

RG 59 GENERAL RECORDS OF THE DEPARTMENT OF STATE

Bureau of Far Eastern Affairs (FE)

Office of East Asian Affairs (FE/EA)

CENTRAL FILES, 1947-1964

**US-Japan Committee on Econ & Trade  
to  
US-Japan Treaty of Mutual Coop & Security**

Box 24

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US - Japan Treaty of Mutual Cooperation and Security (Department of Defense)

SUMMARY OF UNPUBLISHED AGREEMENTS REACHED IN CONNECTION  
WITH THE TREATY OF MUTUAL COOPERATION AND SECURITY  
WITH JAPAN

1. Consultation - Record of Discussion. (Confidential)

This is a confidential <sup>interpretation</sup> agreement defining more precisely the consultation arrangements combined in the public exchange of notes. This has the effect of restricting our obligations to consult on "deployment" to the introduction into Japan of nuclear weapons and large missiles and on "operations" to military combat operations that may be initiated from Japan against areas outside Japan. (See also description of consultation arrangements.)

2. Consultation - Consultative Committee Minute. (Secret - Limit Distribution)

This is a secret arrangement for advance consultation to permit us to react immediately from Japanese bases to a renewal of the Communist attack in Korea. (See also description of consultation arrangements.)

3. Agreements of the Joint Committee Established by Article XXVI of the Administrative Agreement - Minute. (Limited Official Use)

The Joint Committee established by Article XXVI of the Administrative Agreement has developed, over the past eight years, a large body of detailed arrangements implementing the Administrative Agreement. These arrangements will be preserved intact by a minute initialed by the negotiators for adoption at the first meeting of the Joint Committee established by Article XXIV of the Japan Status of Forces Agreement. This minute bears a low classification at Japanese request in conformity with standard Japanese practice for classifying Joint Committee transactions.

4. United States Base Rights and Waiver of Private Claims - Minute.  
(Official Use Only)

The negotiators initialed an interpretive minute for the guidance of the new Joint Committee clarifying the meaning of Article III, Paragraph 1, and rescinding in part an agreed view relating to Article XVIII, Paragraph 4 of the Japan Status of Forces Agreement. This minute bears a low classification at Japanese request in conformity with standard Japanese practice for classifying Joint Committee transactions.

The minute

The minute on Article III confirms that United States rights within our bases remain the same as under Article III of the Administrative Agreement, although the language has been changed to bring the wording into closer consonance with established practice.

The minute on Article XVIII makes clear that the governments cannot waive the death or personal injury claims of their employees or their heirs against the other government, while reserving the position of the Japanese Government that it will not be expected to compensate a claimant or heir who has already been compensated by the United States.

5. MDAA Agreement. (Unclassified)

An exchange of notes making minor technical amendments to the Mutual Defense Assistance Agreement with Japan was not submitted to the Senate, but will be published in the Treaties and Other International Acts Series when it goes into effect. It was not submitted to the Senate for its information, since it was an amendment of an executive agreement that had not been submitted to the Senate.

DESCRIPTION OF CONSULTATION ARRANGEMENTS UNDER THE  
TREATY OF MUTUAL COOPERATION AND SECURITY  
WITH JAPAN

There is set forth below a summary of our arrangements with the Japanese for consultation regarding major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of United States bases in Japan for military combat operations outside Japan. The texts of the relevant agreements are attached.

In addition to the specific arrangements for consultation set forth below, Article IV of the treaty provides in general for consultation to implement the treaty and whenever the security of Japan or international peace and security in the Far East is threatened.

I. Consultation with Japan Required (Confidential)

- A. Military combat operations that are initiated from Japan against areas outside Japan.
- B. The introduction into Japan of nuclear weapons.
- C. The introduction into Japan of intermediate or long-range missiles.
- D. The construction in Japan of bases for nuclear weapons, including intermediate and long-range missiles.
- E. Major changes in the deployment into Japan of United States armed forces.

II. Presidential Assurance on Consultation (Unclassified)

(Extract from Eisenhower-Kishi Joint Communiqué of January 19, 1960)

"The President assured ~~the Prime Minister~~ that the United States Government has no intention of acting in a manner contrary to the wishes of the Japanese Government with respect to the matters involving prior consultation under the treaty."

III. Consultation with Japan not Required

- A. Use of bases in Japan for logistic purposes (Unclassified).
- B. Transfer of United States armed forces units and their equipment from Japan, whether to the United States or to other areas in the Far East. (Unclassified)

C. Transit

- C. Transit of parts or airbases in Japan by United States vessels and aircraft, regardless of their armament. (Confidential)
- D. Introduction into Japan of non-nuclear weapons, including short-range missiles without nuclear components. (Confidential)

IV. Arrangements for Prior Consultation Already Completed (Secret).

At the first meeting of the United States-Japan Security Consultative Committee following the entry into force of the new treaty arrangements, Foreign Minister Fujiyama will state the view of the Japanese Government that "as an exceptional measure in the event of an emergency resulting from an attack against the United Nations Forces in Korea, facilities and areas in Japan may be used for such military combat operations as need be undertaken immediately by the United States armed forces in Japan under the unified command of the United Nations as the response to such an armed attack in order to enable the United Nations Forces in Korea to repel an armed attack made in violation of the Armistice."



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TREATY

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TREATY OF MUTUAL COOPERATION AND SECURITY

RECORD OF DISCUSSION

Tokyo, \_\_\_\_\_, 1959.

Record  
of  
Discussion

1. Reference is made to the draft Exchange of Notes concerning the implementation of Article VI of the Treaty, the operative part of which reads as follows:

"Major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under Article V of the said Treaty, shall be the subjects of prior consultation with the Government of Japan."

2. The Notes were drawn up with the following points being taken into consideration and understood:

a. "Major changes in their equipment" is understood to mean the introduction into Japan of nuclear weapons, including intermediate and long-range missiles as well as the construction of bases for such weapons, and will not, for example, mean the introduction of non-nuclear weapons including short-range missiles without nuclear components.

b. "Military combat operations" is understood to mean military combat operations that may be initiated from Japan against areas outside Japan.

c. "Prior consultation" will not be interpreted as affecting present procedures regarding the deployment of United States armed forces and their equipment into Japan and those for the entry of United

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States military aircraft and the entry into Japanese waters and ports by United States naval vessels, except in the case of major changes in the deployment into Japan of United States armed forces.

d. Nothing in the Exchange of Notes will be construed as requiring "prior consultation" on the transfer of units of United States armed forces and their equipment from Japan.

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The following was mutually understood concerning Article III and Article XVIII, paragraph 4, in the course of the negotiations on the revision of the Administrative Agreement signed at Tokyo on February 28, 1952, and is hereby recorded for the guidance of the Joint Committee:

Article III:

The phrasing of Article III of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed at Washington on January 19, 1960, has been revised to bring the wording into closer consonance with established practices under Article III of the Administrative Agreement signed at Tokyo on February 28, 1952, including the understandings in the official minutes of the 10th Joint Meeting for the negotiation of the Administrative Agreement held on February 26, 1952. United States rights within facilities and areas granted by the Government of Japan for the use of United States armed forces in Japan remain the same under the revised wording of Article III, paragraph 1, of the Agreement signed at Washington on January 19, 1960, as they were under the Agreement signed at Tokyo on February 28, 1952.

With regard to the phrase "within the scope of applicable laws and regulations", the Joint Committee will discuss the desirability or necessity of seeking amendments to Japanese laws and regulations currently in effect should such laws and regulations prove insufficient to ensure that the defense responsibilities of the United States armed forces in Japan can be satisfactorily fulfilled.

7 Article XVIII, Paragraph 4:

The Agreed View contained in paragraph 5 of the Jurisdiction Subcommittee recommendation approved by the Joint Committee at its 13th meeting on July 30, 1952 shall continue to be applicable to any claims arising under Article XVIII, paragraphs 1 and 2 of the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan, but shall not be applicable to Article XVIII, paragraph 4, of the new agreement signed on January 19, 1960. The inapplicability of the Agreed View to Article XVIII, paragraph 4 shall in no way prejudice the position of either Government regarding private claims advanced by or on behalf of individuals described in paragraph 4.

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(January 13, 1960)

MINUTE FOR INCLUSION IN THE RECORD OF THE FIRST MEETING OF THE JOINT COMMITTEE TO BE ESTABLISHED UNDER ARTICLE XXV OF THE AGREEMENT UNDER ARTICLE VI OF THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN, REGARDING FACILITIES AND AREAS AND THE STATUS OF UNITED STATES ARMED FORCES IN JAPAN

The following was adopted at the first meeting of the Joint Committee today:

The decisions, procedures, interpretations, agreed views, arrangements and all other agreements recorded in the Minutes of the Joint Committee, including the sub-committees thereof, established under Article XXVI of the Administrative Agreement of February 28, 1952, will remain in effect under this Joint Committee, unless altered pursuant to the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed at Washington on January 19, 1960.

Aiichiro Fujiyama

Douglas MacArthur II

Washington, January 18, 1960

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Committee  
Minutes

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EXCHANGE OF NOTES REVISING REFERENCES  
TO THE SECURITY TREATY IN THE  
MUTUAL DEFENSE ASSISTANCE AGREEMENT

(United States Note)

Excellency:

I have the honor to refer to the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today. It is the understanding of the Government of the United States of America that references to the Security Treaty between the United States of America and Japan, signed at San Francisco on September 8, 1951, and to the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan, appearing in the Mutual Defense Assistance Agreement between the United States of America and Japan, signed at Tokyo on March 8, 1954, shall be considered to be references to the corresponding provisions, if any, of the Treaty of Mutual Cooperation and Security and of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan.

I should be appreciative if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of Japan and that this understanding shall enter into operation on the date of the entry into force of the Treaty of Mutual Cooperation and Security.

Accept, Excellency, the renewed assurances of my highest consideration.

Secretary of State of the  
United States of America

(Japanese Reply)

Excellency:

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:  
(Text of United States Note)

I have further the honour to confirm on behalf of my Government that the foregoing is also the understanding of the Government of Japan.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

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Senate Consultations(Chronology)

Phase I

- September 11, 1958 - Senator Hickenlooper - Ambassador MacArthur  
(Concern on Korean aspect, but assented)
- September 12, 1958 - Senator Wiley - Ambassador MacArthur  
(Full support)
- September 13, 1958 - Senator Fulbright - Ambassador MacArthur  
(Full approval)
- September 16, 1958 - Senator Mansfield - Ambassador MacArthur  
(Full approval)(Also agreed to speak to  
Senator Lyndon Johnson)

Phase II

- November 25, 1959 - Senator Sparkman - Assistant Secretary Parsons  
(Approved; questions on Okinawa, consultation on  
nuclears)
- November 27, 1959 - Senator Wiley - Assistant Secretary Parsons  
(Approval; questions on Korea, yen support,  
Treaty area)
- November 30, 1959 - Senator Mansfield - Ambassador MacArthur  
(Approval; questions on criminal jurisdiction)
- December 1, 1959 - Senator Hickenlooper - Ambassador MacArthur  
(Approval; questions on Executive Agreement  
problem)
- December 13, 1959 - Senator Gore - Ambassador MacArthur  
(Approval)
- December 31, 1959 - Senator Fulbright - Assistant Secretary Parsons  
(Approval; questions on criminal jurisdiction,  
Girard Case, Korea, secret agreements)
- January 8, 1960 - Senator Hickenlooper, Deputy Assistant Secretary  
Steeves, Legal Adviser Hager  
(Reviewed executive agreement problem)
- January 13, 1960 - Senator Carlson - Assistant Secretary Parsons  
(Approval; questions on criminal jurisdiction,  
economic aspects and U.S. troop strength in Japan)
- January 13, 1960 - Senator Saltonstall - Assistant Secretary Parsons -  
Deputy Assistant Secretary of Defense Knight (Approval;  
questions on Article I, Okinawa, effect on Formosa,  
trade and economic aspects of Treaty)

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# Department of State

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FROM: TOKYO

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TO: Secretary of State

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NO: 4015, JUNE 4, 5 PM

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PRIORITY

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ASC

FOR ASST SECRETARY PARSONS FROM MACARTHUR.

SY

RMR

NAKA FUNADA CAME TO SEE ME THIS MORNING PRIVATELY TO GIVE ME HIS ESTIMATE OF PRESENT DOMESTIC POLITICAL SITUATION, WHICH IS COVERED IN IMMEDIATELY FOLLOWING TELEGRAM.

AT SAME TIME, HE REFERRED TO PRESIDENT'S VISIT AND SAID THAT GOJ IS DETERMINED TO TRY TO GET UPPER HOUSE DIET RATIFICATION OF TREATY BY ABOUT JUNE 15 (AVOIDING RESORT TO THIRTY-DAY RULE WITH RATIFICATION ON JUNE 19) SO THAT TREATY WILL BE FULLY RATIFIED AND OUT OF WAY BEFORE PRESIDENT'S ARRIVAL JUNE 19. DUNADA SAID IT IS IMPORTANT THAT RATIFICATION BY BOTH HOUSES OF DIET BE COMPLETED BEFORE JUNE 19 BECAUSE IF RATIFICATION BY UPPER HOUSE IS NOT COMPLETED BEFORE PRESIDENT COMES, LEFTISTS WILL USE CONJUNCTURE OF PRESIDENT'S ARRIVAL AND TREATY RATIFICATION ON JUNE 19 AS PRETEXT FOR DEMONSTRATIONS.

FUNADA THEN ASKED ME WHETHER SENATE MIGHT ALSO COMPLETE ACTION BY ABOUT JUNE 15. HE SAID THAT IF SENATE HAD ACTED BY THAT TIME, IT MIGHT THEN BE POSSIBLE ACTUALLY TO EXCHANGE INSTRUMENTS OF RATIFICATION ABOUT JUNE 16 OR 17 SO THAT TREATY WOULD ACTUALLY BE IN EFFECT PRIOR TO PRESIDENT'S ARRIVAL. ONCE IT WAS IN EFFECT, LEFTISTS AND OTHER MINORITY ELEMENTS OPPOSED TO TREATY WOULD ACCEPT IT AS FACT OF LIFE. IN THESE CIRCUMSTANCES, IF LEFTIST AND PRO-COMMUNIST ELEMENTS THEN TRIED TO CREATE PROBLEMS THEY WOULD BE OVERWHELMINGLY CONDEMNED BY JAPANESE OPINION.

WOULD APPRECIATE YOUR THOUGHTS ON ABOVE POSSIBILITY.

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MACARTHUR

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SINCE DIET'S TREATY PASSAGE, ASAHI CONDUCTED NATIONWIDE POLL AND TOKYO SHIMBUN TOKYO POLL ON CURRENT POLITICAL SITUATION. HOWEVER BECAUSE CURRENT POLITICAL SITUATION SO COMPLEX AND PEOPLE NOW PARTICULARLY SUBJECT TO EMOTIONAL AND CHANGEABLE FLUCTUATIONS AS RESULT DEMONSTRATIONS AND PRESS CAMPAIGN, EVALUATION OF ANY POLL MOST DIFFICULT AND COULD BE HIGHLY MISLEADING AS TRUE INDICATION FEELINGS JAPANESE POPULATION. MOREOVER, OFFICIALS OF RELIABLE POLL-TAKING AGENCY OF GOVERNMENT BELIEVE BOTH POLLS SUBJECT TO BIAS IN LANGUAGE, ORDER OF QUESTIONS AND SAMPLING METHODS. THEY FEEL POLLS SO DESIGNED AS TO SUPPORT RESPECTIVE NEWSPAPERS' EDITORIAL POSITIONS THOUGH GENERAL AGREEMENT KISHI'S STOCK HAS DROPPED CONSIDERABLY SINCE MAY 19. THIS AGENCY ITSELF HAS NOT RPT NOT YET TAKEN POLL, FEELING THAT TO BE OF VALUE SUCH POLL MUST BE TAKEN IN DEPTH.

ASAHI POLL, TAKEN MAY 25 AND 26, QUESTIONED 3,000 PERSONS, OBTAINED 2,569 ANSWERS, BUT OF LATTER LARGE PERCENTAGES IN EVERY CASE DID NOT RPT NOT HAVE DEFINITE ANSWER, INDICATIVE OF PEOPLES' CONFUSION. ALL FIGURES PERCENTAGES. FIRST QUESTION: WERE ACTIONS BY GOVERNMENT AND LDP IN DIET GOOD OR BAD? SIX PERCENT GOOD, FIFTY BAD, REMAINDER UNDECIDED OR "NO ANSWER". WERE SOCIALISTS' ACTIONS GOOD OR BAD? ELEVEN GOOD, THIRTY-TWO BAD, FIFTY-SEVEN UNDECIDED. WHAT ABOUT DEMO-SOCIALISTS? EIGHT PERCENT GOOD, THIRTEEN BAD, REMAINDER UNDECIDED. LDP ARGUES IT APPROVED TREATY UNILATERALLY SINCE SOCIALISTS TRIED PREVENT PASSAGE AT ALL COSTS. APPROVE THIRTEEN PERCENT, OPPOSE FORTY-SEVEN, REMAINING FORTY UNDECIDED. FORTY-FIVE PERCENT APPROVED SOCIALIST AND DEMO-SOCIALIST ARGUMENT LDP WRONG IN TAKING U.

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-2- TOUSI 377, JUNE 6, 7 PM, FROM TOKYO

UNILATERAL ACTION, SIXTEEN OPPOSED AND THIRTY-NINE NO OPINION. IN GENERAL, TWENTY-NINE PERCENT BELIEVE GOVERNMENT AND LDP WRONG, EIGHT PERCENT SOCIALISTS WRONG, FIFTEEN EVERYBODY WRONG. LAST QUESTION: IS DIET WORKING FOR PEOPLE'S GOOD? YES, SEVENTEEN PERCENT, NO FIFTY-SIX, REMAINING TWENTY-SEVEN UNDECIDED.

TOKYO SHIMBUN QUESTIONED 800 ADULT MEN AND WOMEN MAY 26 AND 27 THROUGHOUT TOKYO. MAIN QUESTIONS AND ANSWERS: WHO IS RESPONSIBLE RECENT DIET CONFUSION? AGAIN ALL FIGURES PERCENTAGES. KISHI-51; HOUSE SPEAKER KIYOSE-12; LDP-25; SOCIALISTS-14. THERE IS OPINION KISHI SHOULD RESIGN. SIXTY-ONE SAID RESIGN NOW, ELEVEN SAID RESIGN AFTER TREATY RATIFIED, EIGHTEEN SAID NEED NOT RPT NOT RESIGN, EIGHT UNDECIDED. SHOULD DIET BE DISSOLVED? FIFTY-FOUR SHOULD BE DISSOLVED NOW; SEVEN AFTER TREATY RATIFICATION; TWENTY-EIGHT SAID DIET DISSOLUTION UNNECESSARY. WHAT ABOUT SECURITY TREATY? IT'S NECESSARY TWENTY-SEVEN; FORTY-TWO NOT RPT NOT NECESSARY; THIRTY-ONE "NOT INTERESTED" OR "NO OPINION". VOTING ON TREATY VALID ACCORDING TO GOVERNMENT AND TREATY WILL BE AUTOMATICALLY RATIFIED. WHAT DO YOU THINK? FIFTY-SIX PERCENT AUTOMATIC APPROVAL SHOULD BE AVOIDED; TWENTY-TWO "UN-AVOIDABLE"; EIGHT "NATURAL THAT TREATY BE AUTOMATICALLY APPROVED," AND REMAINDER NO OPINION. IN DIET SOCIALISTS SAT IN FRONT OF LDP SPEAKER'S ROOM. USE OF FORCE OF THIS SORT IS AGAINST PARLIAMENTARIANISM. WHAT DO YOU THINK? USE OF FORCE NOT GOOD IN ANY CASE FIFTY-EIGHT; USE OF FORCE NOT GOOD BUT INEVITABLE IN THIRTY-SIX. WHICH PARTY DO YOU SUPPORT: LDP-32; SOCIALISTS-30; DEMO-SOCIALISTS-11; SUPPORT NO PARTY-26.

AS COMPARED WITH LAST TOKYO SHIMBUN POLL SOCIALISTS REMAINED WITH ABOUT SAME PERCENT, LDP LOST ABOUT 10 PERCENT WHICH WENT ALMOST WHOLLY TO "NO PARTY" GROUP.

TRANSLATIONS OF RESULTS OF BOTH POLLS BEING POUCHED. HOWEVER AGAIN URGE EXTREME CARE INTERPRETING THEM AS TRUE INDICATORS FEELING JAPANESE PEOPLE RE CURRENT CRISIS OR ESPECIALLY RE GENERAL ATTITUDE TOWARD UNITED STATES.

HELLYER

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THE TREATY OF FRIENDSHIP, COMMERCE AND CONSULAR RIGHTS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF GUATEMALA

The Treaty of Friendship, Commerce and Consular Rights between the United States of America and the Republic of Guatemala, signed at Guatemala on July 19, 1923, and approved by the President of the United States on August 14, 1923, is hereby published by the President of the United States for the purpose of giving it the force of law.

The Treaty of Friendship, Commerce and Consular Rights represents a significant development in treaty relations between the United States and the Republic of Guatemala. The language contained in the Treaty is a reflection of a new era of cooperation and understanding between the two nations. The terms of the Treaty are designed to promote the interests of both countries and to establish a basis for friendly relations. The Treaty is a landmark in the history of United States foreign policy and is a testament to the wisdom and foresight of the President and the Senate in its ratification.

The Treaty of Friendship, Commerce and Consular Rights is a logical and necessary development in the relations between the United States and Guatemala since April 23, 1921.

When

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when Japan's sovereignty was restored. Since that date, the security relationship with Japan has been guided by the Security Treaty signed at San Francisco on September 8, 1951 and now to be replaced by the new treaty. In 1951, Japan was militarily completely dependent upon the United States forces stationed in that country. Reflecting this situation, the Security Treaty gave the United States the right to station troops in Japan for the purpose of contributing to the defense of Japan and the maintenance of peace and security in the Far East but imposed no treaty obligation upon us to assist in Japan's defense.

From the outset, there was recognition that there would be a future need to revise the Security Treaty under appropriate circumstances. The Senate was informed at the time regarding our expectation of subsequent treaty revision. In his statement summarizing the Security Treaty, the Honorable John Foster Dulles, said in part "It is in the mind of the parties that the present bilateral arrangement is only an initial step in an evolutionary process..." It is to be presumed that the United States would

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would welcome developments which would reduce Japan's initial, almost total, dependence on the United States for security."

The provisions of the 1952 treaty, itself also quite explicitly anticipate its revision. The preamble of the treaty defines it as "a provisional arrangement for Japan's defense" and Article IV states that it shall expire whenever, in the opinion of both governments, there are satisfactory alternative provisions for the maintenance of international peace and security in the Japanese area.

By 1957, Japan had made great progress toward lessening its dependence upon the United States. Its restoration to a respected position in the community of nations was attested by its election to the Security Council of the United Nations, its defense capabilities were steadily growing, and its economic health was vastly improved. In that year Japan became the second best market for United States exports. In June of 1957, Prime Minister Kishi and President Eisenhower met in Washington and charted the development of a new relationship between the United States and Japan firmly based on equality and mutuality, common interest and trust. During these discussions, looking forward to a revision of the Security Treaty,

they

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they reaffirmed that this treaty was designed to be transitional in character.

In September 1958, Foreign Minister Aikihiko Fujiyama met with the late Secretary Dulles and proposed the opening of negotiations looking to a general revision of the United States-Japan security arrangements. After consultations with members of this Committee, we agreed to the Japanese proposal, believing that the inconsistency of the provisions of the Security Treaty with Japan's altered position and the mutual desire for a broad partnership based on sovereign equality made new treaty arrangements particularly desirable.

The negotiation of the new treaty arrangements commenced in October 1958. These negotiations were conducted over a 15 month period in Tokyo by Ambassador Douglas MacArthur II and culminated in the signing at the White House of the new treaty on January 19, 1960.

I should like to describe the terms of the new treaty and the general provisions of the other security arrangements which have been transmitted for the information of the Senate.

The treaty

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The treaty consists of a preamble and 10 substantive articles. The preamble sets forth the spirit and purpose of the treaty. It declares the desire of both countries to strengthen their friendship, to uphold their free institutions, to encourage economic cooperation and to promote their economic stability and well-being. It reaffirms their faith in the United Nations and the desire to live in peace with all peoples and governments. It recognizes the inherent right of individual or collective self-defense affirmed in the Charter of the United Nations, and reflects the common concern of both nations in the maintenance of international peace and security in the Far East.

Article I generally corresponds to the comparable articles of other <sup>bilateral</sup> Pacific treaties ~~(of this type)~~ to which the United States is a party. Under the terms of the first paragraph, both parties reaffirm their solemn obligations under the Charter of the United Nations to settle by peaceful means any international disputes in which they may be involved, and to refrain in their international relations from the threat or the use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the United Nations. In addition, the article provides that both parties will endeavor to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

Article II, which corresponds to a similar article in the North Atlantic Treaty, reflects the broad community of interest of the

United States

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United States and Japan in furthering the freedom and well-being of their peoples. Under its provisions, both parties pledge themselves to contribute to the development of peaceful and friendly international relations by strengthening their free institutions, and by promoting conditions of stability and well-being. Further, they will seek to eliminate conflict in their international economic policies and encourage economic collaboration.

Article III embodies in the treaty the principle of the Vandenberg resolution which is also contained in other Pacific treaties. Both parties pledge, by means of continuous self-help and mutual aid, to maintain and develop their capacities to resist armed attack, subject to their constitutional provisions.

Provision is made under Article IV for consultation regarding the implementation of the treaty and whenever the security of Japan or international peace and security in the Far East is threatened.

Article V provides that:

"Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes."

This article also makes clear once again that there is to be no conflict with the United Nations Charter. Measures taken to deal with an armed attack are to be reported immediately to the Security Council of the United Nations. Such steps as are taken will be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

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The language of this article corresponds to the comparable provisions in previous Pacific treaties except for the recognition given to the particular constitutional problems faced by Japan. Article 9 of the Japanese Constitution provides that:

"the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes..."  
and to accomplish this aim

"land, sea, and air forces, as well as other war potential, will never be maintained."

Japan considers that this provision limits it to actions in the self-defense of Japan. The treaty area is therefore defined as the territories under the administration of Japan in Article V, as well as Article III, refers to constitutional provisions.

Under Article VI the United States is granted for its forces the use of facilities and areas in Japan for the purpose of contributing to Japan's security and the maintenance of international peace and security in the Far East. The use of these facilities and the status of the U.S. armed forces in Japan are to be governed by a separate agreement, and by such other arrangements as may be agreed upon.

The President has transmitted this separate agreement to the Senate for its information. This agreement, which is commonly described as the Japan Status of Forces Agreement, will replace the Administrative Agreement under which we are now operating in Japan. There are very few major changes from the old Agreement. The changes that have been made bring the Agreement into conformity with the letter and spirit of the new treaty and reflect our experience of the past eight years with

status

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status of forces agreements in Japan and elsewhere. Several of the new provisions have been adapted from the NATO Status of Forces Agreement and the Supplementary Status of Forces Agreement with Germany. There has been no change in the criminal jurisdiction provisions, which are identical in substance with the NATO Status of Forces Agreement.

An exchange of notes related to this agreement has also been submitted to the Senate for its information. This exchange is concerned with the settlement of certain claims against U.S. forces under Article XII, Paragraph 6, of the agreement.

A further arrangement under Article VI of the treaty is a very important exchange of notes expressing the agreement of the United States to conduct prior consultation with Japan in certain situations. These consist of major changes in the deployment into Japan of U.S. armed forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations other than in defense of Japan. In connection with this exchange of notes, President Eisenhower assured Prime Minister Kishi, during the latter's visit to Washington in January to sign the treaty, that the U.S. Government has no intention of acting in a manner contrary to the wishes of the Japanese Government with respect to these matters involving prior consultation.

Article VII affirms that the obligations of the parties under the treaty do not affect in any way their obligations under the Charter of the United Nations and recognizes the responsibility of the United Nations in maintaining international peace and security.

Articles VIII and IX provide that the treaty will enter into force on the date of exchange of instruments of ratification in Tokyo and that

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the present Security Treaty will expire when the Treaty of Mutual Cooperation and Security enters into force.

Under Article I, the treaty remains in force until both parties are of the opinion that United Nations arrangements have come into force satisfactorily providing for the maintenance of international peace and security in the Japan area. It provides further that either party may give notice of its intention to terminate the treaty after the treaty has been in force for ten years, in which case the treaty is terminated one year after notice has been given.

In an agreed minute to the treaty, Japan expresses its concern for the safety of the people of the Ryukyu and Bonin Islands administered by the United States under Article 3 of the 1952 Peace Treaty with Japan and its desire that the two parties consult under Article IV of the present treaty if there is an armed attack or a threat of such against these islands. Japan also expresses its intention in the minute to explore with the U.S. measures Japan might take for the welfare of the people of these islands in the event of an armed attack. The United States in turn agrees to consult with Japan in the event of an armed attack against these islands and states its intention to take the necessary measures to defend the islands and to do its utmost to secure the islanders' welfare. This is the only reference in the treaty and related agreements to the Ryukyu and Bonin Islands. Their status was not discussed during the negotiations, and they remain under United States administrative control.

There are two additional exchanges of notes in connection with the treaty. The first refers to the exchange of notes between Prime Minister

Yoshida

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Yoshida and Secretary of State Acheson, signed on September 8, 1951, regarding the support in and about Japan of United Nations forces. Under this exchange of notes, Japan agrees to continue in force this exchange of notes of September 8, 1951, as long as the Agreement Regarding the Status of United Nations Forces in Japan remains in force.

The second exchange of notes establishes a United States-Japan Security Consultative Committee which could as appropriate be used for consultations between the Governments under Article IV of the treaty, under the aforementioned exchange of notes under Article VI of the treaty, and on any matters underlying and related to security affairs.

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In sum, the Treaty of Mutual Cooperation and Security is entirely consistent with the fundamental objective of post-war United States policy toward Japan: the development of a relationship of mutual confidence which would permit the closest possible friendship and cooperation between the United States and Japan. The United States has steadfastly pursued this objective throughout the post-war period—during the Occupation, in the Treaty of Peace with Japan and in the post-treaty period.

Furthermore, by reflecting the political and economic aspects of relations with Japan as well as the security arrangements, the treaty gives full recognition to the broad scope of mutual interests between the two countries.

Finally, this treaty is designed to advance the cause of peace and freedom throughout the world. It connotes no aggressive intentions and no nation need fear that the partnership between the United States and Japan, reflected in this treaty, represents a threat to it. The treaty with Japan is entirely defensive in character and intent. I believe it is an important contribution to our ceaseless effort to strengthen the fabric of international peace and security.

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IN THE HOUSE

Supplementary Statement by the Honorable Christian A. Herber,  
Secretary of State

Approval of the Treaty of Mutual Cooperation and Security  
by the Japanese Diet

The Lower House of the Japanese Diet approved the Treaty of Mutual Cooperation and Security in the early hours of the morning on May 20, 1960. This action assures Japanese ratification of the Treaty, provided the Diet remains in session until June 19 to permit the Upper House to deliberate on the treaty for the thirty-day period required by law. If the Upper House fails to act within the thirty-day period, the decision of the Lower House is the decision of the Diet.

The present Diet session, which in the ordinary course of events would have terminated on May 26, has now been extended for fifty days by vote of both houses, assuring the Upper House ample time for consideration of the treaty.

The Lower House of the Diet approved the Treaty by a vote of 248 to nothing, a clear majority of the 467 members of the Lower House. Prime Minister Kishi faced minority opposition to approval of the treaty.

The vote on the treaty was taken during a boycott of the Diet proceedings by the opposition parties, the Japan Socialist Party, the Democratic Socialist Party and the one Communist member. About twenty-five members of Prime Minister Kishi's Liberal Democratic Party

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also obtained from voting. On the day of the vote on the treaty, Socialist Diet members reportedly kept the Speaker of the House imprisoned in his office for six hours in an attempt to keep the Diet from meeting. After numerous appeals to the Socialists, the Speaker was finally forced to summon police officers who physically removed the Socialist Diet members and permitted the Speaker to proceed to the floor to open the Diet session. The Speaker was injured slightly by the Socialists when moving from his office to the Diet floor.

The Lower House approval of the treaty provided a series of demonstrations against Prime Minister Aichi's action. The demonstrations reached a climax on May 26, when, according to police reports, sixty-two thousand took part in Tokyo and about two hundred and two thousand throughout the country. Participating in the demonstrations were reportedly the same left-wing groups who have led the previous demonstrations against the treaty, demonstrations which have been carried on since the decision to renegotiate the treaty was announced in September, 1958. These are the Japanese Socialist Party, the Communist Party, the General Council of Japanese Trade Unions, and the Federation of Student Self-Government Associations. The last of these is the only element which reportedly resorted to any type of violent action. It is an extremist student group. There was no report of spontaneous public participation in the demonstrations.

We are satisfied that the great majority of the Japanese people support a long-term association with the United States. In the most recent national elections, the Upper House elections of June, 1959, the proposed new treaty arrangements were the major national issue. In

these

- 3 -

these elections, the Liberal Democratic Party of Prime Minister Kishi increased its strength from 127 to 132. The Liberal Democrats increased their share of the total vote by about 1.5% in the local constituency<sup>ies</sup> and 1.5% in the national constituency<sup>ies</sup>, compared with the last Upper House election in 1954. The Liberal Democratic Party vote was about 52% in the local constituency<sup>ies</sup> (other conservatives received about 18%) and about 41% in the national constituency<sup>ies</sup> favoring the Socialists (other conservatives received about 25-30%). The Socialists' share of the vote declined by about 4% compared with 1954 in both the local and national constituencies. In the most recent by-election, held in Kumamoto Prefecture on May 18, the new treaty was a major issue. The conservative candidates supporting the treaty pulled more than three quarters of the vote, about the same vote as received by the conservatives in June, 1959.

OFF THE RECORD

Supplementary Statement

Approval of the Treaty of Mutual Cooperation and Security by the Japanese Diet

The Lower House of the Japanese Diet approved the Treaty of Mutual Cooperation and Security in the early hours of the morning on May 20, 1960. This action assures Japanese ratification of the Treaty, provided the Diet remains in session until June 19 to permit the Upper House to deliberate on the treaty for the thirty-day period required by law. If the Upper House disagrees with the Lower House, or if the Upper House fails to act within the thirty-day period, the decision of the Lower House is the decision of the Diet.

The present Diet session, which in the ordinary course of events would have terminated on May 26, has now been extended for fifty days by vote of both houses, assuring the Upper House the necessary thirty days required by law.

The Lower House of the Diet approved the treaty by a vote of 218 to nothing, a clear majority of the 467 members of the Lower House. Prime Minister Kishi, however, had to overcome determined opposition before securing Lower House approval of the treaty. His difficulties arose from three primary sources. First, the Sino-Soviet Bloc externally and Japanese Communists internally used virtually every resource at their disposal in the fight to prevent Diet approval of the Treaty of Mutual Cooperation and Security. The Communist Bloc, whose immediate goal has been neutralization of Japan, considers the new treaty a most decisive set-back. The Soviet Union sent the Japanese Government a series of notes

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threatening

threatening dire consequences if the treaty was approved. A massive propaganda campaign was launched against Japan by the Sino-Soviet Bloc, with the Chinese Communists holding large-scale people's rallies in opposition to the treaty and the Kishi government. In addition, the Sino-Soviet Bloc has aided and abetted, including the probable provision of financial assistance, the local Japanese Communist efforts to organize its anti-treaty campaign.

The second major source of opposition came from the left-wing elements in Japan, principally the Left Socialist Party and the leftist trade union federation, Suiyo, who advocate a policy of accommodation with the Sino-Soviet Bloc. Within the Diet, the Left Socialists employed every tactic to delay and interrupt the Diet debate on the treaty and at the same time oppose extension of the Diet in order to prevent Diet action at the current session. Their tactics included boycott of Diet proceedings and, if necessary, the use of physical force to keep the Diet from being called into session. They also sought unsuccessfully during Diet debates to create serious doubts regarding the provisions of the new treaty arrangements.

Outside the Diet the left-wing elements have waged, with the Communists, an organized campaign of rallies and demonstrations opposing the new treaty arrangements, ever since the September, 1958, decision to renegotiate Japanese-American treaty arrangements was announced.

Demonstrations have increased in frequency and size as the time for a decision by the Diet approached. Most active among the demonstrators have been members of the radical student group, Seisakuren, whose position is so extreme that the Communist Party consider it too radical. This student



movement differs sharply from the Korean students, who during the recent crisis reflected the will of ordinary citizens. The Japanese student organization is an extremist fringe group.

Finally, elements within Prime Minister Kishi's own party, the Liberal Democratic Party, sought to exploit the treaty debates for personal political gain. These minority elements within the Liberal Democratic Party are not opposed to the new treaty arrangements, with one or two exceptions. However, they have offered support for the new treaty arrangements only at the price of securing personal political gain, if possible, through Prime Minister Kishi's resignation sometime later this year. The Prime Minister has therefore had a most difficult time keeping his own party in line.

Given this background of opposition to the treaty, the events surrounding the Lower House Diet action on the treaty are not surprising. The vote on the treaty was taken during a boycott of the Diet proceedings by both the opposition parties, the Left Socialists and the Democratic Socialists. About twenty-five members of Prime Minister Kishi's Liberal Democratic Party also abstained from voting, seeking political gain thereby. On the day of the vote on the treaty, Socialist Diet members kept the Speaker of the House imprisoned in his office for six hours in an attempt to keep the Diet from meeting. After numerous appeals to the Socialists, the Speaker was finally forced to summon police officers who physically removed the Socialist Diet members and permitted the Speaker to proceed to the floor to open the Diet session. The Speaker was also injured slightly by the Socialists when moving from his office to the Diet floor.

The purpose of this Diet session was initially to extend the term of the Diet for fifty days. As the situation developed and the Socialists

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resorted to violence, it became clear that a later vote on the treaty would be the occasion of further violence. In order to avoid a second violent encounter and further resort to the police to maintain order, Prime Minister Kishi decided that the extension of the term of the Diet and the treaty itself should be voted on at the same session.

The Lower House approval of the treaty provoked a series of left-wing demonstrations and criticism of Prime Minister Kishi's action by the press which ignored the provocative violence of the Socialists and was typically critical of the conservatives. The demonstrations reached their climax on May 26, when, according to Japanese police reports, sixty-two thousand took part in Tokyo and about two hundred and two thousand throughout the country. Participating in the demonstrations were solely the extremist groups, who have monopolized all the previous demonstrations against the treaty--the Japanese Socialist Party, the Communist Party, Seiyu and Kengakuren. The last of these, Kengakuren, is the only element which has resorted to any type of violent action. In accordance with past practice, most of these demonstrators received a small daily payment for their participation in the demonstrations. There was no indication of spontaneous public participation or even support for the demonstrations after the treaty was approved. Furthermore, in the last few days even the press has begun to be mildly critical of the left-wing activities against the treaty.

We are satisfied that the great majority of the Japanese people support a long-term association with the United States. One indication of this is the result of the only by-election that has been held in Japan since the treaty was presented to the Diet. In this election, held in Kumamoto Prefecture on May 18, the new treaty was the only major issue. The con-

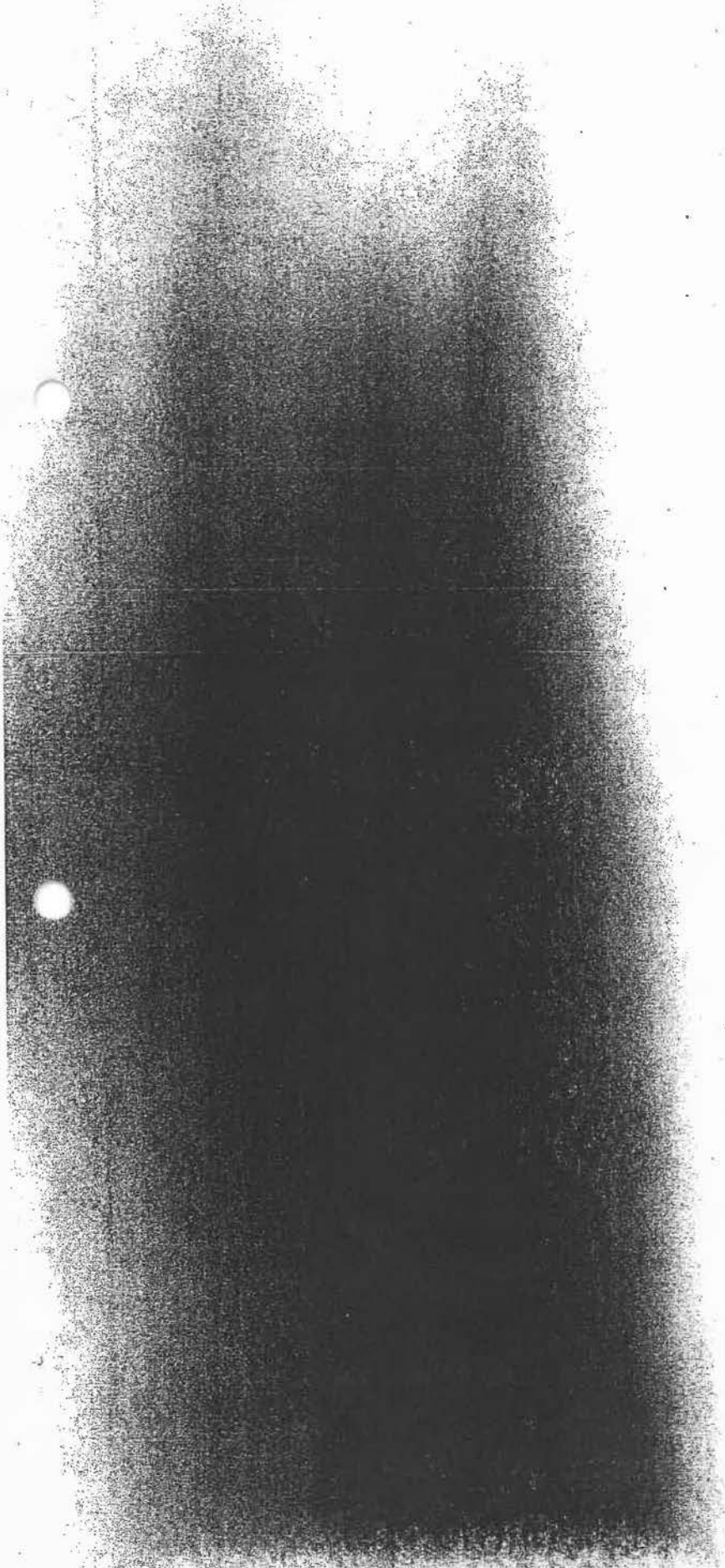
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servative

ervative candidates supporting the treaty polled more than three quarters of the vote, the same vote as received by the conservatives in June, 1959.

We remain confident that the great majority of the Japanese people consider this new treaty to be in their interest and will support it after ratification.

PRODUCTION INTERNATIONAL ARCHIVES



AGREEMENTS -  
LIST AND  
DESCRIPTION

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Investment  
Agreements  
- Securities  
- Contracts

SUMMARY OF AGREEMENTS REACHED IN CONNECTION WITH THE  
TREATY OF MUTUAL COOPERATION AND SECURITY WITH  
JAPAN

1. Treaty of Mutual Cooperation and Security.

(General description contained in the Secretary of State's letter of transmittal to the President of February 19, 1960, and in the principal witness statement. Detailed analysis of each article contained in a separate paper.)

2. Exchange of Notes Implementing Article VI (Consultation).

(See separate description of consultation arrangements.)

3. Status of Forces Agreement, with Agreed Minutes.

(See separate analysis of changes from Administrative Agreement.)

4. Agreed Minute to the Treaty of Mutual Cooperation and Security.

Under Article 3 of the Treaty of Peace with Japan, the United States administers the Bonin and Ryukyu Islands, of which Okinawa is by far the most important. While their status was not discussed in the course of the treaty negotiations, the inhabitants of these islands are Japanese nationals, and the Japanese Government is naturally interested in their welfare.

This interest is reflected in a minute to the treaty in which the Japanese Government expresses its intention to explore with the United States measures which it might be able to take for the welfare of the islanders in the event an armed attack occurs or is threatened against these islands. The United States Government in turn agrees to consult with the Japanese Government in the event of such an attack, and expresses its intention to take the necessary measures for the defense of the islands and to do its utmost to secure the welfare of the islanders.

5. Japanese Support for United Nations Forces in Korea - Exchange of Notes.

By an exchange of notes between Secretary of State Acheson and Prime Minister Yoshida, signed on September 8, 1951 (TIAS 2490, pp. 171-173; 3 UST 3326), the United States and Japan agreed that if the forces of a member of members of the United Nations should be engaged in any United Nations action in the Far East subsequent to the coming into force of

the Japanese

the Japanese Peace Treaty, Japan would permit and facilitate the support of such forces in and about Japan.

Under Japanese law, these notes would lapse, from a domestic viewpoint, with the termination of the present United States-Japan Security Treaty unless special provisions were made. Thus new notes were exchanged providing for the continuance in effect of the Acheson-Yoshida notes so long as the agreement regarding the Status of United Nations Forces in Japan, signed February 19, 1954, (TIAS 2995; 5 UST 1123) remains in force.

6. Establishment of the Security Consultative Committee - Exchange of Notes.

An exchange of notes establishes "The Security Consultative Committee", replacing the Japanese-American Committee on Security that has functioned during the past three years. The personnel of the committee is unchanged, consisting of our Ambassador to Japan and the Commander in Chief, Pacific, on the United States side and the Foreign Minister and Director General of the Defense Agency on the Japanese side. It is designed to be used as appropriate as the channel for consultation between the two governments under Article IV of the Treaty and under the exchange of notes on consultation.

7. Terminal Payments to Certain Discharged Employees - Exchange of Notes.

One of the recurring problems under the old Administrative Agreement was the handling of cases of Japanese employees of United States forces discharged for security reasons. If the employee appeals his case to a court or Labor Relations Commission, United States forces are often not in a position to produce evidence to defend their action, since confidential information would be revealed in the process. New provisions have been added to Article XII of the Japan Status of Forces Agreement to deal with this situation. These provide, among other things, for separate agreement between the two governments regarding the amount of terminal payments to discharged employees when their reinstatement has been ordered by a court or Commission but our forces do not wish to re-employ them. This exchange of notes establishes the maximum sum of one year's salary and allowances, the actual sum to be determined in consultation on the basis of mutually agreeable criteria. We expect these criteria to be worked out by the new Joint Committee established by Article XXV of the Japan Status of Forces Agreement.

8. Amendment of the Mutual Defense Assistance Agreement - Exchange of Notes.

The Mutual Defense Assistance Agreement of 1954 contained several references to the Security Treaty of 1951 and the Administrative Agreement of 1952. These references have been amended to reflect the forthcoming

replacement

replacement of these agreements by the Treaty of Mutual Cooperation and Security and the Japan Status of Forces Agreement. As a purely technical amendment to an executive agreement, it has not been formally submitted to the Senate.



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RG: 059

TAB #: 1

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Document Date: 06/06/1960

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CLASSIFIED AGREEMENT-SUMMARY

In the review of this file this item was removed because access to it is restricted. Restrictions on records in the National Archives are stated in general and specific record group restriction statements which are available for examination. The item identified above has been withdrawn because it contains:

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SUMMARY OF UNPUBLISHED AGREEMENTS REACHED IN CONNECTION  
WITH THE TREATY OF MUTUAL COOPERATION AND SECURITY  
WITH JAPAN

1. Consultation - Record of Discussion. (Confidential)

This is a confidential <sup>interpretation</sup> agreement defining more precisely the consultation arrangements combined in the public exchange of notes. This has the effect of restricting our obligations to consult on "deployment" to the introduction into Japan of nuclear weapons and large missiles and on "operations" to military combat operations that may be initiated from Japan against areas outside Japan. (See also description of consultation arrangements.)

2. Consultation - Consultative Committee Minute. (Secret - Limit Distribution)

This is a secret arrangement for advance consultation to permit us to react immediately from Japanese bases to a renewal of the Communist attack in Korea. (See also description of consultation arrangements.)

3. Agreements of the Joint Committee Established by Article XXVI of the Administrative Agreement - Minute. (Limited Official Use)

The Joint Committee established by Article XXVI of the Administrative Agreement has developed, over the past eight years, a large body of detailed arrangements implementing the Administrative Agreement. These arrangements will be preserved intact by a minute initialed by the negotiators for adoption at the first meeting of the Joint Committee established by Article XXV of the Japan Status of Forces Agreement. This minute bears a low classification at Japanese request in conformity with standard Japanese practice for classifying Joint Committee transactions.

4. United States Base Rights and Waiver of Private Claims - Minute. (Official Use Only)

The negotiators initialed an interpretive minute for the guidance of the new Joint Committee clarifying the meaning of Article III, Paragraph 1, and rescinding in part an agreed view relating to Article XVIII, Paragraph 4 of the Japan Status of Forces Agreement. This minute bears a low classification at Japanese request in conformity with standard Japanese practice for classifying Joint Committee transactions.

The minute

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**1960/06/07**

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TREATY

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TEXT  
AND  
APPENDICES

TREATY OF MUTUAL COOPERATION AND SECURITY  
BETWEEN THE UNITED STATES OF AMERICA AND JAPAN

Treaty Text

The United States of America and Japan,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well-being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Comments

The title and the Preamble, taken as a whole, reflect the broad degree of interdependence between the United States and Japan and the intent of both countries to further their cooperation in the political and economic as well as security fields. The language in the Preamble is accordingly broader and more comprehensive than that of other bilateral security treaties with countries in the Pacific area.

The first clause was adapted from the Friendship, Commerce, and Navigation (FCN) Treaty with Japan; the second clause corresponds to the language of the SEATO Treaty.

While there is no exact parallel in other treaties, the language was adapted from the FCN Treaty with Japan and the North Atlantic Treaty. The FCN Treaty speaks of being "desirous...of encouraging closer economic and cultural relations..."; the North Atlantic Treaty has an objective to "seek to promote stability and well-being..."

This language substantially corresponds to the language in the NATO, SEATO, ANZUS, and Philippine Treaties.

This language, drawn from Article 51 of the UN Charter, emphasizes the consistency of the Treaty with the UN Charter.

Treaty Text

Considering that they have a common concern in the maintenance of international peace and security in the Far East,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

Article I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

The Parties will endeavor in concert with other peace-loving countries to strengthen the United

Comments

This paragraph sets forth the security purposes of the Treaty. Other Pacific bilaterals contain the following language: "Desiring further to strengthen their present efforts [ANZUS - 'coordinate their efforts'] for collective defense for the preservation of peace and security pending the development of a more comprehensive system of regional security in the Pacific Area [China - 'West Pacific Area'],".

Paragraph 1 generally corresponds to the language of other security treaties, although there is one slight variation in language. Other treaties read, "...the threat or use of force in any manner inconsistent with the purposes of the United Nations." The additional language added to this Article is drawn from a United States-Japanese agreement of September 14, 1957, defining the relationship between the 1951 Security Treaty and the UN Charter. This agreement in turn used language from Article 2(4) of the UN Charter, which specifies that members will refrain from the threat or use of force "against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

Paragraph 2 has no precedents in other treaties. It expresses active support for the United Nations



Treaty Text

Nations so that its mission of maintaining international peace and security may be discharged more effectively.

Article II

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between them.

Article III

The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.

Comments

ipits mission of maintaining peace and security, and serves further to emphasize the obligations of the Parties to the United Nations.

This corresponds to Article 2 of NATO. It reaffirms the broad community of interest between the two countries but does not represent any specific commitments in the economic area.

This article embodies the principles of the Vandenberg Resolution of 1948, which calls for association of the United States with collective arrangements "based on continued and effective self-help and mutual aid..." Although the Japanese Government was fully prepared to express its intention to maintain and develop its capacity to resist armed attack, the language of the article was modified from that used in previous treaties to meet several problems faced by Japan. First, "individually and in cooperation with each other" replaces "separately and jointly" appearing in other treaties. The meaning is substantially the same, but this language avoids the implication that Japan might be obligated, in violation of its Constitution, to contribute outside the treaty area to United States military capabilities to resist armed attack. Second,

Treaty Text

Comments

Article IV

The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East is threatened.

"capacities to resist armed attack" replaces "individual and collective capacity to resist armed attack" appearing in most other treaties. This language was developed to solve a semantic problem. The Japanese word for "collective" connotes a multilateral arrangement which they felt would be inappropriate in a bilateral treaty. Finally, the phrase "subject to their constitutional provisions" was added to make clear that the Japanese development of its armed forces would be consistent with the Japanese Constitution, limiting these forces to the defense of Japan. For the United States, this addition does not affect the substance of the article.

There are similar provisions for consultation in all United States security treaties, with some variation in language. Most other treaties call for consultation "whenever the territorial integrity, political independence, or security of either of the Parties is threatened". The language of this Article was developed to reflect the fact that the principal common concerns of the two countries in the security field are the security of Japan (Article V) and the maintenance of international peace and security in the Far East (Preamble and Article VI).

Article V

Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet

Paragraph 1 of this Article is the operative section of the Treaty and corresponds to the pattern of other Pacific treaties, with two exceptions:

1. The area of common concern is restricted to

-5-

Treaty Text

the common danger in accordance with its constitutional provisions and processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Comments

"territories under the administration of Japan". This restriction is necessitated by the current interpretation of Article 9 of the Japanese Constitution that Japan's Self-Defense Forces may not be despatched abroad. The treaty area would automatically be broadened to include Japanese territories now occupied by the Soviet Union, or island groups in which Japan holds residual sovereignty but which are now administered by the United States under Article III of the Peace Treaty with Japan, in the event they were returned to Japanese administration.

2. Other Pacific treaties call for each Party to act to meet the common danger "in accordance with its constitutional processes". The addition of "provisions" is a reflection of the Japanese need to make clear that any action taken will be in self-defense. For the United States, this addition is not considered to imply any change in the substance of the commitment.

Paragraph 2 corresponds to similar provisions in other security treaties, except that the language "in accordance with the provisions of Article 51 of the Charter" has been added. This language serves to call attention to the compatibility of the Treaty with the UN Charter, but does not affect the substance of the paragraph.

Treaty Text

Article VI

For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan.

The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by a separate agreement, replacing the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan, signed at Tokyo on February 28, 1952, as amended, and by such other arrangements as may be agreed upon.

Comments

This Article providing for the stationing of United States forces in Japan has no exact counterpart in other treaties. However, there are similar provisions in Article IV of the ROK treaty and Article VII of the treaty with China. Article VII of the China treaty reads: "The Government of the Republic of China grants, and the United States of America accepts, the right to dispose such United States land, air and sea forces in and about Taiwan and the Pescadores as may be required for their defense, as determined by mutual agreement." In other cases, the stationing of United States forces on foreign territory is covered by other arrangements.

In providing for use by the United States of military bases in Japan, this Article sets forth the purposes for which these bases may be used, i.e., contributing to the security of Japan and the maintenance of international peace and security in the Far East. The term "Far East" has long been employed in international relations to indicate a general area; it appears in the Security Treaty of 1951 which this treaty replaces. However, it does not have an internationally agreed definition, and cannot be defined in precise geographical terms.

The language "such other arrangements as may be agreed upon" establishes a basis for arrangements in addition to the new status of forces agreement. Among the documents which we submitted to the Senate for its information is an exchange of notes which is an example of this type of arrangement. This exchange provides for consultation between the two governments under certain circumstances. This language is also designed to cover possible contingencies that

Treaty Text

Comments

REPRODUCED AT THE NATIONAL ARCHIVES

Article VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

May not have been foreseen in the arrangements already concluded. In the light of our experience with the old Security Treaty, we doubt whether there will be any need for additional "other arrangements".

Article VIII

This Treaty shall be ratified by the United States of America and Japan in accordance with their respective constitutional processes and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in Tokyo.

This language corresponds to language in the ANZUS, Philippine, China, and SEATO treaties.

Normal ratification and entry into force.

Article IX

The Security Treaty between the United States of America and Japan signed at the city of San Francisco on September 8, 1951, shall expire upon the entering into force of this Treaty.

No comment (self-explanatory).

Article X

This Treaty shall remain in force until in the opinion of the Governments of the United States of America and Japan there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area.

The first paragraph flows in part from a similar provision in the present Security Treaty. Its purpose is to emphasize again the compatibility of this Treaty with the United Nations Charter and the point that this Treaty, and in fact other mutual security treaties, have been entered into



Treaty Text

However, after the Treaty has been in force for ten years, either Party may give notice to the other Party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice has been given.

Comments

in the present absence of adequate UN arrangements for the maintenance of international peace and security.

The second paragraph sets a definite minimum duration for the Treaty, as is the case in the North Atlantic Treaty, rather than the pattern of other Pacific treaties, which may be denounced on one year's notice. This provision permits the maintenance of base arrangements for a guaranteed minimum period of eleven years which was considered desirable for the effective functioning of our bases in Japan.

REPRODUCED AT THE NATIONAL ARCHIVES

QUESTIONS  
AND  
ANSWERS

(UNCLASSIFIED)

Question: Why is the treaty area limited to Japan?

Answer: The Japanese Constitution contains the following provision:

"Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

"In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized."

The Japanese consider that this language does not override the inherent right of all nations to act in self-defense, or preclude the maintenance of Self-Defense Forces. In December, 1959, the Japanese Supreme Court by unanimous decision confirmed the view that this provision of the Constitution does not negate Japan's right of self-defense. This language is, however, presently interpreted as precluding the despatch of Japanese forces abroad. The Japanese therefore feel bound by their Constitution not to undertake any defense obligations with respect to territories not under their administrative control.

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The minute on Article III confirms that United States rights within our bases remain the same as under Article III of the Administrative Agreement, although the language has been changed to bring the wording into closer consonance with established practice.

The minute on Article XVIII makes clear that the governments cannot waive the death or personal injury claims of their employees or their heirs against the other government, while reserving the position of the Japanese Government that it will not be expected to compensate a claimant or heir who has already been compensated by the United States.

5. MDAA Agreement. (Unclassified)

An exchange of notes making minor technical amendments to the Mutual Defense Assistance Agreement with Japan was not submitted to the Senate, but will be published in the Treaties and Other International Acts Series when it goes into effect. It was not submitted to the Senate for its information, since it was an amendment of an executive agreement that had not been submitted to the Senate.

P2

(UNCLASSIFIED)

Question: What is the significance of the change from "constitutional processes" to "constitutional provisions and processes"? The former was good enough for our other Pacific treaties.

Answer: There is no substantive difference between the language, "constitutional processes" used, e.g., in the SEATO and ANZUS treaties and "constitutional provisions and processes" used in Article V of the Treaty with Japan. The new language merely gives recognition to the particular constitutional problems faced by Japan because of Article 9 of the Japanese Constitution which provides, inter alia:

"...the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

"In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained."

Japan considers that this article limits it to actions in the self-defense of Japan. Thus the new language was important to the Japanese in order to emphasize that the treaty does not impose on either party obligations conflicting with its constitutional provisions.

(UNCLASSIFIED)

Constitutional provisions  
Pl

(UNCLASSIFIED)

Question: Why does the treaty provide that the parties will improve their defenses "subject to their constitutional provisions?"

Answer: This language gives recognition to the particular constitutional problem faced by Japan as a result of Article 9 of its Constitution. That Article provides:

"...the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

"In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained."

The Japanese consider this article as permitting Japan to maintain "self-defense forces" and as limiting its actions to the self-defense of Japan. The language, "subject to their constitutional provisions", is thus a mere acknowledgment of the fact that neither party is obliged to act in contravention of its constitutional provisions. In effect, there is no substantive difference between this phrase used in Article III and "in accordance with constitutional provisions and processes" in Article V.

(UNCLASSIFIED)

A2

(UNCLASSIFIED)

Question: What effect will the reference to economic cooperation in the treaty have on our economic relations with Japan?

Answer: None. This language emphasizes the broad range of mutual interests of the two countries. Our economic relations will continue to be based on our FCN treaty and GATT.

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(CONFIDENTIAL)

(BEGIN UNCLASSIFIED)

Question: What is the extent of the Far East as the term is used in the treaty?

Answer: In a recent review of the usage of regional designations (Department of State Bulletin, February 1, 1960), the Department of State geographer stated that the term "Far East" denotes no sharp delineation. The term is used in the treaty to describe the general area in which the maintenance of international peace and security is the common concern of both the United States and Japan and the area in the defense of which United States bases in Japan might as a practical matter be employed.

(For use if pressed) In discussions on this question in the Japanese Diet, Prime Minister Kishi referred to the "Far East" in the following terms:

"The treaty area of the Security Treaty is clearly defined as the territories under the administration of Japan, but the treaty also refers to international peace and security in the Far East. The Far East as a general expression cannot be defined in precise geographical terms, but the common concern of Japan and the United States as stated in the treaty is the maintenance of international peace and security in the Far East. In this sense, as a practical matter the area of common concern in the Far East, so far as the treaty is concerned, is that area to the defense of which against armed attack, United States forces based in Japan are capable of contributing by the use of facilities and areas in Japan. Such an area is primarily the region north of the Philippines inclusive, as well as Japan and its surrounding area, including the Republic of Korea, and the area under the control of the Republic of China.

"In supplement to this underlying concept of the Security Treaty, it is added that should an armed attack be made on this area or should the security of this area be threatened by a development in the surrounding area, the extent of the action that the United States may take in response would depend on the nature of the attack or threat, and would not necessarily be restricted to that particular area. However, the United States action has its basic limitation since it would be taken only to resist aggression as an exercise of the right of individual or collective self-defense recognized in the Charter of the United Nations. If such United States action is accompanied by combat action, the use of a facility in Japan for this purpose is certainly subject to prior consultation with the Japanese Government. In this connection, the President has assured Prime Minister Kishi that the United States has no intention of acting in a manner contrary to the wishes of the Japanese Government as expressed in such prior consultation."

(END UNCLASSIFIED)

~~CONFIDENTIAL~~ (CONFIDENTIAL)

We think this is a reasonable definition, for it defines the issue in practical terms of mutual interest rather than in precise geographical terms. The geographical definition used is general enough to cover the areas in the defense of which United States bases in Japan might as a practical matter be employed.

(For use if queried on Kishi's definition of "Far East") First of all, you will note that Prime Minister Kishi said that the Far East is "primarily" the area he described. Secondly, the Japanese phrase "the region north of the Philippines inclusive" means the region beginning with the Philippines and extending northward. We interpret this as including the entire Philippine archipelago and the SEATO area in general."

(END CONFIDENTIAL)

(UNCLASSIFIED)

Question: Why does this treaty contain so many references to the United Nations?

Answer: Compared with our other Pacific treaties, this treaty does contain several additional references to the United Nations. These references make explicit the relationship of this treaty to the United Nations Charter. This relationship, while in some cases spelled out less clearly, is also implicit in all our other security treaties.

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Question: What are the principal differences between this treaty and our other Pacific treaties?

Answer: The general pattern is quite similar to our other Pacific treaties. However, each one of these treaties differs slightly from the others, reflecting the particular circumstances of the other signatories. In the Korean Pact, for instance, we took account of the fact that the Republic of Korea has administrative control over only a part of the Korean peninsula. The China Pact reflected the actual conditions in the Taiwan Strait.

In the case of Japan the main differences from other Pacific treaties arise from three factors:

1. The Japanese Constitution, which renounced war and the maintenance of war potential. This is presently interpreted to preclude any military action that is not strictly in self-defense, including the despatch of forces abroad. This has resulted, for instance, in the limitation of the treaty area to the territory under the administrative control of Japan.
2. Japan's desire for an expansion of the references to the United Nations in the Japan treaty. In general, these make more explicit the relationship between the treaty and the UN Charter, a relationship which, while less clearly stated, is implicit in all our mutual security treaties.
3. The importance of political and economic cooperation in Japanese-American relations. This is reflected in the Preamble and in Article II. The language is general, and does not represent any additional commitments in the economic area.

Compared with other mutual security treaties in the Pacific, this treaty has more specific provisions for base rights. (The Philippine Base Agreement, an executive agreement, grants bases to the U.S. for 99 years. The China and Korea pacts grant us the right to "station forces" on their territory.) In addition, this treaty has a minimum duration of eleven years, whereas other Pacific treaties may be terminated on one year's notice.

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Question: What are the principal differences between the present treaty and the treaty it replaces?

Answer: In general, the old treaty dealt only with security matters, and was based on the situation nine years ago when Japan had no armed forces and was completely dependent on the United States for her security. The new treaty reflects current conditions, is broader in scope, and is based on principles of mutual respect and cooperation between sovereign, equal partners. The new treaty follows more closely the pattern of our other mutual security treaties. More specifically, the following provisions of the old treaty no longer appear in any form:

1. The provision for the use of United States forces in quelling internal disturbances in Japan.
2. The provision for a United States veto power over any arrangements for the entry of the forces of a third power into Japan.

The new treaty and other arrangements contain the following operative elements not present in the old treaty:

1. Both parties pledge themselves to maintain and develop their capacities to resist armed attack. (Article III)
2. Formal arrangements for consultation (Article IV; exchange of notes on consultation, pages 9 and 10; and exchange of notes establishing the Security Consultative Committee, pages 11 and 12).
3. Most important, the United States has agreed to assist Japan in the event of an attack against either party in the territories under the administration of Japan (Article V). The old treaty contained no such commitment and provided only that such forces may be utilized to contribute to the security of Japan.
4. A definite period of duration (11 years) and provision for termination thereafter (Article X).

The principal common element of the two treaties is the provision for the stationing of United States forces at bases on Japanese soil.

(UNCLASSIFIED)

Consultations  
and  
Korea.

W I T H D R A W A L N O T I C E

RG: 059  
 ENTRY: 000

TAB #: 2  
 1 / 2 / C /  
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BOX: 24

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

Folder Title: US JPN TREATY (BRIEFING BOOK)  
 Document Date: 06/06/1960  
 Document Ser.#: \_\_\_\_\_

CONSULTATION AND KOREA

In the review of this file this item was removed because access to it is restricted. Restrictions on records in the National Archives are stated in general and specific record group restriction statements which are available for examination. The item identified above has been withdrawn because it contains:

X Security Classified Information

NND: 19989581  
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WITHDRAWN: 12/13/1999 by: JH

FOIA RETRIEVAL #: 19989581 00024 00002

Description  
of  
Arrangements

DESCRIPTION OF CONSULTATION ARRANGEMENTS UNDER THE  
TREATY OF MUTUAL COOPERATION AND SECURITY  
WITH JAPAN

There is set forth below a summary of our arrangements with the Japanese for consultation regarding major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of United States bases in Japan for military combat operations outside Japan. The texts of the relevant agreements are attached.

In addition to the specific arrangements for consultation set forth below, Article IV of the treaty provides in general for consultation to implement the treaty and whenever the security of Japan or international peace and security in the Far East is threatened.

I. Consultation with Japan Required (~~Confidential~~)

- A. Military combat operations that are initiated from Japan against areas outside Japan.
- B. The introduction into Japan of nuclear weapons.
- C. The introduction into Japan of intermediate or long-range missiles.
- D. The construction in Japan of bases for nuclear weapons, including intermediate and long-range missiles.
- E. Major changes in the deployment into Japan of United States armed forces.

II. Presidential Assurance on Consultation (Unclassified)

(Extract from Eisenhower-Kishi Joint Communiqué of January 19, 1960)  
"The President assured [the Prime Minister] that the United States Government has no intention of acting in a manner contrary to the wishes of the Japanese Government with respect to the matters involving prior consultation under the treaty."

III. Consultation with Japan not Required

- A. Use of bases in Japan for logistic purposes (Unclassified).
- B. Transfer of United States armed forces units and their equipment from Japan, whether to the United States or to other areas in the Far East. (Unclassified)

C. Transit

DECLASSIFIED  
Authority NND 989581  
By JK, NARA, Date 7/14

- C. Transit of ports or airbases in Japan by United States vessels and aircraft, regardless of their armament. (~~Confidential~~)
- D. Introduction into Japan of non-nuclear weapons, including short-range missiles without nuclear components. (~~Confidential~~)

IV. Arrangements for Prior Consultation Already Completed (~~Secret~~).

At the first meeting of the United States-Japan Security Consultative Committee following the entry into force of the new treaty arrangements, Foreign Minister Fujiyama will state the view of the Japanese Government that "as an exceptional measure in the event of an emergency resulting from an attack against the United Nations Forces in Korea, facilities and areas in Japan may be used for such military combat operations as need be undertaken immediately by the United States armed forces in Japan under the unified command of the United Nations as the response to such an armed attack in order to enable the United Nations Forces in Korea to repel an armed attack made in violation of the Armistice."

UNCLASSIFIED

Authority AND 789581

By: J. NARA Date 4/5/89

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TREATY OF MUTUAL COOPERATION AND SECURITY  
WITH JAPAN

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- B. Transfer of United States armed forces units and their equipment from Japan, whether to the United States or to other areas in the Far East. (Unclassified)

C. Transit

Authority AND 789581  
By J. WARA Date 4/5/50

- C. Transit of ports or airbases in Japan by United States vessels and aircraft, regardless of their armament. (Confidential)
- D. Introduction into Japan of non-nuclear weapons, including short-range missiles without nuclear components. (Confidential)

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At the first meeting of the United States-Japan Security Consultative Committee following the entry into force of the new treaty arrangements, Foreign Minister Fujiyama will state the view of the Japanese Government that "as an exceptional measure in the event of an emergency resulting from an attack against the United Nations Forces in Korea, facilities and areas in Japan may be used for such military combat operations as need be undertaken immediately by the United States armed forces in Japan under the unified command of the United Nations as the response to such an armed attack in order to enable the United Nations Forces in Korea to repel an armed attack made in violation of the Armistice."



00046

1960/06/07

Questions  
and  
Answers

W I T H D R A W A L   N O T I C E

RG: 059

TAB #: 4

ENTRY: 000

1 / 1 / S /  
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REGRADED: S  
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BOX: 24

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

Folder Title: US JPN TREATY (BRIEFING BOOK)  
Document Date: 06/06/1960  
Document Ser.#: \_\_\_\_\_

QUESTIONS AND ANSWERS

In the review of this file this item was removed because access to it is restricted. Restrictions on records in the National Archives are stated in general and specific record group restriction statements which are available for examination. The item identified above has been withdrawn because it contains:

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NND: 19989581  
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WITHDRAWN: 12/13/1999 by: JH

FOIA RETRIEVAL #: 19989581 00024 00004

*Description of Arrangement*

UNCLASSIFIED  
Authority AND 789581  
By SA NARA Data Date 4/8/88

FEARNEY

Import

CONFIDENTIAL

TREATY OF MUTUAL COOPERATION AND SECURITY  
RECORD OF DISCUSSION

Tokyo, \_\_\_\_\_, 1959.

1. Reference is made to the draft Exchange of Notes concerning the implementation of Article VI of the Treaty, the operative part of which reads as follows:

"Major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under Article V of the said Treaty, shall be the subjects of prior consultation with the Government of Japan."

2. The Notes were drawn up with the following points being taken into consideration and understood:

a. "Major changes in their equipment" is understood to mean the introduction into Japan of nuclear weapons, including intermediate and long-range missiles as well as the construction of bases for such weapons, and will not, for example, mean the introduction of non-nuclear weapons including short-range missiles without nuclear components.

b. "Military combat operations" is understood to mean military combat operations that may be initiated from Japan against areas outside Japan.

c. "Prior consultation" will not be interpreted as affecting present procedures regarding the deployment of United States armed forces and their equipment into Japan and those for the entry of United

CONFIDENTIAL

UNCLASSIFIED

Authority AND 759581

By [Signature] NARA Date 4/8/88

CONFIDENTIAL

-2-

States military aircraft and the entry into Japanese waters and ports by United States naval vessels, except in the case of major changes in the deployment into Japan of United States armed forces.

d. Nothing in the Exchange of Notes will be construed as requiring "prior consultation" on the transfer of units of United States armed forces and their equipment from Japan.

CONFIDENTIAL

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**1959/12/00**

(CONFIDENTIAL)

(BEGIN UNCLASSIFIED)

Question: Please explain just what sort of things we are obligated to consult the Japanese about.

Answer: Our consultation agreement provides that we will consult Japan regarding major changes in the deployment or equipment of our forces and regarding the use of our bases in Japan for the direct launching of military combat operations. Purely logistical operations may be carried out without consultation. (END UNCLASSIFIED) (BEGIN CONFIDENTIAL) As a practical matter, consultation on "major changes" will be restricted to the question of bringing nuclear weapons and large missiles into Japan. The Japanese people are particularly sensitive to the question of nuclear weapons, and have so far been strongly opposed to having them on Japanese soil. (END CONFIDENTIAL)

(CONFIDENTIAL)

Consultation on Nuclear Weapons

The consultation agreement calls for consultation with the Japanese Government regarding "major changes" in the equipment of the United States forces in Japan. The introduction of nuclear weapons and intermediate or long-range missiles into Japan are examples of "major changes" in equipment which would be subject to consultation.



(UNCLASSIFIED)

Question: Why do we have to give the Japanese a veto power over our use of bases in Japan?

Answer: The term "veto" is not completely accurate. We have agreed to consult with the Japanese in the event we wish to do certain specific things with our bases in Japan. The President has also informed Prime Minister Kishi that we have no intention of acting contrary to the wishes of the Japanese regarding questions subject to consultation. Our consultation arrangements recognize the practical realities of our relationship with Japan. If we acted contrary to Japanese wishes, we could soon find our presence unwelcome and could be forced to withdraw.

(UNCLASSIFIED)

*Japan  
USA*

(UNCLASSIFIED)

Question: Do we have to consult with Japan about the operation of the Seventh Fleet?

Answer: No. The Seventh Fleet is a highly mobile unit, operating without fixed land bases. While vessels of the Seventh Fleet use the facilities of our bases in Japan from time to time, they are not in general subject to our consultation agreement.

(UNCLASSIFIED)

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Fleet*

(UNCLASSIFIED)

Question: What did the President mean when he said we have no intention of acting contrary to the wishes of the Japanese Government with respect to these matters involving prior consultation?

Answer: I think this language speaks for itself. I would prefer not to attempt to rephrase the President's statement.

(UNCLASSIFIED)

(UNCLASSIFIED)

Question: Why was the statement of intention not to act contrary to the wishes of the Japanese not included in one of the formal agreements?

Answer: We did not consider it appropriate to incorporate this into a formal document. It is essentially a reaffirmation of the meaning of the formal consultation agreement when considered in the light of the guiding principles of our relations with Japan: mutual confidence and respect for the sovereign independence of the other country.

(UNCLASSIFIED)

U.S.  
Interest

Texts

-38-

EXCHANGE OF NOTES INCORPORATING AGREED CONSULTATION  
FORMULA  
(Japanese Note)

Excellency:

I have the honour to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of Article VI thereof:

Major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under Article V of the said Treaty, shall be the subjects of prior consultation with the Government of Japan.

I should be appreciative if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of the United States of America.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(U.S. Reply)

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

(Text of Note)

I have the honor to confirm on behalf of my Government that the foregoing is also the understanding of the Government of the United States of America.

Accept, Excellency, the renewed assurances of my highest consideration.

To Prof Gabe

I omit copies of the rest of the documents  
cause it is made public "

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Publ  
No

SECRETARY OF STATE TO THE JAPANESE PRIME MINISTER

United States Delegation  
San Francisco  
September 8, 1951

Excellency:

Upon the coming into force of the Treaty of Peace signed today, Japan will assume obligations expressed in Article 2 of the Charter of the United Nations which required the giving to the United Nations of "every assistance in any action it takes in accordance with the present Charter".

As we know, armed aggression has occurred in Korea, against which the United Nations and its members are taking action. There has been established a unified command of the United Nations under the United States pursuant to Security Council Resolution of July 7, 1950, and the General Assembly, by Resolution of February 1, 1951, has called upon all states and authorities to lend every assistance to the United Nations action and to refrain from giving any assistance to the aggressor. With the approval of SCAP, Japan has been and now is rendering important assistance to the United Nations action in the form of facilities and services made available to the members of the United Nations, the Armed Forces of which are participating in the United Nations action.

Since the future is unsettled and it may unhappily be that the occasion for facilities and services in Japan in support of United Nations action will continue or recur, I would appreciate confirmation, on behalf of your Government, that if and when the forces of a member or members of the United Nations are engaged in any United Nations action in the Far East after the Treaty of Peace comes into force, Japan will permit and facilitate the support in and about Japan, by the member or members, of the forces engaged in such United Nations action; the expenses involved in the use of Japanese facilities and services to be borne as at present or as otherwise mutually agreed between Japan and the United Nations member concerned. In so far as the United States is concerned the use of facilities and services over and above those provided to the United States pursuant to the Administrative Agreement which will implement the Security Treaty between the United States and Japan, would be at United States expense, as at present.

Accept, Excellency, the assurances of my most distinguished consideration.

Dean Acheson

His Excellency  
Shigeru Yoshida,  
Prime Minister of Japan.

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THE JAPANESE PRIME MINISTER TO THE SECRETARY OF STATE

Japanese Delegation,  
San Francisco,  
September 8, 1951

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date in which Your Excellency has informed me as follows:

Upon the coming into force of the Treaty of Peace signed today, Japan will assume the obligations expressed in Article 2 of the Charter of the United Nations which requires the giving to the United Nations of "every assistance in any action it takes in accordance with the present Charter."

As we know, armed aggression has occurred in Korea, against which the United Nations and its Members are taking action. There has been established a Unified Command of the United Nations under the United States pursuant to Security Council Resolution of July 7, 1950, and the General Assembly, by Resolution of February 1, 1951, has called upon all states and authorities to lend every assistance to the United Nations action and to refrain from giving any assistance to the aggressor. With the approval of SCAP, Japan has been and now is rendering important assistance to the United Nations action in the form of facilities and services made available to the Members of the United Nations, the armed forces of which are participating in the United Nations action.

Since the future is unsettled and it may unhappily be that the occasion for facilities and services in Japan in support of United Nations action will continue or recur, I would appreciate confirmation, on behalf of your Government, that if and when the forces of a Member or Members of the United Nations are engaged in any United Nations action in the Far East after the Treaty of Peace comes into force, Japan will permit and facilitate the support in and about Japan, by the Member or Members, of the forces engaged in such United Nations actions; the expenses involved in the use of Japanese facilities and services to be borne as at present or as otherwise mutually agreed between Japan and the United Nations Member concerned. In so far as the United States is concerned the use of facilities and services, over and above those provided to the United States pursuant to the Administrative Agreement which will implement the Security Treaty between the United States and Japan, would be at United States expense, as at present.

With full cognizance of the contents of Your Excellency's Note, I have the honor, on behalf of my Government, to confirm that if and when the forces of a Member or Members of the United Nations are engaged in any United Nations action in the Far East after the Treaty of Peace comes into force, Japan will permit and facilitate the support in and about Japan, by the Member or Members of the forces engaged in such United Nations action, the expenses involved in the use of Japanese facilities and services to be borne as at

present



- 3 -

present or as otherwise mutually agreed between Japan and the United Nations Member concerned. In so far as the United States is concerned the use of facilities and services, over and above those provided to the United States pursuant to the Administrative Agreement which will implement the Security Agreement between Japan and the United States would be at United States expense, as at present.

Accept, Excellency, the assurance of my most distinguished consideration.

Shigeru Yoshida

Shigeru Yoshida  
Prime Minister and  
concurrently Minister for Foreign Affairs  
of Japan

His Excellency  
Dean Acheson,  
Secretary of State  
of the United States of America.

EXCHANGE OF NOTES PROVIDING FOR CONTINUANCE IN EFFECT  
OF ACHESON-YOSHIDA EXCHANGE OF NOTES

(U.S. Note)

Excellency:

I have the honor to refer to the Security Treaty between the United States of America and Japan signed at the city of San Francisco on September 8, 1951, the exchange of notes effected on the same date between Mr. Shigeru Yoshida, Prime Minister of Japan, and Mr. Dean Acheson, Secretary of State of the United States of America and the Agreement Regarding the Status of the United Nations Forces in Japan signed at Tokyo on February 19, 1954, as well as the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today. It is the understanding of my Government that:

1. The above-mentioned exchange of notes will continue to be in force so long as the Agreement Regarding the Status of the United Nations Forces in Japan remains in force.

2. The expression "those facilities and areas the use of which is provided to the United States of America under the Security Treaty between Japan and the United States of America" in Article V, paragraph 2 of the above-mentioned Agreement is understood to mean the facilities and the areas the use of which is granted to the United States of America under the Treaty of Mutual Cooperation and Security.

3. The use of the facilities and areas by the United States armed forces under the Unified Command of the United Nations established pursuant to the Security Council Resolution of July 7, 1950, and their status in Japan are governed by arrangements made pursuant to the Treaty of Mutual Cooperation and Security.

I should be grateful if Your Excellency could confirm on behalf of your Government that the understanding of my Government stated in the foregoing numbered paragraphs is also the understanding of your Government and that this understanding shall enter into operation on the date of the entry into force of the Treaty of Mutual Cooperation and Security signed at Washington, January 19, 1960.

Accept, Excellency, the renewed assurances of my highest consideration.

Japanese Reply

Acheson  
-Yoshida  
Vanderson

(Japanese Reply)

Excellency:

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

(Text of U.S. Note)

I have the honour to confirm on behalf of my Government that the foregoing is also the understanding of the Government of Japan.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

RECORDED AT THE NATIONAL ARCHIVES

STATUS  
OF  
FORCES

REPRODUCED AT THE NATIONAL ARCHIVES

Changes from  
Administrative  
Arrangements

COMPARATIVE ANALYSIS OF THE ADMINISTRATIVE AGREEMENT AND THE  
JAPAN STATUS OF FORCES AGREEMENT

1 2 minutes - III (Internal RFS), V (Foreign Vessels), VII (telecommunications),  
R-OK- entry & exit), XI (Import of goods), XII (procurement goods), XIII (taxes), XIV

(XX for other vs SFR),  
XXVI (unarmed  
servo), XIX (for  
XXI (Pal of  
XXIV (US payment)

FOREWORD (UNCLASSIFIED)

In connection with the negotiation of the Treaty of Mutual Cooperation and Security between the United States and Japan, it was decided that the Administrative Agreement under the Security Treaty of 1951 should also be revised. The result is the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, regarding Facilities and Areas and the Status of United States Armed Forces in Japan, for which the short title is "Japan Status of Forces Agreement".

Yes  
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The new agreement follows the Administrative Agreement in most respects. There is no change in the provisions on criminal jurisdiction. Such changes as have been made are designed to reflect changed conditions in Japan and the provisions of status of forces agreements, for example, the recent agreement with Germany, that have been entered into since the Administrative Agreement. The most important change is the elimination of the provision in the Administrative Agreement under which Japan supplied the United States forces with an amount of local currency to assist in their support. Other changes of some substance have been made with respect to United States rights in the vicinity of our bases, customs treatment of United States forces, the handling of labor relations matters, the designation of civilian contractors, and the handling of claims. These changes are analyzed in some detail in this study.

I. YEN CONTRIBUTION (Article XXV) (UNCLASSIFIED)

The most important change is the elimination of the provision in the Administrative Agreement under which Japan supplied the United States forces with an amount of local currency to assist in their support. When the Administrative Agreement was signed in 1952, Japan had no armed forces, and it was logical that Japan should be called upon to make a contribution to the support of the United States forces defending her territory. During the ensuing years, Japan has gradually built up her own armed forces, and in recognition of this contribution to mutual security, Japan's contribution to the support of United States forces has gradually been reduced from the original \$155 million to \$30.8 million for this year. The total contribution from 1952 through 1959 was \$797 million. The reduction has come about in recent years through the operation of a formula by which the Japanese contribution was reduced generally by one-half the amount that their expenditures on their own military forces increased. Through the operation of this formula, it is anticipated that in the normal course of events the Japanese contribution would have been eliminated in the next year or so.

(BEGIN CONFIDENTIAL)

The Japanese considered the elimination of this yen contribution to our forces as the most critical single element in any new administrative arrangements for our forces in Japan. Without the elimination of the yen contribution, any new administrative arrangements with Japan would not be publicly

- 2 -

or politically acceptable. In past years, the yen contribution was the subject of bitter and protracted annual negotiations between the United States and Japan. Since the Japanese Government could not submit its budget to the Diet until these negotiations were completed, the yen contribution became a symbol in the Japanese mind of American interference in Japanese domestic affairs and the extension of occupation controls into the post-treaty period. Our agreement to forego the remaining small contribution anticipated next year has permitted us to retain a number of other favorable provisions on other aspects of the Administrative Agreement. It has also prompted from Foreign Minister Fujiyama the statement that the elimination of this contribution will be of great assistance to the Japanese Government in carrying out a substantial program for increasing its own self-defense forces.

(END CONFIDENTIAL)

Under the new arrangements the Japanese Government will continue to provide bases and facilities free of charge to our forces. This costs them about \$18 million a year.

## II. OTHER CHANGES OF SOME SUBSTANCE.

### A. United States Rights in the Vicinity of Bases (Article III) (UNCLASSIFIED)

The language of the pertinent article (Article III) has been modified to some extent to emphasize that provision for access to United States facilities shall be normally taken by the Government of Japan at the request of United States forces rather than granting us directly access rights. The United States does, however, retain the right to take necessary measures for such purposes upon consultation between the two governments. (BEGIN OFFICIAL USE ONLY) The language on U.S. rights within facilities has also been modified but it has been agreed that this modification will not affect U.S. rights under the current agreement. (END OFFICIAL USE ONLY)

### B. Customs Examination of United States Forces (Article XI) (UNCLASSIFIED)

The provisions for customs examination of United States forces when entering or leaving Japan have been slightly modified to make them conform more closely to arrangements in effect in other countries. This has been effected by two minor changes in Article IX, Paragraph 5, Sub-Paragraphs A, B, and C, which make subject to Japanese customs examination 1) individual members of the United States armed forces when not entering as members of units and 2) non-official mail in United States military postal channels. Units of the armed forces, official documents under official seal, official mail, and military cargo are still exempt from customs examination.

### C. Labor

C. Labor Relations (Article XII) (UNCLASSIFIED)

Under the new agreement the procurement of labor by the United States forces and management of labor relations follow the pattern of the supplementary German status of forces agreement. There are two principal changes from the Administrative Agreement. First, non-appropriated fund organizations, such as PX's, officers clubs, etc., formerly hired their employees directly; under the new agreement they will fall under the indirect hire system (hiring through the Japanese Government) that has always applied to Japanese employed by the United States forces themselves. We have adopted the indirect hire system because we discovered that we could not fulfill our obligation to fully abide by Japanese labor legislation under a direct hire system. Indirect hire, while somewhat more expensive and cumbersome, also has the advantage of being administered by host country officials who are familiar with local laws, regulations, and practices.

Second, procedures have been established to fill a troublesome gap in the old arrangements for handling the termination of employment in cases of Japanese employees who have been discharged for security reasons. A discharged employee has the right to appeal to the courts or to a Labor Relations Commission. In security discharge cases, the United States forces have been unable to defend their action without revealing classified information, and in the absence of such justification the court or commission normally rules that the worker must be reemployed. Liberal separation pay arrangements have now been made to deal with this situation.

D. Special Contractors (Article XIV) (UNCLASSIFIED)

Both the Administrative Agreement and the Japan Status of Forces Agreement provide for special status in Japan for certain organizations executing contracts with the United States and their personnel. During the Occupation, non-Japanese contractors and their personnel had substantially the status of members of the Occupation and received logistic support from United States forces. Because of the state of the Japanese economy in 1952, this arrangement was continued on a large scale after the Peace Treaty went into effect. The new arrangements reflect Japan's restored prosperity and the ability of Japanese contractors to provide for the bulk of the requirements of United States forces. Special status may, however, be granted after consultation with the Government of Japan to U.S. contractors in cases where open competitive bidding is not practicable due to security considerations, where special technical qualifications are required, where materials or services required by United States standards are unavailable, or where there are limitations imposed by United States law.

E. Handling of Claims (Article XVIII) (UNCLASSIFIED)

The claims article in the Administrative Agreement has been dropped completely and the claims article in the NATO Status of Forces Agreement has been incorporated without substantive change into the Japan Status of Forces Agreement. This has been done in response to Japan's desire



for treatment similar to that accorded to other allies of the United States, and in part to reflect changed conditions in Japan. When the Administrative Agreement was drawn up, Japan had no armed forces and the mutual waiver provision for property damage applied in the case of Japan to all government property. Since Japan now possesses a substantial Self-Defense Forces establishment and United States forces in Japan have been greatly reduced since 1952, a mutual waiver applying only to military property following the NATO pattern more accurately reflects current conditions. In general, the advantages and disadvantages of the new provisions, compared with the old, are of minor importance.

(OFFICIAL USE ONLY)

It is anticipated that one section of the claims article which has been found to be unsuitable to Japanese conditions will shortly be amended. This is Paragraph 5(g), which excludes all maritime claims from settlement under the Japan Status of Forces Agreement. It has been determined that it will be in the interest of both countries to settle certain small maritime claims by the procedures of the Japan Status of Forces Agreement. (END OFFICIAL USE ONLY)

### III. MISCELLANEOUS CHANGES (UNCLASSIFIED)

#### A. General Language Changes.

1. In a number of articles the Administrative Agreement used the language "the United States shall have the right". This formulation appeared unduly harsh and has been changed to read "the United States may". This represents no change in the substance of the pertinent articles.

(OFFICIAL USE ONLY)

2. There have been minor wording changes in a number of articles to clarify the governmental authority, particularly in Japan, authorized to take certain steps under the Japan Status of Forces Agreement. In some cases a reference to "Japan" has been changed to "the Government of Japan" to make it clear that the Japanese Government may take certain steps without consulting the Diet. For the sake of uniformity, references to the United States have in general been amended to read "the Government of the United States". In other places the Joint Committee has been specified as the organ through which implementing agreements will be reached. In certain articles, this is left to "the appropriate authorities of the two governments", again to make it clear that the Government of Japan may act without referring the question to the Diet. (END OFFICIAL USE ONLY)

#### B. Agreed Facilities and Areas.

Article II, Paragraph 1(b), a new provision, confirms that facilities

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and areas in use by the United States at the time the agreement goes into effect shall be considered as agreed facilities and areas.

C. Exit Inspection of Non-Exempt Passengers and Cargo.

A minor change in language of Article V corrects an oversight in the Administrative Agreement by providing that the departure from Japan, as well as the entry into Japan, of non-exempt passengers and cargo aboard United States vessels and aircraft shall be according to the laws and regulations of Japan.

D. Exemption from Toll Charges.

An addition to Article V, Paragraph 2, provides that United States military vehicles moving to, from or between facilities and areas shall be free from toll and other charges.

D. Meteorological Services.

Several provisions of Article VIII of the Agreement dealing with meteorological services have become out-dated, particularly by Japanese accession to ICAO and WMO. Technical amendments have accordingly been made.

F. Presentation of Identity Cards.

Language has been added to Paragraph 3(b) of Article IX to specify that personal identity cards carried by members of the United States armed forces must be presented, on request, to the appropriate Japanese authorities. This represents no change from previous practice.

G. Removal of Undesirables.

A new paragraph 6 has been added to Article IX to require the United States to accept responsibility for receiving in the United States or otherwise disposing outside Japan a member or ex-member of the United States armed forces, civilian component, or a dependent whose removal the Government of Japan has requested or against whom the Government of Japan has made an expulsion order. This paragraph applies to members or ex-members of the United States forces, civilian component, etc., the well-established rule that a host government may declare a diplomat persona non grata. The language of the paragraph is adapted from Article III, Paragraph 5, of the NATO Status of Forces Agreement.

H. Procurement of Supplies and Construction Work through the Japanese Government.

An additional sentence has been added to Article XI, Paragraph 1, providing that supplies or construction work may, by agreement, be procured through the Japanese Government. The effect of this addition is to establish an additional channel for the procurement of supplies and

construction

construction work, but does not affect the United States forces' right to enter directly into contracts with private suppliers, except as provided in Paragraph 2 of Article XII.

I. Deletion of Provision for Consultation in the Event of Hostilities.

Article XXIV of the Administrative Agreement provided that "in the event of hostilities, or imminently threatened hostilities, in the Japan area, the governments of the United States and Japan shall immediately consult together with a view to taking necessary joint measures for the defense of that area and to carrying out the purposes of Article I of the Security Treaty." This provision has been rendered superfluous by Article IV of the Treaty of Mutual Cooperation and Security, which provides for consultation at the request of either party whenever the security of Japan or international peace and security in the Far East is threatened.

J. Agreed Minutes.

Most of the agreed minutes to the Administrative Agreement are still applicable to the Japan Status of Forces Agreement, and have been preserved substantially intact as minutes to the new agreement. A few transitory items have been discarded, and several new minutes have been added. These serve the following purposes:

1. To record U.S. agreement to provide the Japanese with information about the entries and departures of personnel (Article IX) and about major changes in its procurement program in Japan (Article XII).
2. To spell out the responsibilities of the two countries in preventing abuse of customs privileges by U.S. personnel (Article XI).
3. To record understandings regarding the implementation of the new arrangements for hiring employees of non-appropriated fund organizations through the Japanese Government (Article XII).
4. To record understandings regarding the application of the new arrangements for handling the cases of Japanese employees of U.S. forces discharged for security reasons. (Article XII)

REPRODUCED AT THE NATIONAL ARCHIVES

QUESTIONS  
AND  
ANSWERS

Reasons  
for  
Change

(UNCLASSIFIED)

Question: I thought the old Administrative Agreement was pretty good. Why did we change it?

Answer: We agreed to negotiate a new mutual security treaty primarily because we became convinced that the old treaty was becoming a political liability. It was regarded by the Japanese as an outgrowth of the occupation that no longer reflected the current relationship between our two countries. The old Administrative Agreement had acquired somewhat the same reputation. As far as popular sentiment in Japan was concerned, it was perhaps even more necessary to give the Administrative Agreement a "new look", since it impinged more directly than the treaty itself on the lives of the people. Experience has also shown that certain parts of the agreement could be improved, or should be modified to reflect current practice. It therefore seemed proper to rewrite parts of the agreement in connection with the new treaty.

(UNCLASSIFIED)

(UNCLASSIFIED)

Question: What were the major changes in the Administrative Agreement?

Answer: There are very few major changes from the old Administrative Agreement. Aside from changes to bring the new agreement into conformity with the letter and spirit of the new Treaty, the only other changes are the result of eight years of experience under the old Agreement, which, I would like to emphasize, has worked very well.

Briefly, Article III has been revised to reflect a greater spirit of mutuality in the operation of the facilities granted to us by Japan. The provisions on customs inspection in Article XI have been revised slightly to permit customs examination of individual members of the armed forces travelling to Japan. Article XII has been revised to solve certain technical legal problems arising from the termination of Japanese employees for security reasons as well as to provide for the indirect hire of employees for our non-appropriated fund activities. Article XIV has been revised to define more precisely the criteria for giving U.S. contractors for the forces special status. Article XVIII on the settlement of claims has been rewritten to conform more fully with the procedures which are in effect in the NATO countries. Article XXIV of the old Agreement on consultation in the event of threatened hostilities is now covered by Article IV of the new Treaty. Finally, the provision of old Article XXV, now Article XXIV, on Japanese financial support of the United States forces has been dropped now that Japan's own Self-Defense Forces are in being.

(UNCLASSIFIED)

*Page 1*  
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(ED)

Question: With all these changes, couldn't we improve on the criminal jurisdiction provisions in our favor?

Answer: We consider the criminal jurisdiction provisions to be already quite favorable to United States interests. As you know, they are based on the arrangements we have under the NATO Status of Forces Agreement. During the last annual reporting period, from 12-1-58 to 11-30-59, the Japanese authorities waived jurisdiction to the U.S. in over 96 percent of offenses by U.S. personnel which were subject to Japanese primary jurisdiction. We considered that it was to our advantage not to risk disturbing the successful operation of these arrangements by opening them up for revision.

(UNCLASSIFIED)

Criminal  
Jurisdiction  
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(LIMITED OFFICIAL USE)

Question: What are we doing to keep our boys from being railroaded into Japanese jails?

Answer: The chances of any of our servicemen being railroaded are almost nil. The Japanese Government has been extremely cooperative in waiving cases falling within its primary jurisdiction. In those cases which are tried by Japanese courts, Article XVII, as you know, provides substantially the same constitutional guarantees which the accused would have in an American state court: a prompt and speedy trial, to be informed in advance of the charges against him, the right to subpoena witnesses in his favor, and to have legal representation of his own choice. In addition, he has the right to have an interpreter, to communicate with a representative of the United States and to have such a representative present at the trial. A number of other rights which the accused would have in American courts are also guaranteed under the Japanese Constitution, such as the right not to be detained without adequate cause, a public and impartial trial, privilege against self-incrimination, the right to examine all witnesses and protection from cruel punishments.

(LIMITED OFFICIAL USE)

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(UNCLASSIFIED)

Question: Are the criminal jurisdiction provisions going to be changed to reflect the Supreme Court decision on courts martial jurisdiction over civilians?

Answer: The effect of the Supreme Court decisions on criminal jurisdiction provisions in Status of Forces Agreement to which the United States is a party is a world-wide problem--not limited to the new United States-Japan agreement. A general solution of this problem is being sought which can then be applied on a world-wide basis.

(UNCLASSIFIED)

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Question: Could you discuss the Girard Case as an example of the operation of our criminal jurisdiction arrangements with Japan?

Answer: The criminal jurisdiction article of the new Status of Forces Agreement, Article XVII, remains unchanged from the corresponding article of the Administrative Agreement of 1952 as amended by a Protocol signed September 29, 1953 (TIAS 2848; 4 UST 1846). The Girard case was a case arising under the provisions of that article.

The case involved actions by United States Army Specialist 3rd Class William S. Girard which caused the death of a Japanese woman on January 30, 1957. While under orders to guard certain equipment, Girard fired an empty shell case which hit and killed a woman who was gathering expended brass cartridge cases. The incident occurred in a maneuver area provided by the Japanese Government for part-time use of United States forces.

Under Article XVII of the Administrative Agreement, Japanese authorities have the primary right to exercise jurisdiction over members of the United States armed forces for an injury caused by such a member to a Japanese national unless the offense arises out of any act or omission done in the performance of official duty.

In the Girard case, the authorities of Japan took the position that Girard's action in firing shell cases was outside the scope of his guard duty and was therefore not done in the performance of an official duty. The Commanding General of Girard's division certified that Girard's action was done in the performance of official duty. In accordance with the procedure established under the Administrative Agreement, this disputed matter was referred to the United States-Japan Joint Committee which discussed the question at various meetings but which was unable to reach agreement on its disposition.

The Commanding General, Far East Command, reported the facts to the Department of the Army, the executive agent for the Department of Defense. The Department of Defense, through the Department of the Army, instructed the Far East Command that the United States representative on the Joint Committee should continue to assert the United States claim for jurisdiction, but in case of continued deadlock, he was authorized to waive jurisdiction to Japan in accordance with paragraph 3(c) of Article XVII of the Administrative Agreement. This paragraph provides that the state having the primary right of jurisdiction shall give sympathetic consideration to a request for a waiver of this right in cases where the other state considers such waiver to be of particular importance. Following three weeks of additional negotiations in the Joint Committee, the United States representative did so waive jurisdiction. Thus the issue was resolved without prejudice to the United States position that we had the

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primary right to exercise jurisdiction. Subsequently, the United States Supreme Court decided in a per curiam decision (354 U.S. 524 (1956), that there was no United States constitutional or statutory barrier to such a waiver.

Girard was tried before Japanese judicial authorities for causing death by wounding. He was convicted by the Japanese court and given a three-year suspended sentence, whereupon he was returned to the United States for discharge. In Japan, he was afforded all the guarantees for a fair trial to which he was entitled by Article XVII of the Administrative Agreement.

(UNCLASSIFIED)

(UNCLASSIFIED)

Question: What power does the Joint Committee have to commit the United States to agreements regarding the status of our forces in Japan?

Answer: By Article XXV of the Status of Forces Agreement, the Joint Committee is established as a means for consultation between the Governments of the United States and Japan on all matters requiring mutual consultation regarding the implementation of the Agreement. In the course of such consultations, mutually agreed decisions, interpretations and views regarding the implementation of the Agreement will be arrived at. If, however, the Joint Committee is unable to resolve any question, that matter will be referred to the respective Governments for further consideration through appropriate channels.

Article II of the Status of Forces Agreement provides that agreements as to specific facilities and areas in Japan to be used by the United States shall be concluded by the two Governments through the Joint Committee established in Article XXV.

(UNCLASSIFIED)

*Joint  
Committee*

REPRODUCED WITH PERMISSION OF THE NATIONAL ARCHIVES

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SOF  
Agreement

UNDER ARTICLE VI OF THE TREATY OF MUTUAL  
COOPERATION AND SECURITY BETWEEN THE UNITED STATES  
AND JAPAN, REGARDING FACILITIES AND AREAS  
USED BY UNITED STATES ARMED FORCES IN JAPAN

United States of America and Japan, pursuant to Article  
VI of Mutual Cooperation and Security between the  
United States of America and Japan signed at Washington on  
January 8, 1960, have entered into this Agreement in terms as  
follows:

ARTICLE I

Under this Agreement the expression -

"United States armed forces" means the  
personnel and their equipment and the duty belonging to the land, sea or air  
forces of the United States of America when in the  
territory of Japan.

"Civilian component" means the civilian persons of  
United States nationality who are in the employ of, serving  
or accompanying the United States armed forces in Japan,  
and persons who are ordinarily resident in Japan or  
mentioned in paragraph 1 of Article XIV. For the  
purpose of this Agreement only, dual nationals, United States  
nationals who are brought to Japan by the United States  
armed forces and are considered as United States nationals.

"Dependents" means

spouse, and children under 21;

parents, and children over 21, if dependent for over  
half of their support upon a member of the United  
States armed forces or civilian component.

ARTICLE II

The United States is granted, under Article VI of  
the Treaty of Mutual Cooperation and Security, the use of  
facilities and areas in Japan. Agreements as to specific  
facilities and areas shall be concluded by the two Governments  
through the Joint Committee provided for in Article XXV of this  
Treaty. "Facilities and areas" include existing furnishings,  
equipment, fixtures necessary to the operation of such  
facilities and areas.

Facilities and areas of which the United States has  
the right of use at the time of expiration of the Administrative  
Agreement under Article III of the Security Treaty between the  
United States of America and Japan, shall be considered as  
facilities and areas agreed upon between the two Governments in  
accordance with the subparagraph (a) above.

*Prof Gabe*  
*I did not*  
*copy the rest*  
*because it was*  
*already made*  
*public*  
*S.T.*

ARTICLE XXVII

her Government may at any time request the revision of  
cle of this Agreement, in which case the two Governments  
ter into negotiation through appropriate channels.

ARTICLE XXVIII

s Agreement, and agreed revisions thereof, shall  
n force while the Treaty of Mutual Cooperation and  
remains in force unless earlier terminated by agreement  
the two Governments.

witness whereof the undersigned Plenipotentiaries have  
his Agreement.

e at Washington, in duplicate, in the English and  
languages, both texts equally authentic, this 19th day  
ry, 1960.

Public  
Minutes

THE UNITED STATES OF AMERICA:

*Same*

JAPAN:

*Y.T*

LIMITED OFFICIAL USE~~CONFIDENTIAL~~

(January 13, 1960)

MINUTE FOR INCLUSION IN THE RECORD OF THE FIRST MEETING OF  
THE JOINT COMMITTEE TO BE ESTABLISHED UNDER ARTICLE XXV OF THE  
AGREEMENT UNDER ARTICLE VI OF THE TREATY OF MUTUAL  
COOPERATION AND SECURITY BETWEEN THE UNITED STATES  
OF AMERICA AND JAPAN, REGARDING FACILITIES AND AREAS  
AND THE STATUS OF UNITED STATES ARMED FORCES IN JAPAN

The following was adopted at the first meeting of the Joint Committee  
today:

The decisions, procedures, interpretations, agreed views, arrange-  
ments and all other agreements recorded in the Minutes of the Joint  
Committee, including the sub-committees thereof, established under  
Article XXVI of the Administrative Agreement of February 28, 1952, will  
remain in effect under this Joint Committee, unless altered pursuant to  
the Agreement under Article VI of the Treaty of Mutual Cooperation and  
Security between the United States of America and Japan, Regarding  
Facilities and Areas and the Status of United States Armed Forces in  
Japan, signed at Washington on January 19, 1960.

Aiichiro Fujiyama

Douglas MacArthur II

Washington, January 18, 1960

LIMITED OFFICIAL USE~~CONFIDENTIAL~~



CONFIDENTIAL

(Official Use Only after Treaty Signed)

The following was mutually understood concerning Article III and Article XVIII, paragraph 4, in the course of the negotiations on the revision of the Administrative Agreement signed at Tokyo on February 28, 1952, and is hereby recorded for the guidance of the Joint Committee:

## Article III:

The phrasing of Article III of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed at Washington on January 19, 1960, has been revised to bring the wording into closer consonance with established practices under Article III of the Administrative Agreement signed at Tokyo on February 28, 1952, including the understandings in the official minutes of the 10th Joint Meeting for the negotiation of the Administrative Agreement held on February 26, 1952. United States rights within facilities and areas granted by the Government of Japan for the use of United States armed forces in Japan remain the same under the revised wording of Article III, paragraph 1, of the Agreement signed at Washington on January 19, 1960, as they were under the Agreement signed at Tokyo on February 28, 1952.

With regard to the phrase "within the scope of applicable laws and regulations", the Joint Committee will discuss the desirability or necessity of seeking amendments to Japanese laws and regulations currently in effect should such laws and regulations prove insufficient to ensure that the defense responsibilities of the United States armed forces in Japan can be satisfactorily fulfilled.

## Article XVIII, Paragraph 4:

The Agreed View contained in paragraph 5 of the Jurisdiction Subcommittee recommendation approved by the Joint Committee at its 13th meeting on July 30, 1952 shall continue to be applicable to any claims arising under Article XVIII, paragraphs 1 and 2 of the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan, but shall not be applicable to Article XVIII, paragraph 4, of the new agreement signed on January 19, 1960. The inapplicability of the Agreed View to Article XVIII, paragraph 4 shall in no way prejudice the position of either Government regarding private claims advanced by or on behalf of individuals described in paragraph 4.

CONFIDENTIAL

(Official Use Only after Treaty Signed)

EXCHANGE OF NOTES PROVIDING FOR THE SETTLEMENT OF  
CERTAIN CLAIMS AGAINST THE UNITED STATES FORCES  
BY FORMER EMPLOYEES

(United States Note)

Excellency:

I have the honor to refer to paragraph 6 (d) of Article XII of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed today. The second sentence of the said paragraph provides that "in such case the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments."

I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall not exceed one year after the notification provided for in paragraph 6 (b) of Article XII of the above-cited Agreement, and may be determined in the consultations under paragraph 6(c) of Article XII above on the basis of mutually agreeable criteria.

If the proposal made herein is acceptable to the Government of Japan, this Note and Your Excellency's reply to that effect shall be considered as constituting an agreement between the two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

(Japanese reply)

Excellency:

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

(Text of U.S. Note)

I have the honour to inform Your Excellency that the Government of Japan accepts the above proposal of the Government of the United States, and to confirm that your Note and this reply are considered as constituting an agreement between the two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

*Separate  
pay  
Agreed*

REPRODUCED AT THE NATIONAL ARCHIVES

OTHER  
QUESTIONS

REPRODUCED AT THE NATIONAL ARCHIVES

REF ID: A66000

1952  
JAPANESE  
RELATIONS

(UNCLASSIFIED)

Question: How would you characterize the present state of United States-Japan relations?

Answer: We are generally pleased with our present relations with Japan. We have an excellent working relationship with the Japanese Government, and hope that this will continue in the future. Our relations are based on the sovereign equality of the two nations, and are characterized in practice by mutual understanding and forbearance. The day-to-day problems that arise are mostly in the economic field, where conflicts of interest arise between American and Japanese business interests. In general, these have been worked out or are being worked out to our mutual satisfaction. The treaty which is now before you is an excellent example of our mutually beneficial relationship. We believe it faithfully reflects the basic interests of the two countries and defines the very broad area in which these interests substantially coincide.

(UNCLASSIFIED)

Present  
Relations

US-Jap  
Present  
Relation

(UNCLASSIFIED)

Question: The Japanese are going through a tremendous amount of soul-searching over the ratification of this treaty. Can we really count on them as a dependable ally?

Answer: This treaty represents a decision of the greatest importance to the Japanese people. It is a definite, voluntary step to cast their lot with the Free World in the struggle with Communism. This decision has required careful consideration of all the relevant factors. We are confident, however, that the new treaty has the full support of the majority of the Japanese people and that it will be approved by the Japanese Diet.

(UNCLASSIFIED)

*Dependable  
Ally*

UNCLASSIFIEDThe Powers of the Upper House of the Japanese Diet

With respect to ordinary legislation, the Japanese Upper House possesses a veto power over the action of the Lower House similar to the Presidential veto over legislation of the United States Congress. As with a Presidential veto, a veto by the Upper House can be overridden by a two-thirds majority vote in the Lower House.

In the case of budgets and treaties, however, the powers of the Upper House are restricted in effect to the power to delay action for a maximum of thirty days. Whether the Upper House finally approves, disapproves, or fails to act within thirty days, the decision of the Lower House becomes the decision of the Diet. The powers of the Japanese Lower House with respect to treaties are thus quite similar to the powers of the Senate, except that in the Japanese case the Upper House is given the opportunity to concur in the decision of the Lower House, while the United States House of Representatives has no opportunity to concur in Senate action on a treaty.

This severe restriction of the powers of the Upper House was inserted in the Japanese Constitution of 1947 as a reaction against the strong powers wielded by the appointed House of Peers (the former Upper House) under the old Constitution. While the present Upper House is elected by popular vote, its members serve six-year terms, and the Upper House is not subject to dissolution and new elections. It was therefore the feeling of the framers of the Japanese Constitution that the Lower House would be more responsive to the will of the people than the Upper House, and the former was accordingly given greater powers.

There are a number of items of Japanese domestic legislation which stem from the new treaty and which are necessary to implement it effectively. These will require the affirmative approval of the Upper House, or a two-thirds majority vote in the Lower House in the event of an Upper House veto. This procedure will not, however, apply to the status of forces agreement and the various exchanges of notes related to the treaty. These agreements are being handled as treaties in the Japanese Diet.

UNCLASSIFIED

Japanese Constitution - Art. 54 - Para 2.

When the House of Representatives is dissolved, the House of Councillors is closed at the same time. However, the cabinet may in time of national emergency convoke the House of Councillors in emergency session.

Measures at such session as mentioned in the proviso of the preceding paragraph shall be provisional and become null and void unless agreed to by the House of Representatives within a period of 10 days after the opening of the next session of the Diet.

RAS:EA  
Mr. Ericson:mp  
5/23/60.



OFFICIAL USE ONLYConsideration of the New Security Treaty by the Japanese Diet

1. February 2 - Treaty and related agreements presented to the Lower House.
2. Month of February - Extensive discussions of the new treaty in the Budget Committee of the Lower House in connection with the consideration of the annual budget. (During this period, the Socialists refused to agree to convening the Special Committee established for the consideration of the treaty, since Prime Minister Kishi and Foreign Minister Fujiyama, busy with budget hearings, would not be available to the Committee.)
3. March 10 - Beginning of consideration of the treaty by the Special Committee.
4. April 21 - 26 - Socialist boycott of Committee proceedings (timed to prevent Lower House action by April 26, one month before Diet session scheduled to end).
5. Early May - U-2 incident injects new element into debate, causing further delay.
6. May 13 - 16 - Public committee hearings on the treaty in Tokyo, Osaka, Sendai, and Fukuoka (the traditional last step in committee consideration of important legislation)
7. May 19 - Diet session extended for fifty days, report of the Special Committee received on the floor of the Lower House and approved, and the treaty approved (at 12:19 a.m., May 20).

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Main Issues Raised during the Diet Treaty Debates

1. Definition of the "Far East" - (See main briefing book - "Far East" item under Questions and Answers on Treaty)
2. Consultation - Attacks on the consultation provisions of the new arrangements centered on the question of whether they constituted in effect a Japanese veto on U.S. use of bases in Japan that might involve Japan in hostilities against her wishes. There was considerable concern that the President's assurances to Prime Minister Kishi were not contained in a formal treaty document (See also main briefing book - "U.S. Intention" item under Questions and Answers on Consultation)
3. Seventh Fleet - Prime Minister Kishi avoided any statements that would imply a U.S. obligation to consult with Japan regarding the actions of the Seventh Fleet, which is assigned to the Western Pacific area, and is not based in Japan.
4. Diet Power to Amend Treaties - This question was discussed at great length, without a definitive conclusion. It is a purely domestic Japanese matter.
5. Deployment of U.S. Forces out of Japan - Prime Minister Kishi clearly acknowledged the U.S. right to remove its forces from Japan without consultation.

NOTE: The number of substantive issues raised by the Socialists during the treaty debate was small. Their tactic was to keep hammering away at a small number of issues ad nauseam, so that they could claim, when debate was closed by the Government, that there were many outstanding issues yet to be discussed.

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Japanese Reaction to the Collapse of the Summit Meeting

Japanese press and radio commentators were unanimous in regretting the break-up of the summit conference, and felt that the "cold war" had started again as a result of the collapse of the conference. Several papers placed all the blame for the collapse on Khrushchev, but most editorial writers and commentators felt that the United States must share the blame because of the U-2 incident. There was considerable speculation that Khrushchev took a very hard line because of domestic pressures and the hard attitude of Communist China.

Most commentators called on the great powers to continue to search for paths to peace, despite the setback of the summit collapse.

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## APPENDIX

Diet Composition of Political Parties as of May 2, 1960

<u>Party</u>	<u>Upper House</u>	<u>Lower House</u>
Liberal Democratic Party	135	287
Japan Socialist Party	67	126
Democratic Socialist Party	17	40
Japan Communist Party	3	1
Minor parties and Independents	24	0
Vacancies	<u>4</u>	<u>13</u>
	250	467

Strength of LDP Political Factions in Japanese House of Representatives  
(Based on Press Reports)Mainstream

Kishi	60	
Fujiyama	12	
Sato	38	
Ikeda	46	
Ohno	32	
Ishii	<u>18</u>	
	206	206

Anti-mainstream

Kono	32	
Hiki-Matsumura	29	
Ishibashi	9	
Ishida	<u>4</u>	
	74	
Unknown	<u>7</u>	
	81	<u>81</u>

Total 287

UNCLASSIFIEDAPPENDIXDiet Composition by Political Parties as of May 2, 1960

<u>Party</u>	<u>Upper House</u>	<u>Lower House</u>
Liberal Democratic Party ( <del>LDP</del> )	135	287
Japan Socialist Party ( <del>JSP</del> )	67	126
Democratic Socialist Party ( <del>DSF</del> )	17	40
Japan Communist Party ( <del>JCP</del> )	3	1
Minor parties and Independents ( <del>Ind.</del> )	24	0
Vacancies	<u>4</u>	<u>13</u>
	250	467

Results of May 22, 1958 Lower House Election

<u>Party</u>	<u>Elected</u>	<u>Votes</u>	<u>Percentage of Votes</u>
LDP	287	22,976,830	57.8%
JSP	166	13,093,984	32.9%
JCP	1	1,012,036	2.6%
Ind.	13	2,668,786	6.7%

Results of June 2, 1959 Upper House Election\*

<u>Party</u>	<u>Elected</u>	<u>Votes</u>		<u>Percentage of Votes</u>	
		<u>Local Constituencies</u>	<u>National Constituencies</u>	<u>Local</u>	<u>National</u>
LDP	71	15,667,021	12,119,711	52.0	41.2
JSP	38	10,265,393	7,794,900	34.1	26.5
JCP	1	999,255	559,823	3.3	1.9
Ind. and minor parties**	17	3,197,684	8,953,181	10.6	30.4

\* Triennial election held for one-half of the membership, divided into 75 seats from local constituencies (and 50 from the nation at large), and to fill two vacancies for three year term. Each voter cast one vote for a local candidate and one vote for a national candidate.

Most Upper House independents are conservatives who support LDP policies.

CONFIDENTIALSenate Consultations (Chronology)Phase I

- September 11, 1958 - Senator Hickenlooper - Ambassador MacArthur  
(Concern on Korean aspect, but assented)
- September 12, 1958 - Senator Wiley - Ambassador MacArthur  
(Full support)
- September 13, 1958 - Senator Fulbright - Ambassador MacArthur  
(Full approval)
- September 16, 1958 - Senator Mansfield - Ambassador MacArthur  
(Full approval) (Also agreed to speak to  
Senator Lyndon Johnson)

Phase II

- November 25, 1959 - Senator Sparkman - Assistant Secretary Parsons  
(Approved; questions on Okinawa, consultation on  
nuclears)
- November 27, 1959 - Senator Wiley - Assistant Secretary Parsons  
(Approval; questions on Korea, year support,  
Treaty area)
- November 30, 1959 - Senator Mansfield - Ambassador MacArthur  
(Approval; questions on criminal jurisdiction)
- December 1, 1959 - Senator Hickenlooper - Ambassador MacArthur  
(Approval; questions on Executive Agreement  
problem)
- December 13, 1959 - Senator Gore - Ambassador MacArthur  
(Approval)
- December 31, 1959 - Senator Fulbright - Assistant Secretary Parsons  
(Approval; questions on criminal jurisdiction,  
Girard Case, Korea, secret agreements)
- January 8, 1960 - Senator Hickenlooper, Deputy Assistant Secretary  
Steeves, Legal Adviser Hager  
(Reviewed executive agreement problem)
- January 13, 1960 - Senator Carlson - Assistant Secretary Parsons  
(Approval; questions on criminal jurisdiction,  
economic aspects and U.S. troop strength in Japan)
- January 13, 1960 - Senator Saltonstall - Assistant Secretary Parsons -  
Deputy Assistant Secretary of Defense Knight (Approve  
questions on Article I, Okinawa, effect on Formosa,  
trade and economic aspects of Treaty)

**CONFIDENTIAL**

**CONFIDENTIAL**

**Japan's Liberalization of Trade and Payments**

Although Japan's international accounts are subject to steep restrictions regarding a continuing approach to liberalization of trade and payments, Japan is emphasizing the elimination of trade restrictions. As an indication of the importance attached to this problem, a special Cabinet Council has been set up to handle liberalization. This Council is developing a three-year program for the removal of restrictions. One of the first actions was to propose the elimination, by the fall of this year, of discrimination against dollar goods. Japanese domestic political considerations and the need to plan carefully in order to avoid certain economic disturbances make such a rapid program very difficult, but the Japanese are moving as quickly as they consider possible toward the elimination of trade and payments restrictions.

The initial steps toward liberalization by Japan were actually taken prior to the foreign exchange controls of 1937-38. The foreign exchange drain was arrested and reversed in 1937-38 through the application of fiscal and monetary measures, and it was not necessary to apply additional trade restrictions. When the crisis was averted the movement toward liberalization was resumed. Important liberalization measures were contained in the 1950 section of the General Agreement on Tariffs and Trade, and in January 1950 the Special Cabinet Council announced that it would program the elimination of all restrictions. It has also been announced that Japan is planning to make its currency convertible for non-essential payments, a move that would make the yen an instrument of international payments for certain purposes and which would approximate the action taken over a year ago by the European trading nations. It is reported that the effective date of this move would be July 1, 1950.

The measures so far taken by Japan are estimated by Japanese sources to have been sufficient to liberalize about 10 percent of exports as of April 1950, as compared with liberalization rates of about 21 percent in September 1949. The rate of liberalization is planned to reach 70 percent by April 1951, according to these estimates. About 53 percent of the available trade budget has been liberalized through the steps already taken, and if the yen is made externally convertible this move will further liberalize payments.

**CONFIDENTIAL**

LIMITED OFFICIAL USEJAPAN'S ASSISTANCE TO THE LESS DEVELOPED COUNTRIES

Japan has long been a proponent of economic assistance to the less developed countries (LDC's), particularly in Southeast Asia, where Japan believes it has a special role to play. Because this area is a comparatively near-by source of raw materials and a large potential market for the complementary Japanese economy, Japan has a special economic interest in developmental projects in the area. Japan is also vitally interested in the political stability that is believed to follow the raising of living standards through economic development.

Japan's assistance to the LDC's generally is in the form of Governmental credits, direct private investment, and technical assistance. Credit and investment programs have also been undertaken in the Near East and Latin America. Between 1950 and the end of 1959 Japanese assistance to the less developed countries amounted to \$8½ million in direct private investment and \$166 million in long-term export credits, according to the Japanese representative at the recent Development Assistance Group meeting. The Japanese Government's budget for technical assistance to the less developed countries increased from \$36,000 in 1954 to \$850,000 in 1959. In addition, Japan is carrying out its reparations programs in Southeast Asia.

These programs constitute by far the largest of Japan's foreign economic activities and are under its agreements with Burma, the Philippines, Indonesia, and Viet Nam, and agreements on economic cooperation, in lieu of reparations, with Cambodia and Laos. These reparations are considered moral obligations by Japan but they involve large transfers of capital resources to the recipient countries and have an important impact on the economic development of the area. The reparations programs total \$1,955 million, including grants or "pure" reparations of \$1,212 million and credits of \$743 million; and deliveries of goods and services under them are for periods of from five to twenty years commencing in 1955.

It was in recognition of Japan's actual and potential capital and technical assistance contributions to the economic development of the less developed countries that the United States supported Japan's participation in the Development Assistance Group (DAG). This body provides a forum for informal consultation on means to increase the flow of developmental capital to the less developed countries. Participation by Japan in the DAG and its successor agency is expected to stimulate additional Japanese efforts to provide long-term developmental capital to the LDC's and to expand its technical assistance programs.

LIMITED OFFICIAL USE



REPRODUCED AT THE NATIONAL ARCHIVES

Prohibitive  
Area

(UNCLASSIFIED)

Question: Will this treaty impair our ability to carry out our other treaty obligations in the Far East?

Answer: The new treaty will in no way impair our ability to carry out our other treaty obligations in the Far East.

(UNCLASSIFIED)

*Other  
oblig*

(UNCLASSIFIED)

Question: How will this treaty affect our freedom of action in the Taiwan Strait?

Answer: From a practical viewpoint, our freedom of action in the Taiwan Straits area will not be hampered. We are obligated to consult with the Japanese Government regarding military actions in other areas if they involve the use of facilities and areas in Japan as bases for military combat operations. However, our bases in Japan have been used, in the case of the Taiwan Straits area, primarily for logistical operations, which are not subject to consultation. Furthermore, we can without consulting withdraw our forces from Japan and move them from Japan to bases in Taiwan or Okinawa from which they could operate. In the case of the Seventh Fleet, which has carried the burden for the United States in the Taiwan area, we consider it a mobile unit, operating without fixed land bases, in Japan or elsewhere. While vessels of the Seventh Fleet use the facilities of our bases in Japan from time to time, they are not in general subject to our consultation agreement.

(UNCLASSIFIED)

Taiwan

(UNCLASSIFIED)

Question: Why haven't we created a NEATO similar to SEATO?

Answer: We consider that any present effort to establish a multilateral regional security organization in the Northwest Pacific Area would create more problems than it would solve. The best approach in this part of the world appears to be individual bilateral arrangements with these countries wishing to associate themselves with the United States in the security field. We now have bilateral treaties with Japan, the Republic of Korea, and the Republic of China, as well as the multilateral SEATO pact.

(UNCLASSIFIED)

*Regional arrangement not practical*

*NEA:*

Royaloyas

(UNCLASSIFIED)

Question: How does the treaty affect our position on Okinawa?

Answer: The status of Okinawa and the other islands administered by the United States under Article 3 of the Treaty of Peace with Japan was not discussed in the course of the treaty negotiations. Their status remains as specified in the Peace Treaty. However, the inhabitants of these islands are Japanese nationals, and the Japanese Government is naturally interested in their welfare. This interest is reflected in a minute to the treaty in which the Japanese Government expresses its intention to explore with the United States measures which it might be able to take for the welfare of the islanders in the event an armed attack occurs or is threatened against these islands. The United States Government in turn agreed in the event of such an attack to consult at once with the Japanese Government and expresses its intention to take the necessary measures for the defense of the islands, and to do its utmost to secure the welfare of the islanders.

(UNCLASSIFIED)

Eff  
Tre

(UNCLASSIFIED)

Question: Wouldn't it be a good idea to return Okinawa to Japanese control?

Answer: United States security interests require that we continue to exercise administrative control over the Ryukyu and Bonin Islands as long as conditions of threat and tension exist in the Far East.

(UNCLASSIFIED)

C.  
Reten

-5-

AGREED MINUTE TO THE TREATY OF MUTUAL COOPERATION AND SECURITY

Japanese Plenipotentiary:

While the question of the status of the islands administered by the United States under Article 3 of the Treaty of Peace with Japan has not been made a subject of discussion in the course of treaty negotiations, I would like to emphasize the strong concern of the Government and people of Japan for the safety of the people of these islands since Japan possesses residual sovereignty over these islands. If an armed attack occurs or is threatened against these islands, the two countries will of course consult together closely under Article IV of the Treaty of Mutual Cooperation and Security. In the event of an armed attack, it is the intention of the Government of Japan to explore with the United States measures which it might be able to take for the welfare of the islanders.

United States Plenipotentiary:

In the event of an armed attack against these islands, the United States Government will consult at once with the Government of Japan and intends to take the necessary measures for the defense of these islands, and to do its utmost to secure the welfare of the islanders.

Washington, January 19, 1960.

Te  
a  
U.S.



REPRODUCED AT THE NATIONAL ARCHIVES

World  
Reaction

(UNCLASSIFIED)

Question: What do the Communists think about this new treaty?

Answer: Perhaps the greatest tribute to the treaty, and the best measure of its significance, has been the strong reaction of the USSR and Communist China to the treaty. Japan, as the world's fourth great industrial complex, is the prime target of Communism in Asia. The Communist powers, and those who follow their lead in Japan, have been using all means at their disposal to bring Japan into the camp of neutralism and eventually into a position where it can be dominated by the Communist Bloc. The new treaty, which represents a great defeat for this strategy, has been strongly denounced by the USSR and Communist China, both of whom have stepped up their propaganda output to Japan to record levels to fight the treaty. The USSR has addressed several strong notes to the Japanese Government on this subject, evidently in an effort to influence Japanese public opinion to reject the treaty. These notes have generally been regarded by the Japanese people as interference in their internal affairs, and have, if anything, strengthened the hand of those favoring the treaty.

(UNCLASSIFIED)

(UNCLASSIFIED)

Question: What do our other allies think about this new treaty?

Answer: We have discussed the new arrangements with our principal allies. They have generally welcomed the new treaty as a step in strengthening the fabric of Free World security in the Far East. (Discussions were held with the United Kingdom, France, Germany, Canada, Australia, New Zealand, the Netherlands, the Republic of Korea and the Republic of China.)

(UNCLASSIFIED)

Allies  
react

(UNCLASSIFIED)

Question: Should we be signing new mutual security treaties and at the same time trying to get along with the Russians and talking disarmament?

Answer: First, let me say that we continue to believe that effective agreements with the Communist Bloc can only be reached by negotiating from a position of strength and unity within the Free World. Second, in terms of our relations with Japan, this is certainly a new treaty, designed to reflect the changes that have taken place in our relations since 1951. However, in terms of the over-all pattern of Free World security arrangements in the face of the Communist threat, this treaty is not a new departure, but a reaffirmation of the joint determination of the United States and Japan to stand together to maintain the peace and security of the Free World.

(UNCLASSIFIED)

Mutual  
and  
Co-Exist.

REPRODUCED AT THE NATIONAL ARCHIVES

Japanese  
Consulate

(UNCLASSIFIED)

Question: Are the Japanese going to change their Constitution?

Answer: At the present time, those favoring amendment of the Constitution do not command the two-thirds majority of both houses necessary for amendment.

(UNCLASSIFIED)

REPRODUCED AT THE NATIONAL ARCHIVES

U.S. Forces  
in  
Japan

*Deseriptives*

(SECRET)

(BEGIN UNCLASSIFIED)

Question: What type of forces do we have based in Japan?

Answer: U.S. forces are of two types: (1) air defense and, (2) logistic support. In this connection, it should be well understood that the U.S. Navy's Seventh Fleet is assigned to the Western Pacific area and is available for any naval mission in the area. It does receive important base support from Sasebo and Yokosuka.

(END UNCLASSIFIED)

(BEGIN CONFIDENTIAL)

U.S. Forces strength in Japan is broken down as follows:

Air Force	34,660	Uniformed	49,198
Navy	11,709	Civilian	<u>3,974</u>
Army	<u>6,803</u>		
TOTAL	53,172	TOTAL	53,172

There are approximately 53,000 dependents living in Japan.

(END CONFIDENTIAL)

(BEGIN SECRET)

U.S. Air Force has approximately 292 combat aircraft located in Japan and the Marine Corps has one Marine Air Wing composed of two air groups.

(SECRET)



(CLASSIFIED)

Question: Do the Japanese realize we are using our bases in Japan primarily for regional, strategic purposes rather than for the defense of Japan as such?

Answer: The Japanese are of course aware that during the United Nations action in Korea our bases and forces in Japan played a vital role in repelling Communist aggression. They realize that a similar situation might arise again. However, Japan's conservative leaders recognize that under certain circumstances hostilities elsewhere in the Far East would be a threat to Japan's security. In this event, U.S. forces that might become engaged would be indirectly protecting the security of Japan. Furthermore, the very presence of U.S. forces in Japan, regardless of their specific mission, serves notice to the Communist Bloc to keep hands off. Japan's leaders are mindful of the fact that this is also an important contribution to Japan's security.

(UNCLASSIFIED)

(UNCLASSIFIED)

Question: How do our boys stationed in Japan get along with the Japanese people?

Answer: Relations are, on the whole, excellent. As you know, our servicemen and their families have lived side by side with the Japanese people for many years on the friendliest of terms. A number of symptoms of this can be mentioned: the large number of servicemen who have married Japanese and the pleasant recollections of duty in Japan retained by almost all servicemen who have been on duty there.

(UNCLASSIFIED)

US Forc  
and  
Japanese  
(1)

(UNCLASSIFIED)

Question: What is being done to make the Japanese people welcome our presence?

Answer: Our efforts in this area are twofold: one is to bring home to the Japanese people the reasons for the presence of United States Forces in Japan with the benefits to Japanese security which flow from this. The second aspect I would like to mention is the effort on the part of our forces to avoid as much as possible any interference in the economic and social life of Japan. In this area the Joint Committee, provided for originally under the Administrative Agreement and continued under the Status of Forces Agreement, is invaluable. Matters relating to the presence of our forces are brought up by either side and solutions are worked out which are satisfactory to both sides. This Committee has worked extremely well.

On the community level, the commanders of our individual bases are alert to the necessity for cultivating and maintaining good relations with their Japanese neighbors. Community Relations Councils, with representation from our forces and from local authorities, have been very successful in ironing out local problems as they arise.

(UNCLASSIFIED)

(2)

REPRODUCED AT THE NATIONAL ARCHIVES

MILITARY  
ASSISTANCE

(CONFIDENTIAL)

Question: Japan promises in the treaty to maintain and develop greater defense forces. Why do we have to go on giving them military aid?

Answer: We believe that overriding U.S. interests would be served by continuing grant military assistance to Japan. Japan, possessing the only advanced industrial complex in Asia, is the principal positive element of Free World strength and at the same time the primary target of the Communists in that area. A Japan under Communist domination, or even a Japan that had adopted a firm neutralist stand, would drastically affect the balance of power throughout Asia. It is strongly in the U.S. interest to keep Japan firmly aligned with the United States. Aside from the negative effect of a possible loss of Japan to the Communist or neutralist camp, Japan's alignment with the U.S. has many positive advantages. Our bases in Japanese territory permit us to maintain a strong defensive posture in the Far East with very substantial savings. For the U.S. Navy alone, the savings are estimated at hundreds of millions of dollars a year. The Japanese Government, which pays Japanese landowners about \$18 million per year for these bases, feels that U.S. grant military assistance is to some extent a quid pro quo for Japanese contributions to the support of U.S. forces in Japan. The balance in this "account" favors the Japanese. Since the military assistance program started in 1954, U.S. assistance has totalled \$566 million; since the Security Treaty took effect in 1952, the Japanese have contributed \$988 million to the support of U.S. forces.

Japan is the only region in the entire Afro-Asian area that presents the prospect of significant economies in the present U.S. defense effort. The build-up of Japanese forces with MAP assistance has already permitted the withdrawal from Japan of substantial U.S. forces. This trend will continue, with further savings to the U.S., particularly in the field of air defense, if we can continue to stimulate the Japanese to maintain the momentum of their increasing defense budgets. It is thus clearly in the U.S. interest to pursue policies that will maintain this momentum.

(CONFIDENTIAL)

*Push no longer valid - 1954 - d. k. Tatan*

*Vece*

(UNCLASSIFIED)

Question: How will this treaty affect our military assistance programs for Japan?

Answer: Our military assistance program is conducted under a separate agreement--the Mutual Defense Assistance Agreement of 1954. This agreement has been amended to delete references to the old Security Treaty and replace them with references to the new treaty. The Mutual Defense Assistance Agreement is not otherwise affected.

(UNCLASSIFIED)

Eff.  
Trea

EXCHANGE OF NOTES REVISING REFERENCES  
TO THE SECURITY TREATY IN THE  
MUTUAL DEFENSE ASSISTANCE AGREEMENT

(United States Note)

Excellency:

I have the honor to refer to the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today. It is the understanding of the Government of the United States of America that references to the Security Treaty between the United States of America and Japan, signed at San Francisco on September 8, 1951, and to the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan, appearing in the Mutual Defense Assistance Agreement between the United States of America and Japan, signed at Tokyo on March 8, 1954, shall be considered to be references to the corresponding provisions, if any, of the Treaty of Mutual Cooperation and Security and of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan.

I should be appreciative if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of Japan and that this understanding shall enter into operation on the date of the entry into force of the Treaty of Mutual Cooperation and Security.

Accept, Excellency, the renewed assurances of my highest consideration.

Secretary of State of the  
United States of America

(Japanese Reply)

Excellency:

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:  
(Text of United States Note)

I have further the honour to confirm on behalf of my Government that the foregoing is also the understanding of the Government of Japan.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Text  
MDA

# Department of State

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CONFIDENTIAL

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Control: 2230

Rec'd: JUNE 3, 1960  
6:45 AM

FROM: TOKYO

TO: Secretary of State

NO: 4002, JUNE 3, 6 PM

IT OCCURS TO US THAT BECAUSE OF WIDESPREAD PUBLICITY RE PRESENT DOMESTIC POLITICAL SITUATION IN JAPAN STEMMING FROM MANNER IN WHICH GOJ PUSHED SECURITY TREATY THROUGH DIET LOWER HOUSE ON MAY 19, SENATE FOREIGN RELATIONS COMMITTEE MAY ASK WHETHER AMBASSADOR OR MEMBERS OF EMBASSY STAFF URGED GOJ TO PUSH TREATY THROUGH DIET, AND SPECIFICALLY WHETHER EMBASSY URGED THAT JAPANESE RATIFICATION BY COMPLETED BEFORE PRESIDENT'S VISIT.

IN ANSWER TO ANY SUCH QUESTION, DEPARTMENT MAY ASSURE COMMITTEE CATEGORICALLY THAT AMBASSADOR AND MEMBERS OF EMBASSY STAFF:

1. MADE NO RPT NO DEMARCHES TO ANY JAPANESE RE TIMING OR METHOD OF JAPANESE RATIFICATION;

2. ANSWERED INFORMAL JAPANESE QUERIES AS TO TIMING OF RATIFICATION THAT IT WOULD BE IMPROPER FOR ANY US OFFICIAL TO COMMENT ON TIMING OR WAY IN WHICH RATIFICATION SHOULD BE HANDLED BY GOJ SINCE THIS WAS MATTER WHICH MUST BE DECIDED SOLELY BY JAPANESE GOVT AND THAT IT WAS NOT RPT NOT NECESSARY TO ACHIEVE FINAL JAPANESE RATIFICATION BEFORE PRESIDENT'S VISIT.

MACARTHUR

ALB

CONFIDENTIAL

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