

TREATY OF MUTUAL COOPERATION
AND SECURITY WITH JAPAN

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HEARING
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
EIGHTY-SIXTH CONGRESS
SECOND SESSION
ON
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TREATY OF MUTUAL COOPERATION AND SECURITY WITH JAPAN

TUESDAY, JUNE 7, 1960

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to call, at 10:05 a.m., in room 4221, New Senate Office Building, Senator J. W. Fulbright (chairman), presiding.

Present: Senators Fulbright (presiding), Green, Sparkman, Mansfield, Long, Gore, Lausche, Wiley, Hickenlooper, Aiken, Capehart, and Carlson.

Mr. CHAIRMAN. Will the committee come to order?

The business before the committee this morning is Executive E, the Treaty of Mutual Cooperation and Security between the United States of America and Japan.

(The treaty referred to appears in the appendix, pp. 59-97.)

OPENING STATEMENT BY THE CHAIRMAN

The CHAIRMAN. Both parties have signed this treaty which is intended to supersede an existing treaty and the Senate has been asked to give its advice and consent to U.S. ratification.

Witnesses for the Government this morning are the Secretary of State; the Assistant Secretary of State for Far Eastern Affairs, Mr. J. Graham Parsons; the Legal Adviser to the Department of State, Mr. Eric H. Hager; and Mr. John N. Irwin 2d, the Assistant Secretary of Defense for International Security Affairs.

We are scheduled to hear one public witness, Mr. Raymond Wilson, executive secretary of the Friends Committee on National Legislation.

After the public session this morning we will meet in executive session to consider questions that are not appropriate for public discussion.

I am informed that Miss Esther Rhoads will be substituted for Mr. Wilson as a public witness.

We will begin with the Secretary of State.

Mr. Secretary, we are very pleased to have you this morning. I believe you have a prepared statement.

Secretary HERTER. I have.

The CHAIRMAN. Thank you. You may proceed.

STATEMENT OF HON. CHRISTIAN A. HERTER, THE SECRETARY OF STATE; ACCCOMPANIED BY HON. J. GRAHAM PARSONS, ASSISTANT SECRETARY OF STATE FOR FAR EASTERN AFFAIRS; HON. ERIC H. HAGER, LEGAL ADVISER, DEPARTMENT OF STATE; AND HON. JOHN N. IRWIN 2D, ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS

Secretary HERTER. Mr. Chairman and members of the committee, a Treaty of Mutual Cooperation and Security was signed on January 19, 1960, by Japan and the United States and has been submitted by the President to the Senate for its advice and consent to ratification.

WHAT THE TREATY REPRESENTS

The Treaty of Mutual Cooperation and Security represents a significant strengthening in treaty relations between Japan and the United States. The impressive strides made since 1952 in developing a pattern of close cooperation with Japan and expanding the scope of our relations are reflected in the new treaty which lays out the basis for, in the words of President Eisenhower—

an indestructible partnership between our two countries in which our relations would be based on complete equality and mutual understanding.

TERMS OF 1952 SECURITY TREATY

The Treaty of Mutual Cooperation and Security is a logical consequence of the developments which have taken place since April 28, 1952, 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 1952, Japan was militarily completely dependent upon the U.S. 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.

RECOGNITION OF NEED TO REVISE 1952 TREATY

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 minds 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 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.

DISCUSSIONS, AND NEGOTIATION, OF NEW TREATY ARRANGEMENTS

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 growing, and its economic health was vastly improved.

In that year Japan became the second best market for U.S. 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 reaffirmed that this treaty was designed to be transitional in character.

In September 1958, Foreign Minister Aiichiro 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.

PREAMBLE OF TREATY

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 consists of a preamble and 10 substantive articles. The preamble sets forth the spirit and purposes 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 OF THE TREATY

Article I generally corresponds to the comparable articles of other Pacific bilateral treaties 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 peace-

ful 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 OF THE TREATY

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

ARTICLES III AND IV OF THE TREATY

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 OF THE TREATY

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.

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," and article V, as well as article III, refers to constitutional provisions.

ARTICLE VI OF THE TREATY AND STATUS OF FORCES AGREEMENT

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.

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 8 years with 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.

EXCHANGES OF NOTES PURSUANT TO ARTICLE VI

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.

ARTICLES VII, VIII, IX, AND X OF THE TREATY

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

Under article X, 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 10 years, in which case the treaty is terminated 1 year after notice has been given.

AGREED MINUTE AND ADDITIONAL EXCHANGES OF NOTES

In an agreed minute to the treaty, Japan expresses its concern for the safety of the people of the Ryukyu and Bonin Islands. Their status was not discussed during the negotiations and they remain under U.S. 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 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.

TREATY CONSISTENT WITH OBJECTIVE OF POSTWAR U.S. POLICY TOWARD JAPAN

In sum, the Treaty of Mutual Cooperation and Security is entirely consistent with the fundamental objective of postwar U.S. policy toward Japan: the development of a relationship of mutual confidence which would permit the closest possible friendship and co-operation between the United States and Japan. The United States has steadfastly pursued this objective throughout the postwar 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.

TREATY DESIGNED TO ADVANCE CAUSE OF PEACE AND FREEDOM

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.

APPROVAL OF TREATY BY LOWER HOUSE OF THE JAPANESE DIET

Mr. Chairman, I have a brief supplementary statement in regard to the status of this treaty which I would like to read, if I may.

The CHAIRMAN. Yes; you may proceed.

Secretary HERTER. The Lower House of the Japanese Diet approved the Treaty of Mutual Cooperation and Security in the early hours of the morning of 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 30-day period required by law. If the Upper House fails to act within the 30-day period, the decision of the Lower House is a 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 50 days by vote of both Houses, assuring the Upper House ample time for consideration of the treaty.

CIRCUMSTANCES OF JAPANESE VOTE ON 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 25 members of Prime Minister Kishi's Liberal Democratic Party also abstained 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 6 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.

DEMONSTRATIONS PROVOKED BY JAPANESE ACTION ON THE TREATY

The Lower House approval of the treaty provoked a series of demonstrations against Prime Minister Kishi's action. The demonstrations reached a climax on May 26, when, according to police reports, 62,000 took part in Tokyo and about 202,000 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 demonstra-tions.

RECENT JAPANESE ELECTIONS IN WHICH THE TREATY WAS AN ISSUE

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 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 3.5 percent in the local constituency and 1.5 percent in the national constituency, compared with the last Upper House election in 1956.

The Liberal Democratic Party vote was about 52 percent in the local constituency (other conservatives received about 10 percent) and about 41 percent in the national constituency favoring the Socialists (other conservatives received about 25 to 30 percent).

The Socialists' share of the vote declined by about 4 percent compared with 1956 in both the local and national constituencies.

In the most recent bielection, held in Kumamoto Prefecture on May 18, the new treaty was a major issue. The conservative candidates supporting the treaty polled more than three-quarters of the vote, about the same vote as received by the conservatives in June 1959.

The CHAIRMAN. Is that all, Mr. Secretary?

Secretary HERTER. That concludes my statement.

COMMITTEE PROCEDURE

The CHAIRMAN. Does Mr. Parsons or anyone else wish to make a statement at this time?

Secretary HERTER. I don't think so, Mr. Chairman. I think that they are available particularly for questioning by the committee.

The CHAIRMAN. With the permission of the committee, we will follow our customary practice of limiting questioning the first time around to 10 minutes, after which we may have a second round and a longer period if the members wish. Merely in order to give each member an opportunity to ask at least some questions, we will follow this procedure.

BASIS FOR SOCIALISTS' OBJECTIONS TO TREATY

Mr. Secretary, I am puzzled about the issue that the Socialists make with regard to this treaty. Is there any discernible decision policy-wise that they take, or what is their objection to the treaty?

Secretary HERTER. They have objected to it apparently from the very beginning. They have felt that there should be no American troops of any kind stationed in Japan, that the Japanese should count completely on the United Nations for support in the event of any attack upon it, and they have been completely consistent.

As you know, there has been a steady stream of Russian and Chinese Communist propaganda against this treaty, and it has been fed very consistently, and it has been one of the most intensive campaigns that has been carried on for a long period of time.

DEFENSIVE POTENTIAL OF JAPAN'S MILITARY FORCES

The CHAIRMAN. How large are the domestic, the national, military forces of Japan?

Secretary HERTER. The military forces themselves?

The CHAIRMAN. Yes.

Secretary HERTER. I would have to ask Mr. Irwin that.

The CHAIRMAN. Do you consider they are at all adequate to provide for Japan's own defense without any outside assistance?

Secretary HERTER. They have been built up as you know very slowly under the constitutional provision which has been interpreted by the Japanese Government as being—as allowing them to build up certain defensive strength, but I think Mr. Irwin can give you more exact status on that.

Mr. IRWIN. The total forces are approximately 215,000, Mr. Chairman, of which 165,000 are army forces.

The CHAIRMAN. 215,000?

Mr. IRWIN. Approximately, yes, sir.

The CHAIRMAN. Does anyone consider that adequate to provide for defense of Japan in case of attack?

Mr. IRWIN. No, sir.

BASIS FOR SOCIALISTS' OBJECTIONS TO PROPOSED TREATY

The CHAIRMAN. The position of the Socialists is that they don't want any adequate military defense. They wish to rely on the United Nations?

Mr. IRWIN. That is their position; yes, sir.

Secretary HERTER. I think they want to strengthen also their ties with Communist China.

Senator GORE. As a means of security.

Secretary HERTER. As a means of the wave of the future.

SOCIALISTS' VIEWS ON THE EXISTING TREATY

The CHAIRMAN. The Socialists then oppose the existing treaty, I suppose. Are they also opposed to the existing treaty?

Secretary HERTER. That I can't tell you.

Mr. PARSONS. Sir, it follows logically that they would oppose that, because they opposed any relationship with the United States in a military sense and they favor a neutral policy—a policy of complete neutrality for Japan of whatever accommodation is necessary in relation thereto.

The CHAIRMAN. The existing treaty continues in effect, does it not, if this treaty is not approved? Doesn't the existing treaty continue until one party or the other disavows it?

Secretary HERTER. The existing treaty has no provision for termination. It will carry on unless it were agreed by mutual consent to terminate it.

The CHAIRMAN. In other words, from a technical point of view, just to examine the existing relationships with regard to the Socialist position, if for any reason this treaty is not agreed to—which I don't anticipate—the existing treaty continues in force; is that right?

Secretary HERTER. It continues in force.

The CHAIRMAN. And, from a military point of view, the existing treaty gives this country far greater privileges than this treaty under consideration, does it not?

Secretary HERTER. Yes, it does.

The CHAIRMAN. So then the position of the Socialists, if they should gain power, would be immediately, I suppose, to disavow the existing treaty, would it not?

Secretary HERTER. It presumably would.

The CHAIRMAN. It would have to be that, wouldn't it, as they don't want any relationship.

EXTENT OF JAPAN'S COMMITMENT IN EVENT OF MILITARY CRISIS IN FAR EAST

Mr. Secretary, what actions does this treaty commit the Japanese Government to in the event of a military crisis in the Far East? I think you covered that, but I wondered if you would make it a little clearer.

Secretary HERTER. From the point of view of the utilization of American troops stationed in Japan, the process of consultation that I have described will go immediately into effect.

The CHAIRMAN. Under the assurance given by the President, we would not take any action which the Japanese Government considered to be against their interests; is that correct?

Secretary HERTER. That is correct.

The CHAIRMAN. Is that in the treaty itself or is that in a subsidiary understanding or agreement?

Secretary HERTER. That is a subsidiary understanding.

The CHAIRMAN. Does the term "prior consultation" as expressed in the minute to the treaty mean that Japanese assent is required as a precondition to certain U.S. military activities in the area?

Secretary HERTER. It would.

ARE TREATY PROVISIONS SUFFICIENT GUARANTEES OF U.S. SECURITY IN THE FAR EAST?

The CHAIRMAN. Is it the opinion of our military authorities that the provisions of this treaty are sufficient guarantees of U.S. security in the Far East?

Secretary HERTER. I will ask Mr. Irwin to answer that.

* Mr. IRWIN. Yes, sir; they consider it adequate for those purposes.

The CHAIRMAN. And the military agrees to that.

Mr. IRWIN. Yes.

DISCUSSIONS AND NEGOTIATION OF NEW TREATY

The CHAIRMAN. Senator Green, do you have any questions?

Senator GREEN. The Chairman has asked questions I would have asked, but I think I would like a little enlightenment. Have there been any discussions of this matter since this draft was made and proposed?

Secretary HERTER. You ask has there been any discussion of this matter since the draft was first proposed?

Senator GREEN. Yes. How long had there been discussions as to the modifications of the existing treaty?

Secretary HERTER. As I said in my opening statement when Mr. Kishi was here in 1957, the matter was first broached, negotiations began in September of 1958, and were carried on until the treaty was signed at the White House January 19 of this year—15 months.

Senator GREEN. Weren't these matters covered at that time?

Secretary HERTER. Yes; there have been no changes whatever since that time.

NEED FOR A NEW TREATY

Senator GREEN. What is the occasion for another treaty?

Secretary HERTER. The occasion for another treaty was that the original treaty had always been contemplated as an interim agreement, so to speak. The treaty itself and the statements that were made at the time that it was ratified by Secretary Dulles and by others were that this was a provisional treaty in an interim period when Japan had no capability, military capability of any kind itself.

Secretary GREEN. That time was not limited in the original agreement, was it?

Secretary HERTER. No; it was not limited.

Senator GREEN. What is the occasion of thinking it is necessary to have a changed agreement now?

Secretary HERTER. Senator, I tried to explain that in my general statement where it had to do with developments in Japan, our closer relationships, great strides forward from an economic point of view, our desire to ally ourselves firmly with the West on a mutual basis.

TREATY CHANGES REQUESTED BY JAPAN

Senator GREEN. Then it is at Japan's request that it has been negotiated?

Secretary HERTER. That is right.

Senator GREEN. Has the United States agreed to all the requests that have been made in this connection?

Secretary HERTER. As I say, it took some 15 months to negotiate this particular agreement.

Senator GREEN. Is that an answer to the question?

Secretary HERTER. Yes, sir; I think we are entirely satisfied with the treaty as it now stands.

Secretary GREEN. Yes; you agreed to all the requests that they asked?

Secretary HERTER. No; I don't think everything that was asked but I would have to ask Mr. Parsons to answer that. But I would say that in general—

Senator GREEN. I think it would be interesting for us to know what requests they made that were not granted because that might leave matters to be negotiated in the future.

Mr. PARSONS. As the Secretary suggests there are certain aspects of this that had better be discussed in executive session. In further answer to your question of the Secretary a moment ago, there were a number of provisions of the old treaty which had become outmoded due to the changing situation from 1951 to 1958 and since then. Specifically the Japanese felt that the old treaty did not reflect their interest in such respects as the following:

The United States was permitted to use bases in Japan without consulting the Japanese Government for actions in other parts of the Far East that might involve Japan in a war irrespective of her own desires.

Secondly, the old treaty permitted the United States to bring into Japan whatever weapons she chose regardless of the wishes of the Japanese.

Thirdly, the old treaty provided for the intervention of U.S. forces in large-scale international disturbances in Japan.

Then it provided for a U.S. veto over any arrangements for the entry of the forces of a third power into Japan. And finally, as has been stated, there were no provisions for the termination of the treaty.

These provisions which were suitable as of the time that the 1951 treaty was negotiated no longer reflected the return of full Japanese sovereignty and independence which was the actuality of 1958 and 1960.

POSSIBILITY OF FUTURE TREATY NEGOTIATIONS

Senator GREEN. In other words, this is the result of negotiations for changing the existing treaty, and we only gave way to a certain extent, and there are other points which we have not assented to which they have requested. Why won't there be just as much dissatisfaction afterward as before, or at least if it is not the same amount, still dissatisfaction with the new treaty? Will there not be?

Secretary HERTER. That I think applies to both treaties. Certainly it applied to the existing treaty to a very much larger degree than the present treaty.

Senator GREEN. But it just reduces the amount of the dissatisfaction while, by the same token, it reduces our power to negotiate, does it not? It reduces America's power to negotiate. We have less to give after we acquiesce to some of their demands.

Secretary HERTER. Yes, but we believe it is in our interests so to do.

Senator GREEN. What is Japan giving up compared with what America is giving up?

Secretary HERTER. I think the answer to that, Senator, is that Japan has now made a treaty under very different conditions from those that existed before. The previous treaty was made at a time when the occupation status ended and Japan became a free nation for the first time. It was intended as I testified to be a temporary arrangement until such time as Japan herself acquired greater defensive strength and also had recovered from an economic point of view, both of which things have happened.

What Japan is doing in here is definitely allying herself with the West, is giving us facilities in Japan on at least a 10-year basis. After 10 years, as I said, either party could denounce the treaty on 1 year's notification, but this regularizes what was an interim situation, we think, to our mutual advantage.

Senator GREEN. I have just been informed my time is up so I won't ask any more questions, but so far as we have gone, it seems to me that you admit that we are doing all the yielding and Japan is doing none, and that while we haven't yielded to all the requests that Japan

has made, it still leaves us in an unsatisfactory condition for future negotiations, does it not?

Secretary HERTER. No, we believe that the conditions are satisfactory.

NO ADDITIONAL U.S. RESPONSIBILITY ADDED BY THE TREATY

The CHAIRMAN. Senator Wiley.

Senator WILEY. I am very sorry I was not here to hear the statement of the distinguished Secretary. I presume that the treaty, having been negotiated, represents the judgment of your department that it is in the best interests of this country that it be approved by this Government.

In your opinion, does it add any additional responsibility to what we have now?

Secretary HERTER. No, sir, it does not add any additional responsibility to what we have now.

CAUSES OF DEMONSTRATIONS AGAINST TREATY

Senator WILEY. In your opinion, do you think that these eruptions that are happening in Japan right now are the result of Communist attempts to obstruct the treaty or are they caused by, let us say, people in Japan who feel we ought to get out of Japan entirely?

Secretary HERTER. I think it is a combination of the two. The Communist Chinese have consistently stated that we must get out of the Far East entirely. This is one of their objectives to drive us out of the Far East entirely. Certainly the propaganda they have been carrying on and the Russians have been carrying on against this treaty has been a very strong propaganda.

U.S. INTERESTS IN THE FAR EAST

Senator WILEY. In view of the fact that we have obligations in the Philippines, in Korea, and Formosa, do you feel that it is necessary that we have bases in Japan?

Secretary HERTER. We think it is a very desirable thing.

Senator WILEY. So in view of this contracted world that we have heard so much about, it is in the national interests that we keep strong in the Far East?

Secretary HERTER. We so believe.

Senator WILEY. Thank you, sir.

COMMUNIST PROPAGANDA AGAINST TREATY ARRANGEMENTS WITH JAPAN

The CHAIRMAN. The Senator from Alabama?

Senator SPARKMAN. Mr. Secretary, you said something about the flood of propaganda from Russia and Communist China. There is nothing new about that, is there?

Secretary HERTER. That has been going on for a long time.

Senator SPARKMAN. As a matter of fact, we had it at the time the original treaty was made, didn't we?

Secretary HERTER. So I understand.

Senator SPARKMAN. Well, I can remember it quite well. As it happens, Senator Wiley and I were delegates to the Japanese Treaty Conference; we were signers of the peace treaty. And I am sure he will recall the head of the Russian delegation at that time, who is now the Foreign Minister of Russia, Mr. Gromyko, clearly stating that the signing of this treaty was a declaration of World War III, and, of course, the drums were beating then against that treaty very much as they are beating against this.

MODIFICATIONS ADVANTAGEOUS TO JAPAN

As a matter of fact, this seems to me to be a modification of the existing treaty, as the chairman has brought out, decidedly to the advantage of Japan; isn't that correct?

Secretary HERTER. That is correct.

Senator SPARKMAN. I recall under the terms of the first treaty that it was anticipated that after the passage of a certain amount of time and the reestablishment of a firm and sound government and economy in Japan there would be modification of the treaty.

Secretary HERTER. Yes.

Senator SPARKMAN. Do you consider the modification that Ambassador Parsons mentioned about the use of U.S. troops in connection with international disturbances to be a considerable modification, a very significant modification?

Secretary HERTER. Yes, sir, but I think it is a modification in line with the position that Japan has now achieved in the free world.

Senator SPARKMAN. In other words, you take the position that Japan has earned the right to these modifications?

Secretary HERTER. I do.

Senator SPARKMAN. And cast in the framework of what has happened there, these are reasonable modifications even from our standpoint?

Secretary HERTER. So we believe.

DEFENSIVE POTENTIAL OF JAPAN'S MILITARY FORCES

Senator SPARKMAN. One other question: You brought out in your statement some of the provisions of the treaty. For instance, under 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 the common danger in accordance with its constitutional provisions and processes.

Now, are we to understand that the interpretation that the Japanese Government gives to its constitutional provisions is that it can fully meet attacks of that kind?

Secretary HERTER. It has taken the position that in the rearming which it has done, which is a limited rearming, it is providing only for defensive strength to meet an attack.

Senator SPARKMAN. Yet, according to the statement given to us, there are only 215,000 armed forces in Japan. Do they have any air force or a navy, and are there any armaments that, coupled with the ground forces, would provide adequate defense in the event the Japanese territories were attacked?

Secretary HERTER. If I may I will ask Mr. Irwin to answer that.

Mr. IRWIN. Of the 215,000, Senator, approximately 165,000 are army forces. I believe some 24,000 are air forces and a little over 23,000 are naval forces.

These forces are armed primarily, as the Secretary says, in a defensive manner. They have been building up over the past 8 years. The Japanese defense budget total is something like \$430 million now, and over the past years, they have grown and over the future years I believe they will continue to grow in strength. They are not now adequate to oppose a major attack on Japan without the assistance of the United States or some other free world power.

Senator SPARKMAN. In other words, we feel, and apparently the Japanese Government feels, that some such arrangement as is provided for, then, in this treaty is necessary for the defense of Japan under its severely limited military forces.

Secretary HERTER. That is correct.

Senator SPARKMAN. That is all, Mr. Chairman.

AGREEMENT REGARDING FACILITIES AND STATUS OF FORCES

The CHAIRMAN. The Senator from Iowa.

Senator HICKENLOOPER. Mr. Secretary, article VI of the treaty, which is the only indefinite article in the treaty that I can see, provides for the use of facilities and areas, as well as the status of the U.S. Armed Forces in Japan, under rules and agreements adopted under a separate agreement which replaces the administrative agreement under article III of the Security Treaty signed at Tokyo February 28, 1952. Article VI is a general provision referring to a further agreement or protocol or minute or whatever one may want to call it, and I assume that the document attached to this message of the President submitting this treaty entitled "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 U.S. Armed Forces in Japan" is the agreement developed and agreed to between the United States and Japan under article VI. Is that correct?

Secretary HERTER. That is correct.

Senator HICKENLOOPER. Is this agreement, developed as a result of article VI, in effect now, or does it abide the time when the treaty may go into final effect before it comes into effect?

Secretary HERTER. It goes into effect when the treaty goes into effect.

STATUS OF FORCES AGREEMENT IS AN EXECUTIVE AGREEMENT

Senator HICKENLOOPER. So that the agreement, consisting of 28 articles, contained in the President's message and attached to the treaty, will become an integral part of the treaty; is that correct?

Secretary HERTER. Not an integral part of the treaty.

Senator HICKENLOOPER. What is the legal status of this agreement?

Secretary HERTER. It is an executive agreement. The original Status of Forces Agreement was an executive agreement. This would follow that same pattern.

Senator HICKENLOOPER. I understand. Could this executive agreement be made between our country and Japan through the executive departments of our Government without this treaty?

Secretary HERTER. Yes, I think that the existing Status of Forces Agreement could be modified at any time.

Senator HICKENLOOPER. Could the existing Status of Forces Agreement be modified in the exact terms contained in this agreement attached to the treaty we are looking at this morning, without going the treaty route here of confirmation by the Senate?

Secretary HERTER. Yes, it could. There are two places, I think, in the new Status of Forces Agreement that do refer back to the treaty, the new treaty.

Senator HICKENLOOPER. If, after the treaty should go into effect, a proposed modification of this agreement is contemplated—that is, the agreement generated under article VI—would those modifications between the United States and Japan on the status of forces, and so on, occurring as a result of article VI, have to come back to the Senate for advice and consent?

Secretary HERTER. No, they would not. On the other hand, of course, I would assume any administration would consult with the Senate not in an official capacity but informally. This was done, as you may recall, Senator, in connection with some status-of-forces agreements with NATO countries.

Senator HICKENLOOPER. I understand the custom, but I am trying to get at the legal requirements here, not custom, the basic legality of this situation under the Constitution.

So, as I understand it, it is your view that this agreement that is referred to as an agreement under article VI of the treaty and attached to this treaty here for reference, at least, could be made as an executive agreement without having its authority stem from the treaty.

Secretary HERTER. Yes, it could as long as there were no references, of course, to a new treaty.

Senator HICKENLOOPER. You take the position that the references in the agreement to the new treaty bind it to the treaty so that it is a part of the treaty?

Secretary HERTER. No, I do not think they do. It cannot go into effect until after the treaty is in force.

EFFECT ON U.S. DOMESTIC LAW OF TREATY AND STATUS OF FORCES AGREEMENT

Senator HICKENLOOPER. Is there anything in this treaty or in the agreement developed under article VI as an executive agreement which we have been talking about that in any way alters the authority of the internal law of the United States?

Does it enlarge the power of the Federal Government and cut down the power of the States, or cut down the powers of the Federal Government under the Constitution?

Secretary HERTER. None at all, Senator. The only part of that agreement that would in any way touch what you might call domestic law is in the criminal jurisdiction provision and that remains absolutely unchanged.

Senator HICKENLOOPER. And that is the same as in the status-of-forces agreement under the NATO provisions.

Secretary HERTER. Under NATO; that is correct.

ALTERNATIVE COURSES FOR JAPAN

Senator HICKENLOOPER. Mr. Secretary, is it fair to assume that the Japanese have a series of choices something like this: That they can either go along with the present treaty as it now exists, which gives us absolute rights in Japan, and which they and we are trying to get away from; that they can become completely neutralized; or that they can align themselves with the Soviet bloc? What I mean is that they can have several alternatives of that kind or they can join in this treaty which gives them their full sovereignty and the right to negotiate any rights which they may grant to us; is that correct?

Secretary HERTER. That is correct.

EFFECT OF RIOTS ON PRESIDENT'S TRIP TO JAPAN

Senator HICKENLOOPER. Let me ask you this: In view of these riots of several thousand Japanese at the present time, do you have any comments on the President's trip to Japan at this moment?

Secretary HERTER. Under existing circumstances, I think that the plans ought to remain unchanged. If I may I would like to perhaps discuss that matter a little more fully in executive session.

Senator HICKENLOOPER. Well, I shall not press you on that point then.

Thank you, Mr. Chairman.

The CHAIRMAN. The Senator from Montana.

DEFINITION OF THE TREATY AREA

Senator MANSFIELD. Mr. Secretary, what does the area of the Far East encompass within the context of this treaty?

Senator LATSCHÉ. Will the Senator please repeat that question?

Senator MANSFIELD. My question was, What does the area of the Far East encompass within the scope of this treaty?

Secretary HERTER. I have here the answer given by Prime Minister Kishi on this and if I may I would like to read the exact words—

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 the U.S. 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.

Senator MANSFIELD. Do you agree with that statement, Mr. Secretary?

Secretary HERTER. Yes; I think we are satisfied with that definition.

SIGNERS OF THE TREATY

Senator MANSFIELD. This treaty now before the Senate Committee on Foreign Relations was initiated by the Kishi government?

Secretary HERTER. Yes.

Senator MANSFIELD. This treaty was initialed or signed by Prime Minister Kishi and President Eisenhower on January 19, last?

Secretary HERTER. It was not signed by President Eisenhower. I signed and—Mr. Parsons and I signed and Ambassador MacArthur signed on behalf of the United States.

STATUS OF THE BONIN AND RYUKYU ISLANDS

Senator MANSFIELD. Now, the Bonins and the Ryukus will be returned to Japan once a stable peace has been achieved in the Far Eastern area?

Secretary HERTER. Excuse me?

Senator MANSFIELD. The Bonins and the Ryukus will be returned to Japan once peace and stability has been achieved in the Far Eastern area. Is that the intention of the U.S. Government?

Secretary HERTER. That has always been the interpretation of the phrase, "residual sovereignty."

DURATION OF THE TREATY

Senator MANSFIELD. Why is there a 10-year, really an 11-year, treaty under consideration rather than a standard 1-year treaty?

Secretary HERTER. Well, when as extensive rights as base rights that were given to us were envisaged a longer term treaty seemed to be to our mutual advantage so that there wouldn't be a sudden shift that might take place perhaps because of a political gesture of some kind. This would insure that for at least a 10-year period this mutual relationship could continue.

CIRCUMSTANCES OF APPROVAL OF TREATY BY LOWER HOUSE OF JAPANESE DIET

Senator MANSFIELD. Under what conditions did the Japanese Lower House approve the treaty last month?

Secretary HERTER. That—I tried to describe that rather briefly. The conditions were very disturbed in that the Japanese Socialist Party tried to keep the speaker of the House from getting to his desk for 6 hours or so; they kept him a prisoner.

Finally, the police were called in and the Socialists were removed forcibly in order to allow the speaker to get into the Diet chamber. At that time, the ratification took place by very considerable over the majority required.

Senator MANSFIELD. Was that ratification legal?

Secretary HERTER. Entirely legal so far as we know.

Senator MANSFIELD. Was it questionable?

Secretary HERTER. I don't think it was questionable. It has been questioned, but there was a quorum present and all the normal legislative procedures had been complied with.

Senator MANSFIELD. The reason I raise the question is that it is my understanding that the Socialists stayed away en masse and did not participate in this vote.

Secretary HERTER. That was a voluntary abstention on their part.

Senator MANSFIELD. Did the one Communist member in the Lower House appear at that time, or did he likewise stay away?

Secretary HERTER. I am not sure, but it is my impression he stayed away, too. He stayed away.

EFFECT ON TREATY OF A CHANGE IN THE JAPANESE GOVERNMENT

Senator MANSFIELD. If the Kishi government were replaced by a neutralist government, let us say, and this treaty was in force, do you think the subsequent government following Kishi would adhere to the agreement entered into between the two countries?

Secretary HERTER. Well, that is entirely a matter of speculation as to whether a successor government would abide by its international obligations or not.

IMPORTANCE OF THE TREATY

Senator MANSFIELD. Mr. Chairman, I have no more questions, but I want to make one brief statement. I think this is a good treaty. I think it is beneficial to both Japan and the United States, and it is my belief that the peace of the Pacific may well be determined by the continued partnership, understanding, and unity of these two countries which occupy such an important position in the Pacific area.

That is all, Mr. Chairman.

DEFINITION OF THE TREATY AREA

The CHAIRMAN. If the Senator from Montana would allow me to clarify one question he asked about when he asked what is involved in the Far East, if I understood the answer, the Soviet Union was not mentioned. Is that not involved in the Far East?

Secretary HERTER. I would think that was included in the interpretation when he speaks of everything north of the Philippines.

The CHAIRMAN. I would have thought so, but he then proceeded to specify Korea and the Republic of China without mentioning the Soviet Union. It would seem to me rather peculiar, if he is specifying, that he would leave that country out. He didn't intend to leave that out, I take it, by that specification.

Secretary HERTER. I wouldn't think so and if there were an attack by Soviet Russia without Communist China the same conditions would hold.

The CHAIRMAN. I would think so.

The Senator from Vermont, Senator Aiken?

MEANING OF "PRIOR CONSULTATION"

Senator AIKEN. Mr. Secretary, under article VI there is a provision for prior consultation with Japan before the United States takes certain steps which are considered possible under the treaty. These steps relate to the deployment of armed forces, changes in their equipment, the acquisition of areas for the use of bases, and so on.

Now it appears that there was some question as to what prior consultation meant and, as I understand it, the President and Mr. Kishi exchanged notes and the President assured Prime Minister Kishi 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.

Now do you understand the term "prior consultation," as expressed in the minute to the treaty, to mean that Japanese assent or consent is required as a precondition to certain U.S. military activities in Japan?

Secretary HERTER. If these military activities were ones in which Japan was in no way involved herself, if only the United States was involved, consultation would be required and presumably would require the consent of the Japanese.

As a very practical matter, however, if the Japanese were opposed to our utilization of those bases at that time, it would be a very difficult thing to have them as a useful adjunct.

SETTLEMENT OF DISPUTES UNDER THE TREATY

Senator AIKEN. Now, assuming that Japan and the United States did not agree on certain important moves which we considered permissible under the treaty, is there anywhere in the treaty any provision for the settlement of disputes?

Secretary HERTER. No, there is not.

Senator AIKEN. Why not?

Secretary HERTER. If you get into a period of war what is based on Japan can be moved elsewhere.

Senator AIKEN. But there is no provision for the settlement of disputes.

Secretary HERTER. Mr. Parsons has something he would like to add to that.

Senator AIKEN. Yes?

Mr. PARSONS. Sir, there are arrangements for consultation under both article IV and article VI of the treaty, and under the administrative agreement and arrangements pursuant thereto which is provided for by article VI of the treaty. There is a joint committee in which disputes relating to the administrative agreement, now called the status of forces agreement, can be worked out. There is also agreed to be established a joint consultative committee on defense matters which would take the place of a similar committee existing at the present time. So there are ample arrangements for consulting with a view to settling disputes but there are no self-executing provisions for the settlement of disputes.

Secretary HERTER. May I just add one word to that? My legal service tells me it is not a usual provision to have a provision in a treaty of this kind for the settlement of disputes outside of a consultative agreement.

Senator AIKEN. But it is understood that under the prior consultation provision, certain steps would not be taken by the United States without approval of the Japanese Government?

Secretary HERTER. That is right.

BACKGROUND OF TREATY NEGOTIATIONS

Senator AIKEN. This treaty was initiated when, in 1957?
Secretary HERTER. In 1957 when Mr. Kishi came to this country he spoke to the President at that time, and it was thereafter that the discussions began. From 1958 the discussions began.

Senator AIKEN. When did the terms of the treaty begin to get known in Japan?

Secretary HERTER. At the time of the signing. I think that during the course of the discussions a certain amount was known about it but the actual text of the treaty, I don't think, was made public until the time of the signing which was January 19 of this year.

TREATY AS AN ISSUE IN JAPANESE ELECTIONS

Senator AIKEN. The treaty did not then enter into the general elections in Japan, that is, the general elections of the Lower House in 1958?

Secretary HERTER. Yes, it did.

Senator AIKEN. It did?

Secretary HERTER. It did. There was a great deal of discussion about it.

Senator AIKEN. Then the provisions in the treaty that have been proposed had been made known in a general way at that time?

Secretary HERTER. Very definitely. The whole purpose of the agreement was discussed at that time, and as I said in my opening statement we interpreted the gains by the Kishi government in its strength and a very strong showing when the treaty was the principal issue in a by-election as indicating very strong popular support.

Senator AIKEN. Was there a further demonstration of gains by the Kishi government in the election of the Upper House last year?

Secretary HERTER. Yes, there were.

Senator AIKEN. Over the election in 1958?

Secretary HERTER. Yes.

Senator AIKEN. And the election in 1958 showed gains over prior conditions?

Secretary HERTER. That is correct. I have the conditions here but I think they were incorporated by my earlier statement.

TREATY'S IMPACT ON KISHI GOVERNMENT

Senator AIKEN. So, then, you are satisfied that this treaty does represent the wishes of the majority of the people of Japan, as shown in the last two elections?

Secretary HERTER. We do.

Senator AIKEN. Do you see any indications that the signing of this treaty has weakened the Kishi government in Japan?

Secretary HERTER. No. If I may, I would like to perhaps discuss that matter a little more in executive session.

Senator AIKEN. All right.

NATURE OF OPPOSITION TO TREATY

Is the principal opposition due to the fact that the treaty has a minimum life of 11 years? Do you understand that?

Secretary HERTER. I don't believe it has to do with the length of the treaty. I think it has to do with the whole concept of any bases, any provisions for having men in Japan.

Senator AIKEN. Does it represent the opposition of the minority of the people of Japan to a tieup with the West generally?

Secretary HERTER. I would so interpret it.

Senator AIKEN. And these people would prefer a tieup with, you say, the Chinese mainland even though they might be relegated to the position of a satellite?

Secretary HERTER. I think it would run all the way from a neutralist position to one of wanting to have very close ties with Communist China.

Senator AIKEN. It is a matter of degree, then, and you would say a very small percentage of the people of Japan would take the extreme view that Japan should tie right in with Communist China?

Secretary HERTER. I would think so.

Senator AIKEN. That is all, Mr. Chairman.

The CHAIRMAN. The Senator from Louisiana.

BACKGROUND OF ARTICLE 9 OF THE JAPANESE CONSTITUTION

Senator LONG. Mr. Secretary, I refer to the provision in article 9 of the Japanese Constitution to which you made reference, 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." Was that provision in their Constitution written and adopted by the Japanese people at a time while that was an occupied nation?

Secretary HERTER. That was written in at that time.

Senator LONG. Wasn't that at a time when General MacArthur was more or less in charge over there?

Secretary HERTER. Yes. I think that there was a great deal of consultation with us at the time that the Constitution was written.

Senator LONG. Was that written in there because we suggested it and pressed for it, or because the Japanese were insisting upon it?

Secretary HERTER. May I read to you two direct quotations from a study on this matter that was made and published by the State Department in 1953, and I am quoting from that:

As a most effective means of instructing the Japanese Government on the nature and application of the principles which she considered basic for a revised constitution, General MacArthur directed Brigadier General Whitney, Chief of the Government Section, to prepare a draft constitution embodying those principles. General MacArthur also gave to General Whitney three major provisions which were to be incorporated in the draft to be prepared by the Government Section. One stipulated that the Emperor should function as a constitutional sovereign, responsible to the people; another, that the feudal system of Japan should be overthrown, and one other in General MacArthur's notes read as follows:

"War as a sovereign right of the nation is abolished. Japan renounces it as an instrumentality for settling its disputes and even for preserving its own

security. It relies upon the higher ideals which are now stirring the world for its defense and its protection.

"No Japanese army, navy, or air force will ever be authorized and no rights of belligerency will ever be conferred upon any Japanese force."

This is very similar, you can see, to the provision that is now in the Constitution.

Senator LONG. Well, in a sense, wasn't that Constitution adopted in about the same way as some of these constitutions we Southern States had to adopt after we were defeated in the Civil War? [Laughter.]

Secretary HERTER. Perhaps, Senator—

Senator LONG. Yes.

Secretary HERTER. I think I have General MacArthur's own testimony at that point. This is when he was testifying before this committee in 1951—he made the following statement:

They of their own volition wrote into their constitution a provision outlawing war. When their Prime Minister came to me, Mr. Shidihara, and said: "I have long contemplated and believed"—and he was a very wise old man, he died recently—"long contemplated and believed that the only solution to this problem is to do away with war." He said "with great reluctance I advanced the subject to you, because I am convinced that you would not accept it, as a military man, but" he said, "I am convinced that you would not accept, but" he said, "I would like to endeavor, in the constitution we are drawing up, to put in such a provision."

Then General MacArthur went on—

"I encouraged him and he wrote that provision in."

Senator LONG. General MacArthur, on the one hand, insisted on it and then he said he gives credit to one of the Japanese statesmen for wanting it in there. I would like to get the question placed in perspective.

Secretary HERTER. It is a question of whether or not General MacArthur had consulted with Shidihara before he insisted on it.

Senator LONG. Yes. I believe General MacArthur's testimony before us was that this sort of thing was one of his proud accomplishments of his stewardship in Japan and I am not here to criticize it.

But the point I have in mind is that in most Southern States immediately after they got out from under occupation after the Civil War—I said immediately after but not a single thing happened right away, it took 20 years—but when they finally got the Federal troops out of there they proceeded to write their constitutions the way they thought they should be written.

JAPAN'S RELEGATION TO A POSITION OF INSIGNIFICANT MILITARY POWER

Is it at this time to the advantage of this nation or to the advantage of Japan that that nation should be relegated to a position of insignificant military power?

Secretary HERTER. That matter, I think, has been discussed a good deal in Japan, and if you would like, I would be glad to comment again on it. I am a little wary of commenting on internal affairs in Japan unless I do it in executive session but I would be glad to comment on that point when we are in executive session.

NO RECIPROCAL DEFENSIVE OBLIGATION IN TREATY

Senator LONG. One other point that concerns me is this: As I understand it, we undertake a defense obligation toward Japan in the event she is attacked; is that correct?

Secretary HERTER. That is correct.

Senator LONG. With the forces she has, against modern weapons and against a major power such as Russia, she would have no chance if we didn't.

Secretary HERTER. That is the belief of our military authorities.

Senator LONG. Would we have any objection if Russia undertakes a similar obligation to defend Japan in the event we should attack?

Secretary HERTER. There Japan under its constitutional provision cannot give a reciprocal guarantee.

Senator LONG. You are still answering my previous question, I believe. I wonder whether this Nation would have any objection to Japan accepting similar guarantees from other foreign powers, such as the Soviet Union?

Secretary HERTER. I don't think it would. On a purely defensive agreement.

Senator LONG. That's right, purely defensive matter. But now, do we, in this agreement, get any guarantee or any assurance that there would be reciprocity and that the Japanese will attempt to help us in the event that we are attacked?

Secretary HERTER. Well, that is the question that I answered previously. I thought that was the purport of your question. Under their constitution they cannot do that.

Senator LONG. They don't have anything like the case that we have had that led to the proposal of the Bricker amendment that a treaty can be valid where a statute could not—no, pardon me, I am sorry; this is specifically forbidden by treaty.

Secretary HERTER. That's right.

Senator LONG. And by the Constitution.

Secretary HERTER. By the Constitution.

Senator LONG. And therefore even under our law could not be agreed to.

NATURE OF OBLIGATIONS UNDER VARIOUS U.S. SECURITY TREATIES

Isn't this one more example, even though perhaps there is no alternative to it, where we continue to make these individual arrangements where we will go to war if some foreign nation is attacked, without the assurance that all these different nations we are agreeing to defend will join in the common effort?

Secretary HERTER. No. All of our mutual security agreements are reciprocal agreements.

Senator LONG. Well, now, what I have in mind is this: I assume the Japanese would help defend Japan if the nation is attacked, and we have a commitment to help defend them, but it doesn't work the other way around. But suppose South Korea is attacked? We are bound to help defend South Korea but she is not bound to help defend Japan and vice versa. The same thing would be true on Taiwan. If an attack occurs in that area, we are bound to go to the defense

of those people, but the South Koreans are not bound to come to our aid, so far as I know, nor are the Japanese. Then if an attack falls upon the Philippines, we are bound to defend them. Do we have any agreement that we are going to get the other three nations to help us there?

Secretary HERTER. Under the SEATO pact of course we have.

Senator LONG. Well, they agree to consult if I recall.

Secretary HERTER. The Japanese agree to consult.

Senator LONG. Well, the SEATO nations agree to consult but not to act, do they?

Secretary HERTER. Against aggression they agree to act.

Senator LONG. In the event of aggression they agree to act.

Secretary HERTER. Yes; they consult only in the event of an internal subversive takeover.

Senator LONG. So you feel that there is an interconnection between our commitment at Taiwan and our commitment in the Philippines?

Secretary HERTER. No; we have a separate agreement with Taiwan.

Senator LONG. That is what I have in mind.

Secretary HERTER. In the SEATO countries with the Philippines, with Thailand, with Pakistan, with Australia, New Zealand, Great Britain, and France.

Senator LONG. Yes, well now, is there any connection between the SEATO treaty and Taiwan?

Secretary HERTER. No. The Taiwan is a separate pact.

Senator LONG. So, then, the people of Taiwan would not be required under any treaty obligation to support us in the event that we had to go to the defense of the Philippines?

Secretary HERTER. The one with Taiwan? May I read you the pertinent section of that?

Senator LONG. Yes.

Secretary HERTER. It says:

Each party recognizes that an armed attack in the West Pacific area directed against the territories of either of the parties would be dangerous to its own peace and safety and declares it would act to meet the common danger in accordance with its constitutional processes.

Senator LONG. Well, that clearly does not bind them to do anything if the attack falls on Philippine property that is not possessed by the United States, does it?

Secretary HERTER. They agree to act in concert together in accordance with their constitutional processes.

Senator LONG. What you just read to me does not say that. It says, if the attack occurs on the territory held by either party.

Secretary HERTER. Yes, that is reciprocal.

Senator LONG. But if the attack occurs on a third party, who is tied by treaty obligation to one of the two original parties, there is not the obligation to go to the aid of either party.

Secretary HERTER. No, but if you did that, you see we have treaty arrangements with some 40 nations and it would mean that Taiwan was obligating itself to go to war whether it would be under the SEATO Pact or under NATO or under the Organization of American States, under any one of the many obligations that we have.

Senator LONG. My time is up and I would just like to say that so far as an area arrangement is concerned in that whole area we are discussing, which includes Japan, these are all piecemeal commitments, any one of which could involve us in a war. This situation does not assure us that we will have the help of the others in the area so far as I can see. If it does, I would like to see where it would occur.

Secretary HERTER. Might I add there that the Government of Taiwan offered to send troops to Korea and I think it was a military decision that they be held where they were because of the danger of an attack on Formosa itself at the same time.

The CHAIRMAN. The Senator from Indiana.

NO RECIPROCAL DEFENSIVE OBLIGATION IN TREATY

Senator CAPEHART. Mr. Secretary, I think most of the questions I had in mind have been answered. Of course, the purpose of this treaty is the security of the United States; am I right?

Secretary HERTER. Yes.

Senator CAPEHART. Now, this is the thought that is in my mind, and maybe it ought to be covered in executive session. I don't know. But it seems to me that under the terms of this treaty and the provisions of the Japanese Constitution, Japan cannot assist us, as you said a moment ago.

We cannot help ourselves without Japan's consent; therefore, isn't the whole thing sort of an empty gesture?

Secretary HERTER. I think, Senator, that Japan is assisting us very considerably in offering very considerable sections of Japanese territory for the deployment of our troops and facilities in Japan.

Senator CAPEHART. I understand that. But they have the right to veto our taking any action in the use of those facilities, do they not?

Secretary HERTER. They do, but in the sense that we are bound to consult with them and seek to persuade them on such matters as using the facilities for combat purposes in a war in which they themselves are not engaged.

Senator CAPEHART. In other words, they, under their constitution and under this treaty, cannot assist us.

Secretary HERTER. Perhaps I can discuss that further in executive session.

Senator CAPEHART. It may well be necessary to discuss it in executive session. Our hands are rather tied without their consent. That is one though that we might get into in executive session.

STRENGTH OF JAPAN'S MILITARY FORCES

Now the other question I have is this: The thing that concerns me is that Japan has inadequate forces for her own defenses or inadequate forces for helping any of her friends. Isn't that a true statement?

Secretary HERTER. Yes.

Senator CAPEHART. What has been done, if anything, to build up Japan's strength?

Secretary HERTER. Well, that has been building up consistently as Mr. Irwin has testified, but it can only be done in a defensive sense, not in an offensive sense.

Senator CAPEHART. You mean defensive under treaty agreements? Secretary HERTER. Well, under their own constitutional processes. Senator CAPEHART. Does that mean then that forever we are going to be defending Japan at our expense and with our troops?

Secretary HERTER. That is, if I may discuss—

Senator CAPEHART. That is their problem, I presume.

Secretary HERTER. If I may discuss that with you in executive session, yes, I will be glad to.

Senator CAPEHART. Thank you, Mr. Chairman.

The CHAIRMAN. The Senator from Tennessee?

VAST ECONOMIC DEVELOPMENT OF JAPAN

Senator GORE. Mr. Secretary, I was in Japan in 1957 and again in December of 1959. From my observations, there appears to have been a vast economic development of Japan during that 2-year interval.

Would you confirm that observation?

Secretary HERTER. Very definitely.

Senator GORE. From my study of international trade it would appear that there has been a vast increase in the international trade of Japan.

Secretary HERTER. Yes, and as I pointed out in my earlier testimony it is the second largest customer for American goods in the world.

Senator GORE. For the moment I was addressing my question with respect to Japan's international trade overall rather than specifically with the United States.

Has not in fact her international trade with the entire area of southeast Asia, as well as other parts of the world, greatly increased?

Secretary HERTER. Yes; it has.

Senator GORE. And the economic relations between the United States and Japan have had great development, I believe, to our mutual benefit?

Secretary HERTER. It has.

NEED FOR A NEW TREATY

Senator GORE. Why, then, is a change in treaty status needed? Did we seek it or did the Japanese seek it? And secondly, why is there need? If this development has occurred to the economic betterment of Japan, to our mutual advantage as between the United States and Japan, why is there a need for a change in treaty status?

Secretary HERTER. Well, as Mr. Parsons testified a few moments ago, there were a number of provisions in the 1951-52 Security Treaty that were pretty extreme from the point of view of an agreement between two sovereign nations. The Security Treaty, as it was pointed out, was negotiated in 1951. That treaty was an intermediate step between Japan becoming a sovereign nation and being cleared particularly of that one provision that was very difficult for them, that U.S. troops had a right to intervene in the internal affairs of the country.

Senator GORE. Do I correctly understand that the changes incorporated in the pending treaty were desired by Japan?

Secretary HERTER. Yes.

EFFECT OF A DELAY IN SENATE CONSIDERATION OF RATIFICATION

Senator GORE. My next question is a question which relates to a matter of time. Would the security of Japan or the United States or the United Nations or international peace be in any way jeopardized if the Senate considered ratification in 1961?

Secretary HERTER. I don't think necessarily. I frankly don't know why there should necessarily be a postponement. We feel it is a desirable matter on both sides. It is of mutual interest to go ahead with this treaty. The question of a delay would not necessarily be a fatal thing. On the other hand, there might be some real doubts in Japan as to whether we intended to go ahead with it or not if there were an extreme delay.

Senator GORE. Well, that last point has validity. But from the standpoint of developing economic relations and developing economic and military strength within Japan, no threat to peace or security would be involved if the Senate found it necessary to postpone consideration until 1961.

Secretary HERTER. No; but I think psychologically it would be an unfortunate thing.

Senator GORE. If it should raise a question in the minds of the people of Japan of the good faith of the United States, then, as I have said earlier, I would consider that a very valid reason for proceeding forthwith. I am not sure that the people of Japan would necessarily reach such a conclusion.

But that is subject to consideration.

Secretary HERTER. I think so, and I think that another consideration would be the question as to whether it would strengthen the hands of the minority in Japan who were opposed to the treaty at the present time.

Senator GORE. Well, I doubt if we should trim our action by consideration of what effect it might have in that particular regard. Anyway, I shall be prepared to consider it.

I really do not see the necessity of a rush act in ratification, but I will talk with you further in executive session about it. Thank you, Mr. Chairman.

The CHAIRMAN. The Senator from Kansas.

TREATY AS AN ISSUE IN RECENT ELECTION IN JAPAN

Senator CARLSON. Mr. Secretary, just one or two questions. Reading the press and listening to the radio and watching the television programs, one gets concerned about sentiment of the people of Japan for the approval of this treaty.

I believe in your statement you mentioned the recent election that seemed to give some indication of the test of the sentiment of the people. Was that an election in a province? And what was the election for? A member of the Diet or some local office or what?

Secretary HERTER. It was a by-election, Senator, held on May 18 of this year, that is less than a month ago, in Kumamoto Prefecture.

This was a by-election, I think, for the Upper House of the Diet. In that election, the principal issue was this treaty, and the conservative candidates supporting the treaty polled more than three-quarters of the total vote.

Senator CARLSON. Where is this province located?

Would it be a fair test is the question I meant to ask.

Secretary HERTER. It is in the southern island of Kyushu.

Senator CARLSON. Southern island of Kyushu had an election for the Upper House of the Diet.

Secretary HERTER. Yes.

Senator CARLSON. And the candidates who supported the treaty received 75 percent of the vote?

Secretary HERTER. That is correct.

Senator CARLSON. Was this an issue?

Secretary HERTER. This was the principal issue.

Senator CARLSON. It was the principal issue.

ELEMENTS OPPOSING THE TREATY

It seems to me that when we view this situation, we have some concerns about the sentiment of the people of a country which we are, of course, concerned about because we want them to be in favor of that treaty. We realize that there are these dissident groups, the Socialists, the Communists, some trade groups, labor union groups, and the student groups which would comprise this element of people who would be opposed not only to this treaty, but I presume to most any treaty because of their philosophy. I would think the Communist group particularly would be opposed to anything that might be favorable to any group other than the Soviets or the Chinese Communists. It seems to me that this last election on May 18 should give us some idea of the sentiment of the people, and it is important from my standpoint.

IMPORTANCE OF TREATY

Personally I hope we ratify this treaty and approve it at the earliest opportunity. I think it is important to the United States and to the Japanese people and I consider the sentiment of the people as important. That is all, Mr. Chairman.

The CHAIRMAN. The Senator from Ohio.

Senator LAUSCHE. Mr. Secretary, what is the population of Japan?

Secretary HERTER. 90 million.

DEMONSTRATIONS IN CONNECTION WITH JAPANESE ACTION ON TREATY

Senator LAUSCHE. You described a demonstration that took place on the day when they held the speaker hostage preventing him from opening the Diet. Will you repeat the number that participated in that demonstration?

Secretary HERTER. I had those—figures. In the demonstration, according to the police report which is our best report, 62,000 took part in Tokyo and about 202,000 throughout the country.

Senator LAUSCHE. That occurred on what day?

Secretary HERTER. That was on May 26, that was the largest demonstration that we know of.

Senator LAUSCHE. And you have identified the participants as being Communists, Socialists, some labor groups and students.

Secretary HERTER. Yes, sir.

COMMUNIST ATTEMPTS TO SCUTTLE TREATY

Senator LAUSCHE. May I ask you if it isn't a fact that the interests of Communist China and the Soviets will best be served in keeping Japan defenseless and a prospective simple prey to whatever plots might be originated in Communist China or Red Russia?

Secretary HERTER. I think that is a fully justified conclusion.

Senator LAUSCHE. Then, in the natural course of events, we ought to expect that Red China and the Red Soviets would try to keep Japan in a position where, whenever they decided, they could dispose of Japan in accordance with their own wishes?

Secretary HERTER. Yes, sir.

Senator LAUSCHE. What is your view as to whether that may be one of the motivating causes in the activities of Red China and the Red Soviet to bring about a collapse of this proposed agreement?

Secretary HERTER. I think that this is very clear, from the line of propaganda they have been taking all the way through.

Senator LAUSCHE. You have made the statement that in your judgment Red Communists have been stimulating disorder and riots. Is the source of your information on that subject reliable?

Secretary HERTER. I think so.

Senator LAUSCHE. Have they followed the same pattern in Japan that they have followed in other areas in creating turmoil and disorder?

Secretary HERTER. Yes. I would think it was very much of a pattern.

OUTMODED PROVISIONS IN EXISTING TREATY

Senator LAUSCHE. Some mention has been made by Mr. Parsons that in certain major respects the pending treaty will remove from Japan burdensome limitations and responsibilities. Will Mr. Parsons repeat those four or five reliefs that have been granted?

Mr. PARSONS. Sir, the Japanese considered the 1951 treaty outmoded and in a sense unequal because of such provisions as the following:

The United States is permitted to use bases without consulting the Japanese Government for actions in other parts of the Far East that might involve Japan in a war irrespective of Japan's interests and desires.

Second, the United States could bring into Japan whatever weapons she chose regardless of the wishes of the Japanese with regard to their own territory.

Third, it provided for the intervention of U.S. forces in large-scale internal disturbances in Japan incompatible with the sovereign status of Japan.

Fourth, there was no specific commitment by the United States to defend Japan in case of attack; the treaty provided she may defend Japan if she chooses.

Fifth, it provided for a United States veto over any arrangements for the entry of the forces of a third power into Japan. This is academic but it was considered a derogation of sovereignty again.

Finally, there were no provisions for a termination of the treaty except by mutual consent.

I might add that we have often seen the view expressed in Japanese periodicals that this first treaty of 1951 was not one which was entered into by Japan voluntarily. This contrasts with the present situation.

Senator LAUSCHE. That is, Kishi was of the opinion that these restraints upon the Japanese people and Government were not fair, that they were the product of the war rather than representing a calm, dispassionate approach between people who want to live at peace.

Secretary HERTER. Yes, sir; that is correct.

Senator LAUSCHE. And it is for that reason that these restraints, which to me seem improper, are being removed by the proposed treaty?

Secretary HERTER. Yes, sir, and to reflect the desire of the partners to act as partners, rather than as different—

Senator LAUSCHE. On that subject, this treaty provides that we shall stimulate the growth of free institutions, the progress in Japan's economy and international trade, and so forth?

Secretary HERTER. Yes, sir.

Senator LAUSCHE. Since the existing treaty has been operative we have pursued that course with Japan.

Secretary HERTER. Yes, we have.

Senator LAUSCHE. And will the Secretary of State express his opinion whether or not it has been mutually helpful?

Secretary HERTER. It has been mutually helpful. I think Senator Sparkman expressed the underlying philosophy of this very well when he said that in a sense the Japanese had earned in their relationships with us a treaty of mutuality, of mutual interest, rather than what might be considered a one-sided treaty as the old one was considered.

FRIENDLY RELATIONS BETWEEN THE UNITED STATES AND JAPAN

Senator LAUSCHE. My participation in these affairs has been very limited, and in a degree my views are reflective of the judgment that is formulated by a person standing in the distance reading the newspapers. I have concluded that of all the nations in the Far East, for the United States there exists with Japan the friendliest of relations among nations.

Secretary HERTER. They are certainly very friendly.

Senator LAUSCHE. Does the Secretary of State look upon it in that way?

Secretary HERTER. Yes, our relationships have been very close and very good.

PRESIDENT EISENHOWER'S TRIP TO JAPAN

Senator LAUSCHE. Getting back to the question of Kishi, I am not one who is going to talk about the downfall of the Kishi government. I am not going to give affirmation to the propaganda of Communists.

I am of the belief that Kishi has, by his prosecution of these demands that the onerous burdens be removed, had in his mind the interest of Japan.

Now, then, with respect to the visit of the President, he is a soldier; he has never fled from danger. If he believes that this treaty is in the interest of our Government, and is fair to Japan, I am of the conviction that at this critical period he will not abandon that honorable course of conduct that he has led through his whole life. He is the symbol of what we stand for and it is my belief that the threats of the downfall of the Kishi Government and the demonstrations that his life may be endangered will not in itself dissuade him from making the contemplated trip.

The CHAIRMAN. Is that all, Senator?
Senator LAUSCHE. That is all.

JAPANESE RELAXATION OF RESTRICTIONS ON TRADE

The CHAIRMAN. Just one question before we go into executive session: As I understand it, the balance of merchandise trade last year for the first time represented a substantial favorable balance for Japan; is that correct?

Secretary HERTER. That is correct.
The CHAIRMAN. That is correct.

Have the Japanese removed the restrictions that have existed on our trade with them, in other words, import restrictions or restrictions upon investments and so on which we discussed formerly?

Secretary HERTER. Yes, there have been very definite relaxations there. With regard to some of the difficulties that we have had with Japanese imports we have tried to settle them under voluntary agreements insofar as possible.

The CHAIRMAN. Well, they have cooperated very effectively on the limitation of certain types of exports to this country, have they not?

Secretary HERTER. They have.
The CHAIRMAN. And in return have they removed restrictions upon exports from this country to Japan?

Secretary HERTER. I think the dollar restrictions have now all been substantially removed. This has been a progressive matter. Running from 31 percent on which there have been dollar restrictions released we expect it to reach this year 70 percent. It will not be complete.

The CHAIRMAN. But they are moving rapidly in that direction.
Secretary HERTER. It is a progressive thing and when Mr. Dillon was in Japan they gave him every assurance that this progressive removal would continue.

The CHAIRMAN. In other words, the prospects are that if that situation continues there will be a greater freedom of trade which we would hope would be mutually beneficial to both countries. That is the policy; is that correct?

Secretary HERTER. That is correct.

JAPANESE PRESS OPPOSITION TO JAPANESE GOVERNMENT

The CHAIRMAN. It has been reported that the great majority of the press in Japan is opposed to the Government, which of course is exactly contrary to the conditions in this country. [Laughter.]

What is the explanation of this apparent animosity that the Japanese press has toward its own Government?

Secretary HERTER. I will ask Mr. Parsons to answer that.

The CHAIRMAN. Mr. Parsons, it puzzles me. I hear these reports that the Japanese press is very strongly against the Government.

Mr. PARSONS. It takes a good deal of temerity, Mr. Chairman, to comment on the views of the press.

The CHAIRMAN. Here you have a good opportunity. [Laughter.] You have immunity.

Mr. PARSONS. Observers of Japan have noticed that not only at the present time but since the press became a free press in our sense of the word, following the war, there has been a tendency to put a good deal of emphasis on the negative aspects of criticism. I am sure that in the fullness of time there will be a trend toward constructive aspects of criticism as well. But there has often been a negative tone to the attitude of the press toward successive governments in Japan.

The CHAIRMAN. Not just the Kishi government?

Mr. PARSONS. Not just the Kishi government.

The CHAIRMAN. Then it is traditional, would you say, that the press in Japan opposes whatever government is in power?

Is that right?

Mr. PARSONS. Substantially they have been more free to criticize than to applaud.

The CHAIRMAN. Well, it is a very unusual circumstance.

COMMITTEE PROCEDURE

Now I wonder if we could not go into executive session. The Secretary is not available this afternoon. In the meantime, Senator Green wishes to make a statement. But I will ask the press and everyone else to remove themselves from the room. As soon as we complete the executive hearing, the committee will come back into open hearing and hear the public witnesses. But I don't wish to detain the Secretary and he is tied up this afternoon and cannot come back. So I will ask the public to remove themselves from the hearing room.

Senator Green wishes to make a statement.

POSSIBILITY OF FURTHER TREATY NEGOTIATIONS

Senator GREEN. Mr. Chairman, I simply wanted to state when I was interrupted that I should have known that my time had expired but I did not. I was pursuing the fact that this treaty did not clear up all the differences between Japan and the United States, but that it was a good treaty and I am in favor of it. I didn't have a chance to explain that.

I don't think the treaty will get rid of all the differences and we might expect in the future some further negotiations as to further changes to supplement this treaty. That is the only point I wanted to make now.

Secretary HERTER. Thank you.

The CHAIRMAN. The committee stands in recess for 5 minutes until they clear the room.

(Whereupon, at 11:55 a.m. the committee recessed to proceed to executive session, after which time it again went into open session.)

The CHAIRMAN. The committee will come to order.

We will now hear Miss Esther Rhoads, on behalf of the Friends Committee on National Legislation, accompanied by Mr. Raymond Wilson, the executive secretary of the Friends Committee on National Legislation.

STATEMENT OF MISS ESTHER RHOADS, FRIENDS COMMITTEE ON NATIONAL LEGISLATION, WASHINGTON, D.C., AND THE JAPAN COMMITTEE OF THE PHILADELPHIA YEARLY MEETING OF THE RELIGIOUS SOCIETY OF FRIENDS; ACCCOMPANIED BY E. RAYMOND WILSON, EXECUTIVE SECRETARY, FRIENDS COMMITTEE ON NATIONAL LEGISLATION

Mr. WILSON. Mr. Chairman, my name is E. Raymond Wilson, executive secretary of Friends Committee on Legislation. We would like to present as our witness this morning Miss Esther Rhoads, who left Japan in late April and arrived in Washington last night. Our concern about this treaty, Mr. Chairman, takes in many considerations. We felt it would be helpful if this morning we concentrated mainly on the feeling of the intellectuals and religious groups and the non-Communist groups in Japan regarding the continued presence of American troops, in regard to the feeling about the retention of article 9 in the treaty, and about the rearmament of Japan.

The CHAIRMAN. Miss Rhoads?

VIEWS HELD BY LIBERAL GROUPS IN JAPAN

Miss RHOADS. Mr. Chairman, and members of the committee, among the liberal Japanese there is still a great deal of fear that this treaty which they feel has not gone far enough in its revision will eventually lead to the abolishment of article 9 in the Constitution. From their own experience after the long Pacific war, they fully realize how difficult it is to settle disputes through military means, and they are very anxious to uphold this article in the Constitution.

General MacArthur said to me a number of years ago while he was still in Japan that just as dueling between individuals was done away with the coming of pistols, so he believed that war, with its modern weapons would also have to be outlawed, and the Japanese, because of their very terrible experience during the war are in full agreement, at least this section of the liberal group and many of them are people who are friends of the United States and held that attitude throughout the World War.

They believe that more trust should be put in the United Nations and they feel especially that 10 years is too long and that even though the treaty is in many ways so much better than the previous agreement, that it does not go far enough. I think this point of view is well backed by the people as a whole, because you realize that neither Premier Yoshida nor Premier Kishi have been willing to submit to the people as a whole the question of revision of the Constitution.

Apparently, neither of them have felt that they could get the necessary popular vote to do away with this article, so there is still, I think we can say, very strong backing throughout Japan for maintaining the article in the Constitution.

Then, there is, of course, the feeling against the presence of so many U.S. troops in Japan and all the social problems which are involved with such a condition. They fully appreciate the real charity, we might say, of the United States in this new treaty, but still they feel that the continued residence of so many outsiders in Japan does not contribute to the best development of the Japanese people themselves and their sense of responsibility.

In spite of all the provisions in the treaty, there is still a very strong feeling that Japan will be brought into a war to which she might not really wish to enter. In case of involvement in Europe, it seems inevitable that our enemies would immediately try to knock out bases in Japan even if it were in a state of an undeclared war such as we carried on in Korea, and that Japan would inevitably become involved in spite of all the provisions for consultation.

So there is this strong feeling among thinking people that the new treaty does not go far enough, and that it is too long, 10 years is too long, to maintain the present status.

JAPANESE INTEREST IN CONTACT WITH ITS NEAR-SIGHTEDNESS

There is also a feeling, natural in Japan, as you look at the map, that Japan should have more contact with her near neighbors, and she looks with a great deal of interest at the fact that Britain has recognized China, and she looks with a great deal of interest toward India's position of neutrality.

I have participated for the last 12 years in international student seminars. We have very fine American speakers, we have very fine speakers from many parts of the world. But, again and again, in the evaluation we asked the students which of the speakers they felt gave them the most. Again and again it will be an Indian speaker presenting his point of view of neutrality, and maintaining certain nations which can act as go-betweens in the oriental terms, between the East and the West, Russia and the United States, in particular. There is this feeling they are too completely in the hands of the United States under this revision.

They would like to see the energies of the people going into working toward some of these ends.

A more intensified effort for disarmament all over the world is needed, and they feel that this treaty will more and more lead to increased armament on the part of Japan.

They feel that negotiations for the withdrawal of the U.S. forces from Japan should be accelerated and not delayed for the full 10 years or 11 years.

Many of the people believe that the Peoples Republic of China should be within the U.N. and that some sort of diplomatic relationship should be developed between Japan and that part of China, just as it has been with Russia, even though they are not in accord with the political philosophy of those countries.

They believe that the building in the United Nations of machinery for the preservation of peace in the Orient should be accelerated rather than some of these treaties which involve only certain nations.

And that the resources should be directed toward the human material and toward economic and social development of Asian countries, rather than increased militarism.

So, today, I wanted to bring before you this point of view. This is not Communist or that of purely Socialist political groups, but it is the point of view of a large number of thinking people and we have attached here resolutions from a number of groups. We have selected particularly the Christian groups. The Christian groups have been parading and demonstrating but because they are orderly they get no publicity whereas the students who borrow the chairs from the restaurant at the airport and barricade the door get a tremendous amount of publicity. There are among these thousands of people who have marched a great majority who have been orderly, deeply concerned, that Japan be freer to work toward a program that backs their Constitution.

Thank you.

The CHAIRMAN. Is that all, Miss Rhoads?

Miss RHOADS. Yes.

PROBLEM OF RESISTING COMMUNIST AGGRESSION

The CHAIRMAN. Miss Rhoads, I agree with you that you were confronted with a very painful dilemma. We would all, I think, like to devote more of our resources to the peaceful pursuits you mentioned, but the trouble is, how do we insure the security of the free countries from Communist domination if we don't provide some physical means to resist aggression against them.

Miss RHOADS. I think some of these people would answer that perhaps we will attract aggression by the very presence of targets.

The CHAIRMAN. Well, do you think that Czechoslovakia was guilty of any of these actions which attracted the aggression, or was that inspired without aggression?

Miss RHOADS. It is not necessarily a country is guilty. If when these stations are there sometimes you will get involved more quickly than if you were not part of a defense chain.

The CHAIRMAN. That may be true, but what is the insurance of the continued independence of the Western countries if they don't have some physical means to resist the aggression of the Communists, or do you believe the Communists are not aggressive?

Miss RHOADS. I will ask Mr. Wilson to speak for our group on that.

The CHAIRMAN. Do you believe, Mr. Wilson, if there were no defenses, no military power in the Western World, the Communists would be content with their present lot?

Mr. WILSON. I think the Communists would fish in any troubled waters. They will make political capital out of any division that they can. But I think there is among the people of Russia now a very strong desire for peace, and for progress towards disarmament. I think Communist China is in the midst of—

The CHAIRMAN. Do you believe that about the Government of Russia?

Mr. WILSON. No, about the common people of Russia.

The CHAIRMAN. But they don't control the Government. We are not worried about the common people, either, but we are worried about the Government and that is what happens to direct the energies and power of the country.

Mr. WILSON. Mr. Chairman, you asked a moment ago about Czechoslovakia. Czechoslovakia went to the Communists in large part because they seized through political means, the department of interior and the department of the army. I think what we are concerned about, all of us are concerned about, is the political health of countries, so that they do not get a foothold politically through subversion, but that the economy and the parliamentary system is strong enough to retain and to go forward to their desire for freedom.

The CHAIRMAN. I agree. Our policy, if I understand it, is both. We are trying to do both at the same time; that is, retain sufficient power to prevent physical aggression, and at the same time help to develop the various means of self-government, parliamentary in the case of Japan, and it varies. But this is a dilemma, and I think we are all sympathetic to it, but we have not been able to find the answer, and I am afraid I can't agree that the answer is no armament at all. I have not yet reached the view that the Communists will be willing to abide by it. That is what all these negotiations are about that we try to promote, and I am very sympathetic with the point of view of yours, except I don't accept it as a practical matter.

Mr. WILSON. Nor is the present situation very practical when we are taking the chances of not only atomic weapons but pretty soon missiles and satellites and somehow we have to work a way out of it.

The CHAIRMAN. I hope I didn't leave the impression that I thought it was satisfactory. I am not at all of that opinion. Are there any other questions?

Senator Hickenlooper?

SITUATION IN THE FORMOSA STRAITS

Senator HICKENLOOPER. Mr. Wilson, do you think if the U.S. fleet was not down at the Formosa Straits, and the Chinese Formosan Nationalists didn't have the forces that they have, that there is any question but what Red China would be in or have full possession now of Formosa?

Mr. WILSON. Certainly the Formosan Straits is one of the tinderboxes of the Far East. I would like to see the United States—

Senator HICKENLOOPER. That is not what I asked you. I asked you if there was any question in your mind but that if the U.S. fleet and our periphery of defense were not stated so as to include Formosa, if it weren't for that definite strength there at the present time, that the Chinese Communists would have Formosa?

Mr. WILSON. Well, that is a question of speculation that is pretty hard to say definitely. Take historically the Chinese—

Senator HICKENLOOPER. Well, all you have to do is read the repeated statements of the Chinese Communists that they are going to take over Formosa. They keep saying that as a basic policy, so I don't think there is much speculation about it. I think that is their policy. And it is only the force that exists there, the defensive force, that would seem to prevent them from carrying out what they repeatedly say they are going to do.

Mr. WILSON. That is why some of us have been very anxious to try to get the Communist Chinese within the framework of the discussions

on disarmament and to try to encourage them to become a responsible part of the world community rather than to continue their military and political ideological threats.

Senator HICKENLOOPER. They have had every opportunity to show their good faith and their willingness to cooperate, but they haven't seemed to be able to—they haven't seemed to care to.

Mr. WILSON. I think we have to remember that they have had a hundred years of white man domination in China, and so forth. Their revolution has gone a long ways toward violence and all and it will have to swing back before they are going to be easy to live with, but we have to in the best way we can work toward a policy of coexistence and then cooperation, and disarmament, and a common effort to raise the standards of the world, a common attack on our common enemies of disease and poverty.

QUESTION OF COEXISTENCE WITH COMMUNIST IDEOLOGY

Senator HICKENLOOPER. Do you think we can peacefully coexist with an ideology represented by international communism that has for its basic purpose the complete conquest of the world? Do you think nations that disagree with that can coexist with a group that has that for its basic purpose?

Mr. WILSON. I don't think there is any truce, ideologically, with many of the expansionist ideas of the Communists, but we have seen in 30 years in Russia a considerable modification of their system, and I think we have to transfer this ideological battle as we did between the Moslems and the Christians in the Middle Ages, to the field of economics and law and government and science and so on. That is the problem that we are all trying to work on.

Senator HICKENLOOPER. Well, as I understand it, in the Middle Ages it resulted in mutual exhaustion on both sides after they talked themselves to death.

Mr. WILSON. We ought not to wait that long.

Senator HICKENLOOPER. I hope it never comes to that. That is all I have, Mr. Chairman.

The CHAIRMAN. Senator Sparkman?

MISS RHOADS' EXPERIENCE IN JAPAN

Senator SPARKMAN. I would like to ask Miss Rhoads just one or two questions:

Either you or Mr. Wilson referred to the opposition to the treaty from the intellectuals and the religious groups in Japan. Do I understand, Miss Rhoads, that you have just come back from Japan?

Miss RHOADS. Yes; I came back in April.

Mr. WILSON. May I say just a word about Miss Rhoads' experience in Japan? She was there for nearly 40 years representing the Japan Committee of the Yearly Meeting of the Friends in Philadelphia and the American Friends Service Committee. She was one of the first civilians to go to Japan after the war. She was one of the directors of the refugee and relief program. She has been closely associated with religious and educational circles.

DEMONSTRATIONS AGAINST THE KISHI GOVERNMENT

Senator SPARKMAN. It may be that you left before these riots started—I guess you did, didn't you?

Miss RHOADS. Well, there were demonstrations before, before I left.

Senator SPARKMAN. Against the—

Miss RHOADS. Against the Kishi government, against Kishi's coming over here for instance. There were a great many orderly demonstrations but as I say they get practically no publicity. When there is something—

Senator SPARKMAN. Did you feel those demonstrations were organized by the students, intellectual and religious groups without Communist agitation?

Miss RHOADS. Well, there were some that certainly were, but they were the ones that, as I say, were orderly and did not get much publicity. A little disorder does get into the press.

Senator SPARKMAN. In other words, they were not the ones that were violent?

Miss RHOADS. No, and after all, our press certainly exaggerates. This last one involved 5,000 around Kishi's residence, clubs swinging and bloody heads and the headlines. You read down and they say practically no one was hurt, 5,000 students, in those narrow streets.

Senator SPARKMAN. I was just going to ask your opinion about those riots. I know how lots of times things in this country are greatly exaggerated, and I was going to ask for your analysis of the reports that have come from there with reference to these riots.

Miss RHOADS. I think the demonstration is an instrument that is used. Here we come into hearings and we write to our Senators and we have many other ways of expressing our point of view. In Japan, especially recently, the demonstration, many of them very orderly, has been a way of expressing public opinion, and I think that is one reason there have been so many participating in these marches.

NEED FOR ADDITIONAL TREATY MODIFICATIONS

Senator SPARKMAN. Now, as I recall it, you said in your statement that there were many features of this proposed treaty that are improvements on the existing treaty; isn't that right?

Miss RHOADS. I think that is true.

Senator SPARKMAN. Your thought is not so much that of just not having any treaty, but you think there ought to be further modifications.

Miss RHOADS. I think this group for which I am trying to speak feels that very strongly.

Senator SPARKMAN. One of your principal fears relates to the constitutional provision on armaments.

Miss RHOADS. Yes; that and the presence of foreign troops and what it does to the thinking of a people to go on for, it will be 25, 26 years.

ARTICLE 9 OF THE JAPANESE CONSTITUTION

Senator SPARKMAN. Well, you referred to article 9 of the Constitution.

Miss RHOADS. Yes.

Senator SPARKMAN. That is the article that limits—

Miss RHOADS. That is the one that limits it, yes, that outlaws war.

Senator SPARKMAN. That limits armaments. Yes. Of course, I remember when the provisions were agreed to by the Japanese people and I think it is only fair to say that it was hailed throughout a great part of the world as being a great step forward because it did outlaw war. But I presume that under the practical conditions that exist today, realistic conditions, it would not be held that any country should be forbidden from defending itself.

You would not urge that, would you?

Miss RHOADS. Yes, but we still have the fact that the Japanese people seem sufficiently interested in the experiment to be, so far unwilling to revise the Constitution.

Senator SPARKMAN. Thank you, Mr. Chairman.

The CHAIRMAN. Anyone else?

U.S. TROOPS IN JAPAN

Senator CARLSON. Miss Rhoads, just one thing.

I can appreciate the feeling of the Japanese in regard to the presence of our troops—that is probably true with most countries where we have installations—but on the other hand, at the present time do we have very large numbers or large installations there? Do you know the numbers?

Miss RHOADS. I do not know the numbers but there are still—

Senator CARLSON. I was making some inquiry a few days ago and if I am not in error we have only 50,000 troops in Japan in a country of 90 million people. That really is not a very large number.

Miss RHOADS. But they do have facilities to receive more, very quickly.

Mr. WILSON. Senator Carlson, when I was there 3 years ago the land area under the control of the American forces was the equivalent of 2 percent of the arable land of Japan. That has been somewhat reduced but it is a sizable proportion of the usable land area of Japan.

Senator SPARKMAN. May I say at that point, though, that there has been a tremendous removal of armed forces since that time. I believe the Air Forces were removed entirely: weren't they?

Senator CARLSON. My last information was, and this is not too recent, that we had gotten down to 50,000 troops.

Of course, our boys are glad to be home and we are glad to have them home, but when it comes to great numbers, I don't believe that at the present time we have what you might call a percentage so large that it would be greatly bothersome to the communities.

Mr. WILSON. From a psychological sense wouldn't you need to add to those the troops in Okinawa which the Japanese look upon as eventually their territory and that would about double the number?

Senator CARLSON. That is one of the sore points. I was over there myself so I happen to know that. I appreciate Miss Rhoads' testi-

mony. I think it is nice to have someone here who has been over there recently and we sympathize with the problem.

Senator SPARKMAN. I am told now our forces are 50,000 and 30,000 are Air Force.

The CHAIRMAN. Anything further?

Thank you very much, Mr. Wilson and Miss Rhoads.

Mr. WILSON. Thank you very much for this opportunity to testify.

The CHAIRMAN. We have received the following communications which will be inserted in the record at this point.

(The documents referred to follow:)

STATEMENT OF E. RAYMOND WILSON IN BEHALF OF THE FRIENDS COMMITTEE ON NATIONAL LEGISLATION AND THE JAPAN COMMITTEE OF THE PHILADELPHIA YEARLY MEETING OF FRIENDS IN OPPOSITION TO THE JAPAN-UNITED STATES SECURITY TREATY, JUNE 7, 1960

My name is E. Raymond Wilson, executive secretary of the Friends Committee on National Legislation. This committee, which concerns itself with many issues of domestic and foreign policy, does not presume to speak officially for the whole Society of Friends. I would like to file the following statement, including resolutions and actions by some groups in Japan expressing their concern regarding the Japan-United States Security Treaty, the continued stationing of U.S. troops in Japan, and the remilitarization of Japan.

Our witness today, who will testify orally, is Miss Esther Rhoads, who has spent nearly 40 years in Japan for the Japan Committee of the Philadelphia Yearly Meeting of Friends and for the American Friends Service Committee. She returned very recently from Japan and is in a unique position to interpret some of the feelings of many of the Japanese people.

The members of the Senate Foreign Relations Committee know the Friends Committee on National Legislation well enough, I trust, that I do not need to say that, in opposing this security treaty, we do not do so from any sympathy for the ideological aims of the Communists who also oppose this treaty in Japan and elsewhere. Nor do we support many of the methods which have been used in agitating against this treaty in Japan. We do call this treaty into question because of concern for what we believe is in the longtime best interests of the United States, of Japan, and of the world.

It was my privilege to live in Japan for nearly a year 3 years ago, to travel some 12,000 miles inside Japan and around the Orient, and to keep in touch with many people in Japan through correspondence since. Our concern about this treaty is based on many considerations, but this testimony deals with the attitude of many Japanese people as they view its provisions.

REASONS FOR JAPANESE OPPOSITION TO THE TREATY

In brief, this testimony seeks to interpret some of the feelings of thoughtful and earnest Japanese who are concerned about what seems to them the abandonment of article 9 of their constitution renouncing war and rearmament. They view with deep forebodings the rearmament of Japan, having suffered so much from their own militarists who enslaved them and plunged them into war.

Fifteen years after the war, they are apprehensive about another decade or an indefinite stationing of American troops in Japan with all the incidents and influences attendant upon foreign troops on their soil. The Japanese remember with horror the use of the atom bomb in Hiroshima and Nagasaki and they have a deep-seated fear of being involved in a nuclear war. They are afraid that nuclear weapons may be stored on their soil—it is common belief that such weapons are stored in Okinawa in which the Japanese have at least residual sovereignty—and they are deeply afraid that American troops stationed in Japan may be used in such a way as to involve Japan in war.

They feel that their country should seek a peacemaking role and be a bridge between the non-Communist and Communist worlds, rather than be tied inextricably to a Western military alliance.

Rather than the resurgence of militarism in Japan, an all-out effort should be made toward disarmament. Instead of rebuilding their war industries and

war spirit with a coalition of industrialists and nationalists that will be a menace to the still fragile democracy in Japan, how much better that such money be spent in developing a more healthy economy in Japan and in raising the level of education, health and well-being in the Orient which is necessary if the trend toward totalitarianism or communism is to be reversed.

EMPHASIS ON PEACEMAKING NEEDED RATHER THAN REARMAMENT

We rejoice that reconciliation has taken place to a remarkable extent between the United States and Japan—such bitter enemies 15 years ago. We commend the noble aspirations for seeking peace and justice through the United Nations contained in the preamble to the treaty and in the joint communique issued January 19 by President Eisenhower and Prime Minister Kishi.

This joint statement said that "both leaders recognized that all of man's intellect, wisdom and imagination must be brought into full play to achieve a world at peace under justice and freedom."

Despite many happily chosen phrases in the treaty text, when one gets to the nub of it, the "separate agreement" referred to in article VI, he finds little but overwhelming reliance upon military means. It ignores almost entirely the possibility of Japan's playing the useful peacemaking role which vast numbers of her people desire to play in this world of too many tensions.

JAPANESE RELUCTANT TO ABANDON NO-WAR PROVISION

The stubborn reluctance of a large number of the Japanese to abandon their no war—no rearmament provision, which is article 9 in their Constitution, in the face of all sorts of pressures has intrigued political scientists for many years. Despite the fact that one may attach some weight in this regard to pro-Communist elements it is clear that the strongest support for article 9 comes from sensitive and intelligent people, intellectuals and teachers, students, Christian groups and humanitarians—those who resisted as best they could the unfortunate trend to militarism and disaster in the 1930's, people who were friends of America then and are today.

The security treaty would seem to be a violation of the language and spirit of article 9 of the Japanese Constitution which reads as follows:

"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."

In regard to this provision of article 9, in the formulation of which Americans who helped draft the Japanese Constitution had played a part, Gen. Douglas MacArthur said in a speech to the Japanese people on January 1, 1950:

"A product of Japanese thought, this provision is based upon the highest of moral ideals, and yet no constitutional provision was ever more fundamentally sound and practical * * * In this historic decision, you are the first. The opportunity therefore is yours to exemplify before mankind the soundness of this concept and the inestimable benefit resulting from dedication of all energy and all resource to peaceful progress."

JAPAN'S ROLE BETWEEN TWO-POWER BLOCKS

United States national purpose is not to fight Russia or Communist China but to work toward changing the character of those regimes so that normal intercourse and eventually friendship between our people and theirs will be possible. In this the Japanese have much to contribute, especially as regards Communist China. The idea of a "Switzerland in the Pacific" working to ease international tensions there is not necessarily a mere illusion. Having "endured the unendurable" of tyranny, war, atomic bombing, defeat, and occupation the Japanese may be better equipped than we realize to bring vitality and imagination to the most difficult of all roles—peacemaking. It would certainly be to our interest as well as that of the rest of humanity if they would.

To adopt the 1960 treaty in its present form could well be the most disastrous step backwards just at the precise point when other nations are realizing the urgency of moving forward toward total world disarmament.

This is a moment, unparalleled in history, when the United States, and particularly the Senate, could give that sort of courageous and creative leadership in working toward peaceful solutions of international problems which is required if the world is to enter that era of peace and prosperity which we all desire.

INSTEAD OF THE SECURITY PACT

We believe that a far more appropriate observance this year of the 100th anniversary of diplomatic and commercial relations between Japan and the United States would be the issuance of a joint declaration of interdependence, followed immediately by more positive steps toward world order, by both Japan and the United States. Such steps would include—

- (a) Intensified efforts for disarmament;
- (b) Negotiating for the withdrawal of U.S. forces from Japan;
- (c) Working for the inclusion of the People's Republic of China in the U.N. and in disarmament negotiations;
- (d) Building in the U.N. the machinery for the preservation of peace in the Orient;
- (e) Directing our resources, human and material, toward the economic and social development of Asian countries.

Freed from the burden of maintaining an expensive military establishment and from being militarily tied to the West, Japan could exert greater leadership in the Orient toward economic aid for its less-developed neighbors and the extension of democracy and freedom in the Far East.

On April 9, 1960, 184 members of the faculty of St. Paul's University issued a statement against the new security treaty. The presidents of the student organizations at Tokyo Union Theological Seminary addressed an appeal last Christmas time to Christians in America saying in part: "At a special assembly of the students of Tokyo Union Theological Seminary we expressed our opposition to the amendment of the treaty. We appeal to all Christians in the United States to cooperate with us in order to prevent the amendment to the treaty." This treaty, they claimed, would be "in conflict with the Constitution of Japan which renounces war as a sovereign right."

Attached to this testimony, for inclusion in the printed hearings, are: a resolution against the security treaty adopted by a Christian meeting, May 3, 1960; a statement by the Research Institute of the United Church of Christ in Japan; a declaration of opposition by the Student Association of the International Christian University; and a statement presented to Prime Minister Kishi of Japan by Japan Yearly Meeting of Friends, and a statement of "Committee of Seven."

APPENDIX A

RESOLUTION AGAINST THE SECURITY TREATY

Those of us, who as Christians feel responsibility for present-day politics, expressed our opposition to the signing of the new security treaty by holding a protest meeting and issuing a declaration on January 15, 1960. The Government, however, despite our protest, signed the treaty and is now trying to obtain its ratification in the Diet by the sheer strength of the majority vote, not listening to the opposition on the part of a great many conscientious citizens. At this second meeting held at Shiba Public Hall in Tokyo on May 3, 1960, the 13th anniversary of the promulgation of our peace constitution, we confirm that the declaration we issued previously is an unerring statement in the light of the word of God.

The ratification of the new treaty, should it take place, would not only be a foolish act, at this time when disarmament has become an actual topic for international politics and the summit conference is shortly to be held, but would aggravate various discrepancies, both international and domestic. Namely in defiance of the spirit of U.N., it would make difficult the restoration of peace between Japan on the one hand and China and Russia on the other. It would also further tend to make our peace constitution a dead letter, opening a way for reemergence of a militaristic and totalitarian state.

As an act of obedience to Jesus Christ, Lord of the world, we declare that we will make efforts not only for rejection of the ratification of the new treaty, but also for the abolition of the security system based on weapons. We hope

and expect that our brothers and sisters in the Lord will share with us in fulfilling this responsibility.

Approved by the Christian Meeting for Opposing the New Security Treaty between Japan and the United States, Tokyo, Japan, May 3, 1960.

(This meeting, sponsored by the Christian Council for Opposing the New Security Treaty, was attended by about 900 Christians and was followed by a demonstration marching on a main street in Tokyo for 1 hour.)

APPENDIX B

STATEMENT CONCERNING THE REVISION OF THE SECURITY PACT

A called session of the executive committee of the United Church of Christ in Japan, held on July 14-15, 1959, committed to the Research Institute on the Mission of the Church the matter of study concerning the revision of the security pact between Japan and the United States of America. The Research Institute subsequently designated a special committee for careful study of the problem, resulting in the statement given below. This statement was adopted by the Research Institute on December 5 and was presented to the standing executive committee of the United Church on December 7. The standing executive committee received the statement and gave unanimous approval to its publication as a statement of the Research Institute.

It is our hope that as the churches throughout the nation stand in unity in the faith in our Lord they may likewise stand unified in relation to this political issue.

STATEMENT

Confessing the Lordship of Christ over the world, the church is commanded to live in every area of life in the world in a manner appropriate to her confession. In her effort to serve the world in obedience to Jesus Christ, the church brings to the matter of a just national existence a deep concern arising out of her dedication to justice in the world and to human rights as such justice and rights are revealed by her Lord. If the church today is to carry out faithfully even at the very center of political life her prophetic function as watchman and her socially purifying role as "salt of the earth," she cannot remain silent in relation to the issue which bears so heavily upon the destiny of the Japanese people—the revision of the Japanese-American Security Pact.

Therefore, concerning this issue we make the following statement:

I

As a nation dedicated to a new beginning at the point of repentance over the tragic error of irresponsible militarism of the past we resolved that the error should not be repeated again and led the world in the renunciation of war and in the steadfast resolve for peace. However, in accordance with the change in the international situation following the close of the war our country was obliged to establish as a product of the cold war the Japanese-American security system. Today when the cry for the cessation of the cold war and for world peace is rising higher and higher among all nations and when there is an increasing emergence of an objective situation pronouncing it, it cannot but be said that the precipitate action of the Government toward security revision, toward strengthening the rearment of our country, toward setting up a hypothetical enemy and urging a military alliance with a specified country represents a backward course in the current of world affairs.

As a result, on the world scene we fear the increasing one-sidedness of Japan's international position, the doing of injury to the emergent movement in world affairs toward lessening of tension, and the blocking of friendly and peaceful relations with all nations. On the national scene we fear oppression in the area of national life and the reappearance of the violation of freedom which we experienced in the past.

II

We are also greatly concerned that as a result of the policy of our Government we will not only evade the assumption of full responsibility for our actions carried out in the past in relation to China and other countries, but will also facilitate the taking of a stand which will increasingly isolate Japan from other countries in Asia and again make her a threat to her neighboring countries.

III

Even though it is conceivable that the security system and the present revision may be profitable in terms of our economic existence, we categorically denounce the easy path of the enlarging of munitions industries and all related measures as a means of securing Japan's economic prosperity.

We issue the above statement not from any political standpoint but as a decision in faith as we seek here and now to be obedient to our living Lord Jesus-Christ.

RESEARCH INSTITUTE ON THE MISSION OF THE CHURCH,
UNITED CHURCH OF CHRIST IN JAPAN,

DECEMBER 7, 1959.

[The United Church of Christ is composed of members of the major Protestant denominations in Japan who have joined together to form a united church.]

APPENDIX C

DECLARATION OF OPPOSITION

We, the pursuers of truth, desire to shape our lives in order to build a peaceful, democratic society for tomorrow with a strong belief in the dignity of man and the solidarity of mankind.

However, on being confronted with this plan for the revision of the Japan-U.S. Security Pact, we have been filled with doubt and distrust and feel that we can no longer keep silent.

This revision, which antagonizes the People's Republic of China and strengthens the strategic alliance between Japan and the United States, will heighten the tension not only in the Far East but in the whole world. This revision is, we believe, no more than a step backward, ignoring the present current of history toward peaceful coexistence. Moreover, the expansion of Japan's armaments required by this pact will bring an increase in military expenditure and, in doing so, increase the poverty of the people.

In order to realize the ideal, which is proclaimed in our Constitution, we hereby declare our opposition to this revision of the Japan-U.S. Security Pact, and agree to do our best to uphold this decision.

STUDENT ASSOCIATION OF THE INTERNATIONAL CHRISTIAN UNIVERSITY.

JANUARY 8, 1960.

[The vote on this declaration was 275 to 7 with about 40 percent of the student body present at this general meeting of the International Christian University student body. This student body has a reputation for being one of the most conservative among the leading universities in Tokyo.]

APPENDIX D

STATEMENT PROTESTING AGAINST THE REVISION OF THE SECURITY PACT BETWEEN UNITED STATES AND JAPAN AND APPEALING FOR THE ABOLISHMENT OF THE MILITARY SECURITY SYSTEM

Mr. NOBUSUKE KISHI,

Prime Minister of Japan.

Mr. AICHIRO FUJIYAMA,

Foreign Minister of Japan.

"Swords into plowshares," the ideal which the prophets of old gave us for everlasting world peace by means of total disarmament, has become an imperative because of the inventions of ultimate weapons.

We friends (members of Kirisuto Yū-Kai), who belong to a historical peace church and who uphold the traditions of pacifism, protest against Japan taking part in the revision of the United States-Japan Security Pact and making it a kind of military alliance, for the following reasons:

(1) The revision is in opposition to the principle by which the peace constitution of Japan was promulgated.

(2) The revision is in reverse to the world trend which is at present shifting from peace through force to peace through negotiations.

(3) The revision makes it difficult not only for Japan to atone for the sins she committed in China and other Asian countries, but also to become a bridge between East and West.

Not only are we opposed to the revision but we pray for and desire peace and universal international order based on truth and nonviolence through the speedy abolition of the regional defense system which depends upon military force. We want to realize and affirm that it is our duty as Japanese people to make efforts for the attainment of this lofty purpose.

Signed:

Masahiko Sekiya, Chairman, Peace Committee, Japan Yearly Meeting; Kiyoshi Ukaji, Clerk, Japan Yearly Meeting; Kimi Nunokawa, Clerk, Toyama Monthly Meeting; Genichiro Mikata, Clerk, Tokyo Monthly Meeting; Tano Jodai, Iwao Ayusawa, Kumiko Fukai, Hikaru Shimojima, Tayeko Yamanouchi, Members, Peace Committee.

JANUARY 11, 1960.

APPENDIX E

LETTER FROM THE "COMMITTEE OF SEVEN" WRITTEN UPON THE OCCASION OF JAPAN'S ADMISSION TO THE UNITED NATIONS

TOKYO, JAPAN, December 11, 1956.

To the Japanese Delegation to the United Nations:

When the question of Japanese admission to the United Nations comes up for consideration we would appeal to you to express to the full Japan's moral position as the first nation with a specific peace constitution renouncing the right to engage in war and armament. Japan could invite the United Nations to recognize this unique position.

Japan should appeal to the nations that she wishes to preserve this constitution and ask that they take steps promptly to begin to bring their policies in line with the ideal of attaining peace and security without arms and renouncing the rights of belligerency. Japan might thus become the outspoken champion of the necessity of world disarmament with the advantage that she is the first country to have a constitutional basis for such a program.

As envisaged in the Atlantic Charter, the world must come eventually to the renunciation of the use of force in international relations. Some countries must take the lead in implementing this policy. Vigorous moral leadership on the part of Japan in that direction might make a very significant contribution to world peace. Not only Japan, but all nations, need to devote their resources to peaceful development and the alleviation of hunger, disease, and poverty. We appeal to you to make Japan's admission to the United Nations the stepping stone away from reliance upon force and armaments toward a world of law, justice, and disarmament.

Signed:

TAMON MAEDA,
Former Minister of Education.
HEDEKI YUKAWA,

awarded Nobel Prize in Physics.

Mrs. TAMAKI UEMURA,
President, YWCA of Japan.
MISS TANO JODAI,

President, Japan Woman's University.

Mrs. REICHO HIRATSUKA,
Chairman, Federation of Women's Organizations.

YASABURO SHIMONAKA,
Chairman, Japan World Federalists.

SEIJI KAYA,
President, Science Council of Japan.

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM,
LEGISLATIVE OFFICE, U.S. SECTION,
Washington, D.C., June 9, 1960.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Senate Committee on Foreign Relations,
Senate Office Building, Washington, D.C.

DEAR SENATOR FULBRIGHT: The Women's International League for Peace and Freedom requests permission to file the attached statement on "The Treaty of Mutual Cooperation and Security with Japan" in the record of the Hearings of the Senate Foreign Relations Committee.

Sincerely yours,

ANNALEE STEWART,
Legislative Secretary.

STATEMENT BY THE WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM

The Women's International League for Peace and Freedom, U.S. Section, respectfully requests that this committee delay ratification of the Revised Japanese-American Security Treaty until the will of the Japanese people on this controversial document can be more clearly expressed. We also ask the committee to urge a delay in the visit of the President of the United States to Japan in view of the likelihood that the visit at this time will be interpreted as an attempt to bolster a government whose popular support has deeply deteriorated. We believe the visit would heighten anti-American feeling in Japan. A recommendation by this committee for delaying the President's trip until a more auspicious occasion might enable the President to make a decision which he would otherwise feel that courtesy prevented his making, however much discretion now dictates it.

A brief "hands off" period on the part of the United States in its relations with Japan will show our Government's respect for the Japanese people in its present period of travail over the hard choice between its aspirations for leadership of the forces of reconciliation and antimilitarism on the one hand, and its fears of survival in a not yet disarmed world on the other. It may also save our own people the embarrassment of having our heretofore happy postwar relations with Japan conspicuously terminated by subsequent repudiation of this treaty.

That this is possible is attested by the widespread expressions of Japanese opinion against the treaty. Last November, the National Council Against Revision of the Security Treaty obtained the signatures of over 10 percent of the population, to its petitions. On June 5, 1960, the New York Times reported over 600,000 people in all parts of Japan, representing many political viewpoints, had participated in demonstrations against the treaty. The Conlon Report on Asia, prepared for this committee (study No. 5) has stated: "The chances are strongly against Japan becoming a major military ally of the United States in the near future. Political sentiment against large-scale rearmament is strong, a fact recognized by conservatives as well as Socialists."

An important concomitant of the disturbances over the treaty is their effect on public and official opinion in the uncommitted nations—most of whom have recently emerged from colonial status. Let us remember that these new nations are committed to one overriding principle—freedom from outside interference, freedom to regulate their own affairs. The Mutual Security Treaty will hardly dispel their justifiable fears of the eventual consequences of the division of the world into two hostile camps in this nuclear age.

The only satisfactory solution of the predicament of countries which, like Japan, find themselves on the dangerous and uneasy frontier between the Communist and non-Communist world, is disarmament. A determined effort by our Government to reach agreement on a nuclear test ban and to make progress toward disarmament will do more than security treaties to cement our relations with this country which still suffers from the fury of the A-bombs unleashed on Hiroshima and Nagasaki, and which has renounced its unfortunate militaristic past, but which cannot long remain disarmed in an armed world.

Such an approach by the United States, as here recommended, would give reassurance to a world made skeptical by the U-2 incident, that Americans do still have a modicum of common sense, enough imagination to appreciate the difficult position in which our overseas bases have placed our allies, and the tendency to act upon these convictions instead of drifting on the tide of our past policies and decisions when they have lost their relevance.

THE FELLOWSHIP OF RECONCILIATION,
NYACK, N.Y., June 6, 1960.

Hon. J. W. FULBRIGHT,
Chairman, Senate Foreign Relations Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR FULBRIGHT: As I am unable to be present at the hearings, which I understand you will hold on June 7, 1960, on the United States-Japan Mutual Security Treaty, I request you to insert in the record of the hearings the enclosed statement signed by more than 400 Christian and Jewish clergymen.

Sincerely yours,

JOHN M. SWOMLEY, Jr.

STATEMENT ON UNITED STATES-JAPAN MILITARY ALLIANCE

The undersigned, as a result of our deep desire for total world disarmament and our respect for the Japanese Constitution's renunciation of war and military preparations, join in issuing this statement to our fellow citizens:

The United States and Japan have concluded a little publicized series of negotiations that will become a treaty of military alliance if it is signed and ratified by both countries. The draft of this Mutual Cooperation and Security Treaty will extend for another 10 years the stationing of U.S. forces in Japan. It obligates Japan to resist and to retaliate against any attack on U.S. bases. It requires Japan to have sufficient military capability for modern war, a standard provision of all countries having mutual aid treaties with the United States. It also sanctions the use of Japanese forces outside of Japan. Moreover, there is no provision against the introduction of nuclear weapons into Japan and presumably it opens the way to Japan's becoming a nuclear power.

This treaty is a clear violation of article 9 of the Japanese Constitution which contains the following:

"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."

This provision in the Japanese Constitution was in effect a joint declaration of the Japanese and American people. Not only was it widely hailed in both countries at the time but it was a Japanese concept encouraged and accepted by the United States then occupying Japan.

Only 10 years ago, on January 1, 1950, General MacArthur, who had represented the United States in Japan at the time the Constitution was adopted, said in an address to the Japanese people:

"A product of Japanese thought, this provision is based upon the highest of moral ideals, and yet no constitutional provision was ever more fundamentally sound and practical * * * In this historic decision, you are the first. The opportunity therefore is yours to exemplify before mankind the soundness of this concept and the inestimable benefit resulting from the dedication of all energy and all resource to peaceful progress. In due course other nations will join you in this dedication, but meanwhile you must not falter. Have faith in my countrymen and other peoples who share the same high ideals. Above all, have faith in yourselves."

The present effort to circumvent the Japanese Constitution is the joint responsibility of the Japanese Premier Nobusuke Kishi and the U.S. Government. There is no popular demand in Japan or in the United States for a military alliance between the two countries. In fact, there is widespread opposition in Japan to any military alliance and especially to any pact that

would provide an entering wedge for the eventual introduction of nuclear weapons.

During his first years in office Premier Kishi indicated that the Japanese constitution precluded any military alliance with the United States. About a year ago he suggested changing the constitution. Realizing how unpopular and impossible this was he finally asserted that the constitution permitted rearmament as well as a military pact with the United States.

The pressures for this treaty include the following:

1. The prewar Japanese industrial combines which were dissolved by MacArthur following the war have been resurrected. They profit from U.S. military aid and military contracts from U.S. forces in Japan who spend some \$200 million annually for goods and services in Japan. They not only want to continue the presence of American troops in Japan but look forward to an expanded rearmament program by Japan itself. These economic pressures are exerted by leading industrialists within Kishi's own party as well as in other ways. (John G. Roberts, "Remilitarization of Japan," *The Nation*, Dec. 19, 1959.)

2. American economic interests such as Westinghouse, General Electric, Western Electric, Standard Oil, and Alcoa are business allies of the Japanese industrial houses. American investments in Japan have jumped from a prewar figure of \$119 million to over \$600 million. "More than 800 U.S. companies have profitable tieups with Japanese firms." In addition, loans totaling more than \$2 billion have been made in the postwar period. These loans were Government and World Bank loans. "The protection of this investment," asserts one authority, "is a sufficient incentive for encouraging Japan to rearm" (*idem*).

3. One reason Japan is so susceptible to economic pressure is the policy of the United States concerning trade with China. Even such trade as Japan might have had without strong objection from the United States was cut off by China in 1958 because of Japan's close support of American policy.

4. Beyond the economic pressures are the political ones. It was the complete destruction of Japan by the United States in World War II that created the power vacuum that in turn permitted the Chinese Communists to become the strongest power in Asia. In this day of rising Russian and Chinese power the United States has no powerful allies in Asia. The one hope for a great power in Asia allied to the United States is Japan. The United States, as a part of its policy of hostility toward China and its reluctance to work for disarmament, is concentrating on the rebuilding of a strong, militarized Japan.

In one sense the proposed treaty is simply the method of formally declaring and extending a policy the U.S. Government has pursued for some years. The Pentagon has not wanted American troops withdrawn from Japan. Therefore when the pressures for ending the occupation were mounting, we concluded a peace treaty with Japan which at one and the same time provided for withdrawal of occupation forces and for the right of Japan to retain foreign armed forces on her soil as a result of "bilateral or multilateral agreements."

James Reston, in the November 19, 1951, *New York Times*, wrote:

"The Pentagon would like to keep most of its buildings, its hotels, its golf courses. It would also like to retain legal jurisdiction over its personnel at all times and, of course, it is concerned to see that the Army post exchanges are well supplied with everything from American golf balls to liquor, tax free."

"The State Department recognizes that the Army has an argument on all these points, but in the political field the United States has made a great play with the theme that it was restoring Japan's independence while the Russians were using their security treaty rights to dictate to their allies how they should live and serve the interests of the military authority."

"Mr. Rusk will talk with General Ridgway about trying to work out a compromise that will avoid suspicion that the United States is clamping a phony independence on Japan while at the same time preserving the facilities essential to the U.S. military command."

The proposed treaty and the policies it promotes have some dangerous and far-reaching implications for our own people, the Japanese people and for world peace.

1. The treaty perpetuates the unsound economic policy of tying Japan both to the United States and to a military economy. Japan's natural markets and sources of raw materials should be with her Asian neighbors rather than a distant United States. Japan's economic base is such that she cannot support a huge military revival without becoming increasingly dependent upon the

United States. This means further sacrifices for the U.S. taxpayer and a false economic base for the people of Japan.

2. The treaty of alliance and the rearmament of Japan will not increase the stature of either Japan or the United States in Asia. Instead it will reawaken memories of Japanese militarism and occupation during World War II. It will tar Japan with the brush of Western imperialism for becoming an economic vassal and a military subaltern of the United States. It will indicate that the United States is intent on the continued military occupation of Japan while calling it by more acceptable names. Asians do not want British, French, Dutch, or United States imperialism influencing or manipulating their decisions. They resent Western bases in Asia as we would resent Russian or Chinese bases in the Western Hemisphere.

3. At the very moment when the Soviet Union has stated its readiness for total universal disarmament and has urged a relaxation of tensions, we are pursuing a policy the moves in the opposite direction. This policy will make it more difficult for both China and Russia to believe we want a relaxation of tensions. Already there is some indication that Khrushchev has had difficulty in convincing his Chinese ally of the value of relaxation of tension and the timing and value of disarmament when our Asian actions move in the opposite direction. Yet it is increasingly obvious that the world must begin to disarm and China must be included in such a disarmament program.

4. Even from the military point of view there is no guarantee that the Japanese armed forces we build up will be dependable. Presumably Japanese armed forces will be useful to the United States only if we are involved in war with China or Russia or both. But if Japan is threatened with nuclear bombs or missiles is there any greater likelihood that Japan will submit to atomic bombardment and stay in the war than she did after only two such bombs in World War II?

5. The imposition of the treaty upon the Japanese people may well lead to the vitiation of democracy in Japan. Only since World War II has anything like real popular democracy had a chance to flourish in Japan. Untrammeled by a military caste and with the big industrial empires broken by MacArthur's occupation staff, popular democracy was given a chance in Japan. Now, however, Premier Kishi's Liberal Democratic Party (which is the majority party), under pressure from the industrialists and disregarding the objections of opposition parties and public opinion polls, is insisting on the treaty. A communication from Prof. Iwao Ayusawa, chairman of the Fellowship of Reconciliation in Japan, says, "it is feared that the arrogance and tyranny of the majority which the Government is indulging in may lead the people to a disbelief in democracy itself." If the majority party becomes the voice of the industrialists, who together with the military were the real rulers of prewar Japan, there is not only grave danger of a repetition of such behind-the-scenes control of a facade of democracy but also danger of undemocratic popular reaction to such control.

There are moral as well as political reasons for opposing the proposed treaty. In December 1951 a group of Japanese Christians said to John Foster Dulles: "No country can maintain its existence for long unless its foundation is based on moral principles. If you approve disarmament today and urge rearmament tomorrow, you will appear to differ in no way from Communists who say white today and black tomorrow."

By this treaty the United States will have repudiated finally the Japanese surrender agreement and the Far Eastern Commission's 1947 agreement that Japan will never be allowed to rearm.

What are the alternatives to this treaty? The major one is total world disarmament along lines proposed by Premier Khrushchev and British Foreign Secretary Selwyn Lloyd. If we are planning to enter serious negotiations for disarmament, we should at least postpone accepting this treaty which moves in the opposite direction.

The second alternative is to negotiate a withdrawal of our forces from Japan and, in conjunction with negotiations to recognize China, turn the preservation of peace in the Orient over to the United Nations.

The third possibility for us to pursue is to spend what we now spend on military measures in Asia on building up the economy of Japan and other Asian countries. If we can assist Asians in eliminating illiteracy, raising the standards

of living and reducing the social tensions, we can thereby encourage democracy and at the same time make totalitarianism of the left or right far less likely.

Signed by the following clergymen:

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- Jay W. Anderson, Methodist, Minneapolis, Minn.
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- Harold Byrn, Methodist, Norwalk, Calif.
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 Charles N. Vickery, Universalist, Columbus, Ohio.
 Sylvester Van Dort, Reformed, Glenham, N.Y.
 James B. Van Vleck, Presbyterian, Corpus Christi, Tex.
 M. Guy West, Brethren, York, Pa.
 L. H. Westberg, Lutheran, Minneapolis, Minn.
 Gerald L. Wilson, Methodist, Indianapolis, Ind.
 Don S. Winegarf, Methodist, Eaton Rapids, Mich.
 H. Raymond Woodruff, Congregational, Milton-Freewater, Oreg.
 Richard M. Woodman, Universalist, Binghamton, N.Y.
 Don S. Winegar, Methodist, Eaton Rapids, Mich.
 Norris E. Woodbury, Baptist, Plymouth, Mass.
 George R. Wolverton, Methodist, Palmdale, Calif.
 Roland E. Wolseley, Methodist, Syracuse, N.Y.
 Edwin H. Witman, Methodist, Santa Monica, Calif.
 Gardner L. Winn, Presbyterian, Hillsdale, Mich.
 William G. Willoughby, Brethren, Bridgewater, Va.
 Frank S. Williams, Methodist, Los Angeles, Calif.
 L. Stanley Whitson, Lutheran, Elkins, W. Va.
 Robert B. Whitaker, Congregational (retired), Aptos, Calif.
 William Weyman, Friends, Reading, Pa.
 Frederick Wells, Episcopal, Athens, Ohio.
 Milton Weisshaar, Methodist, Oconomowoc, Wis.
 Edward Weiskotten, Lutheran, Syracuse, N.Y.
 Max H. Webster, Congregational, Burlington, Vt.
 Bradford G. Webster, Methodist, Smethport, Pa.
 John B. Weber, Episcopal, Philadelphia, Pa.
 E. Paul Weaver, Brethren, North Manchester, Ind.
 Avery D. Weage, Congregational, David City, Nebr.
 William Campbell Wasser, Methodist, Boulder, Colo.
 Leon Walker, Methodist, Coggon, Iowa.

J. R. Walke, Methodist (retired), Rock Hill, S.C.
 Daniel D. Walker, Methodist, Oakland, Calif.
 Walter H. Young, Episcopal, Bloomfield Hills, Mich.
 Elsmore C. Young, Episcopal, Belmont, Mass.
 Donald R. Yates, Methodist, Davenport, Wash.
 David W. Yates, Episcopal, Sewanee, Tenn.
 Ernest A. Yarrow, Congregational, Seattle, Wash.
 Gilbert S. Zimmerman, Methodist, Torrance, Calif.
 Elizabeth C. Zartman, Methodist, Redlands, Calif.
 William C. Zimmann, Lutheran, Dayton, Ohio.
 Charles E. Zunkel, Brethren, Port Republic, Va.
 John A. Zunes, Methodist, Smithfield, N.C.

INTERNATIONAL FELLOWSHIP OF RECONCILIATION,
Nyack, N.Y., June 6, 1960.

Hon. J. W. FULBRIGHT,
*Chairman, Senate Foreign Relations Committee,
 Senate Office Building, Washington, D.C.*

MY DEAR SENATOR FULBRIGHT: I feel very sure that the Japanese opposition to a 10-year extension of the present military treaty between the United States and Japan is not primarily or fundamentally Communist cold war against the United States, although I expect that Communists are fishing in the troubled waters.

In the fall of 1949, I visited Japan for 5 weeks and had personal conversations with the Emperor, Dr. Toyohiko Kagawa, Rev. Michio Kozaki, moderator of the Church of Christ in Japan (Kyodan), other leading Japanese, and General MacArthur. I delivered addresses in Tokyo, Osaka, Kobe, Nishinomiya, Kyoto, etc., given in Christian churches, educational institutions, the Universities of Tokyo and Kyoto, the Government school for diplomats, Kyoto Rotary, the Osaka-Mainichi newspaper office, two Buddhist temples, and a convention of 2,000 social workers at Hiroshima. I gained the impression that most of the Japanese with whom I talked were solidly in favor of the disarmament and renunciation of war clauses in their new Constitution. Also, General MacArthur said to me that in his opinion this was the right way ahead for Japan.

Important things, including the Korean war, have happened in the intervening 11 years, but I have kept in touch with my friends in Japan, especially Dr. Iwao Ayusawa, who is professor of international relations in the International Christian University. I have learned from them that Japan has suffered a recession in de facto, that the militarists and former big industrialists are staging a comeback. We saw this happen in Germany after the First World War, a development which played directly into Hitler's hands, and apparently it is happening in Germany once more. To me, one of the saddest things about it is that it has been aided and abetted by the United States as our way of fighting the cold war against communism.

I hope that the Senate will look long and hard before giving what may be a kiss of death to the democratic elements in Japan by ratifying Mr. Kishi's new treaty. We should have learned from our past that mistakes in foreign policy, especially support of dictatorships and incipient dictatorships, have a way of coming home to roost like chickens.

Another factor that we ought to consider is whether the ratification of this treaty just now will not be an apple of discord that we throw into the Far Eastern affairs at exactly the wrong time.

Yours sincerely,

JOHN NEVIN SAYRE.

The CHAIRMAN. The committee is adjourned.
 (Whereupon, at 12:55 p.m. the hearing was adjourned.)

APPENDIX

86TH CONGRESS }
2d Session }
SENATE }
EXECUTIVE
E

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

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE TREATY OF MUTUAL COOPERATION AND SECURITY
BETWEEN THE UNITED STATES OF AMERICA AND JAPAN,
SIGNED AT WASHINGTON ON JANUARY 19, 1960

MARCH 10, 1960.—Treaty was read the first time and the injunction of secrecy
was removed therefrom. The treaty, the President's message of transmittal,
and all accompanying papers were referred to the Committee on Foreign
Relations and ordered to be printed for the use of the Senate

THE WHITE HOUSE,
March 10, 1960.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to
ratification, I transmit herewith the Treaty of Mutual Cooperation
and Security Between the United States of America and Japan, signed
at Washington on January 19, 1960.

I transmit also, for the information of the Senate, one copy each
of the following documents: Agreed minute and three exchanges of
notes relating to the treaty; 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; and agreed minutes
and an exchange of notes relating to the agreement. All of the
above-mentioned documents were signed or, in the case of the minutes,
initialled at Washington on January 19, 1960.

The treaty constitutes the foundation for cooperation, a partner-
ship with Japan, based on mutual confidence and sovereign equality,
not only in the security field but in the political and economic fields.

It reflects the broad area of mutual interest between the United States and Japan. The treaty is entirely defensive in character and intent and represents a threat to no country or people. It is in full conformity with the purposes and principles of the United Nations and reflects the dedication of both parties to strengthen the efforts of the United Nations to maintain international peace and security.

A fuller explanation of the treaty, agreement, and related documents is contained in the report of the Secretary of State, which is transmitted herewith for the information of the Senate.

DWIGHT D. EISENHOWER.

(Enclosures: (1) Report of the Secretary of State; (2) Treaty of Mutual Cooperation and Security, signed at Washington January 19, 1960; (3) one copy each of agreed minute and three exchanges of notes relating to the treaty; (4) copy of agreement under article VI of the treaty; (5) one copy each of agreed minutes and exchange of notes relating to the agreement.)

WASHINGTON, February 19, 1960.

The PRESIDENT,
The White House:

I have the honor to submit to the President, with a view to the transmittal thereof to the Senate for its advice and consent to ratification, the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, signed at Washington on January 19, 1960.

There are also transmitted, for the information of the Senate, one copy each of the following documents: Agreed minute and three exchanges of notes relating to the treaty; 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; and agreed minutes and an exchange of notes relating to the agreement. All of the above-mentioned documents were signed or, in the case of the minutes, initialed at Washington on January 19, 1960.

The provisions of the treaty and the related agreements were negotiated over a period of 15 months commencing in October 1958. The negotiations were entered into following a proposal in September 1958 on behalf of the Government of Japan by Foreign Minister Aiichiro Fujiyama to consider revision of the security arrangements between the United States and Japan. This proposal grew out of discussions between yourself and Prime Minister Kishi during June 1957, when you affirmed that the Security Treaty of 1951 was designed to be transitional and not in that form to remain in perpetuity. The negotiations were conducted for the United States throughout by Ambassador Douglas MacArthur II in Tokyo.

The Treaty of Mutual Cooperation and Security replaces the Security Treaty signed at San Francisco on September 8, 1951 (TIAS 2491; 3 UST 3329). From the outset, both parties had envisaged the need for revision of the Security Treaty under appropriate circumstances. The preamble of the Security 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 Japan area. On April 28, 1952, when the existing Security Treaty came into force, Japan had no self-defense forces whatsoever. The growth of Japan's capacity for self-defense during the intervening years makes it, in our view, entirely appropriate to replace this treaty with alternative arrangements.

The new Treaty of Mutual Cooperation and Security constitutes the foundation for cooperation, a partnership with Japan, based on mutual confidence and sovereign equality, not only in the security field but in the political and economic fields. It reflects the broad area of mutual interest between the United States and Japan. The treaty is entirely defensive in character and intent and represents a threat to no country or people. It is in full conformity with the purposes and principles of the United Nations and reflects the dedication of both parties to strengthen the efforts of the United Nations to maintain international peace and security.

The treaty consists of a preamble and 10 substantive articles. The preamble sets forth the spirit and purposes 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. The preamble, recognizing the inherent right of individual or collective self-defense affirmed in the Charter of the United Nations, 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 Pacific treaties of this type to which the United States is a party [the Security Treaty with Australia and New Zealand, signed at San Francisco on September 1, 1951 (TIAS 2493; 3 UST 3420); the Southeast Asia Collective Defense Treaty with Australia, France, New Zealand, Pakistan, the Philippines, Thailand, and the United Kingdom, signed at Manila on September 8, 1954 (TIAS 3170; 6 UST 81); and bilateral Mutual Defense Treaties with China, signed at Washington December 2, 1954 (TIAS 3178; 6 UST 433), Korea, signed at Washington October 1, 1953 (TIAS 3097; 5 UST 2368), and the Philippines, signed at Washington August 30, 1951, (TIAS 2529; 3 UST 3947)]. Under the terms of the first paragraph, both parties reaffirm their solemn obligations under the Charter of the United Nations (TS 993; 59 Stat. 1031) 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 and 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 signed at Washington April 4, 1949 (TIAS 2241; 63 Stat. 2241), reflects the broad community of interest of the United States and Japan in furthering the freedom and well-being of their peoples. Under its provisions, both parties assert they will contribute to the development of peaceful and friendly 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 (S. Res. 239, 80th Cong.) 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 for consultation regarding the implementation of the treaty and whenever the security of Japan or international peace and security in the Far East are threatened is made under article IV.

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.

The treaty also makes it clear once again that there is to be no conflict with the United Nations, for measures taken to deal with an armed attack are to be reported immediately to the Security Council of the United Nations and such measures as are taken will be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

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

Under article VI the United States is granted the use by its land, air, and naval forces 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, replacing the administrative agreement signed at Tokyo on February 28, 1952 (TIAS 2492; 3 UST 3341), and by such other arrangements as may be agreed upon. There is enclosed, with a view to transmittal for the information of the Senate, the text of the Agreement Under Article VI, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, replacing the administrative agreement. There are further enclosed, with a view to transmittal for the information of the Senate, a copy of the agreed minutes to the 1960 agreement, and a copy of an exchange of notes relating to the settlement of certain claims against the U.S. armed forces under article XII, paragraph 6, of the agreement. The agreement under article VI of the treaty sets forth the detailed arrangements governing the use of facilities and areas in Japan and the status of U.S. armed forces there. Its provisions are comparable to the provisions of the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces, signed at London June 19, 1951 (TIAS 2846; 4 UST 1792).

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 the Security Treaty, signed on September 8, 1951, will expire when the Treaty of Mutual Cooperation and Security enters into force.

Under article X, 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 that either party may give notice of its intention to terminate the treaty after the treaty has been in force for 10 years, in which case the treaty is terminated 1 year after notice has been given.

In the agreed minute to the treaty, Japan expresses its concern for the safety of the people of the islands administered by the United States under article 3 of the Treaty of Peace with Japan, signed at San Francisco September 8, 1951 (TIAS 2490; 3 USA 3169), 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 United States measures Japan might take for the welfare of the people of these islands in the event of an armed attack. The minute provides that, on the part of the United States, it will consult with Japan in the event of an armed attack against these islands and intends to take the necessary measures to defend the islands and to do its utmost to secure the islanders' welfare.

As previously indicated, several notes relating to the treaty were exchanged by the Secretary of State and the Prime Minister of Japan on January 19, 1960. The first exchange of notes is an arrangement under article VI of the treaty, expressing the agreement of the United States to conduct prior consultation with Japan in the event 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 to be undertaken from Japan other than those conducted under article V of the treaty. During your recent discussions with Prime Minister Kishi, assurances were given him that the U.S. Government had no intention of acting in a manner contrary to the wishes of the Japanese Government with respect to these matters involving prior consultation.

A second exchange of notes refers to the exchange of notes between Prime Minister Yoshida and Secretary of State Acheson, signed on September 8, 1951 (TIAS 2490; pp. 171-173; 3 UST 3326), 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, signed at Tokyo on February 19, 1954 (TIAS 2995; 5 UST 1123), remains in force.

Finally, there is an exchange of notes establishing a 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.

The Treaty of Mutual Cooperation and Security represents a significant milestone in the forging of a partnership between the United States and Japan, based on the principles of equal sovereignty and mutual cooperation and the broad common interests of both countries. This treaty, which is entirely defensive in nature, will materially strengthen peace and security in the Far East and advance the cause of peace and freedom throughout the world. Therefore, I hope that this treaty will be given early and favorable consideration by the Senate.

Respectfully submitted.

CHRISTIAN A. HERTER.

(Enclosures: (1) Treaty of Mutual Cooperation and Security signed at Washington January 19, 1960; (2) one copy each of agreed minutes and three exchanges of notes relating to the treaty; (3) copy of agreement under article VI of the treaty; (4) one copy each of agreed minutes and exchange of notes relating to the agreement.)

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

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,

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 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.

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.

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 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.

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.

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.

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.

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.

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.

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.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at Washington in the English and Japanese languages, both equally authentic, this 19th day of January, 1960.

For the United States of America:

CHRISTIAN A. HERTER
DOUGLAS MACARTHUR 2ND
J GRAHAM PARSONS

For Japan:

NOBUSUKE KISHI
AIICHIRO FUJIYAMA
MITSUJIRO ISHII
TADASHI ADACHI
KOICHIRO ASAKAI

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 Co-

operation 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.

C. A. H.
N. K.

WASHINGTON, January 19, 1960.

His Excellency CHRISTIAN A. HERTER,
Secretary of State of the United States of America.

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.

NOBUSUKE KISHI

DEPARTMENT OF STATE,
Washington, January 19, 1960.

His Excellency NOBUSUKE KISHI,
Prime Minister of Japan.

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

"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."

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.

CHRISTIAN A. HERTER
Secretary of State of the United States of America.

DEPARTMENT OF STATE,
Washington, January 19, 1960.

His Excellency NOBUSUKE KISHI,
Prime Minister of Japan.

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 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 on January 19, 1960.

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

CHRISTIAN A. HERTER
Secretary of State of the United States of America.

WASHINGTON, January 19, 1960.

His Excellency CHRISTIAN A. HERTER,
Secretary of State of the United States of America.

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

"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 on January 19, 1960."

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.

NOBUSUKE KISHI

WASHINGTON, January 19, 1960.

His Excellency CHRISTIAN A. HERTER,
Secretary of State of the United States of America.

DEAR SECRETARY HERTER: I wish to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today. Under Article IV of the Treaty, the two

Governments will consult together from time to time regarding the implementation of the Treaty, and, at the request of either Government, whenever the security of Japan or international peace and security in the Far East is threatened. The exchange of notes under Article VI of the Treaty specifies certain matters as the subjects of prior consultation with the Government of Japan.

Such consultations will be carried on between the two Governments through appropriate channels. At the same time, however, I feel that the establishment of a special committee which could as appropriate be used for these consultations between the Governments would prove very useful. This committee, which would meet whenever requested by either side, could also consider any matters underlying and related to security affairs which would serve to promote understanding between the two Governments and contribute to the strengthening of cooperative relations between the two countries in the field of security.

Under this proposal the present "Japanese-American Committee on Security" established by the Governments of the United States and Japan on August 6, 1957, would be replaced by this new committee which might be called "The Security Consultative Committee". I would also recommend that the membership of this new committee be the same as the membership of the "Japanese-American Committee on Security", namely on the Japanese side, the Minister for Foreign Affairs, who will preside on the Japanese side, and the Director General of the Defense Agency, and on the United States side, the United States Ambassador to Japan, who will serve as Chairman on the United States side, and the Commander-in-Chief, Pacific, who will be the Ambassador's principal advisor on military and defense matters. The Commander, United States Forces, Japan, will serve as alternate for the Commander-in-Chief, Pacific.

I would appreciate very much your views on this matter.

Most sincerely,

NOBUSUKE KISHI

DEPARTMENT OF STATE,
Washington, January 19, 1960.

His Excellency NOBUSUKE KISHI,
Prime Minister of Japan.

DEAR MR. PRIME MINISTER: The receipt is acknowledged of your Note of today's date suggesting the establishment of "The Security Consultative Committee". I fully agree to your proposal and share your view that such a committee can contribute to strengthening the cooperative relations between the two countries in the field of security. I also agree to your proposal regarding the membership of this committee.

Most sincerely,

CHRISTIAN A. HERTER

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 United States of America and Japan, pursuant to Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed at Washington on January 19, 1960, have entered into this Agreement in terms as set forth below:

ARTICLE I

In this Agreement the expression—

(a) "members of the United States armed forces" means the personnel on active duty belonging to the land, sea or air armed services of the United States of America when in the territory of Japan.

(b) "civilian component" means the civilian persons of United States nationality who are in the employ of, serving with, or accompanying the United States armed forces in Japan, but excludes persons who are ordinarily resident in Japan or who are mentioned in paragraph 1 of Article XIV. For the purposes of this Agreement only, dual nationals, United States and Japanese, who are brought to Japan by the United States shall be considered as United States nationals.

(c) "dependents" means

(1) Spouse, and children under 21;

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

ARTICLE II

1. (a) 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 Agreement. "Facilities and areas" include existing furnishings, equipment and fixtures necessary to the operation of such facilities and areas.

(b) The facilities and areas of which the United States has the 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 subparagraph (a) above.

2. At the request of either Government, the Governments of the United States and Japan shall review such arrangements and may agree that such facilities and areas shall be returned to Japan or that additional facilities and areas may be provided.

3. The facilities and areas used by the United States armed forces shall be returned to Japan whenever they are no longer needed for

purposes of this Agreement, and the United States agrees to keep the needs for facilities and areas under continual observation with a view toward such return.

4. (a) When facilities and areas are temporarily not being used by the United States armed forces, the Government of Japan may make, or permit Japanese nationals to make, interim use of such facilities and areas provided that it is agreed between the two Governments through the Joint Committee that such use would not be harmful to the purposes for which the facilities and areas are normally used by the United States armed forces.

(b) With respect to facilities and areas which are to be used by United States armed forces for limited periods of time, the Joint Committee shall specify in the agreements covering such facilities and areas the extent to which the provisions of this Agreement shall apply.

ARTICLE III

1. Within the facilities and areas, the United States may take all the measures necessary for their establishment, operation, safeguarding and control. In order to provide access for the United States armed forces to the facilities and areas for their support, safeguarding and control, the Government of Japan shall, at the request of the United States armed forces and upon consultation between the two Governments through the Joint Committee, take necessary measures within the scope of applicable laws and regulations over land, territorial waters and airspace adjacent to, or in the vicinities of the facilities and areas. The United States may also take necessary measures for such purposes upon consultation between the two Governments through the Joint Committee.

2. The United States agrees not to take the measures referred to in paragraph 1 in such a manner as to interfere unnecessarily with navigation, aviation, communication, or land travel to or from or within the territories of Japan. All questions relating to frequencies, power and like matters used by apparatus employed by the United States designed to emit electric radiation shall be settled by arrangement between the appropriate authorities of the two Governments. The Government of Japan shall, within the scope of applicable laws and regulations, take all reasonable measures to avoid or eliminate interference with telecommunications electronics required by the United States armed forces.

3. Operations in the facilities and areas in use by the United States armed forces shall be carried on with due regard for the public safety.

ARTICLE IV

1. The United States is not obliged, when it returns facilities and areas to Japan on the expiration of this Agreement or at an earlier date, to restore the facilities and areas to the condition in which they were at the time they became available to the United States armed forces, or to compensate Japan in lieu of such restoration.

2. Japan is not obliged to make any compensation to the United States for any improvements made in the facilities and areas or for the buildings or structures left thereon on the expiration of this Agreement or the earlier return of the facilities and areas.

3. The foregoing provisions shall not apply to any construction which the Government of the United States may undertake under special arrangements with the Government of Japan.

ARTICLE V

1. United States and foreign vessels and aircraft operated by, for, or under the control of the United States for official purposes shall be accorded access to any port or airport of Japan free from toll or landing charges. When cargo or passengers not accorded the exemptions of this Agreement are carried on such vessels and aircraft, notification shall be given to the appropriate Japanese authorities, and their entry into and departure from Japan shall be according to the laws and regulations of Japan.

2. The vessels and aircraft mentioned in paragraph 1, United States Government-owned vehicles including armor, and members of the United States armed forces, the civilian component, and their dependents shall be accorded access to and movement between facilities and areas in use by the United States armed forces and between such facilities and areas and the ports or airports of Japan. Such access to and movement between facilities and areas by United States military vehicles shall be free from toll and other charges.

3. When the vessels mentioned in paragraph 1 enter Japanese ports, appropriate notification shall, under normal conditions, be made to the proper Japanese authorities. Such vessels shall have freedom from compulsory pilotage, but if a pilot is taken pilotage shall be paid for at appropriate rates.

ARTICLE VI

1. All civil and military air traffic control and communications systems shall be developed in close coordination and shall be integrated to the extent necessary for fulfillment of collective security interests. Procedures, and any subsequent changes thereto, necessary to effect this coordination and integration will be established by arrangement between the appropriate authorities of the two Governments.

2. Lights and other aids to navigation of vessels and aircraft placed or established in the facilities and areas in use by United States armed forces and in territorial waters adjacent thereto or in the vicinity thereof shall conform to the system in use in Japan. The United States and Japanese authorities which have established such navigation aids shall notify each other of their positions and characteristics and shall give advance notification before making any changes in them or establishing additional navigation aids.

ARTICLE VII

The United States armed forces shall have the use of all public utilities and services belonging to, or controlled or regulated by the Government of Japan, and shall enjoy priorities in such use, under conditions no less favorable than those that may be applicable from time to time to the ministries and agencies of the Government of Japan.

ARTICLE VIII

The Government of Japan undertakes to furnish the United States armed forces with the following meteorological services in accordance with arrangements between the appropriate authorities of the two Governments:

- (a) Meteorological observations from land and ocean areas including observations from weather ships.
- (b) Climatological information including periodic summaries and the historical data of the Meteorological Agency.
- (c) Telecommunications service to disseminate meteorological information required for the safe and regular operation of aircraft.
- (d) Seismographic data including forecasts of the estimated size of tidal waves resulting from earthquakes and areas that might be affected thereby.

ARTICLE IX

1. The United States may bring into Japan persons who are members of the United States armed forces, the civilian component, and their dependents, subject to the provisions of this Article.

2. Members of the United States armed forces shall be exempt from Japanese passport and visa laws and regulations. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from Japanese laws and regulations on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of Japan.

3. Upon entry into or departure from Japan members of the United States armed forces shall be in possession of the following documents:

- (a) personal identity card showing name, date of birth, rank and number, service, and photograph; and
- (b) individual or collective travel order certifying to the status of the individual or group as a member or members of the United States armed forces and to the travel ordered.

For purposes of their identification while in Japan, members of the United States armed forces shall be in possession of the foregoing personal identity card which must be presented on request to the appropriate Japanese authorities.

4. Members of the civilian component, their dependents, and the dependents of members of the United States armed forces shall be in possession of appropriate documentation issued by the United States authorities so that their status may be verified by Japanese authorities upon their entry into or departure from Japan, or while in Japan.

5. If the status of any person brought into Japan under paragraph 1 of this Article is altered so that he would no longer be entitled to such admission, the United States authorities shall notify the Japanese authorities and shall, if such person be required by the Japanese authorities to leave Japan, assure that transportation from Japan will be provided within a reasonable time at no cost to the Government of Japan.

6. If the Government of Japan has requested the removal from its territory of a member of the United States armed forces or civilian component or has made an expulsion order against an ex-member of the United States armed forces or the civilian component or against a dependent of a member or ex-member, the authorities of the United States shall be responsible for receiving the person concerned within

its own territory or otherwise disposing of him outside Japan. This paragraph shall apply only to persons who are not nationals of Japan and have entered Japan as members of the United States armed forces or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

ARTICLE X

1. Japan shall accept as valid, without a driving test or fee, the driving permit or license or military driving permit issued by the United States to a member of the United States armed forces, the civilian component, and their dependents.

2. Official vehicles of the United States armed forces and the civilian component shall carry distinctive numbered plates or individual markings which will readily identify them.

3. Privately owned vehicles of members of the United States armed forces, the civilian component, and their dependents shall carry Japanese number plates to be acquired under the same conditions as those applicable to Japanese nationals.

ARTICLE XI

1. Save as provided in this Agreement, members of the United States armed forces, the civilian component, and their dependents shall be subject to the laws and regulations administered by the customs authorities of Japan.

2. All materials, supplies and equipment imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, for the official use of the United States armed forces or for the use of the members of the United States armed forces, the civilian component, and their dependents, and materials, supplies and equipment which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces, shall be permitted entry into Japan; such entry shall be free from customs duties and other such charges. Appropriate certification shall be made that such materials, supplies and equipment are being imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, or, in the case of materials, supplies and equipment to be used exclusively by the United States armed forces or ultimately to be incorporated into articles or facilities used by such forces, that delivery thereof is to be taken by the United States armed forces for the purposes specified above.

3. Property consigned to and for the personal use of members of the United States armed forces, the civilian component, and their dependents, shall be subject to customs duties and other such charges, except that no duties or charges shall be paid with respect to:

- (a) Furniture and household goods for their private use imported by the members of the United States armed forces or civilian component when they first arrive to serve in Japan or by their dependents when they first arrive for reunion with

members of such forces or civilian component, and personal effects for private use brought by the said persons upon entrance.

(b) Vehicles and parts imported by members of the United States armed forces or civilian component for the private use of themselves or their dependents.

(c) Reasonable quantities of clothing and household goods of a type which would ordinarily be purchased in the United States for everyday use for the private use of members of the United States armed forces, civilian component, and their dependents, which are mailed into Japan through United States military post offices.

4. The exemptions granted in paragraphs 2 and 3 shall apply only to cases of importation of goods and shall not be interpreted as refunding customs duties and domestic excises collected by the customs authorities at the time of entry in cases of purchases of goods on which such duties and excises have already been collected.

5. Customs examination shall not be made in the following cases:

(a) Units of the United States armed forces under orders entering or leaving Japan;

(b) Official documents under official seal and official mail in United States military postal channels;

(c) Military cargo shipped on a United States Government bill of lading.

6. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods imported into Japan free of duty shall not be disposed of in Japan to persons not entitled to import such goods free of duty.

7. Goods imported into Japan free from customs duties and other such charges pursuant to paragraphs 2 and 3, may be re-exported free from customs duties and other such charges.

8. The United States armed forces, in cooperation with Japanese authorities, shall take such steps as are necessary to prevent abuse of privileges granted to the United States armed forces, members of such forces, the civilian component, and their dependents in accordance with this Article.

9. (a) In order to prevent offenses against laws and regulations administered by the customs authorities of the Government of Japan, the Japanese authorities and the United States armed forces shall assist each other in the conduct of inquiries and the collection of evidence.

(b) The United States armed forces shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs authorities of the Government of Japan are handed to those authorities.

(c) The United States armed forces shall render all assistance within their power to ensure the payment of duties, taxes, and penalties payable by members of such forces or of the civilian component, or their dependents.

(d) Vehicles and articles belonging to the United States armed forces seized by the customs authorities of the Government of Japan in connection with an offense against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

ARTICLE XII

1. The United States may contract for any supplies or construction work to be furnished or undertaken in Japan for purposes of, or authorized by, this Agreement, without restriction as to choice of supplier or person who does the construction work. Such supplies or construction work may, upon agreement between the appropriate authorities of the two Governments, also be procured through the Government of Japan.

2. Materials, supplies, equipment and services which are required from local sources for the maintenance of the United States armed forces and the procurement of which may have an adverse effect on the economy of Japan shall be procured in coordination with, and, when desirable, through or with the assistance of, the competent authorities of Japan.

3. Materials, supplies, equipment and services procured for official purposes in Japan by the United States armed forces, or by authorized procurement agencies of the United States armed forces upon appropriate certification shall be exempt from the following Japanese taxes:

(a) Commodity tax

(b) Travelling tax

(c) Gasoline tax

(d) Electricity and gas tax.

Materials, supplies, equipment and services procured for ultimate use by the United States armed forces shall be exempt from commodity and gasoline taxes upon appropriate certification by the United States armed forces. With respect to any present or future Japanese taxes not specifically referred to in this Article which might be found to constitute a significant and readily identifiable part of the gross purchase price of materials, supplies, equipment and services procured by the United States armed forces, or for ultimate use by such forces, the two Governments will agree upon a procedure for granting such exemption or relief therefrom as is consistent with the purposes of this Article.

4. Local labor requirements of United States armed forces and of the organizations provided for in Article XV shall be satisfied with the assistance of the Japanese authorities.

5. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

6. Should the United States armed forces or as appropriate an organization provided for in Article XV dismiss a worker and a decision of a court or a Labor Relations Commission of Japan to the effect that the contract of employment has not terminated become final, the following procedures shall apply:

(a) The United States armed forces or the said organization shall be informed by the Government of Japan of the decision of the court or Commission;

(b) Should the United States armed forces or the said organization not desire to return the worker to duty, they shall so notify

the Government of Japan within seven days after being informed by the latter of the decision of the court or Commission, and may temporarily withhold the worker from duty;

(c) Upon such notification, the Government of Japan and the United States armed forces or the said organization shall consult together without delay with a view to finding a practical solution of the case;

(d) Should such a solution not be reached within a period of thirty days from the date of commencement of the consultations under (c) above, the worker will not be entitled to return to duty. 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.

7. Members of the civilian component shall not be subject to Japanese laws or regulations with respect to terms and conditions of employment.

8. Neither members of the United States armed forces, civilian component, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or similar charges relating to personal purchases of goods and services in Japan chargeable under Japanese legislation.

9. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods purchased in Japan exempt from the taxes referred to in paragraph 3, shall not be disposed of in Japan to persons not entitled to purchase such goods exempt from such tax.

ARTICLE XIII

1. The United States armed forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

2. Members of the United States armed forces, the civilian component, and their dependents shall not be liable to pay any Japanese taxes to the Government of Japan or to any other taxing agency in Japan on income received as a result of their service with or employment by the United States armed forces, or by the organizations provided for in Article XV. The provisions of this Article do not exempt such persons from payment of Japanese taxes on income derived from Japanese sources, nor do they exempt United States citizens who for United States income tax purposes claim Japanese residence from payment of Japanese taxes on income. Periods during which such persons are in Japan solely by reason of being members of the United States armed forces, the civilian component, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

3. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from taxation in Japan on the holding, use, transfer *inter se*, or transfer by death of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan or to any intangible property registered in Japan. There is no obligation under

this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

ARTICLE XIV

1. Persons, including corporations organized under the laws of the United States, and their employees who are ordinarily resident in the United States and whose presence in Japan is solely for the purpose of executing contracts with the United States for the benefit of the United States armed forces, and who are designated by the Government of the United States in accordance with the provisions of paragraph 2 below, shall, except as provided in this Article, be subject to the laws and regulations of Japan.

2. The designation referred to in paragraph 1 above shall be made upon consultation with the Government of Japan and shall be restricted to cases where open competitive bidding is not practicable due to security considerations, to the technical qualifications of the contractors involved, or to the unavailability of materials or services required by United States standards, or to limitations of United States law.

The designation shall be withdrawn by the Government of the United States:

(a) upon completion of contracts with the United States for the United States armed forces;

(b) upon proof that such persons are engaged in business activities in Japan other than those pertaining to the United States armed forces; or

(c) when such persons are engaged in practices illegal in Japan.

3. Upon certification by appropriate United States authorities as to their identity, such persons and their employees shall be accorded the following benefits of this Agreement:

(a) Rights of accession and movement, as provided for in Article V, paragraph 2;

(b) Entry into Japan in accordance with the provisions of Article IX;

(c) The exemption from customs duties, and other such charges provided for in Article XI, paragraph 3, for members of the United States armed forces, the civilian component, and their dependents;

(d) If authorized by the Government of the United States, the right to use the services of the organizations provided for in Article XV;

(e) Those provided for in Article XIX, paragraph 2, for members of the armed forces of the United States, the civilian component, and their dependents;

(f) If authorized by the Government of the United States, the right to use military payment certificates, as provided for in Article XX;

(g) The use of postal facilities provided for in Article XXI;

(h) Exemption from the laws and regulations of Japan with respect to terms and conditions of employment.

4. Such persons and their employees shall be so described in their passports and their arrival, departure and their residence while in Japan shall from time to time be notified by the United States armed forces to the Japanese authorities.

the Government of Japan within seven days after being informed by the latter of the decision of the court or Commission, and may temporarily withhold the worker from duty;

(c) Upon such notification, the Government of Japan and the United States armed forces or the said organization shall consult together without delay with a view to finding a practical solution of the case;

(d) Should such a solution not be reached within a period of thirty days from the date of commencement of the consultations under (c) above, the worker will not be entitled to return to duty. 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.

7. Members of the civilian component shall not be subject to Japanese laws or regulations with respect to terms and conditions of employment.

8. Neither members of the United States armed forces, civilian component, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or similar charges relating to personal purchases of goods and services in Japan chargeable under Japanese legislation.

9. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods purchased in Japan exempt from the taxes referred to in paragraph 3, shall not be disposed of in Japan to persons not entitled to purchase such goods exempt from such tax.

ARTICLE XIII

1. The United States armed forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

2. Members of the United States armed forces, the civilian component, and their dependents shall not be liable to pay any Japanese taxes to the Government of Japan or to any other taxing agency in Japan on income received as a result of their service with or employment by the United States armed forces, or by the organizations provided for in Article XV. The provisions of this Article do not exempt such persons from payment of Japanese taxes on income derived from Japanese sources, nor do they exempt United States citizens who for United States income tax purposes claim Japanese residence from payment of Japanese taxes on income. Periods during which such persons are in Japan solely by reason of being members of the United States armed forces, the civilian component, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

3. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from taxation in Japan on the holding, use, transfer *inter se*, or transfer by death of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan or to any intangible property registered in Japan. There is no obligation under

this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

ARTICLE XIV

1. Persons, including corporations organized under the laws of the United States, and their employees who are ordinarily resident in the United States and whose presence in Japan is solely for the purpose of executing contracts with the United States for the benefit of the United States armed forces, and who are designated by the Government of the United States in accordance with the provisions of paragraph 2 below, shall, except as provided in this Article, be subject to the laws and regulations of Japan.

2. The designation referred to in paragraph 1 above shall be made upon consultation with the Government of Japan and shall be restricted to cases where open competitive bidding is not practicable due to security considerations, to the technical qualifications of the contractors involved, or to the unavailability of materials or services required by United States standards, or to limitations of United States law.

The designation shall be withdrawn by the Government of the United States:

(a) upon completion of contracts with the United States for the United States armed forces;

(b) upon proof that such persons are engaged in business activities in Japan other than those pertaining to the United States armed forces; or

(c) when such persons are engaged in practices illegal in Japan.

3. Upon certification by appropriate United States authorities as to their identity, such persons and their employees shall be accorded the following benefits of this Agreement:

(a) Rights of accession and movement, as provided for in Article V, paragraph 2;

(b) Entry into Japan in accordance with the provisions of Article IX;

(c) The exemption from customs duties, and other such charges provided for in Article XI, paragraph 3, for members of the United States armed forces, the civilian component, and their dependents;

(d) If authorized by the Government of the United States, the right to use the services of the organizations provided for in Article XV;

(e) Those provided for in Article XIX, paragraph 2, for members of the armed forces of the United States, the civilian component, and their dependents;

(f) If authorized by the Government of the United States, the right to use military payment certificates, as provided for in Article XX;

(g) The use of postal facilities provided for in Article XXI;

(h) Exemption from the laws and regulations of Japan with respect to terms and conditions of employment.

4. Such persons and their employees shall be so described in their passports and their arrival, departure and their residence while in Japan shall from time to time be notified by the United States armed

5. Upon certification by an authorized officer of the United States armed forces, depreciable assets except houses, held, used, or transferred, by such persons and their employees exclusively for the execution of contracts referred to in paragraph 1 shall not be subject to taxes or similar charges of Japan.

6. Upon certification by an authorized officer of the United States armed forces, such persons and their employees shall be exempt from taxation in Japan on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under this Agreement, of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. The persons and their employees referred to in paragraph 1 shall not be liable to pay income or corporation taxes to the Government of Japan or to any other taxing agency in Japan on any income derived under a contract made in the United States with the Government of the United States in connection with the construction, maintenance or operation of any of the facilities or areas covered by this Agreement. The provisions of this paragraph do not exempt such persons from payment of income or corporation taxes on income derived from Japanese sources, nor do they exempt such persons and their employees who, for United States income tax purposes, claim Japanese residence, from payment of Japanese taxes on income. Periods during which such persons are in Japan solely in connection with the execution of a contract with the Government of the United States shall not be considered periods of residence or domicile in Japan for the purposes of such taxation.

8. Japanese authorities shall have the primary right to exercise jurisdiction over the persons and their employees referred to in paragraph 1 of this Article in relation to offenses committed in Japan and punishable by the law of Japan. In those cases in which the Japanese authorities decide not to exercise such jurisdiction they shall notify the military authorities of the United States as soon as possible. Upon such notification the military authorities of the United States shall have the right to exercise such jurisdiction over the persons referred to as is conferred on them by the law of the United States.

ARTICLE XV

1. (a) Navy exchanges, post exchanges, messes, social clubs, theaters, newspapers and other non-appropriated fund organizations authorized and regulated by the United States military authorities may be established in the facilities and areas in use by the United States armed forces for the use of members of such forces, the civilian component, and their dependents. Except as otherwise provided in this Agreement, such organizations shall not be subject to Japanese regulations, license, fees, taxes or similar controls.

(b) When a newspaper authorized and regulated by the United States military authorities is sold to the general public, it shall be subject to Japanese regulations, license, fees, taxes or similar controls so far as such circulation is concerned.

2. No Japanese tax shall be imposed on sales of merchandise and services by such organizations, except as provided in paragraph 1(b), but purchases within Japan of merchandise and supplies by such organizations shall be subject to Japanese taxes.

3. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods which are sold by such organizations shall not be disposed of in Japan to persons not authorized to make purchases from such organizations.

4. The organizations referred to in this Article shall provide such information to the Japanese authorities as is required by Japanese tax legislation.

ARTICLE XVI

It is the duty of members of the United States armed forces, the civilian component, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Japan.

ARTICLE XVII

1. Subject to the provisions of this Article,

(a) the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;

(b) the authorities of Japan shall have jurisdiction over the members of the United States armed forces, the civilian component, and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.

2. (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.

(b) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United States armed forces, the civilian component, and their dependents with respect to offenses, including offenses relating to the security of Japan, punishable by its law but not by the law of the United States.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offense against a State shall include

(i) treason against the State;
(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the United States shall have the primary right to exercise jurisdiction over members of the United States armed forces or the civilian component in relation to

(i) offenses solely against the property or security of the United States, or offenses solely against the person or prop-

5. Upon certification by an authorized officer of the United States armed forces, depreciable assets except houses, held, used, or transferred, by such persons and their employees exclusively for the execution of contracts referred to in paragraph 1 shall not be subject to taxes or similar charges of Japan.

6. Upon certification by an authorized officer of the United States armed forces, such persons and their employees shall be exempt from taxation in Japan on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under this Agreement, of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. The persons and their employees referred to in paragraph 1 shall not be liable to pay income or corporation taxes to the Government of Japan or to any other taxing agency in Japan on any income derived under a contract made in the United States with the Government of the United States in connection with the construction, maintenance or operation of any of the facilities or areas covered by this Agreement. The provisions of this paragraph do not exempt such persons from payment of income or corporation taxes on income derived from Japanese sources, nor do they exempt such persons and their employees who, for United States income tax purposes, claim Japanese residence, from payment of Japanese taxes on income. Periods during which such persons are in Japan solely in connection with the execution of a contract with the Government of the United States shall not be considered periods of residence or domicile in Japan for the purposes of such taxation.

8. Japanese authorities shall have the primary right to exercise jurisdiction over the persons and their employees referred to in paragraph 1 of this Article in relation to offenses committed in Japan and punishable by the law of Japan. In those cases in which the Japanese authorities decide not to exercise such jurisdiction they shall notify the military authorities of the United States as soon as possible. Upon such notification the military authorities of the United States shall have the right to exercise such jurisdiction over the persons referred to as is conferred on them by the law of the United States.

ARTICLE XV

1. (a) Navy exchanges, post exchanges, messes, social clubs, theaters, newspapers and other non-appropriated fund organizations authorized and regulated by the United States military authorities may be established in the facilities and areas in use by the United States armed forces for the use of members of such forces, the civilian component, and their dependents. Except as otherwise provided in this Agreement, such organizations shall not be subject to Japanese regulations, license, fees, taxes or similar controls.

(b) When a newspaper authorized and regulated by the United States military authorities is sold to the general public, it shall be subject to Japanese regulations, license, fees, taxes or similar controls so far as such circulation is concerned.

2. No Japanese tax shall be imposed on sales of merchandise and services by such organizations, except as provided in paragraph 1(b), but purchases within Japan of merchandise and supplies by such organizations shall be subject to Japanese taxes.

3. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods which are sold by such organizations shall not be disposed of in Japan to persons not authorized to make purchases from such organizations.

4. The organizations referred to in this Article shall provide such information to the Japanese authorities as is required by Japanese tax legislation.

ARTICLE XVI

It is the duty of members of the United States armed forces, the civilian component, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Japan.

ARTICLE XVII

1. Subject to the provisions of this Article,

(a) the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;

(b) the authorities of Japan shall have jurisdiction over the members of the United States armed forces, the civilian component, and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.

2. (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.

(b) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United States armed forces, the civilian component, and their dependents with respect to offenses, including offenses relating to the security of Japan, punishable by its law but not by the law of the United States.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offense against a State shall include

(i) treason against the State;

(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the United States shall have the primary right to exercise jurisdiction over members of the United States armed forces or the civilian component in relation to

(i) offenses solely against the property or security of the United States, or offenses solely against the person or prop-

erty of another member of the United States armed forces or the civilian component or of a dependent;

(ii) offenses arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the United States armed forces.

5. (a) The military authorities of the United States and the authorities of Japan shall assist each other in the arrest of members of the United States armed forces, the civilian component, or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of Japan shall notify promptly the military authorities of the United States of the arrest of any member of the United States armed forces, the civilian component, or a dependent.

(c) The custody of an accused member of the United States armed forces or the civilian component over whom Japan is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United States until he is charged by Japan.

6. (a) The military authorities of the United States and the authorities of Japan shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The military authorities of the United States and the authorities of Japan shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. (a) A death sentence shall not be carried out in Japan by the military authorities of the United States if the legislation of Japan does not provide for such punishment in a similar case.

(b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of this Article within the territory of Japan.

8. Where an accused has been tried in accordance with the provisions of this Article either by the military authorities of the United States or the authorities of Japan and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offense within the territory of Japan by the authorities of the other State. However,

nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of Japan.

9. Whenever a member of the United States armed forces, the civilian component or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:

(a) to a prompt and speedy trial;

(b) to be informed, in advance of trial, of the specific charge or charges made against him;

(c) to be confronted with the witnesses against him;

(d) to have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of Japan;

(e) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in Japan;

(f) if he considers it necessary, to have the services of a competent interpreter; and

(g) to communicate with a representative of the Government of the United States and to have such a representative present at his trial.

10. (a) Regularly constituted military units or formations of the United States armed forces shall have the right to police any facilities or areas which they use under Article II of this Agreement. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities and areas.

(b) Outside these facilities and areas, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the United States armed forces.

11. In the event of hostilities to which the provisions of Article V of the Treaty of Mutual Cooperation and Security apply, either the Government of the United States or the Government of Japan shall have the right, by giving sixty days' notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercised, the Governments of the United States and Japan shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

12. The provisions of this Article shall not apply to any offenses committed before the entry into force of this Agreement. Such cases shall be governed by the provisions of Article XVII of the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan, as it existed at the relevant time.

ARTICLE XVIII

1. Each Party waives all its claims against the other Party for damage to any property owned by it and used by its land, sea or air defense services, if such damage—

(a) was caused by a member or an employee of the defense services of the other Party in the performance of his official duties; or

(b) arose from the use of any vehicle, vessel or aircraft owned by the other Party and used by its defense services, provided either that the vehicle, vessel or aircraft causing the damage was being used for official purposes, or that the damage was caused to property being so used.

Claims for maritime salvage by one Party against the other Party shall be waived, provided that the vessel or cargo salved was owned by a Party and being used by its defense services for official purposes.

2. (a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by either Party and located in Japan, the issue of the liability of the other Party shall be determined and the amount of damage shall be assessed, unless the two Governments agree otherwise, by a sole arbitrator selected in accordance with subparagraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in subparagraph (a) above shall be selected by agreement between the two Governments from amongst the nationals of Japan who hold or have held high judicial office.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the Parties.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5(e) (i), (ii) and (iii) of this Article.

(e) The compensation of the arbitrator shall be fixed by agreement between the two Governments and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

(f) Nevertheless, each Party waives its claim in any such case up to the amount of 1,400 United States dollars or 504,000 yen. In the case of considerable variation in the rate of exchange between these currencies the two Governments shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Party" in the case of a vessel includes a vessel on bare boat charter to that Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Party).

4. Each Party waives all its claims against the other Party for injury or death suffered by any member of its defense services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members or employees of the United States armed forces done in the performance of official duty, or out of any other act, omission or occurrence for which the United States armed forces are legally responsible, and causing damage in Japan to third parties, other than the Government of Japan, shall be dealt with by Japan in accordance with the following provisions:

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of Japan with respect to claims arising from the activities of its Self-Defense Forces.

(b) Japan may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Japan in yen.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of Japan, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Parties.

(d) Every claim paid by Japan shall be communicated to the appropriate United States authorities together with full particulars and a proposed distribution in conformity with subparagraphs (e) (i) and (ii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the preceding subparagraphs and paragraph 2 of this Article shall be distributed between the Parties as follows:

(i) Where the United States alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 percent chargeable to Japan and 75 percent chargeable to the United States.

(ii) Where the United States and Japan are responsible for the damage, the amount awarded or adjudged shall be distributed equally between them. Where the damage was caused by the defense services of the United States or Japan and it is not possible to attribute it specifically to one or both of those defense services, the amount awarded or adjudged shall be distributed equally between the United States and Japan.

(iii) Every half-year, a statement of the sums paid by Japan in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the appropriate United States authorities, together with a request for reimbursement. Such reimbursement shall be made, in yen, within the shortest possible time.

(f) Members or employees of the United States armed forces, excluding those employees who have only Japanese nationality, shall not be subject to any proceedings for the enforcement of any judgment given against them in Japan in a matter arising from the performance of their official duties.

(g) Except in so far as subparagraph (e) of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connection with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members or employees of the United States armed forces (except employees who are nationals of or ordinarily resident in Japan) arising out of tortious acts or omissions in Japan not done in the performance of official duty shall be dealt with in the following manner:

(a) The authorities of Japan shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the

conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the appropriate United States authorities, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount.

(c) If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the United States authorities shall make the payment themselves and inform the authorities of Japan of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of Japan to entertain an action against a member or an employee of the United States armed forces unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorized use of any vehicle of the United States armed forces shall be dealt with in accordance with paragraph 6 of this Article, except in so far as the United States armed forces are legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a member or an employee of the United States armed forces was done in the performance of official duty or as to whether the use of any vehicle of the United States armed forces was unauthorized, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2(b) of this Article, whose decision on this point shall be final and conclusive.

9. (a) The United States shall not claim immunity from the jurisdiction of the courts of Japan for members or employees of the United States armed forces in respect of the civil jurisdiction of the courts of Japan except to the extent provided in paragraph 5(f) of this Article.

(b) In case any private movable property, excluding that in use by the United States armed forces, which is subject to compulsory execution under Japanese law, is within the facilities and areas in use by the United States armed forces, the United States authorities shall, upon the request of Japanese courts, possess and turn over such property to the Japanese authorities.

(c) The authorities of the United States and Japan shall cooperate in the procurement of evidence for a fair hearing and disposal of claims under this Article.

10. Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, services and labor by or for the United States armed forces, which are not resolved by the parties to the contract concerned, may be submitted to the Joint Committee for conciliation, provided that the provisions of this paragraph shall not prejudice any right which the parties to the contract may have to file a civil suit.

11. The term "defense services" used in this Article is understood to mean for Japan its Self-Defense Forces and for the United States its armed forces.

12. Paragraphs 2 and 5 of this Article shall apply only to claims arising incident to non-combat activities.

13. The provisions of this Article shall not apply to any claims which arose before the entry into force of this Agreement. Such claims shall be dealt with by the provisions of Article XVIII of the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan.

ARTICLE XIX

1. Members of the United States armed forces, the civilian component, and their dependents, shall be subject to the foreign exchange controls of the Government of Japan.

2. The preceding paragraph shall not be construed to preclude the transmission into or outside of Japan of United States dollars or dollar instruments representing the official funds of the United States or realized as a result of service or employment in connection with this Agreement by members of the United States armed forces and the civilian component, or realized by such persons and their dependents from sources outside of Japan.

3. The United States authorities shall take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the Japanese foreign exchange controls.

ARTICLE XX

1. (a) United States military payment certificates denominated in dollars may be used by persons authorized by the United States for internal transactions within the facilities and areas in use by the United States armed forces. The Government of the United States will take appropriate action to insure that authorized personnel are prohibited from engaging in transactions involving military payment certificates except as authorized by United States regulations. The Government of Japan will take necessary action to prohibit unauthorized persons from engaging in transactions involving military payment certificates and with the aid of United States authorities will undertake to apprehend and punish any person or persons under its jurisdiction involved in the counterfeiting or uttering of counterfeit military payment certificates.

(b) It is agreed that the United States authorities will apprehend and punish members of the United States armed forces, the civilian component, or their dependents, who tender military payment certificates to unauthorized persons and that no obligation will be due to such unauthorized persons or to the Government of Japan or its agencies from the United States or any of its agencies as a result of any unauthorized use of military payment certificates within Japan.

2. In order to exercise control of military payment certificates the United States may designate certain American financial institutions to maintain and operate, under United States supervision, facilities for the use of persons authorized by the United States to use military payment certificates. Institutions authorized to maintain military banking facilities will establish and maintain such facilities physically separated from their Japanese commercial banking business, with personnel whose sole duty is to maintain and operate such facilities. Such facilities shall be permitted to maintain United States currency bank accounts and to perform all financial transactions in connection therewith including receipt and remission of funds to the extent provided by Article XIX, paragraph 2, of this Agreement.

ARTICLE XXI

The United States may establish and operate, within the facilities and areas in use by the United States armed forces, United States

military post offices for the use of members of the United States armed forces, the civilian component, and their dependents, for the transmission of mail between United States military post offices in Japan and between such military post offices and other United States post offices.

ARTICLE XXII

The United States may enroll and train eligible United States citizens residing in Japan, who apply for such enrollment, in the reserve organizations of the armed forces of the United States.

ARTICLE XXIII

The United States and Japan will cooperate in taking such steps as may from time to time be necessary to ensure the security of the United States armed forces, the members thereof, the civilian component, their dependents, and their property. The Government of Japan agrees to seek such legislation and to take such other action as may be necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of the United States, and for the punishment of offenders under the applicable laws of Japan.

ARTICLE XXIV

1. It is agreed that the United States will bear for the duration of this Agreement without cost to Japan all expenditures incident to the maintenance of the United States armed forces in Japan except those to be borne by Japan as provided in paragraph 2.

2. It is agreed that Japan will furnish for the duration of this Agreement without cost to the United States and make compensation where appropriate to the owners and suppliers thereof all facilities and areas and rights of way, including facilities and areas jointly used such as those at airfields and ports, as provided in Articles II and III.

3. It is agreed that arrangements will be effected between the Governments of the United States and Japan for accounting applicable to financial transactions arising out of this Agreement.

ARTICLE XXV

1. A Joint Committee shall be established as the means for consultation between the Government of the United States and the Government of Japan on all matters requiring mutual consultation regarding the implementation of this Agreement. In particular, the Joint Committee shall serve as the means for consultation in determining the facilities and areas in Japan which are required for the use of the United States in carrying out the purposes of the Treaty of Mutual Cooperation and Security.

2. The Joint Committee shall be composed of a representative of the Government of the United States and a representative of the Government of Japan, each of whom shall have one or more deputies and a staff. The Joint Committee shall determine its own procedures, and arrange for such auxiliary organs and administrative services as may be required. The Joint Committee shall be so organized that it may meet immediately at any time at the request

of the representative of either the Government of the United States or the Government of Japan.

3. If the Joint Committee is unable to resolve any matter, it shall refer that matter to the respective Governments for further consideration through appropriate channels.

ARTICLE XXVI

1. This Agreement shall be approved by the United States and Japan in accordance with their legal procedures, and notes indicating such approval shall be exchanged.

2. After the procedure set forth in the preceding paragraph has been followed, this Agreement will enter into force on the date of coming into force of the Treaty of Mutual Cooperation and Security, at which time 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, shall expire.

3. The Government of each Party to this Agreement undertakes to seek from its legislature necessary budgetary and legislative action with respect to provisions of this Agreement which require such action for their execution.

ARTICLE XXVII

Either Government may at any time request the revision of any Article of this Agreement, in which case the two Governments shall enter into negotiation through appropriate channels.

ARTICLE XXVIII

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

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Agreement.

DONE at Washington, in duplicate, in the English and Japanese languages, both texts equally authentic, this 19th day of January, 1960.

For the United States of America:

CHRISTIAN A. HERTER
DOUGLAS MACARTHUR 2ND
J GRAHAM PARSONS

For Japan:

NOBUSUKE KISHI
AIICHIRO FUJIYAMA
MITSUJIRO ISHII
TADASHI ADACHI
KOICHIRO ASAKAI

AGREED MINUTES 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

The Plenipotentiaries of the United States of America and Japan wish to record the following understanding which they have reached during the negotiations for 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:

Article III

The measures that may be taken by the United States under paragraph 1 shall, to the extent necessary to accomplish the purposes of this Agreement, include, *inter alia*, the following:

1. To construct (including dredging and filling), operate, maintain, utilize, occupy, garrison and control the facilities and areas;
2. To remove buildings or structures, make alterations, attach fixtures, or erect additions thereto and to construct any additional buildings or structures together with auxiliary facilities;
3. To improve and deepen the harbors, channels, entrances and anchorages, and to construct or maintain necessary roads and bridges affording access to such facilities and areas;
4. To control (including measures to prohibit) in so far as may be required by military necessity for the efficient operation and safety of the facilities and areas, anchorages, moorings, landings, takeoffs and operation of ships and waterborne craft, aircraft and other vehicles on water, in the air or on land comprising, or in the vicinity of, the facilities and areas;
5. To construct on rights of way utilized by the United States such wire and radio communications facilities, including submarine and subterranean cables, pipe lines and spur tracks from railroads, as may be required for military purposes; and
6. To construct, install, maintain and employ in any facility or area any type of installation, weapon, substance, device, vessel or vehicle on or under the ground, in the air or on or under the water that may be requisite or appropriate, including meteorological systems, aerial and water navigation lights, radio and radar apparatus and electronic devices.

Article V

1. "United States and foreign vessels . . . operated by, for, or under the control of the United States for official purposes" mean United States public vessels and chartered vessels (bare boat charter, voyage charter and time charter). Space charter is not included. Commercial cargo and private passengers are carried by them only in exceptional cases.
2. The Japanese ports mentioned herein will ordinarily mean "open ports".

3. The exemption from making "appropriate notification" will be applicable only to exceptional cases where such is required for security of the United States armed forces or similar reasons.

4. The laws and regulations of Japan will be applicable except as specifically provided otherwise in this Article.

Article VII

The problem of telecommunications rates applicable to the United States armed forces will continue to be studied in the light of, *inter alia*, the statements concerning Article VII recorded in the official minutes of the Tenth Joint Meeting for the Negotiation of the Administrative Agreement signed on February 28, 1952, which are hereby incorporated by reference.

Article IX

The Government of Japan will be notified at regular intervals, in accordance with procedures to be agreed between the two Governments, of numbers and categories of persons entering and departing.

Article XI

1. The quantity of goods imported under paragraph 2 by the organizations provided for in Article XV for the use of the members of the United States armed forces, the civilian component, and their dependents shall be limited to the extent reasonably required for such use.

2. Paragraph 3(a) does not require concurrent shipment of goods with travel of owner nor does it require single loading or shipment.

3. The term "military cargo" as used in paragraph 5(c) is not confined to arms and equipment but refers to all cargo shipped to the United States armed forces on a United States Government bill of lading, the term "military cargo" being used to distinguish cargo shipped to the United States armed forces from cargo shipped to other agencies of the United States Government.

4. The United States armed forces will take every practicable measure to ensure that goods will not be imported into Japan by or for the members of the United States armed forces, the civilian component, or their dependents, the entry of which would be in violation of Japanese customs laws and regulations. The United States armed forces will promptly notify the Japanese customs authorities whenever the entry of such goods is discovered.

5. The Japanese customs authorities may, if they consider that there has been an abuse or infringement in connection with the entry of goods under Article XI, take up the matter with the appropriate authorities of the United States armed forces.

6. The words "The United States armed forces shall render all assistance within their power etc." in paragraph 9(b) and (c) refer to reasonable and practicable measures by the United States armed forces.

Article XII

1. The United States armed forces will furnish the Japanese authorities with appropriate information as far in advance as practicable on anticipated major changes in their procurement program in Japan.

2. The problem of a satisfactory settlement of difficulties with respect to procurement contracts arising out of differences between United States and Japanese economic laws and business practices will be studied by the Joint Committee or other appropriate persons.

3. The procedures for securing exemptions from taxation on purchases of goods for ultimate use by the United States armed forces will be as follows:

a. Upon appropriate certification by the United States armed forces that materials, supplies and equipment consigned to or destined for such forces, are to be used, or wholly or partially used up, under the supervision of such forces, exclusively in the execution of contracts for the construction, maintenance or operation of the facilities and areas referred to in Article II or for the support of the forces therein, or are ultimately to be incorporated into articles or facilities used by such forces, an authorized representative of such forces shall take delivery of such materials, supplies and equipment directly from manufacturers thereof. In such circumstances the collection of commodity and gasoline taxes shall be held in abeyance.

b. The receipt of such materials, supplies and equipment in the facilities and areas shall be confirmed by an authorized officer of the United States armed forces to the Japanese authorities.

c. Collection of commodity and gasoline taxes shall be held in abeyance until

(1) The United States armed forces confirm and certify the quantity or degree of consumption of the above referred to materials, supplies and equipment, or

(2) The United States armed forces confirm and certify the amount of the above referred to materials, supplies, and equipment which have been incorporated into articles or facilities used by United States armed forces.

d. Materials, supplies, and equipment certified under c (1) or (2) shall be exempt from commodity and gasoline taxes in so far as the price thereof is paid out of United States Government appropriations or out of funds contributed by the Japanese Government for disbursement by the United States.

4. The Government of the United States shall ensure that the Government of Japan is reimbursed for costs incurred under relevant contracts between appropriate authorities of the Government of Japan and the organizations provided for in Article XV in connection with the employment of workers to be provided for such organizations.

5. It is understood that the term "the legislation of Japan" mentioned in paragraph 5, Article XII includes decisions of the courts and the Labor Relations Commissions of Japan, subject to the provisions of paragraph 6, Article XII.

6. It is understood that the provisions of Article XII, paragraph 6 shall apply only to discharges for security reasons including disturbing the maintenance of military discipline within the facilities and areas used by the United States armed forces.

7. It is understood that the organizations referred to in Article XV will be subject to the procedures of paragraph 6 on the basis of mutual agreement between the appropriate authorities.

Article XIII

With respect to Article XIII, paragraph 2 and Article XIV, paragraph 7, income payable in Japan as a result of service with or employment by the United States armed forces or by the organizations provided for in Article XV, or under contract made in the United States with the United States Government, shall not be treated or considered as income derived from Japanese sources.

Article XV

The facilities referred to in paragraph 1 may be used by other officers and personnel of the United States Government ordinarily accorded such privileges abroad.

Article XVII

Re paragraph 1(a) and paragraph 2(a):

The scope of persons subject to the military laws of the United States shall be communicated, through the Joint Committee, to the Government of Japan by the Government of the United States.

Re paragraph 2(c):

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions governing such offenses in the existing laws of their respective countries.

Re paragraph 3(a)(ii):

Where a member of the United States armed forces or the civilian component is charged with an offense, a certificate issued by or on behalf of his commanding officer stating that the alleged offense, if committed by him, arose out of an act or omission done in the performance of official duty, shall, in any judicial proceedings, be sufficient evidence of the fact unless the contrary is proved.

The above statement shall not be interpreted to prejudice in any way Article 318 of the Japanese Code of Criminal Procedure.

Re paragraph 3(c):

1. Mutual procedures relating to waivers of the primary right to exercise jurisdiction shall be determined by the Joint Committee.

2. Trials of cases in which the Japanese authorities have waived the primary right to exercise jurisdiction, and trials of cases involving offenses described in paragraph 3(a)(ii) committed against the State or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offenses are alleged to have taken place unless other arrangements are mutually agreed upon. Representatives of the Japanese authorities may be present at such trials.

Re paragraph 4:

Dual nationals, United States and Japanese, who are subject to the military law of the United States and are brought to Japan by the United States shall not be considered as nationals of Japan, but shall be considered as United States nationals for the purposes of this paragraph.

2. The problem of a satisfactory settlement of difficulties with respect to procurement contracts arising out of differences between United States and Japanese economic laws and business practices will be studied by the Joint Committee or other appropriate persons.

3. The procedures for securing exemptions from taxation on purchases of goods for ultimate use by the United States armed forces will be as follows:

a. Upon appropriate certification by the United States armed forces that materials, supplies and equipment consigned to or destined for such forces, are to be used, or wholly or partially used up, under the supervision of such forces, exclusively in the execution of contracts for the construction, maintenance or operation of the facilities and areas referred to in Article II or for the support of the forces therein, or are ultimately to be incorporated into articles or facilities used by such forces, an authorized representative of such forces shall take delivery of such materials, supplies and equipment directly from manufacturers thereof. In such circumstances the collection of commodity and gasoline taxes shall be held in abeyance.

b. The receipt of such materials, supplies and equipment in the facilities and areas shall be confirmed by an authorized officer of the United States armed forces to the Japanese authorities.

c. Collection of commodity and gasoline taxes shall be held in abeyance until

(1) The United States armed forces confirm and certify the quantity or degree of consumption of the above referred to materials, supplies and equipment, or

(2) The United States armed forces confirm and certify the amount of the above referred to materials, supplies, and equipment which have been incorporated into articles or facilities used by United States armed forces.

d. Materials, supplies, and equipment certified under c (1) or (2) shall be exempt from commodity and gasoline taxes in so far as the price thereof is paid out of United States Government appropriations or out of funds contributed by the Japanese Government for disbursement by the United States.

4. The Government of the United States shall ensure that the Government of Japan is reimbursed for costs incurred under relevant contracts between appropriate authorities of the Government of Japan and the organizations provided for in Article XV in connection with the employment of workers to be provided for such organizations.

5. It is understood that the term "the legislation of Japan" mentioned in paragraph 5, Article XII includes decisions of the courts and the Labor Relations Commissions of Japan, subject to the provisions of paragraph 6, Article XII.

6. It is understood that the provisions of Article XII, paragraph 6 shall apply only to discharges for security reasons including disturbing the maintenance of military discipline within

7. It is understood that the organizations referred to in Article XV will be subject to the procedures of paragraph 6 on the basis of mutual agreement between the appropriate authorities.

Article XIII

With respect to Article XIII, paragraph 2 and Article XIV, paragraph 7, income payable in Japan as a result of service with or employment by the United States armed forces or by the organizations provided for in Article XV, or under contract made in the United States with the United States Government, shall not be treated or considered as income derived from Japanese sources.

Article XV

The facilities referred to in paragraph 1 may be used by other officers and personnel of the United States Government ordinarily accorded such privileges abroad.

Article XVII

Re paragraph 1(a) and paragraph 2(a):

The scope of persons subject to the military laws of the United States shall be communicated, through the Joint Committee, to the Government of Japan by the Government of the United States.

Re paragraph 2(c):

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions governing such offenses in the existing laws of their respective countries.

Re paragraph 3(a)(ii):

Where a member of the United States armed forces or the civilian component is charged with an offense, a certificate issued by or on behalf of his commanding officer stating that the alleged offense, if committed by him, arose out of an act or omission done in the performance of official duty, shall, in any judicial proceedings, be sufficient evidence of the fact unless the contrary is proved.

The above statement shall not be interpreted to prejudice in any way Article 318 of the Japanese Code of Criminal Procedure.

Re paragraph 3(c):

1. Mutual procedures relating to waivers of the primary right to exercise jurisdiction shall be determined by the Joint Committee.

2. Trials of cases in which the Japanese authorities have waived the primary right to exercise jurisdiction, and trials of cases involving offenses described in paragraph 3(a)(ii) committed against the State or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offenses are alleged to have taken place unless other arrangements are mutually agreed upon. Representatives of the Japanese authorities may be present at such trials.

Re paragraph 4:

Dual nationals, United States and Japanese, who are subject to the military law of the United States and are brought to Japan by the United States shall not be considered as nationals of Japan, but shall be considered as United States nationals for the purposes of this paragraph.

Re paragraph 5:

1. In case the Japanese authorities have arrested an offender who is a member of the United States armed forces, the civilian component, or a dependent subject to the military law of the United States with respect to a case over which Japan has the primary right to exercise jurisdiction, the Japanese authorities will, unless they deem that there is adequate cause and necessity to retain such offender, release him to the custody of the United States military authorities provided that he shall, on request, be made available to the Japanese authorities, if such be the condition of his release. The United States authorities shall, on request, transfer his custody to the Japanese authorities at the time he is indicted by the latter.

2. The United States military authorities shall promptly notify the Japanese authorities of the arrest of any member of the United States armed forces, the civilian component or a dependent in any case in which Japan has the primary right to exercise jurisdiction.

Re paragraph 9:

1. The rights enumerated in items (a) through (e) of this paragraph are guaranteed to all persons on trial in Japanese courts by the provisions of the Japanese Constitution. In addition to these rights, a member of the United States armed forces, the civilian component or a dependent who is prosecuted under the jurisdiction of Japan shall have such other rights as are guaranteed under the laws of Japan to all persons on trial in Japanese courts. Such additional rights include the following which are guaranteed under the Japanese Constitution:

(a) He shall not be arrested or detained without being at once informed of the charge against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel;

(b) He shall enjoy the right to a public trial by an impartial tribunal;

(c) He shall not be compelled to testify against himself;

(d) He shall be permitted full opportunity to examine all witnesses;

(e) No cruel punishments shall be imposed upon him.

2. The United States authorities shall have the right upon request to have access at any time to members of the United States armed forces, the civilian component, or their dependents who are confined or detained under Japanese authority.

3. Nothing in the provisions of paragraph 9(g) concerning the presence of a representative of the United States Government at the trial of a member of the United States armed forces, the civilian component or a dependent prosecuted under the jurisdiction of Japan, shall be so construed as to prejudice the provisions of the Japanese Constitution with respect to public trials.

Re paragraphs 10(a) and 10(b):

1. The United States military authorities will normally make all arrests within facilities and areas in use by and guarded under

the authority of the United States armed forces. This shall not preclude the Japanese authorities from making arrests within facilities and areas in cases where the competent authorities of the United States armed forces have given consent, or in cases of pursuit of a flagrant offender who has committed a serious crime.

Where persons whose arrest is desired by the Japanese authorities and who are not subject to the jurisdiction of the United States armed forces are within facilities and areas in use by the United States armed forces, the United States military authorities will undertake, upon request, to arrest such persons. All persons arrested by the United States military authorities, who are not subject to the jurisdiction of the United States armed forces, shall immediately be turned over to the Japanese authorities.

The United States military authorities may, under due process of law, arrest in the vicinity of a facility or area any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

2. The Japanese authorities will normally not exercise the right of search, seizure, or inspection with respect to any persons or property within facilities and areas in use by and guarded under the authority of the United States armed forces or with respect to property of the United States armed forces wherever situated, except in cases where the competent authorities of the United States armed forces consent to such search, seizure, or inspection by the Japanese authorities of such persons or property.

Where search, seizure, or inspection with respect to persons or property within facilities and areas in use by the United States armed forces or with respect to property of the United States armed forces in Japan is desired by the Japanese authorities, the United States military authorities will undertake, upon request, to make such search, seizure, or inspection. In the event of a judgment concerning such property, except property owned or utilized by the United States Government or its instrumentalities, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment.

Article XIX

Payment in Japan by the United States armed forces and by those organizations provided in Article XV to persons other than members of the United States armed forces, civilian component, their dependents and those persons referred to in Article XIV shall be effected in accordance with the Japanese Foreign Exchange Control Law and regulations. In these transactions the basic rate of exchange shall be used.

Article XXI

United States military post offices may be used by other officers and personnel of the United States Government ordinarily accorded such privileges abroad.

Article XXIV

It is understood that nothing in this Agreement shall prevent the United States from utilizing, for the defrayment of expenses which are to be borne by the United States under this Agreement, dollar or yen funds lawfully acquired by the United States.

WASHINGTON, January 19, 1960.

C. A. H.
N. K.

DEPARTMENT OF STATE,
Washington, January 19, 1960.

His Excellency NOBUSUKE KISHI,
Prime Minister of Japan.

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.

CHRISTIAN A. HERTER
Secretary of State of the United States of America

WASHINGTON, January 19, 1960.

His Excellency CHRISTIAN A. HERTER,
Secretary of State of the United States of America.

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

"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."

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.

NOBUSUKE KISHI

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