to the recipient countries not later than 1 October 1949.

"9. Without prejudice to other arrangements which may be made between the interested parties, the foregoing restitution policies, especially those in Para 6 are not intended to give the Allied government concerned the right to withhold from a person who is a national of another Allied power any property as to which he may establish a legitimate title.

"10. The Far Eastern Commission should recommend to the govt of those countries within whose territories may be found objects looted or acquired by fraud, force or duress by the Japanese such as:

(a). Industrial and transportation machinery and equipment;

(b). Gold, other precious metals, precious gems, foreign securities, foreign currencies, and other foreign exchange assets;

(c). Cultural objects;

(d). Agricultural products and industrial raw materials;

(e). Ships;

that bilateral arrangements be drawn up providing for restitution according to these principles.

"11. The Far Eastern Commission should request the United States Govt to forward this statement of policy through the usual channels to States which are not represented on the Far Eastern Commission and within whose territories looted objects may be

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ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

Restricted
ROUTINE

FROM : JCOS NR . W 87049 DTD 5 AUG 48 CONT'D

found.

"12. SCAP shall create an agency comprising one representative from each of the restitution and reparations teams in Japan of the 11 member countries of the Far Eastern Commission to advise on restitution matters. In addition, the Supreme Commander or his deputy should act as the non-voting chairman of the agency. It may meet at the call of the Supreme Commander or at the request of any member. The Supreme Commander should notify the United States Government of the views of the agency when his views conflict with those of the majority of the member countries.

"13. In applying standards of identification with respect to claims for looted property, SCAP should observe the following principles:

(a). In cases of doubt, the presumption should be in favor of the claimant country whenever permitted by the broadest application of law, equity and common sense.

(b). In cases of doubt as to the adequacy of the evidence of ownership submitted to support a claim for an object known to have been looted, the Supreme Commander shall inform the other members of the Advisory Agency of the existence of the claim. The Advisory Agency, after examining the evidence, shall give its advice to the Supreme Commander as to whether the claim should be approved or the provisions of Para 8 above applied.

"14. No claims for the restitution of looted property should be lodged with SCAP after 8 months from the issuance of a directive to SCAP giving effect to this policy decision; provided that after such terminal date, claims may, with the concurrence of SCAP, be lodged for property known to have been looted but not yet identified pursuant to the provision of this paper;

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16—50735-1 GPO

COPY No.

Restricted

ROUTINE

FROM : JCOS NR : W 87049 DTD 5 AUG 48 CONT'D

and provided also that adequate opportunity be given to representatives of looted countries both before and after such terminal date to inspect property known to have been looted but not yet identified." Directive ends.

The following formal statement submitted for the record by the United States Representative on FEC-011/51 at the 117th FEC Meeting, 29 Jul 48 when the foregoing directive was approved is forwarded to you for your information:

"SCAP has advised the US Government that upon examination of stocks of gold and silver now in Japan and pertinent records he, has made a determination that certain gold and silver is of clearly established Japanese ownership. He has placed this gold and silver in accordance with the terms of FEC-032/26, Para 16 C in a fund created as a means of acquiring foreign exchange to aid in financing Japanese production programs. The US Govt has reviewed and considers proper SCAP's finding and actions in this matter. It is therefore the viewpoint of the US Govt that the provisions of FEC-011/51, which deal with restitution of looted property found in Japan, will not affect in any way this gold and silver which SCAP has determined to be Japanese owned, or any gold and silver which SCAP may in the future in accordance with the terms of FEC-011/51 find to be Japanese owned, or the use of such gold and silver in connection with credits under the terms of FEC-032/26, Para 16 C."

The Commission has agreed to release the foregoing directive to the press after its receipt in Tokyo, therefore acknowledgment of receipt is requested.

NO SIG

ACTION : ECON & SCI

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, AG, GOVT

RECEIVED 6 AUG 1948

69548

ROUTINE

Restricted

TOO : 050118 Z
MCN : 81717

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GE RAL HEADQUARTERS, FAR EAST CO AND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

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INCOMING MESSAGE

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ROUTINE

2 Jul 48

FROM : JCOS

TO : SCAP (MACARTHUR)

NR : W 85072

The following directive, Serial Number 92, prepared by the State Department to implement the policy adopted by the FEC on Jun 24, 1948 under the provisions of Para II, A 1 of its terms of reference has been received from the State, Army, Navy, Air Force Departments for transmission to you for your guidance in accordance with Par III, 1, of its terms of reference:

"DIRECTIVE REGARDING ACCESS TO JAPANES
TECHNICAL AND SCIENTIFIC INFORMATION
IN JAPAN

'During the period from Jul 1, 1948 through Mar 31, 1949, technical representatives of the governments of members of the Far Eastern Commission should be permitted access to and the right to take copies of the details of any technical or scientific process of industrial or commercial value which are of Japanese origin and ownership and which were developed prior to Dec 31, 1945.

"Technical or scientific information obtained by any representative of the government of a member of the Far Eastern Commission pursuant to this policy statement should be promptly and fully disclosed to SCAP for dissemination to other interested members of the Far Eastern Commission upon specific request."

The Commission advises that at the time that the policy decision on which the foregoing directive is based was

(over)

56810 ROUTINE

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COPY No.

JCS DIRECTIVE SERIAL NO. 92

2 JUL 1948

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Restricted
ROUTINE

FROM : JCOS: NR : W 85022 2 Jul 48 (Cont'd)

adopted, a number of Commission representatives made formal statements for the record with respect to aspects of the policy. The Commission requested that your attention be called to Item 4 of the minutes of the 112th Commission meeting which contains these statements and which will be forwarded to you as soon as possible.

The Commission has agreed to release the foregoing directive to the press after its receipt in Tokyo; therefore, acknowledgment of receipt is requested.

NO SIG

ACTION : ECON & SCI

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, G-1, G-2, G-3, G-4, AG, PUBLIC INFORMATION, TRANSP, CIV COMM, GOVT, STAT & RPTS, PUBLIC H & W, GEN PROC, CIV I & E, LEGAL, NAT RESOURCES, GEN ACCTG, DIPLOMATIC, CIV PROP CUST, INT'L MIL TRIB

56810 ROUTINE TOO : 011502 Z
Restricted MCN : 79730

"Paraphrase not required. Handle as RESTRICTED correspondence per para 51 i and 60 a (4) AR 380-5."

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GENERAL HEADQUARTERS, FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

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INCOMING MESSAGE

Restricted
ROUTINE

19 June 48

FROM : JCOS

TO : SCAP (MACARTHUR)

NR : W 84157

The fol Directive, Serial Nbr 91, prepared by the State Dept to implement the policy adopted by the FEC on 9 June 48 UP of Para II, A 1 of its terms of reference has been recd from the State, Army, Navy, Air Force Depts for transmission to you for your guidance in accordance with Para III, 1, of its terms reference:

Directive begins:

"ATTENDANCE AT INTER-GOVERNMENTAL CONFERENCES"

"The Far Eastern Commission decides as a matter of policy that: 1. Upon receipt of an appropriate invitation SCAP may appoint members of his staff as observers at interim-governmental conferences, attendance at which he deems to be in the interest of the occupation.

2. Members of SCAP's staff attending an inter-governmental conference on invitation as provided in Para 1, may be accompanied by Japanese technical personnel when deemed necessary by SCAP, and when the attendance of Japanese personnel is acceptable to the country acting as host to the conference."

The Commission has agreed to release the foregoing directive to the press after its receipt in Tokyo, therefore acknowledgement of receipt is requested.

ACTION: G-1
INFORMATION: COMMANDER IN CHIEF, CHIEF OF STAFF, AG, PUBLIC INFORMATION, GOVT, ECON & SCI, DIPLOMATIC

NO SIG

52000

ROUTINE

TOO : 181305 Z
MCN : 78934

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JCS DIRECTIVE SERIAL NO. 91

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GENERAL HEADQUARTERS, ~~U. S. ARMY FORCES, PACIFIC~~ CWH
ADJUTANT GENERAL'S OFFICE gam
RADIO AND CABLE CENTER

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INCOMING MESSAGE

Confidential

PRIORITY FSS

18 Mar 48

FROM : DA (JSCO)

TO : SCAP (MACARTHUR)

NR : W 97821

Note: this radio supplements JCS Serial No. 57.

Serial #57

Reference WCL 30315, July 46 and WARX 96552, Feb 48.

The following interim directive, Serial Nbr 90, prepared by the State Dept in accordance with Para III, 3 of the terms of reference of the FE Commission, has been received from the State, Army, Navy, and AF Depts for transmission to you for your info and guidance:

INTERIM DIRECTIVE REGARDING RESTITUTION OF LOOTED PROPERTY

"1. The instructions here below are additions to and do not derogate from the full force and effect of FEC 011/12 (JCS Directive Nbr 57).

"2. The SCAP should accord the same treatment to all property found in Japan, and identified as having been located in an allied country either at or during the time of occupation, and which was removed therefrom by fraud or duress by the Japanese or their agents, as that which he accords to objects in the 4 categories listed in Para 1 of FEC 011/12 (JCS Directive Nbr 57) identified as having been located in an allied country at the time of occupation.

"3. In the case of allied vessels subj to restitution the SCAP may, at his discretion, make delivery at Western Pacific points outside Japan whenever it would be to his advantage and whenever the recipient country agrees. If delivery is so made any costs of supporting and repatriating ships crews used for such delivery would only be borne by the recipient country if it specifically agrees to do so. In the case of delivery of other

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JCS DIRECTIVE SERIAL NO. 90

RECEIVED
19 MAR 1948

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items of looted property unutilized outgoing shipping space of Japanese vessels being employed in the importation of goods or repatriation of Japanese from a restitution recipient country to Japan may be made available, at the expense of the Japanese Govt but at the risk of recipient country, to deliver such items at points outside Japan.

4. After full opportunities have been given for inspection of objects known to have been looted the Supreme Commander for the Allied Powers is authorized to liquidate property, excepting gold, silver, precious metals, and cultural objects, known to have been looted but not identified pursuant to the terms of this paper. The proceeds of such liquidation shall form a secured fund to be entrusted to the care of SCAP, which may be used, in the discretion of SCAP, for the purposes of the occupation. The initial value of the secured fund is to be preserved by SCAP or his successor authority. The governments of Australia, China, France, India, Netherlands, Philippines, and UK should have a priority right to purchase items offered for liquidation by foreign exchange acceptable to SCAP up to but not exceeding their recognized national reparations percentage shares (when determinded, and adjusted to total 100%, applicable to this fund) of industrial assets available from within Japan. The secured fund should finally be distributed among the countries herein specified in accordance with the percentage mentioned above, payable in US dollars, or, at the discretion of SCAP, in foreign exchange acceptable to the recipient countries concerned. The secured fund shall be distributed to the recipient countries not later than 1 Oct 49.

5. The Supreme Commander for the Allied Powers shall create an agency comprising 1 representative from each of the restitution and reparations teams in Japan of the 11 member countries of the Far East Commission, who desire to participate, to advise on restitution matter. In addition, the Supreme Commander or his

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GENERAL HEADQUARTERS, ~~U. S. ARMY FORCES, PACIFIC~~ FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

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PRIORITY

FROM : DA, NR : W 97821 18 MAR 48, CONT'D

deputy should act as the non-voting chairman of the agency. It may meet at the call of the Supreme Commander or at the request of any member. The Supreme Commander should notify the US Govt of the views of the agency when his views conflict with those of the majority of the member countries.

"6. In cases of doubt as to the adequacy of the evidence of ownership submitted to support a claim for an object known to have been looted, the Supreme Commander shall inform the other members of the advisory agency of the existence of the claim. The advisory agency, after examining the evidence, shall give its advice to the Supreme Commander as to whether the claim should be approved or the provisions of Para 4 above applied.

"7. No claims for the restitution of looted property should be lodged with SCAP after 8 months from the issuance of this directive to SCAP; provided that after such terminal date, claims may, with the concurrence of SCAP, be lodged for property known to have been looted but not previously identified."

NO SIG

ACTION : CIV PROP CUST

INFORMATION : COMMANDER IN CHIEF, CHIEF OF STAFF, AG, GOVT, ECON & SCI, DIPLOMATIC, REPARATIONS

18856 PRIORITY Confidential TOO : 172241 Z MCN : 72827

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GENERAL HEADQUARTERS, ~~U. S. ARMY FORCES, PACIFIC~~ FAR EAST COMMAND
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

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INCOMING MESSAGE

Restricted
ROUTINE

FEC 017/20
18 Mar 48
17 Feb 48

FROM : JCOS

TO : SCAP (MACARTHUR)

NR : W 97791

Note: this radio Supersedes in part JCS Serial No. 8.

The following directive, Serial Nbr 89, prepared by the State Dept to implement the policy adopted by the Far Eastern Commission on Feb 12, 48, under the provisions of Para II, A, 1, of its terms of reference, has been recd from the state, Army, Navy, and AF Depts for transmission to you for your guidance in accordance with Para III, 1, of those terms of reference.

Directive begins.

"PROHIBITION OF MILITARY ACTIVITY IN JAPAN AND DISPOSITION OF THE JAPANESE MILITARY EQUIPMENT"

"PREAMBLE"

"In accordance with Para 1, Part III of the basic-surrender policy for Japan (FEC-014/9), adopted unanimously by the Far Eastern Commission, on 19 Jun 47, which states, 'disarmament and demilitarization are the initial tasks of the military occupation and shall be carried out promptly and with determination,' the Far Eastern Commission approves the following policy decision on the phohibition of military activity in Japan and disposition of the Japanese military equipment.

1. "a. For the purposes of this document, the term 'military' is defined to mean 'military, Naval, and air' except where the context otherwise requires.

"b. For the purpose of this document 'Japanese Armed Forces' are defined to be all Japanese land, sea and air forces; Japanese military and organizations, formations and units; gendarmerie and secret military police and their organized Japanese auxiliaries; together with the administrative organs of the Armed Forces mentioned above.

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COPY NO.

JCS DIRECTIVE SERIAL NO. 89

19 MAR 1948

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ROUTINE

FROM : JCOS NR : W 97791 18 MAR 48 CONT'D

"c. 'Japanese military equipment' is defined as

(1) All arms, ammunition, explosives, military equipment, stores and supplies and other implements of war of all kinds and any equipment, or other implements of war of all kinds and any equipment, or other property whatsoever belonging to, used by, or intended for use by Japanese Armed Forces and Japanese-controlled armed forces or any members thereof.

"(2) Naval combatant and auxiliary vessels and craft of all kinds, both surface and submarine, including those under repair, alteration, remodeling, reconstruction or construction, as well as those which were reconstructed for military purposes.

"(3) All aircraft of all kinds, both military and civilian, aviation and anti-aircraft equipment and devices.

"(4) All military, Naval and air installations and establishments, including airfields, landing grounds and strips, seaplane bases, Naval bases, military equipment of harbors, establishments engaged in military research, military storage depots, including underground depots, all equipment and facilities primarily used for military communication and transport, permanent and temporary land and coast fortification fortresses and other fortified areas, together with plans and drawings of all such fortifications, installations and establishments.

"(5) Proving grounds and laboratories, all technical data, patents, plans, inventions and laboratory samples of weapons and means of war, including those which may be or have been under study, in the process of manufacture, finished or patented.

"2. Possession of arms, ammunition and implements of war by any Japanese should be prohibited save that the Supreme Commander may authorize the use:

"a. By Japanese civil police agencies for the purpose of maintaining law and order of rifles and pistols and the necessary ammunition for them and other small arms exclusively used by civil police.

"b. By licensed hunters of duly registered hunting weapons.

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FAR EAST COMMAND
GENERAL HEADQUARTERS, ~~U. S. ARMY FORCES, PACIFIC~~
ADJUTANT GENERAL'S OFFICE
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INCOMING MESSAGE

Restricted
ROUTINE

FROM : JCOS NR : W 97791 18 MAR 48 CONT'D

"3. The development, manufacture, importation and exportation of arms, ammunition and implements of war, and materials intended for military use should be prohibited for Japan, except for the importation of no more than the quantities of arms and ammunition necessary for the purposes mentioned in Japan in Para 2.

"4. The manufacture of aircraft of all kinds should be prohibited in Japan.

"5. The construction of any Naval combatant and auxiliary vessel or craft, the conversion of any commercial vessel or craft to military purposes, and the reconstruction or remodeling of commercial vessels or craft so as to render them more suitable for military purposes should be prohibited.

"6. Military equipment seized from the former Japanese Armed Forces or from members of the Japanese civil populace should after examination be destroyed or scrapped except for:

"a. Military equipment required for operational needs of the occupation forces or for the lawful activities of the Japanese Civil Police;

"b. Items convertible to peacetime civilian uses; such equipment may be drawn upon for:

"(1) The maintenace and subsistence of the occupation forces, prisoners of war, and nationals of members of the United Nations;

"(2) The relief of the local civil population to the extent necessary to prevent or alleviate epidemic or serious disease and serious unrest which would endanger the occupying forces and the objectives of the occupation;

"(3) Reparations including such military equipment as:—

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ROUTINE
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- 3 -

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COPY NO.

19 MAR 1948

Restricted
ROUTINE

"(a) Plant and machinery for shipbuilding and nautical instruments other than those limited to purposes of an exclusively military nature.

"(b) Diving gear.

"(c) Optical glass.

"(d) Chain and chain cables.

"(e) Machine tools convertible to peacetime uses.

"(f) Military research facilities.

"7. All former United Nations Naval Craft, equipment and facilities found in Japanese possession should be safeguarded and as soon as practicable should be delivered to the nations to which they belong at such points as may be designated by the supreme commander for the allied powers.

"8. Japanese disarmed Naval Craft may be used for the purpose of repatriation or such other purposes connected with carrying out the terms of surrender as the supreme commander may direct.

"9. All records of military registration of demobilized personnel from the Army, Navy, Air Forces, gendarmerie and secret police should be confiscated and transferred to the supreme commander for the allied powers for subsequent destruction. No further records of this nature should be complied or maintained by the Japanese.

"10. Reestablishment of the following should be prohibited: The War and Navy Ministries, the Japanese Imperial High Command, the Supreme Military Council, the Council of Marshals and Admirals, the Inspectorate of Military Training, the Japanese Imperial General Hq, the Naval General Hq, the Hq of Armies and Fleets, and also any military organizations, military academies and schools, military scientific and research institutions and military laboratories, as well as the Officers Corps in any form. Such demobilization agency as is retained for the purpose of demobilizing returning Japanese Armed Forces should be of a civilian character and should be abolished immediately after completion of the demobilization. The former Japanese demobilization system involving special

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FAR EAST COMMAND

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ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

Restricted
ROUTINE

privileges of demobilized members of the Japanese Armed Forces should also be abolished.

"11. All military and organizations in Japan, including ex-officers' organizations, together with their affiliates and the clubs which were used for making propaganda for militarism and ultra-nationalism should be dissolved and their revival or establishment in any form, including a disguised form, should be prohibited. The application of this para should extend also to various associations created under the guise of production associations, such as cooperative societies for joint cultivation of land, for fishing, and others, which are composed wholly or substantially of ex-officers of the Army and Navy and gendarmerie and headed by their former military commanders. This para should apply also to any other associations composed wholly or substantially of ex-officers of the Japanese Army and Navy and gendarmerie, ostensibly created for legitimate purposes, but which are, in reality, disguised forms of military or military organizations, or which have some other disguised subversive purpose.

"12. Military training of the civilian population and military instruction in schools should be prohibited.

"13. For the purpose of prevention of the revival of Japanese militarism, persons who have at one time fallen within any of the following categories should not be nominated or employed in the government service, public office, or educational institutions except as they may be necessary in performing duties essential to the demobilization of repatriated military and Naval personnel.

"a. Generals, admirals, and all other senior officers and all career officers of the Army, Navy, and

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FROM : JCOS NR : W 97791 18 MAR 48 CONT'D

gendarmerie;

"b. Other officers of the Army, Navy and gendarmerie, including members of the reserve, if their employment would harm the cause of peace and security;

"c. Officials of ex-officers; and other military associations and of bodies closely associated with the Armed Forces.

"The supreme commander for the allied powers may authorize the nomination or employment of a person coming within categories a and c if his record shows that he has been an opponent of Japanese expansionism and totalitarianism.

"14. All measures necessary should be undertaken to prevent any revival of the Japanese Army, Navy, gendarmerie, secret police and their administrative organs."

Directive ends.

At the meeting when the directive was considered, the Soviet member abstained from voting but stated that it was his intention "not to prevent the adoption" of the policy. The commission chairman accordingly declared the policy adopted in accordance with the provisions of Para V, II, of the terms of reference on the grounds that the statement of the Soviet member amounted to "concurrence" in the "action" taken by the commission.

In view of the fact that at the time the policy decision on which the enclosed directive is based was adopted several members read into the minutes various statements of understanding as to the meaning of certain portions, the excerpt from the draft minutes of the 92d Commission Meeting, including these statements and the statement by the Soviet member, are included for your information.

"STATEMENT OF THE SOVIET MEMBER RELATIVE TO FEC-017/17 SUBMITTED AT THE 92D MEETING OF THE FAR EASTERN COMMISSION 12 FEB 48

"Document FEC-017/17, prohibition of military activity in Japan and disposition of Japanese military equipment, is of essential importance in the matter of carrying out the demilitarization of Japan. Proceeding from this, the

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FROM : JCOS NR : W 97791 18 MAR 48 CONT'D

Soviet Delegation during the discussion studied most carefully each para of FEC-017/17 and submitted a number of amendments which improved and clarified provisions of this document. It is regretted that the Soviet Delegation's amendments to Para's 2, 6, 9, 10, and 13 have not been accepted by the other members of the commission. As before, the Soviet Delegation considers these admendments very important and reserves the right to return to their consideration again at an appropriate time. However, in order not to prevent the adoption of Document FEC-017/17 the Soviet Delegation will abstain from voting."

"EXCERPT FROM THE DRAFT MINUTES OF THE 92D FAR EASTERN COMMISSION MEETING"

"ITEM 2-PROHIBITION OF MILITARY ACTIVITY IN JAPAN AND DISPOSITION OF JAPANESE MILITARY EQUIPMENT (FEC 017/17, FEC-017/19)

"THE COMMISSION" resumed consideration of this subject as follows:

"Para 2 a:

"General McCoy recalled that, at the 87th meeting of the commission (Page 4, minutes) the Soviet representative had stated that he would be willing to retain this para as worded in FEC-017/17 provided that a statement of the Soviet understanding of the term 'and other small arms' be attached to the policy decision.

If there were no objection, General McCoy said, the Soviet proposal would be handled in accordance with normal commission procedure. General McCoy said that he realized that Mr Panyushkin had not had an opportunity to familiarize himself with the normal commission procedure in forwarding such statements of understanding to the supreme commander.

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FROM : JCOS. NR : W 97791 18 MAR 48 CONT'D

He therefore requested the Secretary General to explain just what was meant by the normal procedure in question.

"MR JOHNSON offered the following statement with regard to normal procedure concerning statements of understanding by delegations with regard to policy decisions.

"'When the commission passes policy decisions, the secretary general sends certified copies to the Secretary of State. Then, in accordance with the terms of reference of the commission, the US Government prepares directives in accordance with the policy decisions of the commission and transmits these directives to the supreme commander, through the appropriate US Government agency.

"'In a number of instances representatives have made statements of the interpretation or explanation of their governments in regard to certain parts of the paper or as to the paper as a whole. These statements have normally been forwarded by the Secretary General to the Secretary of State for "transmission to the supreme commander for his information." These statements have been termed "excerpts from the minutes of the commission.'

"'For example, the Secretary General on Jun 6, 46, forwarded to the Secretary of State a policy decision, "aliens in Japan" (FEC-034/2). The Secretary General added: "I am also enclosing for your information an excerpt from the minutes of the 14th meeting of the commission including a statement made by the representative of the Union of Soviet Socialist Republics in connection with the approval of his government of the enclosed policy."

"'In accordance with this normal procedure, in case this pending draft policy decision should be approved by the commission, the Secretary General if there is no objection will forward to the Secretary of State a certified copy of the policy decision, and will also send to the Secretary of State, for transmission to the supreme commander for his information, whatever statements of interpretation or understanding may be made by representatives on the commission.'

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FROM : JCOS . NR : W 97791 18 MAR 48 CONT'D

"GENERAL MCCOY" said that if there were no objection, the Soviet statement of understanding regarding Para 2 a would be handled under the procedure outlined by Mr Johnson. The Soviet statement is as follows:

"'The Soviet Delegation understands the term "and other small arms" in Par 2 a of FEC-017/17 to mean arms of non-group use and non-fragmentation or mass effect, carried and used by a single person.'

"GENERAL MCCOY presented the following statement of understanding on behalf of the US Government for incorporation in the minutes and transmission to the supreme commander in accordance with normal procedure:

"'The US Government understands that it is within the SCAP's discretionary authority to interpret with what small arms he may equip the Japanese Civil Police and that any interpretation on the phrase "small arms," which he may find it necessary to make in accordance with his authority under the terms of reference, is in no way abridged by any other understanding.'

"MR FORD said that he understood the US statement of understanding to mean that discretion as to the interpretation of the phrase 'small arms' should be left to the supreme commander. With this understanding. the United Kingdom concurred, and he wished therefore to associate himself with the statement.

"MR POWLES said that while he agreed that it was the responsibility of the supreme commander to interpret any policy decision of the Far Eastern Commission, he could not agree to any implication that the supreme commander was at liberty to interpret the term 'small arms' without reference to the use of the phrase in the policy decision.

"MR BULLOCK associated himself with Mr Powles's statement and said that the question involved was not the meaning

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of 'small arms' as such, but was rather the meaning of the term as it was used in the proposed policy decision, namely, 'small arms exclusively used by civil police'

"GENERAL MCCOY agreed that the over-all policy decision must govern and determine the interpretation of any particular aspect of it.

"MR FORD said that his remarks above, in concurring with Gen McCoy, had been based on the fact that the United Kingdom Government had accepted the whole proposed policy decision as shown in FEC-017/17. Consequently, any explanatory statement would have to be read in connection with the policy decision as a whole, and not as a definition separated in any manner from the context of the proposed policy.

"DR KOO said that he saw no radical differences in the statements which had been made because he regarded the principal purpose of the document to be to enable the supreme commander to maintain law and order in Japan.

"He agreed that discretion as to the meaning of the term 'small arms' should reside in the supreme commander and it was the feeling of the Chinese Delegation that the supreme commander could be entrusted to make use of only those small arms actually needed to meet any specific situation that might arise. He was therefore prepared to associate himself with the understandings which had been expressed above.

"MR NAGGIAR said that, in view of the statements which had been made and in view of the general course of discussion on Para 2 a, he felt that the amendment which he had previously proposed (Page 5, 86th FEC meeting) as a possible means of affording a basis for unanimity, was no longer necessary, since the commission appeared to be ready to approve the para in the Form in FEC-017/17. Therefore, Mr Powles, his seconder, had no objection, he would withdraw his proposed amendment.

"MR PANYUSHKIN stated that the statement of Gen McCoy, Chairman of the Far Eastern Commission, made by him on behalf of the US Government on the question of interpretation on the term 'and other small arms' in fact did not concern the substance of this question. In this statement General McCoy set forth the opinion of the US Government, which considered that the question as to what small arms the Japanese civil police

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FROM : JCOS NR : W 97921 18 MAR 48 CONT'D:

may be armed with came within the jurisdiction of the supreme commander's action in this regard could not be abridged by any other understanding of this term.

"The Soviet Delegation, MR PANYUSHKIN continued, could not recognize as correct the understanding by the United States Govt that it is within the SCAP's jurisdiction to determine with what arms the Japanese civil police should be armed, since the right to determine this belonged to the Far Eastern Committee. Therefore, the Soviet Delegation could not also agree with the opinion of the United States Govt that any interpretation by the supreme commander of the term 'and other small arms' was not abridged by any other understanding.

"In virtue of the foregoing, MR PANYUSHKIN concluded the Soviet Delegation considered this statement by the United States Delegation as lacking legal standing since it was incompatible with the decision of the Moscow Conference of Foreign Ministers in Dec of 45 in respect to the functions of the United States Govt and the functions of the supreme commander.

"GENERAL MCCOY said that there seemed to be some misunderstanding on the part of the Soviet representative regarding the United States statement of understanding. He emphasized that there was no question of 'Adoption' of his statement involved. The statement was rather a statement for the record and for transmission, together with statements by other representatives, to the Supreme Commander, with the thought that such statements would be extremely useful to the Supreme Commander in administering the commission's policy. None of these statements, he pointed out, in any way affected the terms of the proposed policy decision. As for the substance of his statement, GENERAL MCCOY recalled the inability, after extremely exhaustive technical discusion, to arrive at an agreed definition of 'small arms.' It therefore seemed to him that the only authority left to determine the meaning of the term was the administering authority who would be responsible for meeting any emergency which might arise.

MR NAGGIAR observed that subsequent to the adoption of any policy decision by the Commission any representative

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could offer criticism or comment of any kind on action taken by the supreme commander to implement the policy. Indeed, representatives on the commission were free to review that actions of the supreme commander in connection not only with the implementation of Commission policy but also in connection with the implementation of United States directives issued before the existence of the commission or iterim directives issued since the beginning of the commission. Personally, MR NAGGIAR failed to see any important advantage to be gained from entering statements of understanding at the time of odoption of policy decisions, as he had pointed out, formal adoption was no hindrance to subsequent review of the supreme commander's actions. He thought there was little danger of the commission's 'by passed' since the commission could always intervene in action being taken or even completed in Japan, under Section II, A, 2, of the terms of reference which provided, among the functions of the commission, 'to review, on the request of any member, any directive issued to the Supreme Commander for the Allied Powers or any action taken by the supreme commander involving policy decisions within the jurisdiction of the commission.'

"GENERAL MCCOY said that, to meet the wishes of representatives, an excerpt from the minutes covering the statements made on this para would be forwarded to the supreme commander in accordance with the normal procedure.

"The commission has agreed to release the foregoing directive to the press after its receipt in Tokyo, therefore acknowledgment of receipt is requested."

NO SIG

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INCOMING MESSAGE

ROUTINE

FROM: JCOS NR: W 97991 18 MAR 48 CONT'D

ACTION: GOVT

INFORMATION: COMMANDER IN CHIEF, CHIEF OF STAFF, G-1, G-2, G-3, G-4, AG, PUBLIC INFORMATION, TRANSP, CIV COMM, STAT & RPTS, PUBLIC H & W, ECON & SCI, GEN PROC, CIV I & E, LEGAL, NAT RESOURCES, GEN ACCTG, DIPLOMATIC, INT'L PROS, CIV PROP CUST, REPARATIONS, COMNAVFE

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INCOMING MESSAGE

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ROUTINE

20 Dec 47

FROM : DA (JCOS)

TO : SCAP (TO MACARTHUR)

NR : W 92777

The following directive, Serial Nbr 88, prepared by the Dept of State to implement the policy adopted by the Far Eastern Commission on Dec 11, 1947, under the provisions of Para II, A, 1, of its terms of reference nas been recd from the State, Army, Navy, and AF Depts for transmission to you for your guidance in accordance with Para III, 1, of those terms of ref:

Directive begins.

"DIRECTIVE REGARDING SUPPLY OF FOOD FOR CIVILIAN CONSUMPTION IN JAPAN"

"1. The Far Eastern Commission, having considered tne question of tne supply of food for civilian consumption in Japan in the light of:

(a) The measures already taken by the Supreme Comdr since the beginning of the occupation to improve Japan's production and distribution of indigenous food;

(b) The acute shortage of food which is not confined to Japan, but is causing serious hardship to countries wnich suffered as a result of Japanese aggression nereby adopts the following policies witn respect to this matter.

"2. The Supreme Comdr should ensure, by all practicable means, that the Japanese Govt take the necessary measures:

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