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Notes on Minutes of Political Sub-Commission Meeting, 30 March 1946.

Present: Mr. Thayer, presiding; Mr. Isaacs and 2 Soviet experts.

[illegible] new version of the second Soviet [illegible] suggestions for [illegible] consulting with [illegible] . Mr. Thayer made it [illegible] derive a clear idea [illegible].

[illegible] was [illegible] affi- [illegible] r . [illegible] n

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[illegible] Mr. Isarankin
[illegible] press announcements, public speeches
[illegible] which [illegible] were opposed to
[illegible] Moscow Declaration [illegible]. As an example, he stated
[illegible] in the Communist Party
[illegible] would
[illegible]
[illegible] si-
[illegible]
[illegible]
[illegible]

DECLASSIFIED
NND 760090
NARS, Date

for the realization of the Moscow Decision as such and not merely of its fulfillment by the Commission.

Repeated endeavors to persuade Mr. Tsarapkin that opposition to extreme forms of trusteeship were only applicable among the Koreans, but that the Soviet Union had been a participant of the Moscow Conference which had fully accepted it, otherwise willingly to support its decision, had been fully explained to him, but in vain. In connection with opposition to trusteeship, Mr. Tsarapkin had stated that in the application of the proposed solution. Mr. Tsarapkin had stated that until practical solutions to these difficult problems could be reached, there could be no agreement to the establishment of a provisional government. A concrete case would also. Mr. Tsarapkin had specifically stressed primarily how many parties envisaged would be permitted in southern Korea. He gave the impression that there might be as many as 5. It was learned impossible to speak frankly to the Soviet. Asked how they knew the many parties would be licensed, Mr. Tsarapkin first stated they would be licensed in consultation by the representatives of the Subcommission from the Soviet Zone but subsequently the American members. It was then explained the Soviet Delegation

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

felt should be included, the point would be settled by discussion. Mr. Isarakin stated that he considered labor unions as certainly falling within the category of political parties and social organizations. Religious groups, such as the Buddhist Society or Christian Societies, did not necessarily fall within the category nor did provisional groups which had no central representative organization.

Mr. Meyer pointed out that in Southern Korea such organizations were "officially recognized" automatically the moment they came into being without any overt action by the authorities provided the organizations were not Fascist or anti-UN, whereas in the North, parties were only "officially recognized" which lived up to certain qualifications such as having central representation and having branches, membership, etc. Also, conditions between parties and organizations differed fundamentally. As a concrete example--the Commission desired to consult a Confucian Society in Pusan. Since it was "officially recognized" as any such society in Southern Korea, the Commission might consult. On the other hand, it was unclear whether it would be listed to be consulted. On the other hand, a Christian organization in Southern Korea would be automatically excluded since it did not have a central organization and was therefore not "officially recognized" according to General Hodge's standards. After recent discussion of the state of affairs, Isarakin eventually admitted that Southern Korea the Assembly Resolution should determine which parties were to be consulted, falling short in General Hodge's definition of an "officially recognized" party. Mr. Isarakin's admission, however, was made with much reluctance and carried little conviction.

Asked how the relative strength of parties was to be estimated and how relative weight was to be assigned to their views considering the possibility of multiple representation through affiliated youth groups, unions, etc., Mr. Isarakin stated that this would have to be decided in each concrete case by the Sub-Commission in conference. He offered no yardsticks other than vague references to press outlets, "well-known facts of the extent

DECLASSIFIED
NND 760090
By NARS, Date

of their national support," etc.

Asked whether the lists for southern and northern Korea would be made up simultaneously, Mr. Tsarapkin replied in the negative. The Commission, he said, would make up lists for southern Korea and consult with those listed prior to going to Pyangyong where separate lists would be made up and consultation carried out.

Asked whether he foresaw the possibility of overcoming some of the difficulties inherent with his scheme by having the parties chosen express their views on the required subjects collectively through some sort of organization of party representatives, Mr. Tsarapkin replied in the negative. He stated that any such intermediary organization would prevent direct consultation with parties as called for by the Moscow Conference. When it was pointed out that the Moscow Decision did not call for direct consultation necessarily, Mr. Tsarapkin said it was understood. Mr. Tsarapkin further rejected the use of any consultative organization on the ground that it would warp the views of parties as presented to the Commission since it would be influenced by the collective views of the Consultative Group. Mr. Thayer did not attempt to argue the merits or demerits of Mr. Tsarapkin's views on such matters as the number of parties to be consulted or the method of consultation since it was his primary purpose at this stage to find out as much as he could about the methods Mr. Tsarapkin had in mind.

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NOTES ON MINUTES OF POLITICAL SUB-COMMISSION MEETING, 31 MARCH 1946

Present: [illegible]

The discussion during this two-hour session centered entirely upon the question raised by the Soviet Command that consultation be limited to those parties "which fully support and cooperate with the decisions of the Moscow Conference".

Mr. Tsarapkin expressed the idea that the test of such support was a matter of basic principle, and that any party which withheld its full consent to the Moscow decisions was necessarily a party undemocratic in character.

Mr. Thayer pointed out that the Korean people are unused to democratic institutions, that a measure of unfamiliarity must be overlooked, and that an unfavorable reaction to the news from Moscow was neither proof of undemocratic character nor basis for the belief that such parties would now withhold their cooperation. He pointed out that it would be eminently reasonable and proper to make assurances of faithful cooperation pre-requisite of entry into government. On the other hand, there is no sound reason of political philosophy to justify the exclusion from consultation of those who are opposed to trusteeship. This fact is particularly true, since virtually all Koreans are opposed to trusteeship.

Mr. Tsarapkin indicated his belief that it would be impossible to trust anyone who had not wholly approved of the Moscow decisions. A present promise to cooperate would, he said, be too dangerous to accept, because of the probability that such a person, representing such a party, would merely make the present promise of cooperation for the purpose of getting into government to carry out destruction from within. Mr. Thayer then asked the question, "Would it not be proper to place confidence in a political leader who had stated that he did not desire trusteeship and in fact would prefer independence, but had stated further that it was necessary to bow to international realities?" To this question Mr. Tsarapkin responded that it would

DECLASSIFIED
NND 760090
By NARS, Date

indeed be unwise to place reliance upon anyone who had expressed such an attitude.

Mr. Thayer then revealed that the remarks quoted had been made by Mr. PAK Heung Yong, the Head of the Korean Communist Party.

The Soviet representative was obviously chagrined. With a wry expression but a fair retention of composure, he announced that Mr. Thayer had led him into the statement, and that this course of conduct had amounted to casuistry.

Mr. Thayer pressed home the point, quoting LYUH Woon Hyung, President of the Peoples' Party, who had said, "All the Korean people oppose trusteeship. My actions in favor of it were entirely wrong". Mr. Tsarapkin conceded the point, finally, that probably no Koreans actually preferred trusteeship to present independence, but he continued to insist that a formal acceptance of the Moscow decisions was the essential element to allowing any group into consultation.

To this narrowing of the issue, the American response was

"There are no parties which prefer trusteeship to independence.

"So far as we know, there are no parties which will rebel against trusteeship, though none favor it.

"All parties then are factually upon the same ground. They do not like our idea. But they will not fight it.

"The talk about 'accepting' the Moscow decisions is therefore irrelevant."

Further, Mr. Thayer challenged the Soviet Delegates to name any party or parties of South Korea which would dare to make a public unequivocal statement without qualifications in favor of trusteeship. Mr. Tsarapkin conceded that he could not name such a party. He felt, however, that the discussion was running into channels which were unwise at the present time, because the loyalty of Korean parties to the Moscow decisions could best be determined upon their full records, and the time for that determination would best be subsequent to this phase of the discussion. He assured Mr. Thayer that he had been reading the

DECLASSIFIED
NND 760090
By NARS, Date

local newspapers and that he felt qualified to state that there were in fact parties now willing to support the Moscow decisions in good faith. Such parties, and only such parties, should be consulted with. Mr. Thayer then raised the point that the language of the Moscow decisions had not in fact made any irrevocable decision as to trusteeship and that it would be difficult to find a philosophical basis for the denial of the Koreans right to express themselves in opposition to a limitation of their sovereignty, which limitation had not in fact even been determined by the powers. Mr. Tsarapkin showed a reluctance to proceed further with this phase of the discussion. He intimated that lunch time was upon us and he felt further that it might be desirable to take up next, after this adjournment, the question of official recognition of parties.

In conclusion, there is some basis for the belief that Mr. Tsarapkin at least recognizes that he is on insecure ground in this phase of the argument. Unquestionably, the Soviet Delegates are aware of the fact that the Communist Party in South Korea would not dare to make a public statement, "We prefer trusteeship rather than independence".

DECLASSIFIED
NND 760090
By NARS, Date

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NOTES ON MINUTES OF POLITICAL SUB-COMMISSION MEETING, 31 MARCH 1946

Present: S. K. Tsarapkin, Col. Saevich, Lt. Col. S. I. Chukov, Lt. Gorchakov, C. W. Thayer, E. V. Prostov, Lt. Leonard Bertsch

The discussion during this two-hour session centered entirely upon the question raised by the Soviet Command that consultation be limited to those parties "which fully support and cooperate with the decisions of the Moscow Conference."

Mr. Tsarapkin expressed the idea that the test of such support was a matter of basic principle, and that any party which withheld its full consent to the Moscow Decisions was necessarily a party undemocratic in character.

Mr. Thayer pointed out that the Korean people are unused to democratic institutions, that a measure of unfamiliarity must be overlooked, and that an unfavorable reaction to the news from Moscow was neither proof of undemocratic character, nor basis for the belief that such parties would now withhold their cooperation. He pointed out that it would be eminently reasonable and proper to make assurances of faithful cooperation pre-requisite of entry into government. On the other hand, there is no sound reason of political philosophy to justify the exclusion from consultation of those who are opposed to trusteeship. This fact is particularly true, since virtually all Koreans are opposed to trusteeship.

Mr. Tsarapkin indicated his belief that it would be impossible to trust anyone who had not wholly approved of the Moscow decisions. A present promise to cooperate would, he said, be too dangerous to accept, because of the probability that such a person, representing such a party, would merely make the present promise of cooperation for the purpose of getting into government to carry out destruction from within. Mr. Thayer then asked the question, "Would it not be proper to place confidence in a political leader who had stated that he did not desire trusteeship and in fact would prefer independence, but had stated further that it was necessary to bow to international realities?" To this question Mr. Tsarapkin responded that it would

DECLASSIFIED
NND 760090
By NARS, Date

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DECLASSIFIED
NND 760090
By NARS, Date

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NND 760090
By NARS, Date

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Meeting of the sub-committee on political conditions, morning of 1 April. PRESENT: Mr. Thayer, Mr. Tsarapkin, Lt. Bertsch, Lt. Gorchakov, Mr. Prostov,

The meeting of the sub-committee opened with the observation by the American member that the respective views of the two sides appeared to have come closer to agreement, and that it would be wise to recapitulate the situation; the Americans agree that they must be assured of loyal support from the parties who will be called into consultation; the Soviets apparently believe that we should consult only with those who support fully the Moscow Decision, specifically including trusteeship. Mr. Tsarapkin pointed out a correction saying, "We do not split off one facet of the problem that is trusteeship. We take the Moscow Decision in its entirety and we say we cannot consult with any party that has opposed the Moscow Decision. There is no use in again explaining why."

(This constituted a comparatively new note, an indication of a reaction by the Russians to the apparently new knowledge that their local supporters had been caught off-base in some of their earlier trusteeship comment. It gives rise to the possibility that they did not actually know, at the time, how far the local communists had been driven by the pressure of necessity.)

Mr. Thayer asked that the Soviet member designate the parties which could be regarded as not supporting the Moscow Decision. The answer was avoided; Mr. Tsarapkin said that it would be the objective of reactionary parties to pretend acceptance now, as a means of gaining entry to government, with the objective of sabotaging the future effort from within. The American member again repeated that we must naturally undertake to use the services of none except those who will give support and cooperation, and that beyond that we could not go.

They used various illustrations to make this point more clear. The boy who wants to play football when his guardian wants

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NND 760090
By NARS, Date

him to study is not bad or disobedient, merely in wanting to do something different. The girl who wants to be married when her trustee refuses his consent is not bad nor unreasonable. The analogy to Korea is clear. It matters not that the boy would have preferred to play football; if he will recognize authority and cooperate that is all that can be reasonably be required.

The Russian member possibly in an unguarded moment conceded that it could not be said that the Koreans were undemocratic because they had opposed trusteeship but he said, "You're asking me to revise the decision of our superiors--worse, to annihilate, rather than to revise, the Moscow Decision. That is something we cannot do." The American repetition of the thought that we would insist upon full cooperation throughout the period of supervision elicited the response that the argument was eclectic.

Mr. Tsarapkin claimed the analogies also failed in that we are dealing not with children but with adults. Mr. Thayer pointed out that the fact that we are dealing with a politically immature community is shown by the fact that trusteeship is being considered. Again he asked the Soviet member to name any parties which favored trusteeship. Mr. Tsarapkin said that we can come to this later, that at the present time we should discuss nothing but principles.

The American member pointed out that a principle which excludes all the parties from consultation is an impossible principle. The Russian member responded that he had already said that there were some that would not be excluded. The American member again pointed out that there were those who were willing to accept the Moscow Decision but that there were none who liked trusteeship. Thereupon, the Russian delegate went into a long repetition of his viewpoint substantially as follows: "There is no middle ground possible. They must accept in full or reject in full. The cry for independence is a trick of demagogues. I ask you to fully agree that immediate independence would be impossible." Mr. Thayer's response acknowledged that such an objective was not attainable. It was also pointed out that Mr. Tsarapkin himself must recognize

DECLASSIFIED
NND 760090
By NARS, Date

his own experience that it is not always possible for an individual to do as he wishes, and that frequently the pattern of duty lies against personal preference. In a truly remarkable and apparently sincere expression of his viewpoint, Mr. Tsarapkin said, "I have always followed duty but in following it I have always realized that it is pleasanter and wiser to follow duty even when my preference might have been to act otherwise."

The dialogue over the next period of the meeting ran in essence as follows:

Mr. Tsarapkin: There are parties that support us fully.

Mr. Thayer: Can you name them?

Mr. Tsarapkin: In that approach I see another trick. You are trying to dishonor the Moscow Decision.

Mr. Thayer: I say again that the conditions you advocate would exclude all the parties of our zone. You say it is not so. I ask again what parties would not be excluded.

Mr. Tsarapkin: That I cannot tell you now.

Mr. Thayer: Nothing in the language of the Moscow Decision says or implies that we shall not talk to those who would have preferred not to have trusteeship.

Mr. Tsarapkin: Those who opposed trusteeship, but say that they will observe the Moscow Decision, are not sincere.

Mr. Thayer: That language of thought, truly, I regard as sophistry.

Mr. Tsarapkin: We are unable to make agreement on this point.

Mr. Thayer: It will be helpful at least if we can state in writing the reasons why we cannot agree.

Mr. Tsarapkin: With that I can concur.

Mr. Thayer: I shall try to write such a statement.

There followed some desultory discussion of the nature of "official recognition of parties." This discussion is not noteworthy, and it led to no particular result, for the reason that the Soviet member stated his belief that it was fruitless to try to agree on this point in the absence of a prior agreement on the condition of "acceptance of the Moscow Decision."

DECLASSIFIED
NND 760090
By NARS, Date

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The sub-committee reassembled at 1600 the same date. On this occasion, Mr. Thayer presented to Mr. Tsarapkin the draft here attached stating that he presented it as a suggested basis for the report of the sub-committee to the full Commission.

Mr. Tsarapkin indicated that he needed some time to study it, stating further that he would like to outline his own position with more care. He commented also that there were certain reflections upon the American viewpoint as here presented, which he would like to make.

DECLASSIFIED
NND 760090
By NARS, Date

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HEADQUARTERS
U.S. - SOVIET JOINT COMMISSION
Seoul, Korea

REPORT OF POLITICAL SUB-COMMISSION

on its discussion of necessary qualifications of political parties and social organizations to be consulted by the Commission.

The Soviet member proposed two conditions for parties and organizations to be consulted:

(1) Democratic parties and social organizations to be consulted by the Joint Commission must be officially recognized.

(2) The Joint Commission must not consult with those parties and groupings which voice opposition against the decision of Moscow Conference of Three Ministers on Korea.

No agreement could be reached as to (2), and discussion of (1) was not compleed.

With respect to the first condition, the Soviet delegate explained that as officially recognized parties and organizations should be considered those which are known to the Korean people by their activities, through the press, which have central guiding organs, are known to the Soviet Command in the North and correspondingly to the American Command in the south of Korea through their registrations, and which sponsor measures supported by the people.

During the discussion of the second condition, the American representative made a critical comment to the effect that this condition was formulated in negative form and remarked that it was important to insist on the prerequisite that parties and social organizations would cooperate with the Commission, i. e., would assist the Joint Commission in the fulfillment of paragraphs 2 and 3 of the Moscow Decision on Korea.

Taking into consideration these remarks of the American representative, the Soviet delegate changed the original version of the second condition, formulating it in a positive form, as follows.

The Joint Commission must consult with those democratic parties and social organizations, which fully support the decision of the Moscow Conference of Three Ministers concerning Korea and cooperate with the Commission in the fulfillment of this decision.

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NND 760090
By NARS, Date

In Support of the necessity to require the second condition from the Korean parties and social organizations, the Soviet delegate advanced the following arguments:

1. The Joint Soviet American Commission was established and convened in order to fulfill paragraphs 2 and 3 of the Moscow Decision on Korea, and namely to

(a) assist the formation of the Provisional Korean Government and the preliminary elaboration of appropriate measures;

(b) work out measures also for helping and assisting/trusteeship/ the political, economic and social progress of the Korean people, development of democratic self-government and the establishment of the national independence of Korea.

2. While effecting the work entrusted to it, the Commission must consult with Korean Democratic parties and social organizations. It is self evident that the Commission must invite for consultation, and take under advisement the opinions and proposals of only such parties and organizations which agree with the Moscow Decision and support it fully. It cannot be otherwise, since the work of the Commission consists of fulfilling the Moscow Decision and nothing else, Consequently the Commission in its work must depend on and take into consideration the opinions and proposals of those Korean parties and organizations which fully support the program for reconstructing an independent Korean state as provided for in the Moscow Decision. Only under such a condition our Commission will have the guarantee that the Moscow Decision regarding Korea will be exactly fulfilled and that the future of Korea as an independent state will be assured.

3. The Commission must not consult with such parties and organizations which voice opposition against Moscow Decision for the reason that it is the duty of the Commission to fulfill Moscow Decision, and for that purpose it must consult with, and take into consideration the opinions and proposals of Korean parties and organizations with respect to the questions directly related to the paragraphs 2 and 3 of the Decision. It is fully evident that the Commission does not have anything to consult about with those parties and

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NND 760090
By NARS, Date

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organizations which voice opposition against the Moscow Decision. The American representative in the sub-commission stated that no such condition for the necessity of support of the Moscow Decision for the parties and organizations with which the Commission should consult was mentioned or implied in the Moscow Decision, that he regarded its application as an unauthorized extension of the Commission's authority, and that he saw no necessity for it provided the parties consulted were genuinely democratic in aims and methods and were prepared to cooperate with and support the Commission in the fulfillment of its tasks. In the view of the American member, distaste for paragraph 3 of the Moscow Decision in which trusteeship is mentioned was a perfectly natural reaction of any patriotic Korean, and provided he was willing loyally to submit to the Joint Commission's decisions and carry them out, nothing more could be asked of him.

Furthermore, the American delegate stated that if the Commission will not consult with those parties which voice opposition against Moscow Decision (against paragraph 3), it will not have anybody to consult with in the south of Korea since according to his information there are no prominent parties and organizations of any shade of opinion in the South which had not publicly registered their preference for immediate independence rather than trusteeship. If the Soviet delegate knew of any such parties, the American delegate would like to know which he had in mind.

The Soviet delegate disagreed with the above view stating that in the south of Korea there are parties and organizations which maintain the position of full support of the Moscow Decision on Korea, and did not name these parties stating that this could be discussed when examining the list of parties.

The Soviet representative further considers that the Moscow Decision is the basis, or the foundation, for the work of the Commission, and that unless the parties and organizations invited for consultation support this decision, the work of the Commission will be unavoidably ineffective and will not succeed.

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NND 760090
By NARS, Date

The Soviet Delegate considers further that the setting of the second condition before the parties and organizations with which the Commission shall consult does in no way constitute an unauthorized extension of the Commission's authority, but that it does directly follow from the Moscow Decision, since it is obvious that the object of consultation with the parties and organizations will not be a discussion of whether they agree with paragraph 3 of the Moscow Decision, providing for the working out of measures for helping and assisting /trusteeship/ the political, economic and social progress of the Korean peoples, the development of democratic self-government and the establishment of the national independence of Korea. This question is clear to the Korean people, which regards it with approval and fully supports this program.

The object of the consultation of the Commission with democratic parties and social organizations consists in enabling them to expound their views and express their wishes, of how, in what manner, in their opinion, it would be best to organize the fulfillment by the Commission of the Moscow Decision. The Moscow Decision as a document is an organic unit; it is the political program of actions of the Allies in Korea, and we cannot artifically break it into two parts.

This Decision must be supported as a whole. But the Joint Commission has nothing about which to consult with those parties and organizations which voice opposition to any part whatever of the Moscow Decision and do not support it, including the provision for helping and assisting /trusteeship/ the political, economic, and social progress of the Korean people, the development of democratic self-government and the establishment of the national independence of Korea.

The American representative considers that parties and organizations which voice opposition against trusteeship should not be barred from consultation. To exclude from consultation parties and organizations merely because they entertained a view concerning the manner of assisting Korea, at variance with the view of the Soviet and American Governments was a violation of a fundamental democratic principle. In the opinion of the American delegate, such parties

DECLASSIFIED
NND 760090
By NARS, Date

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and organizations can be invited to consult with the Commission under the condition that they should give assurances to the Commission that they are ready to cooperate with it and to support it in the fulfillment of the problems entrusted to it by paragraphs 2 and 3 of the Moscow Decision.

The final Soviet proposal was:

The Joint Commission must consult with those democratic parties and social organizations, which fully support the decision of the Moscow Conference of Three Ministers concerning Korea and cooperate with the Commission in the fulfillment of this decision.

The final American proposal was:

The Joint Commission will consult with all political parties and social organizations which are truly democratic in their aims and methods and which are prepared loyally to cooperate with and fully support the Joint Commission in the fulfillment of its tasks under paragraphs 2 and 3 of the Moscow Decision.

CHARLES W. THAYER
Commissioner of U.S. Delegation

S. K. TSARAPKIN
Commissioner of U.S.S.R.Delegation

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SUB-COMMISSION NO. 1 DRAFT PROPOSAL OF 6 APRIL

The Joint Commission will consult with those Democratic Parties and Social Organizations who will declare that they will support the decision reached at the Conference of the Three Ministers in Moscow on Korea, including trusteeship as outlined in Paragraph 3, namely:

> "....to work out measures for helping and assisting the political economic and social progress of the Korean people, the development of democratic self-government and the establishment of the national independence of Korea."

and will assist the Joint Commission in the fulfillment of the Moscow Decision.

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NND 760090
By NARS, Date

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REDRAFT OF PARAGRAPH ELEVEN (11)

At such a time as the Joint Commission may see fit it shall form a representative advisory group of delegates from among those democratic parties and social organizations which have submitted their views concerning governmental structure, political platform and personnel of the government. This group will assist the Joint Commission in the preparation of its recommendations on these points.

INSERT AT THE BEGINNING OF PARAGRAPH EIGHT (8)

The Joint Commission will consult individually with such parties which have submitted their views as either delegation may desire. Likewise, (paragraph 8).

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BRIEF MINUTES OF SUB-COMMISSION #1 - 16 APRIL 1946

Present were Mr. Thayer (Chairman) and Mr. Prostov

Mr. Tsarapkin, Mr. Khomianin, Lt. Col. Chukov

Mr. Thayer presented his re-draft of an agreement of Sub-Commission No. 1 on method of consultation with parties and organizations, and discussion was commenced, paragraph by paragraph. Mr. Tsarapkin stated that in general he agreed with paragraph 1, although, it might require some editting. It was agreed that instead of the words "30-50 parties" the expression "approximately 30 parties" should be substituted. It was further agreed that discussion of the personal composition of the government might be postponed to a later date and not taken up at the initiation of consultation.

With respect to paragraph 2, Mr. Tsarapkin noted that we still considered the creation of an advisory organ of Koreans as necessary. He stated that he foresaw difficulties of an organizational nature and possible delays if such a plan were adopted. However, he was neither specific nor very convincing in these objections. Mr. Thayer stated that his government considered such an advisory organ as most important and had given the commission fairly precise instructions concerning it. In the event that a national advisory organ was not formed, the American Delegation was under instructions to form such an advisory organ of southern Korean parties for its own use.

Mr. Thayer stated that the matter had already been discussed by General Shtikov and General Arnold and that a degree of agreement had been reached between them.

Mr. Tsarapkin stated that he is unable to make any definite comments or give any specific arguments with respect to the matter of a consultative organ. He then stated that he was at present working on a very detailed organizational plan of consultation which [redacted] he would finish today. He suggested that the Sub-Commission adjourn, for the time being, and he would study the

1-7

DECLASSIFIED
NND 760090
By NARS, Date

American proposal and finish his own proposal before the next meeting.

After deciding to meet on 17 April at 2:00 pm, the Sub-Commission adjourned.

DECLASSIFIED
NND 760090
By NARS, Date

Secret

REDRAFT

DRAFT AGREEMENT OF SUBCOMMISSION #1

1. The subcommission will prepare a list of the 30-50 most important political parties and social organizations representative of the various schools of thought of north and south Korea insofar as possible in proportion to their strength throughout the country. These will be invited to submit their views of the questions of government structure, platform and personal composition of the government by a date to be determined at which time the representatives of the parties will be called upon to appear individually to present their views in writing and to explain them insofar as may be necessary orally.

The listed parties of the north shall present their views individually during the visit of the Joint Commission to Pengyang. The listed parties of the south shall present their views individually either before or after the Commission's visit to Pengyang, as may be considered most convenient.

2. While the Joint Commission and its subcommissions are studying, classifying, and weighing the written views of the various listed parties, the representatives of the listed parties will foregather at Seoul as an advisory organ of the Joint Commission. In that capacity, they may present their views collectively or individually as they or the Commission see fit on any appropriate problems they desire or the Commission may consider desirable to refer to them. It should be the objective of the advisory organ to present a single unified opinion wherever possible. However, if within the time allotted by the Commission for a given opinion no unified view is reached, there may be submitted majority and minority reports. (The views of the consultative organ shall be advisory only and not binding upon the Commission in any way.)

3. In preparing their reports to the Commission the various parties shall be urged to travel throughout the country to sound out public opinion and to carry out such political instruction as may be necessary and proper.

DECLASSIFIED
NND 760090
By NARS, Date

For this purpose, they shall be given all requisite facilities by the Joint Commission.

4. All other parties not listed which fulfill the conditions for consultation agreed upon by the Commission shall be invited to submit their views on the governmental structure, political program and personal composition of the government to the Joint Commission addressing their statements to its Headquarters at Seoul. Their written statements shall be accompanied by signed declarations of adherence to the conditions for consultation agreed upon by the Commission as well as by a short statement of the character purpose and estimated number of adherents of the respective party or organization. If the parties or organizations not listed so desire they may designate one of the listed parties to speak for them to the Joint Commission.

5. This agreement shall be published throughout Korea.

DECLASSIFIED
NND 760090
By NARS, Date

ADDITION TO PARAGRAPH 1 OF DRAFT AGREEMENT
OF SUB-COMMISSION NO. 1.

The compilation of the said list of parties and social organizations which are active in south Korea will be carried out at Seoul immediately after the approval by the Joint Commission of the present agreement. The addition (inclusion) to the list of parties and social organizations which are active in north Korea will be carried out in accordance with paragraph 5 of the present agreement, that is, during the visit of the Joint Commission to Pyongyang.

U.S. Translation 2
Sub-Commission #1
Soviet Paper

DECLASSIFIED
NND 760090
By NARS, Date

MINUTES OF MEETING OF SUB-COMMISSION #1 - APRIL 18, 1946

Present: Mr. Thayer (Chairman), Mr. Prostov, Mr. Tsarapkin and Mr. Khomianin

Mr. Tsarapkin presented a draft agreement on consultation which combined previous U.S. and U.S.S.R. proposals. It was used as a basis of discussion and a number of points were discussed and alterations agreed to.

One provision of the proposal was for the exclusion of representatives of parties who had "compromised themselves by active opposition to the Moscow Decision and the Allies".

Mr. Thayer stated this was a clear violation of the agreement of April 17 in that it imposed an additional condition on the parties not contemplated in the agreement.

Mr. Tsarapkin contended that it "followed logically" from the agreement under reference. Considerable discussion followed, both sides refusing to abandon their positions. No agreement was reached.

Turning to the question of an advisory group, Mr. Tsarapkin expressed the view that it would be unwise to unite Korean discussion in an assembly or group until the Commission had reached a "preliminary agreement". He said, however, that thereafter it might be a good thing to use the American proposal to give the Koreans an opportunity to debate the Commission's decisions. Mr. Thayer pointed out that only a disagreement as to timing existed though this also reflected a difference of view as to the purpose of a consultative group. The American view was that a disagreement as to the recommendations to be prepared by Sub-Commissions #2 and #3 might be settled by reference to the Koreans. Questions of principle and fact could more easily be resolved by asking the Koreans to state their preferences and views. No agreement was reached on this question and the meeting was adjourned until April 19, 1946.

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

Jen Arnold

Secret

MINUTES OF MEETING OF SUB-COMMISSION #1 - 19 APRIL 1946

Present - Mr. Thayer (Chairman), Mr. Prostov, Mr. Tsarapkin, and Mr. Khomianin.

Mr. Tsarapkin presented a third version of his draft agreement embodying changes agreed upon at the previous meeting.

Discussion continued on the question of an advisory group, and it was eventually agreed to postpone decision on the time and method of calling such a group until the parties had presented their views individually.

Discussion likewise continued on the question of exclusion of undesirable party representatives. Mr. Thayer stated that he had nothing more to add to previous statements and that he saw little purpose in referring the matter to the Joint Commission since, as we had previously stated, our instructions on this matter were very clear. He added that he would not subscribe to any draft agreement including the objectionable clause. He suggested that the clause be omitted and pointed out that the Soviet delegate could make any unilateral declaration on the subject it desired.

He finally decided that both versions should go to the Joint Commission though there were indications that the Soviet position was changing.

After the meeting had adjourned, Mr. Tsarapkin requested the proposed list of southern Korean parties. On being informed that these would be tabled just as soon as he presented the northern list, he said that he would present the northern list only after the Joint Commission had reached Pyongyang.

A lengthy discussion ensued in which Mr. Tsarapkin confessed that the agreement as he had written it did not provide for the procedure he was now insisting upon, and he offered to rewrite the agreement. Mr. Thayer objected stating that the agreement as it

1-9

Secret

DECLASSIFIED
NND 760090
By NARS, Date

stood was entirely satisfactory and that he could not agree to a change. In response to repeated questions as to why he objected to a simultaneous compilation of the list, Mr. Tsarapkin stated that his part of the list would have to be prepared in Pyongyang where the Headquarters of the Northern Parties were. Mr. Thayer offered to fly to Pyongyang the next day and prepare the list there. Mr. Tsarapkin declined the offer.

It was agreed to reconvene the following day prior to the meeting of the Joint Commission to endeavor to find a settlement for the question.

DECLASSIFIED
NND 760090
By NARS, Date

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Redraft of Soviet Document -19 April'46

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DRAFT AGREEMENT OF SUB-COMMISSION NO. 1

1. The Subcommission No. 1, in accordance with decision of the Joint Soviet-American Commission concerning the conditions of consultation with Korean Democratic Parties and Social Organizations, will compile a list of approximately 30 most important Korean Democratic Parties and Social Organizations representative of the various schools of thought, both in the north and in the south of Korea, taking into consideration their membership and insofar as possible the influence of these parties and organizations; and shall submit the list to the Joint Commission for approval.

2. Following the approval of the list of the Korean Democratic Parties and Social Organizations, the Joint Commission shall notify by official communication the central organs of these parties and social organizations that they are invited for consultation, for which purpose they should designate representatives.

3. Korean Democratic Parties and Social Organizations not entered in the list indicated in Point 1 and which shall fulfill the conditions for consultation agreed upon by the Commission, shall be given the opportunity to present their considerations to the Joint Commission on the questions enumerated in Point 4.

The aforementioned parties and organizations shall direct their suggestions addressing them to the headquarters of the Joint Commission in Seoul. The letter containing the considerations shall be accompanied by written declaration signed by the officials of the party and organization in accordance with the conditions on consultation published by the Commission, as well as by a brief statement of its program and general number of members.

4. The designated representatives of all Democratic Parties and Social Organizations of south Korea shall be invited to a meeting of the Joint Commission. The head of the Soviet Delegation shall

U. S. translation 1-1
of Soviet Paper

~~SECRET~~

Secret

DECLASSIFIED
State Dept Instr. 12 Apr and 8 July 1976
By ____ NARS, Date APR 02 1977

DECLASSIFIED
NND 760090
By NARS, Date

Delegation shall act as the chairman of this meeting in Seoul and the chief of the American Delegation shall preside at an analogous meeting in Pongyang. A communication worked out by, and in the name of the Commission, shall be presented at such a meeting by the Chief of the Delegation of the zone in which the meeting is taking place. The agenda for subsequent joint meetings of the Commission, and the representatives of the parties and social organizations, shall be approved by the Commission.

In the previously mentioned meeting, the Commission shall invite the Korean Democratic Parties and Social Organizations to submit, by designated time through their representatives, their suggestions:

a. Concerning the political platform and other appropriate measures for the Provisional Korean Democratic Government.

b. Concerning the structure and principles of organization of the Provisional Korean Democratic Government and the local organs of governmental authority (provisional charter).

U.S. translation 1-1
of Soviet Paper

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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г. Following this the Joint Commission shall depart for Pyong-yang where it shall carry out the analogous measures with the representatives of democratic parties and social organizations of north Korea.

(. Having received the proposal of the Joint Commission, the democratic parties and social organizations of both south and north Korea shall discuss it in their central organs with the representatives of their local organizations and shall conduct appropriate work among the population (mass meetings, sessions, etc.).

7. The suggestions and proposals worked out by every democratic party and social organization of south Korea shall be submitted to the Joint Commission in writing and under the signature of their representatives.

8. The Joint Commission shall transmit to the Sub-Commissions Nos. 2 and 3 the proposals and suggestions of the Korean Democratic Parties and Social Organizations for study and preparation of coordinated proposals; the necessary number of Sub-Committees shall be created by the Sub-Commissions. The heads of the respective delegations shall appoint the advisors, experts, and technical personnel for the work in the Sub-Commissions and ub-Committees.

9. The Joint Commission shall consult individually with representatives of any Korean Democratic Party or Social Organization, from among those included in the list, and, with representatives of any democratic parties or social organizations as mutually agreed by the heads of the delegations.

In the process of studying the proposals of the Korean Democratic Parties and Social Organizations and working out of their coordinated proposals for the Commission, the Sub-Commissions and Sub-Committees may, subject to mutual agreement of the chairman of the corresponding Sub-Commission, invite to their meetings representatives of parties and social organizations with whom

DECLASSIFIED
NND 760090
By NARS, Date

they may deem it necessary to converse or to elucidate some questions or other.

10. The democratic parties and social organizations of north Korea shall send their representatives to Seoul with their proposals in order to submit them to the Commission. The Commission performs an analogous work and in the same order on the proposals of the democratic parties and social organizations of north Korea as it had done with the proposals of the democratic parties and social organizations of south Korea.

11. The coordinated proposals worked out by the Sub-Commissions shall be submitted to the Joint Commission which shall examine those proposals and shall give its preliminary approval.

12. Before making final decision, the Commission, at such time when it may see fit, shall convene one or several joint sessions with representatives of the democratic parties and social organizations of both south and north Korea and, offer for discussion the questions enumerated in point 4, in order, which shall be later established by the Commission.

13. Following the discussion of these proposals at the joint session, the Commission shall appoint an editorial commission which shall be given the necessary instructions concerning the compilation of the final text of the recommendations on the given questions. The text worked out by the editorial commission shall be approved by the Commission.

14. Following the approval of the text of the recommendations submitted by the editorial commission, the Joint Commission shall proceed with a discussion of the questions pertaining to the formation of the Provisional Korean Democratic Government.

U.S. translation 1-1
of Sov. Paper

DECLASSIFIED
NND 760090
By NARS, Date

39

Redraft, 20 April 1946 ~~SECRET~~

DRAFT AGREEMENT OF SUB-COMMISSION NO. 1

1. In accordance with decision of the Joint Soviet-American Commission concerning the conditions of consultation with Korean democratic parties and social organizations, Sub-Commission No. 1 will compile a list of approximately 30 of the most important Korean democratic parties and social organizations representative of the various schools of thought both in the north and in the south of Korea, taking into consideration their membership and insofar as possible the influence of these parties and organizations; and shall submit the list to the Joint Commission for approval.

AMERICAN TEXT	SOVIET TEXT
2. Following the approval of the list of the Korean democratic parties and social organizations, the Joint Commission shall notify by official communication the central organs of these parties and social organizations that they are invited for consultation. The parties and social organizations shall provide their designated representatives with appropriate credentials and shall officially notify the Commission of the designation of representative or representatives, informing it of their forenames and surnames, the year of birth, and the position held by them in the party or the social organization.	2. Following the approval of the list of the Korean democratic parties and social organizations, the Joint Commission shall notify by official communication the central organs of these parties and social organizations that they are invited for consultation, for which purpose they should designate representatives from the membership of the party or organization, who have not compromised themselves by actively voicing their opposition against the Moscow Decision and against the Allies. The parties and social organizations shall provide their designated representatives with appropriate credentials and shall officially notify the Commission of the organization of representative or representatives, informing it of their forenames and surnames, the

DECLASSIFIED
State Dept Instr. 12 Apr and 8 July 1976
NARS, Date APR 02 1977

Working Paper #1
(corrections as for Working Paper #2)

~~Secret~~

DECLASSIFIED
NND 760090
By NARS, Date

year of birth, and the position held by them in the party or the social organization.

3. Korean democratic parties and social organizations not included in the list indicated in paragraph 1 which fulfill the conditions for consultation agreed upon by the Commission, shall also be given the opportunity to present their views to the Joint Commission on the questions enumerated in paragraph 4.

The aforementioned parties and organizations shall direct their views to the headquarters of the Joint Commission in Seoul. The letter containing their views shall be accompanied by a written declaration signed by the officials of the party and organization in accordance with the conditions on consultation published by the Commission, as well as by a brief statement of the party's or organization's program and total number of members.

4. The designated representatives of all democratic parties and social organizations of south Korea mentioned in paragraph 2 shall be invited to a meeting of the Joint Commission. The head of the Soviet Delegation shall act as the chairman of this meeting in Seoul and the Chief of the American Delegation shall preside at an analogous meeting in Pongyang. A communication worked out by, and in the name of the Commission, shall be presented at such a meeting by the Chief of the Delegation of the zone in which the meeting is taking place. The agenda for subsequent joint meetings of the Commission with the representatives of the parties and social organizations, shall be approved by the Commission.

In the first meeting, the Commission shall invite the Korean democratic parties and social organizations to submit, by designated time through their representatives, their suggestions:

a. Concerning the political platform and other appropriate measures for the Provisional Korean Democratic Government.

b. Concerning the structure and principles of organization of the Provisional Korean Democratic Government and the local organs of governmental authority (provisional charter).

DECLASSIFIED
NND 760090
By NARS, Date

5. Following this the Joint Commission shall depart for Pyongyang where it shall carry out analogous procedure with the representatives of democratic parties and social organizations of north Korea.

6. Having received the proposal of the Joint Commission, the democratic parties and social organizations of both south and north Korea shall discuss it in their central organs and with the representatives of their local organizations and shall conduct appropriate work among the population (mass meetings, sessions, etc.).

7. The suggestions and proposals worked out by every democratic party and social organization of south Korea shall be submitted to the Joint Commission in writing and under the signature of their representatives.

8. The Joint Commission shall transmit to the Sub-Commissions No. 2 and 3 the proposals and suggestions of the Korean democratic parties and social organizations for study and preparation of coordinated proposals; the necessary number of Sub-Committees shall be created by the Sub-Commissions. The heads of the respective delegations shall appoint the advisors, experts, and technical personnel for the work in the Sub-Commissions and Sub-Committees.

9. The Joint Commission shall consult individually with representatives of any Korean democratic party or social organization, from among those included in the list; and, with representatives of any other democratic parties or social organizations as mutually agreed by the heads of the delegations.

In the process of studying the proposals of the Korean democratic parties and social organizations and the working out of their coordinated proposals for the Commission, the Sub-Commissions and Sub-Committees may, subject to mutual agreement of the chairman of the corresponding Sub-Commission, invite to their meetings representatives of parties and social organizations with whom they may deem it necessary to converse or to elucidate some questions or other.

10. The democratic parties and social organizations of north Korea shall send their representatives to Seoul with their proposals in order to submit them to the Commission. The Commission performs an analogous task in the same manner on the proposals of the democratic

DECLASSIFIED
NND 760090
By NARS, Date

parties and social organizations of north Korea as it did with the proposals of the democratic parties and social organizations of south Korea.

11. The coordinated proposals worked out by the Sub-Commissions shall be submitted to the Joint Commission which shall examine these proposals and shall give its preliminary approval.

12. Before making final decision, the Commission, at such time when it may see fit, shall convene one or several joint sessions with representatives of the democratic parties and social organizations of both south and north Korea and, offer for discussion the questions onumerated in point 4, in order, which shall be later established by the Commission.

13. Following the discussion of these proposals at the joint session, the Commission shall appoint andrafting committee which shall be given the necessary instructions concerning the compilation of the final text of the recommendations on the given questions. The text worked out by the drafting committee shall be approved by the Commission.

14. Following the approval of the texts of the recommendations submitted by the drafting committee, the Joint Commission shall proceed with the discussion of the questions pertaining to the composition of the Provisional Korean Democratic Government. The Commission, if it sees fit, may begin the discussion of questions specified in this paragraph before the approval of the texts of the recommendations.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Secret

DRAFT AGREEMENT OF SUB COMMISSION NO. 1

1. The Sub-Commission No. 1, in accordance with decision of the Joint Soviet-American Commission concerning the conditions of consultation with Korean Democratic Parties and Social Organizations, will compile a list of approximately 30 most important Korean Democratic Parties and Social Organizations representative of the various schools of thought both in the north and in the south of Korea, taking into consideration their membership and in so far as possible the influence of these parties and organizations; and shall submit the list to the Joint Commission for approval.

2. Following the approval of the lists of the Korean Democratic Parties and Social Organizations, the Joint Commission ~~will~~ shall notify by official communication the central organs of these parties and social organizations that they are invited for consultation, for which purpose they should designate representatives from the ranks of the party or the organization who had not compromised themselves by actively voicing opposition against the Moscow Decision and against the Allies.

3. The designated representatives of all Democratic Parties and Social Organizations of South Korea shall be invited to a meeting of the Joint Commission. The head of the Soviet Delegation shall act as the chairman of this meeting in Seoul and the chief of the American Delegation shall preside at an analogous meeting in Pyongyang. The communication ~~from the~~ worked out name of the Commission shall be presented at such a meeting by the chief of the Delegation of the zone in which the meeting is taking place. The agenda for ~~For~~ the subsequent joint meetings of the Commission, the representatives of the parties and social organizations, ~~the agenda~~ shall be approved by the Commission.

In the previously mentioned meeting, the Commission shall invite the Korean Democratic Parties and Social Organizations to submit, by designated

Secret

DECLASSIFIED
NND 760090
By NARS, Date

time through their representatives, their suggestions:

a. Concerning the political platform and other appropriate measures for the Provisional Korean Democratic Government.

b. Concerning the structure and principles of organization of the Provisional Korean Democratic Government and all the local organs of governmental authority (provisional charter).

4. Following this the Joint Commission shall depart for Pyongyang where it shall carry out the analogous measures with the representatives of democratic parties and social organizations of north Korea.

5. Having received the proposal of the Joint Commission, the democratic parties and social organizations of both south and north Korea shall discuss it in their central organs with the representatives of their local organizations and shall conduct appropriate work among the population (mass meetings, sessions, etc.).

6. The suggestions and proposals worked out by every democratic party and social organization of south Korea shall be submitted to the Joint Commission in writing and under the signature of their representatives.

7. The Joint Commission shall transmit to the Sub-Commissions No. 2 and 3 the proposals and suggestions of the Korean Democratic Parties and Social Organizations for study and preparation of coordinated proposals; the necessary number of Sub-Committees shall be created by the Sub-Commissions. The heads of the respective delegations shall appoint the advisors, experts, and technical personnel for the work in the Sub-Commissions and Sub-Committees.

8. In the process of studying the proposals of the Korean Democratic Parties and Social Organizations and working out of their coordinated proposals for the Commission, the Sub-Commissions and Sub-Committees may, subject to mutual agreement of the chairman of the corresponding Sub-Commission, invite to their meetings representatives of parties and social organizations

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

REDRAFT OF PARAGRAPH ELEVEN (11)

At such a time as the Joint Commission may see fit it shall form a representative advisory group of delegates from among those democratic parties and social organizations which have submitted their views concerning governmental structure, political platform and personnel of the government. This group will assist the Joint Commission in the preparation of its recommendations on these points.

INSERT AT THE BEGINNING OF PARAGRAPH EIGHT (8)

MAY

The Joint Commission will consult individually with such parties which have submitted their views (as either delegation may desire.) Likewise, (paragraph 8).

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Secret

with whom they may deem it necessary to converse or to elucidate some question or other.

9. The democratic parties and social organizations of north Korea shall send their representatives to Seoul with their proposals in order to submit them to the Commission. The Commission performs an analogous work and in the same order on the proposals of the democratic parties and social organizations of north Korea as it had done with the proposals of the democratic parties and social organizations of south Korea.

10. The coordinated proposals worked out by the Sub-Commissions shall be submitted to the Joint Commission which shall examine these proposals and shallgive its preliminary approval.

11. Following this, the Commission shall foregather ~~convenes~~ in a joint session with the representatives of democratic parties and social organizations of both south and north Korea and offers for discussion previously approved proposals:

a. Concerning the political platform and other appropriate measures for the future Provisional Korean Democratic Government;

b. Concerning the structure and principles of organization of the Provisional Korean Democratic Government and the local organs of authority (provisional charter).

12. Following the discussion of these proposals at the joint session, the Commission shall appoint an editorial commission which shall be given the necessary instructions concerning the compilation of the final text of the recommendations on the given questions. The text worked out by the editorial commission shall be approved by the Commission.

13. Following the approval of the text of the recommendations submitted by the editorial commission, the Joint Commission shall proceed with a discussion of the questions pertaining to the formation of the Provisional Korean Democratic Government.

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Secret

DECLASSIFIED
NND 760090
By NARS, Date

3 All other parties not listed which fulfill the conditions for consultation agreed upon by the Commission shall be invited to submit their views on the governmental structure, political program and personal composition of the government, addressing their statements to its headquarters in Seoul. Their written statements, shall be accompanied by signed declarations in adherence to the conditions for consultation agreed upon by the Commission as well as by a short statement of the character, purpose and estimated number of adherence of the respective party or organization.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

~~Secret~~
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DRAFT AGREEMENT OF SUB-COMMISSION NO. 1

AMERICAN TEXT

1. In accordance with decision of the Joint Soviet-American Commission concerning the conditions of consultation with Korean democratic parties and social organizations, Sub-Commission No. 1 will compile a list of approximately 30 of the most important Korean democratic parties and social organizations representative of the various schools of thought both in the north and in the south of Korea, taking into consideration their membership and insofar as possible the influence of these parties and organizations; and shall submit the list to the Joint Commission for approval.

2. Following the approval of the list of the Korean democratic parties and sccial organizations, the Joint Commission shall notify by official communication the central organs of these parties and social organizations that they are invited for consultation. The parties and social organizations shall provide their designated representatives with appropriate credentials and shall officially notify the Commission of the designation of representative or representatives,

SOVIET TEXT

1. In accordance with decision of the Joint Soviet-American Commission concerning the conditions of consultation with Korean democratic parties and social organizations, Sub-Commission No. 1 will compile a list of approximately 30 of the most important Korean democratic parties and social organizations representative of the various schools of thought both in the north and in the south of Korea, taking into consideration their membership and insofar as possible the influence of these parties and organizations; and shall submit the list to the Joint Commission for approval. The compilation of the abovementioned list for the parties and social organizations functioning in southern Korea shall be performed in Seoul, immediately after the approval of the present agreement by the Commission. The inclusion into the list of parties and organizations functioning in northern Korea shall be performed in accordance with Para. 5 of the present agreement, that is to say after the Commission departs for Pyongyan .

2. Following the approval of the list

DECLASSIFIED
State Dept Instr. 12 Apr and 8 July 1976
FWB/BAW NARS, Date APR 0 8 1977

DECLASSIFIED
NND 760090
By NARS, Date

AMERICAN TEXT

informing it of their forenames and surnames, the year of birth, and the position held by them in the party or the social organization.

SOVIET TEXT

of the Korean democratic parties and social organizations, the Joint Commission shall notify by official communication the central organs of these parties and social organizations that they are invited for consultation, for which purpose they should designate representatives from the membership of the party or organization, who have not compromised themselves by actively voicing their opposition against the Moscow Decision and against the Allies. The parties and social organizations shall provide their designated representatives with appropriate credentials and shall officially notify the Commission of the organization of representative or representatives, informing it of their forenames and surnames, the year of birth, and the position held by them in the party or the social organization.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

3. Korean democratic parties and social organizations not included in the list indicated in paragraph 1 which fulfill the conditions for consultation agreed upon by the Commission, shall also be given the opportunity to present their views to the Joint Commission on the questions enumerated in paragraph 4.

The aforementioned parties and organizations shall direct their views to the headquarters of the Joint Commission in Seoul. The letter containing their views shall be accompanied by a written declaration signed by the offidals of the party and organization in accordance with the conditions on consultation published by the Commission, as well as by a brief statement of the party's or organization's program and total number of members.

4. The designated representatives of all democratic parties and social organizations of south Korea mentioned in paragraph 2 shall be invited to a meeting of the Joint Commission. The head of the Soviet Delegation shall act as the chairman of this meeting in Seoul and the Chief of the American Delegation shall preside at an analogous meeting in Pyongyang. A communication worked out by, and in the name of the Commission, shall be presented at such a meeting by the Chief of the Delegation of the zone in which the meeting is taking place. The agenda for subsequent joint meetings of the Commission with the representatives of the parties and social organizations, shall be approved by the Commission.

In the first joint meeting, the Commission shall announce the list of parties and social organizations, with their representatives, with whom the Commission will consult, and shallread into the record the present agreement on the manner of consultation worked out by Sub-Commission No. 1. It shall then invite the Korean democratic parties and social organizations to submit, by designated time through their representatives, their suggestions:

a. Concerning the political platform and other appropriate measures for the Provisional Korean Democratic Government.

b. Concerning the structure and principles of organization of the Provisional Korean Democratic Government and the

DECLASSIFIED
NND 760090
By NARS, Date

local organs of governmental authority (provisional charter).

5. Following this, the Joint Commission shall depart for Pyongyang where it shall carry out analogous procedure with the representatives of democratic parties and social organizations of north Korea.

6. Having received the proposal of the Joint Commission, the democratic parties and social organizations of both south and north Korea shall discuss it in their central organs and with the representatives of their local organizations and shall conduct appropriate work among the population (mass meetings, sessions, etc.).

7. The suggestions and proposals worked out by every democratic party and social organization of south Korea shall be submitted to the Joint Commission in writing and under the signature of their representatives.

8. The Joint Commission shalltransmit to the Sub-Commissions No. 2 and 3 the proposals and suggestions of the Korean democratic parties and social organizations for study and preparation of coordinated proposals; the necessary number of Sub-Committees shall be created by the Sub-Commissions. The heads of the respective delegations shall appoint the advisors, experts, and technical personnel for the work in the Sub-Commissions and Sub-Committees.

9. The Joint Commission shallconsult individually with representatives of any Korean democratic party or social organization, from among those included in the list; and, with representatives of any other democratic parties or social organizations as mutually agreed by the heads of the delegations.

In the process of studying the proposals of the Korean democratic parties and social organizations and the working out of their coordinated proposals for the Commission, the Sub-Commissions and Sub-Committees may, subject to mutual agreement of the chairman of the corresponding Sub-Commission, invite to their meetings representatives of parties and social organizations with whom they may deem it necessary to converse or to elucidate some questions or other.

10. The democratic parties and social organizations of north Korea shall sand their representatives to Seoul with their proposals in

DECLASSIFIED
NND 760090
By NARS, Date

order to submit them to the Commission. The Commission performs an analogous task in the same manner on the proposals of the democratic parties and social organizations of north Korea as it did with the proposals of the democratic parties and social organizations of south Korea.

11. The coordinated proposals worked out by the Sub-Commissions shall be submitted to the Joint Commission which shallexamine these proposals and shall give its preliminary approval.

12. Before making final decision, the Commission, at such time when it may see fit, shall convene one or several joint sessions with representatives of the democratic parties and social organizations of both south and north Korea and, offer for discussion the questions enumerated in point 4, in order, which shall be later established by the Commission.

13.

SOVIET TEXT

The entire work of consultation with Korean political parties and social organizations, specified in paragraphs 2, 3, 4, 8 and 9 of the present agreement shall be carried out by the Joint Commission on an equal basis with respect to the parties and organizations of southern as well as northern Korea.

This work with respect to the parties and organizations of southern Korea shall be carried out in Seoul, and with respect to such parties and organizations of northern Korea, in Pyongyang, whither the Commission shall repair when it sees fit.

14. Following the discussion of these proposals at the joint session, the Commission shall appoint a drafting committee which shall be given the necessary instructions concerning the compilation of the final text of the recommendations on the given questions. The text worked out by

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

the drafting committee shallbe approved by the Commission.

15. Following the approval of the texts of the recommendations submitted by the drafting committee, the Joint Commission shall proceed with the discussion of the questions pertaining to the composition of the Provisional Korean Democratic Government. The Commission, if it sees fit, may begin the discussion of questions specified in this paragraph before the approval of the texts of the recommendations.

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NND 760090
By _____ NARS, Date _____

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ADDITION TO PARAGRAPH 1 OF DRAFT AGREEMENT
OF SUB-COMMISSION NO. 1.

The compilation of the said list of parties and social organizations which are active in south Korea will be carried out at Seoul immediately after the approval by the Joint Commission of the present agreement. The addition (inclusion) to the list of parties and social organizations which are active in north Korea will be carried out in accordance with paragraph 5 of the present agreement, that is, during the visit of the Joint Commission to Pyongyang.

U.S. Translation 2
Sub-Commission #1
Soviet Paper

~~Secret~~

DECLASSIFIED
NND 760090
By NARS, Date

~~Secret~~

Redraft, 22 April 1946
11 a.m.
(based on 4th Soviet redraft
of same date)

Secretary

DRAFT AGREEMENT OF SUB-COMMISSION NO. 1

1. In accordance with the decision of the Joint Commission concerning conditions of consultation with Korean democratic parties and social organizations, Sub-Commission No. 1 will prepare simultaneously at

_____ a list composed of
(place to be designated by Soviet Delegation)

southern democratic parties and social organizations (nominated by the American Delegation) and northern democratic parties and social organizations (nominated by the Soviet Delegation). This list shall be approved by the Joint Commission after visiting Pyongyang and shall be published simultaneously at Pyongyang and Seoul.

Thereafter, the Joint Commission shall first consult with the democratic parties and social organizations at _____
(place to be

_____.
designated by Soviet Delegation)

AMERICAN TEXT

2. Following the approval of the list of the Korean democratic parties and social organizations, the Joint Commission shall notify by official communication the central organs of these parties and social organizations that they are invited for consultation. The parties and social organizations shall provide their designated representatives with appropriate credentials and shall officially notify the Commission of the designation of representative or representatives, informing it of their forenames and surnames, place and date of birth,

SOVIET TEXT

2. Following the approval of the list of the Korean democratic parties and social organizations, the Joint Commission shall notify by official communication the central organs of those parties and social organizations that they are invited for consultation, for which purpose they should designate representatives from the membership of the party or organization, who have not compromised themselves by actively voicing their opposition against the Moscow Decision and against the Allies. The parties and social organizations shall

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State Dept Instr. 12 Apr and 8 July 1976
NARS, Date APR 02 1977

1611

DECLASSIFIED
NND 760090
By NARS, Date

	SOVIET TEXT
and the position held by them in the party or the social organization.	provide their designated representatives with appropriate credentials and shall officially notify the Commission of the organization of representative or representatives, informing it of their forenames, and surnames, the year of birth, and the position held by them in the party or the social organization.
3. Democratic parties and social organizations not included in the list mentioned in paragraph 1 which fulfill the conditions for consultation agreed upon by the Commission, shall also be given the opportunity to present their views to the Joint Commission on the questions enumerated in paragraph 4.	
The aforementioned parties and organizations shall direct their views to the headquarters of the Joint Commission in Seoul or to the headquarters of the Joint Commission in Pyongyang while it is there. The letter containing their views shall be accompanied by a written declaration signed by the officials of the party and organization in accordance with the conditions on consultation established by the Commission, as well as by a brief statement of the party's or organization's program and total number of members.	
4. Following the verification by the Commission of the credentials of the representatives of democratic parties and social organizations of South Korea mentioned in paragraph 2, they shall be invited to a meeting of the Joint Commission. The head of the Soviet Delegation shall act as the chairman of this meeting in Seoul and the Chief of the American Delegation shall preside at an analogous meeting in Pyongyang. A communication worked out by, and in the name of the Commission, shall be presented at such a meeting by the Chief of the Delegation of the zone in which the meeting is taking place. The agenda for subsequent joint meetings of the Commission with the representatives of the parties and social organizations, shall be approved by the Commission.	

DECLASSIFIED
NND 760090
By NARS, Date

In the first joint meeting, the Commission shall announce the list of parties and social organizations, with their representatives, with whom the Commission will consult, and shall read into the record the present agreement on the manner of consultation worked out by Sub-Commission No. 1. It shall then invite the Korean democratic parties and social organizations to submit, by designated time through their representatives, their suggestions:

a. Concerning the political platform and other appropriate measures for the Provisional Korean Democratic Government.

b. Concerning the structure and principles of organization of the Provisional Korean Democratic Government and the local organs of governmental authority (provisional charter).

5. Following this, the Joint Commission shall depart for Pyongyang where it shall carry out with the representatives of democratic parties and social organizations of north Korea all those steps listed in paragraph 4.

6. Having received the proposal of the Joint Commission, the democratic parties and social organizations of both south and north Korea shall discuss it in their central organs and with the representatives of their local organizations and shall conduct appropriate work among the population (mass meetings, sessions, etc.).

7. The suggestions and proposals worked out by every democratic party and social organization of north and south Korea shall be submitted to the Joint Commission in writing and under the signature of their representatives.

8. The Joint Commission shall transmit to the Sub-Commissions No. 2 and 3 the proposals and suggestions of the Korean democratic parties and social organizations of north and south Korea for study and preparation of coordinated proposals; the necessary number of Sub-Committees shall be created by the Sub-Commissions. The heads of the respective delegations shall appoint the advisors, experts, and technical personnel for the work in the Sub-Commissions and Sub-Committees.

DECLASSIFIED
NND 760090
By NARS, Date

Secret

9. The Joint Commission shall consult individually with representatives of any Korean democratic party or social organization of north and south Korea from among those included in the list; and will consult, at Seoul or Pyongyang, as it may see fit, with representatives of any other democratic parties or social organizations as mutually agreed by the heads of the delegations.

10. In the process of studying the proposals of the Korean democratic parties and social organizations and the working out of their coordinated proposals for the Commission, the Sub-Commissions and Sub-Committees may, subject to mutual agreement of the chairman of the corresponding Sub-Comission, invite to their meetings representatives of parties and social organizations of north and south Korea with whom they may deem it necessary to converse or to elucidate some questions or other.

11. The coordinated proposals worked out by the Sub-Commissions shall be submitted to the Joint Commission which shallexamine these proposals and shall give its preliminary approval.

12. The Commission, at such time when it may see fit, shall convene one or several joint sessions with representatives of the democratic parties and social organizations of both south and north Korea and, offer for discussion the questions enumerated in point 4, in a manner later to be established by the Commission.

13. Democratic parties and social organizations of both northern and southern Korea shall have equal rights and possibilities in consultation with the Joint Commission.

14. Following the discussion of proposals mentioned in paragraph 11 at the joint session, the Commission shall appoint a drafting committee which shall be given the necessary instructions concerning the compilation of the final text of the recommendations on the given questions. The text worked out by the drafting committee shall be approved by the Commission.

Secret

DECLASSIFIED
NND 760090
By NARS, Date

Secret

AMERICAN TEXT

15. The Commission, if it sees fit may begin the discussion of questions specified in this paragraph before the approval of the texts of the recommendations.

SOVIET TEXT

15. Following the approval of the texts of the recommendations submitted by the drafting committee, the Joint Commission shall proceed with the discussion of the questions pertaining to the composition of the Provisional Korean Democratic Government.

Secret

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

MINUTES OF MEETING OF SUBCOMMISSION #1 - 23 APRIL 1946

Present - Mr. Tsarapkin (Chairman), Mr. Thayer,
Mr. Frostov and Mr. Khomianin.

Mr. Tsarapkin: Our opinion must be accepted in the matter of consultation, that is representatives who have voiced opposition to the Moscow Decision must not be selected. This was a matter of principle. It is not a condition for parties.

Mr. Thayer: Parties know their leaders better than we do. If the parties are competent to be consulted on Korea's future, they are competent to select representatives.

Mr. Tsarapkin: I wish to avoid future difficulties in the work of the Joint Commission. Let us exclude trouble-makers from the start.

Mr. Thayer: If parties oppose the Moscow Decision, the members have the following choices: (a) to elect other leaders (b) to leave the parties, or (c) to agree with leaders. We cannot acknowledge the "Fuhrer" principle in working with parties. We must select leaders with views which correspond to those of the party. Leaders are spokesmen for parties. If leaders are non-representative, we and the parties have a method to eliminate those non-representative individuals. We must not dictate to parties or invade their rights. The total party membership is responsible and not the individual leaders.

Mr. Tsarapkin: Party interests are preserved by the proposal. Parties can express their opinion under Communique #5.

Mr. Thayer: Only if they have the right freely to select their own representatives.

Mr. Tsarapkin: The Commission has the right to say who is acceptable. We cannot hide the fact that there are a number who are persona non grati to the Soviet Delegation.

Mr. Thayer: Our viewpoint is that the parties will appoint representatives who are acceptable. We are confident none can harm us. We can write similar conditions for individuals as for parties. We are against your proposal because it is non-democratic, it does not follow the Moscow Decision, it is unnecessary, the wording is unacceptable, it is the same thing as purge and is utterly unacceptable, - a further reason is that it is not a usual form of negotiations. As soon as you signed the agreement of 17 April you went back on the agreement.

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DECLASSIFIED
State Dept Instr. 12 Apr and 8 July 1976
NARS Date APR 02 1977

DECLASSIFIED
NND 760090
By NARS, Date

Mr. Tsarapkin: This is not a purge. Parties will not get rid of their leaders. Only acceptable representatives shall be appointed. Parties should act in accordance with democratic principles of course, but still the Soviet wishes guarantees in advance.

Mr. Thayer: I suggest stating that those who personally uphold the principles stated in the declaration are acceptable as representatives.

Mr. Tsarapkin: We cannot trust those who struggled against the Moscow decision. We cannot speak with them. They are politicians and are not serious people.

Mr. Thayer: This proposal of yours constitutes limitation of the rights of parties.

Mr. Tsarapkin: It derives logically from the declaration and is not a limitation.

Mr. Thayer: It is in the interest of the parties themselves to appoint responsible leaders. We need not tell them ~~this simple fact.~~

Mr. Tsarapkin: We want a guarantee that the right people are appointed.

Mr. Thayer: General Shtikov referred to an individual (Kim Koo). You heard that he said "against trusteeship". This man, not a party member, and therefore not a candidate for representative, says he is not against the Moscow Decision though he is against trusteeship under the Moscow Decision. Trusteeship is not necessarily mandatory. Would he be unacceptable even though he upholds the declaration?

Mr. Tsarapkin: Yesterday's speech of General Hodge was not a bad one, but that you suggest does not follow from it. There was nothing in it about zero years of trusteeship as you suggest. When you accuse General Shtikov, you also accuse General Hodge.

Mr. Thayer: If there is any limitation, then it is the same thing as a new condition imposed on parties. If you wish to eliminate anybody, you must say whom and why. You agree that now is not the time to do it. If a representative unacceptable to the Soviet Delegation is selected, we can hear your objections then.

Mr. Tsarapkin: Parties will then automatically appoint representatives, without our warning them to select acceptable ones.

Mr. Thayer: That would mean that we will try to exclude people who cannot speak back and defend themselves. How do you know now what individuals are

DECLASSIFIED
NND 760090
By NARS, Date

unacceptable--have you spoken with them?

Mr. Isarapkin: This will be a check on the sincerity of the party. Words and deeds must not diverge. I wish to minimize the handicap and cannot see why the proposal is objectionable to the U.S. Delegation.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

23 April 1946

Subcommission #1

On the manner of consultation with the democratic parties and social organizations of North and south Korea.

1. In accordance with decision of the Joint Soviet-American Commission concerning the conditions of consultation with Korean democratic parties and social organizations, Subcommission No. 1 will compile a composite list of approximately 30 of the most important Korean democratic parties and social organizations representative of the various schools of thought both of north and south Korea, taking into consideration their membership and insofar as possible the influence of these parties and organizations; and shall submit the list to the Joint Commission in Seoul for its approval.

For inclusion in the composite list, the following shall be submitted to the Commission: a list of democratic parties and social organizations, functioning in southern Korea, by the American Delegation; and a list of democratic parties and social organizations, functioning in northern Korea, by the Soviet Delegation.

AMERICAN TEXT

2. Following the approval of the list of the Korean democratic parties and social organizations, the Joint Commission shall notify by official communication the central organs of these parties and social organizations that they are invited for consultation, for which purpose they should designate their representatives. The parties and social organizations shall provide their designated representatives with appropriate credentials and shall officially notify the Commission

SOVIET TEXT

SUSPENDED APR 25/46.

2. Following the approval of the list of the Korean democratic parties and social organizations, the Joint Commission shall notify by official communication the central organs of these parties and social organizations that they are invited for consultation, for which purpose they should designate representatives from the membership of the party or organization, who have not compromised themselves by actively voicing their opposition against the Moscow Decision and

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FWB/BTM NARS, Date APR 02 1977

PAR. 2

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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AMERICAN TEXT	SOVIET TEXT
of the designation of representative or representatives, informing it of their forenames and surnames, place and date of birth, and the position held by them in the party or the social organization.	against the Allies. The parties and social organizations shall provide their designated representatives with appropriate credentials and shall officially notify the Commission of the designation of representative or representatives, informing it of their forenames and surnames, the place and date of birth, and the position held by them in the party or the social organization.

3. Korean democratic parties and social organizations of north and south Korea, not included in the list indicated in paragraph 1, which fulfill the conditions for consultation published by the Commission, shall also be given the opportunity to present their views to the Joint Commission on the questions enumerated in paragraph 4.

The aforementioned parties and organizations shall direct their views to the headquarters of the Joint Commission in Seoul or in Pyongyang while it is there. The letter containing their views shall be accompanied by a written declaration signed by the officials of the party or the organization in accordance with the conditions on consultation published by the Commission, as well as by a brief statement of the party's or organizations' program and total number of members.

4. Following the verification by the Commission of the credentials of the representatives of democratic parties and social organizations of south Korea, the Commission shall convene a joint meeting to which it shall invite such representatives. The head of the Soviet Delegation shall act as the chairman of this meeting in Seoul and the ~~Chief~~ Head of the American Delegation shall preside at an analogous meeting in Pyongyang. A communication worked out by, and in the name of the Commission, shall be presented at such a meeting by the ~~Chief~~ Head of the Delegation of the zone in which the meeting is

Secret

DECLASSIFIED
NND 760090
By NARS, Date

taking place. The agenda for subsequent joint meetings of the Commission with the representatives of the parties and social organizations, shall be approved by the Commission.

In the first joint meeting in Seoul, the Commission shall announce the list of parties and social organizations of south Korea, with their representatives, with whom the Commission will consult, and shall read into the record the present agreement on the manner of consultation worked out by subcommission No. 1. It shall then invite the Korean democratic parties and social organizations to submit, by a designated time through their representatives, their suggestions:

a. Concerning the political platform and other appropriate measures for the future Provisional Korean Democratic Government.

b. Concerning the structure and principles of organization of the Provisional Korean Democratic Government and the local organs of authority (Provisional Charter).

5. Following this, the Joint Commission shall depart for Pyongyang where it shall carry out with the representatives of democratic parties and social organizations of north Korea all those steps listed in paragraph 4.

6. Having received the proposal of the Joint Commission, the democratic parties and social organizations of both south and north Korea shall discuss it in their central organs and with the representatives of their local organizations and shall conduct appropriate work among the population (mass meetings, sessions, etc.).

7. The suggestions and proposals worked out by each democratic party and social organization of north and south Korea shall be submitted to the Joint Commission in writing and under the signature of their representatives.

8. The Joint Commission shall transmit to the Subcommissions No. 2 and 3 the proposals and suggestions of the Korean democratic parties and social organizations of north and south Korea for study and preparation of coordinated proposals, for which purpose a necessary number of subcommittees shall be created by the subcommissions. The heads of the respective delegations shall appoint the advisors, experts, and technical personnel for the work in the subcommissions and subcommittees.

DECLASSIFIED
NND 760090
By NARS, Date

9. The Joint Commission shall consult individually with representatives of any Korean democratic party or social organization of north and south Korea from among those included in the list; and will consult, at Seoul or Pyongyang, as it may see fit, and as mutually agreed by the heads of the delegations, [redacted] with the representative of any other democratic party or social organization of north or south Korea which had submitted its suggestions to the Commission.

In the process of studying the proposals of the Korean democratic parties and social organizations and the working-out of their coordinated proposals for the Commission, the subcommissions and subcommittees may, subject to mutual agreement of the chairmen of the corresponding subcommission, invite to their meetings representatives of parties and social organizations of north and south Korea with whom they may deem it necessary to converse or to elucidate some question or other.

10. The democratic parties and social organizations of north Korea shall send their representatives to Seoul to submit the elaborated proposals to the Commission. The Commission shall carry out analagous steps with respect to the proposals of the democratic parties and social organizations of north Korea in the same manner as with the proposals of the democratic parties and social organizations of south Korea.

11. The coordinated proposals worked out by the subcommission shall be submitted to the Joint Commission which shall examine these proposals and shall give its preliminary approval.

12. The Commission, at such time when it may see fit, shall convene one or several joint sessions with representatives of the democratic parties and social organizations of both south and north Korea and offer for discussion the questions enumerated in point 4, in a manner later to be established by the Commission.

13. Democratic parties and social organizations of both northern and southern Korea shall have equal rights and opportunities in consultation with the Joint Commission.

~~Secret~~

DECLASSIFIED
NND 760090
By NARS, Date

14. Following the discussion of proposals mentioned in paragraph 11 at the joint session, the Commission shall appoint a drafting committee which shall be given the necessary instructions concerning the compilation of the final text of the recommendations on the indicated questions. The text worked out by the drafting committee shall be approved by the Commission.

AMERICAN TEXT

15. Following the approval of the texts of the recommendations submitted by the drafting committee, the Joint Commission shall proceed with the discussion of the questions pertaining to the composition of the ~~Provisional Korean~~ Democratic Government.

The Commission, if it sees fit may begin the discussion of questions specified in this paragraph before the approval of the texts of the recommendations.

CHARLES W. THAYER
Commissioner of U.S. Delegation

SOVIET TEXT

15. Following the approval of the texts of the recommendations submitted by the drafting committee, the Joint Commission shall proceed with the discussion of the questions pertaining to the composition of the Provisional ~~Korean Democratic Government.~~

S. K. TSARAPKIN
Commissioner of U.S.S.R. Delegation

DECLASSIFIED
NND 760090
By NARS, Date

~~SECRET~~

DRAFT:
24 April 1946

U. S. PROPOSAL

AGREEMENT OF JOINT COMMISSION NOT TO BE PUBLISHED

If a representative is selected who is unsuitable to either delegation, because of his attitude to the Moscow Decision, or to either of the Allies (US-USSR), the Joint Commission will decide the possibility of accepting him as a representative of a party to consult with the Commission.

SOVIET PROPOSAL

If any democratic party or social organization will designate for consultation with the Joint Commission a representative, who, because of his position regarding the Moscow Decision or regarding either of the Allies (US-USSR), will prove to be unsuitable for one of the Delegations, the Commission in such cases will decide ~~to refuse~~ WHETHER OR TO REQUEST TO NAME ANOTHER REPRESENTATIVE to accept him as a representative of the party for consultation with the Commission.

****

All delegates selected by the political parties and social organizations shall be recognized by the Joint Commission unless it is proved that he is unacceptable because of his expressed antagonism to either of the Allies, or because he will not personally accept the declaration signed by the political party or social organization. If excluded, then the party may nominate an alternative representative.

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DECLASSIFIED
State Dept Instr. 12 Apr and 8 July 1976
FWB 1/84 NARS, Date 4/2/77

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

DRAFT:
25 April 1946

S E C R E T

The U. S. Delegation does not want to delay our work over the question of excluding certain leaders from consultation. We are, therefore, prepared to offer a final compromise which will, we believe, remove the inequality which is inevitable under the present circumstances.

As the Soviet Delegation knows, we have permitted freedom of speech and press in the South, with the result that the leaders in the South are known, their actions are known; these are known not only in Korea but in the world. On the other hand, press reporters have not been permitted in the North, we are not able to consult with any representatives of the southern parties living in the North nor can we freely converse with the representatives of Northern parties.

In order to remove this inequality we will agree to the wording of the Soviet clause, with the addition of the words "undemocratic actions or" between the word "his" and "position regarding the Moscow Decision", on the condition that the Soviet Command will immediately permit representatives of the Southern parties and social organizations, the foreign press, and the Joint Commission to travel freely through North Korea and report back without censorship or restriction of any kind.

Only if this is done can the inequality resulting from the maintenance of the division of the country be removed.

The Soviet Delegation has claimed that there are individuals with whom they will not consult. They have demanded that a clause permitting exclusion be inserted. We have opposed the insertion of this clause and we are still opposed to any exclusion of either parties or individuals. If the Soviet Delegation, however, insists on an exclusion clause, then it must be associated with conditions which will enable the United States Delegation, the Korean people, and the world press, to obtain full information on the statements and actions of the parties and leaders in the North.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

The insertion proposed by the Soviet Delegation would then read, "If any democratic party or social organization will designate for consultation with the Joint Commission a representative, who, because of his undemocratic actions or position regarding the Moscow Decision or regarding either of the Allies (US-USSR), will prove to be unsuitable for one of the Delegations, the Commission in such cases will decide to refuse to accept him as a representative of the party for consultation with the Commission."

Associated with this would be a formal statement from the Soviet Command removing barriers to the travel of persons in the North as outlined above.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
DEPARTMENT OF PUBLIC INFORMATION
Seoul, Korea

25 April 1946.

MEMO TO: General A. V. Arnold.

Rumors have been floating about the city of Seoul for the past several days, in increasing volume, concerning the present activities of the Commission. It is being said widely that the American Delegation is being subjected to severe pressure to agree to the Soviet demand that none but the friends of trusteeship be consulted. Comment is being freely made that the Americans will yield to this demand.

It is respectfully submitted that the probable source of this information is the liaison between the Soviet Delegation and the Communist Party. Several of the apparent sources stem from within the Democratic Peoples' Front.

If the objective of the American Delegation is merely to insure obedience of the people to such decision as may be made, there is no basis for present concern to be found in the public attitude. There is manifest no indication of revolt.

If, on the other hand, the permanent position of the United States and its prestige in Korea is to be considered, it is respectfully submitted that no further concession to the Russian position on exclusion can safely be contemplated. The announcement of new concessions after what was apparently a final agreement would be taken as a sign of weakness rather than of conciliation. The affect upon our position at such time as must inevitably come, when the Koreans take over their own government, would be very bad.

There would further be a large measure of paradox inherent in the requirement that the Commission expect Koreans to treat the joint declaration of the Powers with solemn reverence, if the Powers themselves are free on the one hand to breach their own agreement and on the other hand to condone such violation.

LEONARD M. BERTSCH
2nd Lt., C.M. P.

Secret

DECLASSIFIED
NND 760090
By NARS, Date

April 26, 1946

MEMORANDUM TO: Colonel Thayer

The first list drawn contains seventeen organizations which should be dependable. The third, fourth, and sixth are not.

This list has been compiled with primary consideration to three elements, recognition of all circles in the community, volume of popular support, and dependability. In the latter connection, the views of Dr. Kim have been given paramount consideration.

With reference to the list of suggested alternates, the following names are regarded as being not politically reliable; numbers 2, 12, 13, and 14. These last, or some of them, might be included for ballast if the previous units of the same color were dropped.

With reference to the remainder of the list, it has been chosen with primary regard for political dependability. Numbers 5 and 6 represent respectively the labor and farm groups chiefly loyal to Kim Koo. Number 3 is the party of Lee Chong Yung; it is ultra reactionary; its inclusion might be taken as an affront.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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DRAFT:
26 April 19[illegible]

AMERICAN PROPOSAL CONCERNING PARAGRAPH 2 OF THE METHOD OF CONSULTATION

If any democratic party or social organization should designate for consultation with the Joint Commission, a representative, who, because of his attitude regarding the Moscow Decision or the USSR, should ~~prove to~~ be objectionable to the Soviet Delegation, after full consideration of the case by the Joint Commission, the party or organization may be requested to appoint a substitute.

The American Delegation, for its part, will accept for consultation any representative designated by a party or organization included in the list.

U.S. REVISED

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

If any democratic party or organization should designate for consultation with the Joint Commission a representative who because of his attitude regarding the ~~U.S.S.R.~~ Moscow Decision of the U.S.S.R. will prove to be objectionable to the Soviet Delegation, the Joint Commission, having deliberated the objections of the Soviet Delegation, shall invite such party or organization to appoint a substitute.

The American Delegation for its part will accept for consultation any representative designated by a party or organization included in the list.

DECLASSIFIED
NND 760090
By NARS, Date

Secret

MINUTES OF MEETING OF SUBCOMMISSION #1, 27 APRIL 1946

Present - Mr. Tsarapkin (Chairman), Mr. Thayer,
Mr. Frostov, and Mr. Khomianin

Mr. Thayer informed Mr. Tsarapkin that his proposed compromise was not acceptable to the U. S. Delegation because of the following reasons:

(a) Inclusion of the attitude toward the Moscow Decision as one of the criteria for consultation;

(b) Reference to "either or both of the Allies";

(c) Making the decision to exclude mandatory for the Joint Commission, by including "shall" instead of "may."

Mr. Tsarapkin stated that such changes would return the text to the U. S. compromise of 25 April which was not acceptable to the Soviet Delegation.

Mr. Thayer assured Mr. Tsarapkin that the U.S.S.R. Delegation had the privilege to demand that individuals unacceptable to it be excluded, and that the wording suggested by the U. S. Delegation would guarantee that privilege.

Mr. Tsarapkin stated that the proposed formula implied that the decision was not joint but put each country in a different position, and also indicated a difference in attitude toward the Moscow Decision.

Mr. Thayer denied this and stated that what differed was the attitude toward the Koreans, and that the U. S. Delegation did not feel it necessary to limit their freedom of expression.

Mr. Tsarapkin stated that those who opposed the Moscow Decision were anti-democratic elements who were trying to seize power, and that such elements would not be allowed.

Mr. Thayer objected to the use of the terms "reactionary" and "pro-Japanese" being applied to all those who opposed the Moscow Decision.

Secret

1-16

DECLASSIFIED
NND 760090
By NARS, Date

Mr. Tsarapkin said that the elements he referred to had found a common language with the pro-Japanese elements, and stated that he had taken into consideration the wishes of the American Delegation when compiling his proposed compromise.

Mr. Thayer stated that the only official expression of the people Mr. Tsarapkin referred to was a platform which would not be called a reactionary one in the United States.

It was mutually decided to defer the discussion of paragraph 2 of the method of consultation.

Mr. Tsarapkin then asked some questions regarding the following parties included in the tentative list submitted by the American Delegation:

No. 1 Emergency National Assembly

No. 2 Democratic People's Front

Whether these were not conglomerates rather than individual parties, and so should not be included.

Mr. Thayer stated that he would take the matter under consideration.

No. 18 Central Council for Independence

Whether it also was a party.

No. 19 Preparation Committee for National Convention

Whether it was not a committee established for a definite purpose which did not exist at the present time. (Mr. Thayer was not able to give any information at this time owing to the absence of Lieutenant Bertsch.)

No. 3 Korean Independence Party; its leaders; membership, etc.

Mr. Thayer explained that this was a new coalition of two parties. Mr. Tsarapkin wanted information about the parent parties (leaders, membership, whether or not the membership included many non-residents of Korea, and the attitude toward the Moscow Decision).

1-16

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

No. 7 New Korean Nationalist Party
(Mr. Thayer stated that this was a union of some 50 parties.)
No. 10 Korean Farmers Federation (its aims and what type of federation it represented)
No. 13 Chuntokyo
No. 11 Korean Labor Federation for Independence)
No. 12 Association of Christian churches) membership, leadership, attitude to Moscow Decision
No. 17 Korean Young People's Federation)
No. 16 Korean National Red Cross
(whether it was properly a political organization)
(Mr. Thayer stated that it knew the local conditions and represented the views of many strata of the population.)

Mr. Tsarapkin also wanted to know:

(a) whether the list included any small parties and organizations which did not fall under the category "principal parties and organizations";

(b) whether it was possible to supply for each party included the following information: number of members; names of leaders; and attitude toward the Moscow Decision;

(c) whether all mass organizations, playing an important role in the South, were included in the list.

Mr. Thayer commented that as to (a) and (b), the membership claims were sometimes ridiculous, but that it was possible to estimate the numbers of adherents, and as to (c) that every stratum of population and every political school of thought was represented.

Mr. Tsarapkin then questioned the exclusion of the Korean Farmers Union, which he claimed was more influential with the farmers than the organization included in the list; likewise the exclusion of the

1.16

DECLASSIFIED
NND 760090
By NARS, Date

Trade Union Federation, Democratic Union of Youth, and the All Korean Union of Women. He also wanted to know the reason for the non-inclusion of the Korean National Revolutionary Party.

Mr. Thayer then pointed out that the Soviet list included 14 parties while the American list contained 20, while the population ratio between South and North Korea was 9:5. Mr. Tsarapkin contended that the true ratio was 9:6.

Mr. Thayer then inquired:

(a) Whether CHO, Han Sik was the leader of party #1 in the Soviet list, and whether parties #3 (Soviet) and #6 (U.S.) were identical; and

(b) Whether there was a large Christian organization in North Korea, in view of the fact that the Christian Church was the strongest religious element in North Korea.

Mr. Tsarapkin stated that he would try to find the answers.

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By _____ NARS, Date _____

DRAFT:
27 April 1946
Dr. Bunce

S E C R E T

When the Soviet Delegation accepted our compromise offer on consultation on April 17th, and the Joint Commission agreed to and published the declaration required of democratic parties and social organizations prior to consultation, the U. S. Delegation believed that the final word had been written on eligibility for consultation. When a party or organization signed the declaration then it was qualified to give the Joint Commission its recommendations on subjects covered by the Moscow ~~XXXXXXXXXXX~~ Decision on Korea.

In preparing the method of consultation, the Soviet Delegation proposed an additional condition on the party or organization which if imposed will alter the agreement of April 17th.

The U. S. position is quite clear. The wording of the Moscow Decision on trusteeship indicates that ~~this is optional and that~~ its form and length of operation is to be determined by recommendations of the Joint Commission, the Provisional Korean Democratic Government and the political parties. Any person or party, therefore, may advocate or oppose the concepts of trusteeship as they see fit. Secretary Byrnes and General Hodge have made the U. S. position quite clear.

In regard to opposition to the Soviet Government, two concepts must be made clear; any political party or person may verbally attack the program and ideas of another party; this is a basic concept inherent in political democracy and the concept of freedom of speech.

This is quite different from an attack on the government of one of the allies which could be made a basis for excluding the person or organization from consultation by the country attacked. We do not intend to make use of

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NND 760090
By _____ NARS, Date _____

The U. S. Delegation stands firm in support of the April 17 agreement, without amendment, and the conditions of consultation in the declaration. The U. S. Delegation stands ready to consult with the duly accredited representatives nominated by any democratic party or social organization which becomes eligible for consultation by signing the required declaration.

The Soviet Delegation foresees the nomination of a representative objectionable to it. In order to permit the Soviet Delegation to initiate an investigation of the qualifications of such a representative, the U. S. Delegation offered a compromise substitute for the clause objected to in the Soviet Text of paragraph #2 of method of consultation. This substitute constitutes the full compromise and it offers the means to the Soviet Delegation to voice its objection to the representative of any party.

(a) Since it is not acceptable to the Soviet Delegation the U. S. Delegation withdraws it and returns to its stand in full support of the U. S. Text of para #2 or of the Soviet Text of the same paragraph with the ommission of the following: "From the membership of the party or organization, who have not compromised themselves by actively voicing their opposition against the Moscow Decision and against the Allies".

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U.S. Translation #28
of Russian Document

LIST OF DEMOCRATIC PARTIES AND SOCIAL ORGANIZATIONS OF NORTH KOREA WHICH HAVE SUBMITTED THEIR DECLARATIONS ON SUPPORTING MOSCOW DECISION TO THE JOINT SOVIET-AMERICAN COMMISSION IN ACCORDANCE WITH THE CONDITIONS STATED IN THE COMMUNIQUE NO. 5. (may be changed)

Number	Name of Party or Social Organization
√1.	Democratic Party of North Korea
√2.	Communist Party of North Korea
√3.	Korean New People's Party
√4.	Party of Young Friends Attached to the Religious Society Chun Do Keh
√5.	Peasant Union of Northern Korea
√6.	Alliance of Trade Unions of Northern Korea
√7.	Democratic Young People's Union of Northern Korea
√8.	Union for Aiding the Fighters Against Japanese Imperialism (Northern Korea)
9.	Society for Encouraging the Development of Popular Culture of Northern Korea
√10.	Society of Buddhists of Northern Korea
√11.	Women's Union of Northern Korea
12.	Association of Engineering - Technical Workers
13.	Cooperative Society of Northern Korea
√14.	Association of Workers of Culture and Art

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NND 760090
By _____ NARS, Date _____

LIST OF POLITICAL PARTIES AND SOCIAL ORGANIZATIONS

1. Korean Independence Party
2. Korean Democratic Party
3. Korean Communist Party
4. New Korean People's Party
5. New Korean Nationalist Party
6. People's Party
7. New Korean Democratic Party
8. Korean Farmers' Federation
9. Korean Labor Federation for Independence
10. Cristian Church
11. Chuntokyo
12. Korean Buddhist Central Council
13. Catholic Church
14. Confuscian Society
15. Korean National Red Cross
16. Korean Christian Young Men's Federation
17. Korean Women's Nationalist party
18. Central Council for Independence
19. Preparation Committee for National Convention
20. Young Men's Federation for Independence

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NND 760090
By _____ NARS, Date _____

SUGGESTED ALTERNATIVE APPOINTMENTS TO LIST OF PARTIES AND ORGANIZATIONS.

1. Emergency National Assembly
2. People's Democratic Front
3. People's Democratic Party
4. Christian Association for Korean Independence
5. Great Korean Independence Labor Union
6. Great Korean Farmers' Union ✓
7. National Association for the Rapid Independence of Korea
8. Korean Democratic Youth League ✓
9. Taichongkyo
10. Women's Patriotic Society for Independence
11. [redacted]
12. National Conference of Korean Labor Unions ✓
13. Farmers' League Association ✓
14. League for Korean Culture Association ✓
15. Old People's Patriotic Society
16. [redacted]
16. March 1st Friend's Society

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NND 760090
By NARS, Date

HEADQUARTERS
UNITED STATES ARMY FORCES IN KOREA
APO 235

30 April 1946

MEMORANDUM FOR: General Arnold.

SUBJECT: Deliberations of the Joint Commission.

I am somewhat puzzled by the proceedings of the last few sessions of the Joint Commission and find myself entirely unable to understand the attitude of the Soviet delegation in attempting to exclude individual Koreans from conference with the Commission because of any statements they may have made or might make with respect to disagreement with the Moscow Decision or because of their attitude toward any of the allied nations. Such a restriction would not be merely the possible exclusion of a few individuals; it would be a [redacted] violation of the basic principles of representation that must be applied if the Commission is to succeed in its mission of establishing a Korean Provisional Government on a truly democratic basis.

Democracy allows freedom of speech. Freedom of speech allows men to express their ideas and opinions. The American Government stands for true democracy and cannot take part in any agreement that excludes any person from expression of his honest opinions. Korea is not and has not been an enemy country. It is a nation liberated from Nazism, Fascism, and dictatorial domination by the war to end Nazism, Fascism, and dictatorial dominations. It is my stand that the Korean people have a right to express their personal opinions freely under the basic principles of democracy without punitive action on the part of the liberating nations.

The Moscow Decision prescribes that the Joint Commission shall consult with Koreans the political parties and social organizations of Korea in preparing plans for the Korean Provisional Government. It does not in any way prescribe or intimate that any such organizations or the individuals representing them will be excluded from consultation. I consider the previous action of the Commission in requiring groups concerned to sign a pledge of cooperation with the Commission could be interpreted as a veiled violation of democratic principles. I reluctantly agreed to it purely on the practical basis of furthering the work of the Commission.

This agreement is the absolute limit to which I will go in any exclusion of policies directed at Korean political organizations or individuals. It is my understanding that if a political party or social organization has agreed to cooperate with the Joint Commission, representatives selected by that organization are covered by the agreement and shall not be excluded as individuals because of a personal expression of disagreement with the Moscow Decision or of their attitude toward any Ally. If the truth is faced, we must admit that almost

APR 29

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NND 760090
By NARS, Date

All Koreans, both of right and left wing groups, have expressed disagreement in the Moscow Decision. They didn't make or agree to the Decision, nor were they consulted before it was announced. Again facing facts, there are many Korean leaders who have denounced both Soviet and American actions and policies, sometimes with cause. Furthermore, in South Korea there are political parties and individuals who have from the day of arrival of American troops, consistently and constantly opposed all American efforts to rehabilitate South Korea and have done, and are still doing, all in their power to discredit the American forces in the eyes of the world as well as of their fellow men. If my nation had any selfish interest in exclusion tactics, I would have made strong effort to exclude these parties and individuals from any consultation concerning a Korean Provisional Government. Contrary to such punitive action, I take the attitude that these people are Koreans, entitled to express their opinions and to participate in discussing the future of their nation, so long as they represent any sizeable group of their countrymen.

Please inform the Soviet delegation that I will under no circumstances approve American participation in any common agreement committing the American delegation to participation in punitive or exclusion tactics aimed at either political parties or individuals because of their political beliefs.

JOHN R. HODGE
Lieutenant General, U. S. Army
Commanding.

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NND 760090
By NARS, Date

MINUTES OF SUBCOMMISSION NO. 1 MEETING APRIL 29, 1946

Mr. Thayer answered questions propounded by Mr. Tsarapkin with respect to parties and leaders included in Mr. Thayer's original list:

No. 3. The Korean Independence Party: there was no accurate current information about the leaders; the present leadership rested among a number of men among whom can be named Cho So Ang and Um Hang Sup.

No. 7. The New Korean Nationalist Party: It was formed by Lee Kap Sung, who was now out; it was formed in November through amalgamating some 30 small parties, including the Korean Democratic Party (Chosun Min Ju Dang), the Popular Union, The Unification Party, Young Korean Party and Patriotic League. Lee, C.S. left the party as a protest against the proposed unification with the Korean Independence Party. The present party leader is Kim Sik. The party membership is difficult to estimate, but is thought to be about 100,000. Its attitude toward Moscow Decision is doubtless that of supporting the declaration in Communique No. 5.

No. 4. Korean Democratic Party, officially claims 1,500,000 members, but is thought to have about 200,000. It is headed by Kim Sung Soo, and Won Se Sun.

No. 5. The Communist Party claims 30,000 members in the South, but is thought to have no more than 3,000 dues-paying members. Its leader is Pak Hyueng Yong. It says it supports the Moscow Decision.

No. 8. Chosen People's Party, is headed by Liuh Woon Hiung; it claims 100,000 members; Military Government believes that it has about 20,000. Attitude toward Moscow Decision: this party has voted to sign the declaration.

No. 9. The New Korean Democratic (of People's) Party has announced its organization in the American zone toward the end of January. Han Bin is chairman and Kim Doo Bong is also listed as leader. It is a branch of the Party of the same name in North Korea and for this reason should not be included in the Southern list.

No. 11. The Korean Labor Federation for Independence is a member of the Democratic People's Front and claims to have 1,500,000. This figure in all probability includes families of members. This organization is thought to have in reality 70-80,000 members, and is probably the largest mass organization of industrial workers.

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NND 760090
By NARS, Date

No. 2. The Democratic People's Front (In Min). There is nothing against this group consisting of many small organizations. Since the groups are very small, they are best represented by such a composite organization. None of these groups is truly independent; none of them have mass following or are important. They have refused to divulge their membership or names of provincial leaders, mentioning, as an excuse, the difficulties of communications. About 3,000 members each would be a liberal estimate of their numerical strength.

s to the matter. Petitions about which are not included in the list.

The Democratic Union of Youth was first brought to the attention of the Military Government when it distributed petitions in Kobe, asking for Kim's return through the rescue decision. The petitions consisted of 4 sheets, with the text on the first sheet only. It was thought that the Kim sheets with signatures would be utilized as a proof of petitioners. However, nothing has yet been done with those petitions. It has about 1,000 members and is represented in the Democratic People's Front.

The Korean Women's General Union is another Democratic People's Front organization and has 50 members listed, but claims 1,000,000 members, our estimates indicates about 3,000 members.

The Nationalist Revolutionary Party is also in the front. There are several objections to including it in our list: it is too small in comparison with other groups included in the list. This party bears the name of a once very strong group which fought against the Japanese. This group had a strong following under the leadership of Kim Won Bong, who founded it and was its leader. Under his guidance the party grew to 400,000 members (largely Koreans in China). Most of the party resigned with him and it is now estimated to have only about 2,000 members. At the present time the leader is Kim Won Bong who was War Minister in Kim Koo's Government. He is a good orator, but is said to be non-democratic. Numerically the party is not large enough to warrant inclusion.

The Korean Farmers Alliance is one of the Democratic People's Front organizations and claims 3,000,000 members; Military Government analysts state that it may have had 30,000 members at one time, but not now. The party has claimed as members those who signed various petitions (to increase

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NND 760090
By NARS, Date

local irrigation networks, etc.) circulated by the Alliance. Military Government believes that the Party is run by a small group which craves the extension of personal power. The group has prevented the peasants from selling its grain etc. The leaders have been largely discredited. No county in the two principal agricultural provinces (KyongsangNamde and Cholla-Namdo) had more than 5% of its farmers in the ranks of the Korean Farmers Alliance.

The Trade Union Federation is in the People's Front and claims 599,200 members, but this is doubted. Earlier it had refused to divulge its membership. This organization aroused considerable public distate against itself when it caused the closing of several textile factories. We do not feel that there is a single factory with more than 10% of its workers members of the Federation. The party is legal; actual membership is thought to be about 5,000, including many non-workers, although the party bylaws provide that none but industrial workers are eligible for membership. It is to be noted that industrial workers account for no more than 5% of total male adults in the south, or between 200,000 and 300,000; although there are women employed in the industrial establishments, they seldom participate in the unions; none have been listed as officials.

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NND 760090
By NARS, Date

Secret

MINUTES OF SUBCOMMISSION NO. 1 MEETING APRIL 29, 1946

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By NARS, Date

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As to the Parties Mr. Tsarapkin asked about which are not included in the list:

The Democratic Union of Youth was first brought to the attention of the Military Government when it distributed petitions in Mok Po, asking for "Independence through the Moscow Decision". The petitions consisted each of 6 sheets, with the text on the first sheet only. It was thought that the blank sheets with signatures would be utilized as a proof of party membership. So far as known, nothing has yet been done with those petitions. It has about 3,000 members and is represented in the Democratic People's Front.

The Korean Women's General Union is another Democratic People's Front organization and has 58 members listed, but claims 1,000,000 members, our estimates indicates about 3,000 members.

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NND 760090
By NARS, Date

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By NARS, Date

DRAFT: 1 copy
29 April 1946
General Arnold

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When the Soviet delegation accepted our compromise offer on consultation, on April 17th, and the Joint Commission agreed to and published the declaration required of democratic parties and social organizations prior to consultation, the U. S. delegation believed that the final word had been written on eligibility for consultation. When a party or organization signed the declaration then it was qualified to give the Joint Commission its recommendations on subjects covered by the Moscow Decision on Korea.

In preparing the method of consultation, the Soviet Delegation proposed an additional condition on the party or organization which if imposed will alter the agreement of April 17. The U. S. delegation considers that the will of a party is the will expressed by the combined members of the party When the party votes to sign the declaration for consultation, that is the act of its members. If the party thereby becomes eligible for consultation, then its members, all or any one, are eligible to be chosen to appear before the Joint Commission as representatives. The U. S. delegation stands firm in support of the April 17 agreement, without amendment, and the conditions of consultation in the declaration. The U. S. delegation stands ready to consult with the duly accredited representatives nominated by any democratic party or social organization which becomes eligible for consultation by signing the required declaration.

The Soviet delegation foresees the nomination of a representative objectionable to it. In order to permit the Soviet delegation to initiate an investigation of the qualification of such a representative, the U. S. delegation offered a compromise substitute for the clause objected to in the Soviet text of paragraph 2 of method of consultation. This substitute constitutes the full compromise and it offers the means to the Soviet delegation to voice its objection to the representative of any party.

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By _____ NARS, Date _____

Since it is not acceptable to the Soviet delegation the U. S. delegation withdraws it and returns to its stand in full support of the U. S. text of paragraph 2 or of the Soviet text of the same paragraph with the ommission of the following: "From the membership of the party or organization, who have not compromised themselves by actively voicing their opposition against the Moscow Decision and against the Allies."

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NND 760090
By _____ NARS, Date _____

U. S. PROPOSAL (TENTATIVE)

If any democratic party or social organization selects for consultation with the Joint Commission a representative whose personal position is not believed to be in conformity with the declaration on consultation agreed to on 17 April, or who because of his attitude toward the Allies is alleged to be unacceptable, the Commission will give full consideration to such case upon the request of either delegation, and may request the parties or organizations to name another representative.

This agreement is made at the request of the Soviet delegation. The American delegation has no intention of exercising the prerogative of objecting to any representative the parties or organizations may name.

(U.S. #1)
REJECTED
April 17

SECRET

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NND 760090.
By _____ NARS, Date _____

TO BE PUBLISHED IN THE AGREEMENT:

If any democratic party or social organization selects for consultation with the Joint Commission a representative who because of his position regarding the Moscow Decision or toward the Soviet Union proves to be unacceptable, the Commission, in such an event, after having considered the objections of the Soviet delegation, will decide to request the party or organization whose representative is recognized by the Commission to be unacceptable, to name a substitute for this representative.

NOT IN SOVIET TEXT:

The American delegation, for its part, does not intend to raise any objections to any representative a party or organization may select.

SOVIET PROPOSAL #2

DECLASSIFIED
NND 760090
By NARS, Date

Secret

MEETING OF SUBCOMMITTEE # 1

30 April 1946. 1100.

Mr. Thayer: Korean National Red Cross, membership 20,000 is exaggerated, we think. It is no more than 6,000. Probable representation is not officially known. If the party is omitted from the list, then membership of Soc. Dem. Party is 70,000, but we think it is 15,000. This party is limited element. It is against the Allies and (?). It is the best to exclude them.

Fast development of Indep. Korea - 1. 68,000 membership. They claim larger. Offered a list. We did not include them.

~~The Catholics'~~ Party was not included by mistake. Well organized. Membership - 20,000. I have learned later they are not included in # 12 (?).

#4. Women's Society. I think it is Korean Nat. Party. I don't know if it belongs to any party. 2 representatives from Women's Society.

#18. There was a doubt. It is not a temporary organization. Leaders are in different parties.

Korean Nat. Party. They are unified. This was not accomplished recently. Rumors - they will not be consolidated with Korean Party of Independence. I have not studied the question. Korean National Party, 120 (?).

Mr. Tsarapkin: Preparation National Convention. (Discussion interrupted)

#19. Organization is expected to work continually. Chun Chang Young (?). Party had meeting. He did not appear as a member of the party. A new president has been chosen.

New Korea Soc. Party. Coincides or not - I don't know, hard to tell; concerning the peasant-church organizations, we have made a list of more important.

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State Dept Instr. 12 Apr and 8 July 1976
FWB NARS, Date APR 02 1977

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By _____ NARS, Date _____

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Mr. Tsarapkin: The Youth Party is not made up from the young. It has grownups.

Mr. Thayer: How did you make a list?

Mr. Tsarapkin: You left a very little room for Workers' Organizations. The list is large. Korean Confederation of Labor is very large.

Point # 2 to be discussed.

 ~~Secret~~

1-15

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NND 760090
By NARS, Date

~~SECRET~~

PROPOSAL OF U. S. DELEGATION - 30 APRIL 1946

The following statement will be entered on the minutes and is not to be published:

A "In connection with the Joint Commission document concerning the manner of consultation with the democratic parties and social organizations and particularly concerning paragraph 2 thereof, the following is agreed:

B If the representative selected by a democratic party or social organization will not be satisfactory to either one of the delegations because of his attitude toward the Moscow Decision or toward either of the Allies (US-USSR) the Joint Commission will decide the possibility of requesting the democratic party or social organization to appoint a substitute for consultation with the Joint Commission.

C This agreement is made at the request of the Soviet delegation which states that:

"If any democratic party or social organization will designate, for consultation with the Joint Commission, a representative who had compromised himself by actively voicing his opposition against the Moscow Decision of the Three Foreign Ministers and against one of the Allies (US-USSR), the Soviet delegation declares that it shall protest against his being consulted with, by the Joint Commission."

The American delegation declares that:

D "In its view any representative is competent to be consulted whose attitude toward the Moscow Decision is that of his party or organization as indicated in the declaration for consultation published in Communique #5. It has no intention of exercising the prerogative of objecting to any representative the parties or organizations may name."

E THIS AGREEMENT WILL NOT BE PUBLISHED.

30 April 1946

APR 30

~~SECRET~~

DECLASSIFIED
State Dept. Instr. 12 Apr and 8 July 1976
APR 02 1977
NARS, Date

DECLASSIFIED
NND 760090
By NARS, Date

C

U.S. PROPOSAL FOR COMBINED LIST OF PARTIES #3

SOUTHERN

1. General Union of Women
2. Korean Independence Party
3. Korean Democratic Party
4. Communist or General Union - of Youth
5. Nationalist Party
6. New Korean Nationalist Party
7. People's Party
8. New Korean Democratic Party
9. Korean Farmers' Federation
10. Korean Labor Federation for Independence
11. Association of Christian Churches.
12. Chuntokyo
13. Korean Buddhist Central Council
14. Confucian Society (Assn.)
15. Korean National Red Cross
16. Korean Christian Young Men's Federation
17. Women's Patriotic Society for Independence
18. Catholic Church
19. Korean Women's Nationalist Party

L 19

NORTHERN

1. Communist Party of North Korea
2. Korean New People's Party
3. Party of Young Friends Attached to the Religious Society Chun Do Keh
4. Peasant Union of Northern Korea
5. Alliance of Trade Unions of Northern Korea
6. Democratic Young People's Union of Northern Korea
7. Presbyterian League
8. Society of Buddhists of Northern Korea
9. Women's Union of Northern Korea
10. Cooperative Society of Northern Korea
11. Methodist Union

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TOTAL
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State Dept Instr. 12 Apr and 8 July 1976
FWB/BSm NARS, Date APR 02 1977

SECRET

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NND 760090
By NARS, Date

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Name of party or social organization	Number of Members	Leaders of party or social organization
1. Democratic Party of North Korea	110000	TCHEI, Yong Kern Tsoy Yen Pen
2. Communist Party of North Korea	43000	KIM, Il Sung Kim Ir Sen
3. Korean New People's Party	15000	KIM, Doo Bong Kim Du Bon
4. Party of Young Friends Attached to the Religious Society Chun Do Keh	76700	KIM, Tal Hyann (Hyun) Kim Tar Kheh
5. Peasant Union of Northern Korea	1123649	LEE, Kwan Yawk (V-Chairman) Kan Din Gen
6. Alliance of Trade Unions of Northern Korea	245725	HYAWN (HYUN), Chang Hyawp Khen Chan Yen (Hyup)
7. Democratic Young People's Union of Northern Korea	540000	KIM, Ook Chin Kim Uk Din
8. Union for Aiding the Fighters Against Japanese Imperialism (Northern Korea)	630000	KIM, Hong Chak Kim Khon Tyk
9. Society for Encouraging the Development of Popular Culture of Northern Korea	99000	CHANG, Chong Sik Chan Chen Sik
10. Society of Buddhists of Northern Korea	300000	KIM, Sai Yool Kim Se Ryun
11. Women's Union of Northern Korea	449399	PAK, Chawng Ai Pak Den Khay
12. Association of Engineering-Technical Workers	4100	LEE, Byawng Chei Li Pen De
13. Cooperative Society of Northern Korea	685200	LEE, Sawk Li Sek
14. Association of Workers of Culture and Art	3100	HAN, Sawl Ya Han Sel Ya

~~SECRET~~

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

U.S. PROPOSAL (TENTATIVE)

NOT TO BE PUBLISHED

If any democratic party or social organization selects for consultation with the Joint Commission a representative whose personal position (regarding the Moscow Decision)* is not believed to be in conformity with the declaration agreed to on 17 April, (concerning the Moscow Decision)* or who because of his attitude toward the Allies (USSR or USA) is alleged to be unacceptable, the Commission will give full consideration to such case upon the request of either delegation, and may request the parties or organizations to name another representative.

This agreement is made at the request of the Soviet delegation, the American delegation having no present intention of exercising its right to object to any representative the parties or organizations may name.

*Either expression in brackets may be thrown in as a concession if necessary.

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NND 760090
By _____ NARS, Date _____

DRAFT:
30 April 1946
Mr. Prostov

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PROPOSAL OF U. S. DELEGATION - 24 APRIL 1946

If the representative selected by democratic party or social organization will not be satisfactory to one of the delegations because of his attitude toward the Moscow Decision or to either of the Allies (USSR - USA), the Joint Commission will decide the question on the possibility of accepting him as a representative of the democratic party or social organization for consultation with the Joint Commission.

ording for the additional statement in the minutes - declaration of the Soviet delegation.

In connection with point 2 of the present agreement, the Soviet delegation declares as follows:

"If any democratic party or social organization will designate, for consultation with the Joint Commission, a representative who had compromised himself by actively voicing his opposition against the Moscow Decision of the Three Foreign Ministers and against one of the Allies (USSR - USA), the Soviet delegation declares that it shall protest against his being consulted with, by the Joint Commission."

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State Dept Instr. 12 Apr and 8 July 1976
By _____ NARS, Date APR 0 ? 1977

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NND 760090
By NARS, Date

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PROPOSAL ~~OF~~ U. S. DELEGATION - 30 ~~APRIL~~ 1946

A The following statement will be entered on the minutes and is not to be published:

A "In connection with the Joint Commission document concerning the manner of consultation with the democratic parties and social organizations and particularly concerning paragraph 2 thereof, the following is agreed:

B If the representative selected by a democratic party or social organization will not be satisfactory to either one of the delegations because of his attitude toward the Moscow Decision or toward either of the Allies (US-USSR) the Joint Commission will decide the possibility of requesting the democratic party or social organization to appoint a substitute for consultation with the Joint Commission.

C This agreement is made at the request of the Soviet delegation which states that:

"If any democratic party or social organization will designate, for consultation with the Joint Commission, a representative who had compromised himself by actively voicing his opposition against the Moscow Decision of the Three Foreign Ministers and against one of the Allies (US-USSR), the Soviet delegation declares that it shall protest against his being consulted with, by the Joint Commission."

The American delegation declares that:

D "In its view any representative is competent to be consulted whose attitude toward the Moscow Decision is that of his party or organization as indicated in the declaration for consultation published in Communique #5. It has no intention of exercising the prerogative of objecting to any representative the parties or organizations may name."

E. This agreement will not be published.

30 April 1946

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State Dept Instr. 12 Apr and 8 July 1976
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DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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	Name of Party or Organization	Estimated Membership	Probable Representative
1.	Emergency National Assembly	7,000,000 ✓	Hong Chim
2.	Democratic People's Front	440,000	Ho Hum L
3.	Korean Independence Party	300,000	Cho So Ang
4.	Korean Democratic Party	200,000	Won Se Hoon
5.	Korean Communist Party	3,000	Pak Hyeung Young L
6.	New Korean People's Party	2,000	Hon Bin L
7.	New Korean Nationalist Party	100,000	Kim Ryu Sih or Choi Ik Whan
8.	People's Party	20,000	Lyuh Woon Hyeung L
9.	New Korean Democratic Party	18,000	Kim Boong Chun
10.	Korean Farmers' Federation	1,500,000	Kim Sang Duk
11.	Korean Labor Federation for Independence	75,000	Kim San
12.	Association of Christian Churches	250,000	Nam Tai Yuen
13.	Chuntokyo	3,000,000 ✓	O Sei Chang
14.	Korean Buddhist Central Council	175,000	Kim Bub Rin
15.	Confucian Society (Assn.)	50,000	Cheng In Bo
16.	Korean National Red Cross	20,000	Pak San Kyu
17.	Korean Christian Young Men's Federation	20,000	Kim Kyu Sik
18.	Womens' Patriotic Society for Independence	60,000	Pak Seung Ho
19.	Preparation Committee for National Convention	60,000	Kim Choon Yun
20.	Korean Women's Nationalist Party	30,000	~~Yim~~ Yuen Shin
		13,323,000	

Footnote: It will be observed that we have withdrawn the name of "Central Council for Independence" from this tentative list. This is because we considered upon further reflection that the group represented in that organization is in a measure represented in this same list, whereas the inclusion of this active womens' organization appears to us to give this tentative list a wider mass representation.

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State Dept Instr. 12 Apr and 8 July 1976
FWB Letter NARS, Date APR 02 1977

DECLASSIFIED
NND 760090
By NARS, Date

TENTATIVE LIST OF POLITICAL PARTIES AND SOCIAL ORGANIZATIONS IN SOUTHERN KOREA
(subject to change)

1. Emergency National Assembly (Bisang-kook-min-hwaÿ-ooi

2. Democratic People's Front (Min-Su-Ju-ui-min-zok-chun-sun)

3. Korean Independence Party (Han-kook-tok-rip-tang)

4. Korean Democratic Party (Han-kook-min-choo-tang)

5. Korean Communist Party (Chosun-kong-san-dang)

6. New Korean People's Party

7. New Korean Nationalist Party (Shin-han-min-chok-tang)

8. People's Party (Chosun-in-min-dang)

9. New Korean Democratic Party (Sin-han-min-chu-tang)

10. Korean Farmers' Federation (Tan-kook-nong-min-chong-ryung-mang)

11. Korean Labor Federation for Independence
(Tai-han-tok-nip-chok-sung-lo-tong-chong-ryun mang)

12. Association of Christian Churches

13. Chuntokyo (Chun-to-kyo)

14. Korean Buddhist Central Council
(Chosun-pul-kyo-choong-ang-chong-moo-wun)

15. Confucian Society (Assn.) (Yoo-kyo-hway)

16. Korean National Red Cross (Han-kook-hong-sip-cha)

17. Korean Christian Young Men's Federation
(Chosun-ki-tok-kyo-chung-nyun-chun-kook-nyun-hap-hoi)

18. Central Council for Independence
(Tok-nip-chok-sung-chung-ang-hyup-yi-hoi)

19. Preparation Committee for National Convention
(Kook-min-tai-hoi-choon-bi-hoi)

20. Korean Women's Nationalist party (Chosun-nyu-cha-kook-min-tang)

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NND 760090
By NARS, Date

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	Name of Party or Organization	Estimated Membership	Probable Representative
1.	Emergency National Assembly	?	Hon Chim
2.	Democratic People's Front	440,000	Ho Hun
3.	Korean Independence Party	300,000	An Chai Hong
4.	Korea Democratic Party	200,000	Kon Ke Hoon
5.	Korea Communist Party	3,000	Pak Hyeung Young
6.	New Korean People's Party	2,000	Hon Rin
7.	New Korean Nationalist Party	100,000	Kim Ryu Sih or Choi Ik Hwan
8.	Peoples Party	20,000	Lyuh Woon Hyeung
9.	New Korean Democratic Party	15,000	Kim Koong Chun
10.	Korean Laborers' Federation	?	Kim Sang Duk
11.	Korean Labor Federation for Independence	75,000	Yim Han
12.	Association of Christian Churches	250,000	Kam Tai Yuen
13.	Churtokyo	?	O Sei Chang
14.	Korean Buddhist Central Council	175,000	Yim Bub Rin
15.	Confucian Society (Assn.)	50,000	Cheng In Bo
16.	Korean National Red Cross	20,000	Pak Han Kyu
17.	Korean Christian Young Men's Federation	20,000	Kim Kyu Sik
18.	Womens' Patriotic Society for Independence	60,000	Pak Seung Bo
19.	Preparation Committee for National Convention	60,000	Kim Choon Yun
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Footnote: It will be observed that we have withdrawn the name of "Central Council for Independence" from this tentative list. This is because we considered upon further reflection that the group represented in that organization is in a measure represented in this same list, whereas the inclusion of this active womens' organization appears to us to give this tentative list a wider mass representation.

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State Dept Instr. 12 Apr and 8 July 1976
By FWB/State NARS, Date 7/2/77

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April 29

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

DRAFT:
30 Apr 1946
Mr. Thayer

PROPOSED STATEMENT OF U.S. DELEGATE ON PARA #2

I should like once again to make the position of this delegation clear:

This Commission is a Joint Commission - it has two parties to it - the US and the USSR. Any action in its name must have the agreement of both, not just one, of the delegations.

The Soviet delegation states that there are certain Korean leaders not fit to act as representatives of parties and that they must be excluded. It proposes that if such leaders are selected they may be automatically excluded on the sole say-so of the Russian delegation. It gives the American delegation the privilege of hearing the Russian complaints but not the right to disagree with them. The Soviet delegation, thus, is asking the American delegation by agreeing beforehand to exclude anyone the Soviet Delegation does not want, to renounce its right to disagree, in other words, the Soviet delegation expects that in this matter the Commission shall be not a Joint Commission but a Soviet Commission.

Naturally, the American delegation cannot renounce its right to cast its vote with respect to the suitability of any man to represent a section of Korean public opinion.

If the Soviet delegation has objections to certain individuals let it name them and produce the evidence against them and not unfounded, unsupported, charges of being "reactionaries", "pro-Japanese", "fascists", "enemies of the people", and similar undefined offenses. The list of parties are practically drawn up - the representatives are almost all known - some twenty names.

Let the Russian delegation come out openly - it says it has nothing to hide - and say if it objects to any of these 20 names - and give the evidence for its objections. Then we can judge each case on its merits.

U.S. POSITION ON JOINT SECRET COMMISSION. NOT USED

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Otherwise we can assure the Russian delegation we shall sit here all summer because the American delegation will not and cannot forfeit its right to judge for itself who is and who is not fit to participate in the formation of a Korean Government.

This is a Joint Commission and till we get instructions from my government to the contrary, it will remain one - with the American delegation doing its own voting on every issue and on every Korean.

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NND 760090
By NARS, Date

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MINUTES OF MEETING OF SUBCOMMISSION #1, 1 May 1946

Present - Mr. Thayer (Chairman), Mr. Tsarapkin, Mr. Prostov, and Mr. Khomianin

Mr. Thayer asked for remarks on the list of southern parties submitted at a previous meeting.

Mr. Tsarapkin stated that if the political life of South Korea during the last few months were examined, the following phenomenon would be observed: Several parties and organizations of South Korea had created a Democratic National Front which had become extremely powerful and was playing an important role in the political life of the country. It consists of very strong organizations representing labor, women, youth, etc. Parallel with it, there was another organization, the Representative Democratic Council. "We see them as two equally great forces, yet your list does not reflect this at all. The parties of the Democratic Front have a very small place in your list and one that is inconsistent with their importance. The list must be changed to better represent the parties of the Democratic National Front; for instance, it should include the Labor Federation, All-Korean Peasants Alliance, the Korean Union of Democratic Youth and the All-Korean Association of Cultural Organizations. Though the latter group has only 13,000 members, it unites the principal cultural forces such as writers, actors, etc. and it exercises very strong influence upon public opinion in South Korea. As to the National Revolutionary Party, you, yourself, admitted that this is one of the largest groups. At least these parties and organizations I have mentioned should be included.

Among those you included on the list the Preparatory Committee is neither a party nor an organization. The Red Cross is not a political organization and does not belong to what we have in mind when we say "parties and organizations."

Mr. Thayer: I agree that the Red Cross is non-political and does not engage in current political problems. It usually tries to stand aside. However, it is in touch with the proletarians. This sector of the population is not otherwise represented because of its economic weakness. When creating a state, these interests must have a voice. I do not see how we can give a voice to this important class of people other than

DECLASSIFIED
State Dept Instr. 12 Apr and 8 July 1975
NARS, Date APR 02 1977

DECLASSIFIED
NND 760090
By NARS, Date

through the principal social welfare organization which understands and can represent the interests of the poorer classes. In the United States, and in the U.S.S.R. perhaps even more so, much attention is paid to this stratum of society. Consequently, it is better to include the Red Cross.

"As to the Preparatory Committee, I have already discussed it. It represents all segments of the population and is very large and influential.

"The National Revolutionary Party is smaller than any we have examined (no more than 2,000 members). I cannot fully share Mr. Tsarapkin's view about the importance of this party. It is a one man party headed by a member of the Communist Party, KIM Hon Bong. His point of view is already represented by the Communist Party. This individual is like a weather vane who is sometimes a communist and sometimes a reactionary as the circumstances seem to warrant. He is an individual who regards a party as a personal instrument for one's own aggrandizement.

Mr. Tsarapkin: So far as I know, KIM Hon Bong was a member of KIM, Koo's government (War Minister), and so far as is known that did not include a single Communist. Thus it is strange that he is now said to be a Communist Party member. If he were self-seeking, why did he not remain in KIM, Koo's party which he abandoned because of differences of opinion?

Mr. Thayer: The dispute was over a new setup in the group, the Emergency National Association, in which he felt he should have a principal place. When he was denied it, he found that his principles differed from those of the organization, and he abandoned the organization. Before he left, he twice changed his personal allegiance to various leaders. In both cases the break occurred because of his failure to obtain personal recognition. He also utilized in his campaign propaganda references to his war record which, I might add, is nothing to boast about as he was never at the Front.

"Answering your question about the five organizations of the Democratic People's Front, your impression on the existence of two different political groups, the People's Front and the Representative Democratic Council, is more or less correct, but I cannot agree that the two are

DECLASSIFIED
NND 760090
By NARS, Date

equal. According to all data available to me, the Democratic People's Front is a relatively small minority. It is small in its numerical strength and in the amount of popular support is has. Though well organized and active in expressing its views, we cannot say that it can compare with the other group in size.

"Its claims to large membership are not accurate. It was the first to shout violently against the demand of Military Government. If they really had the number of members they claim, they would not have protested so violently.

"The claims of the Cultural Organization to 15,000 members is preposterous. At no time did more than 200 people participate in any of its meetings. It is composed mainly of disgruntled school teachers. Perhaps they claim 15,000 by including all the school children in their classes. They say they are lovers not creators of culture so that school children could participate. Perhaps their meetings are small because most of their membership are not allowed by their parents to stay up so late at night.

"The Women's Union is fairly small but it is active and vociferous. It and the Youth Organization have about 3,000 members each. Each claims 800,000 and 600,000 respectively. Neither has even attempted to substantiate its claims. The Youth Organization refused to submit any estimate of the number of members as it said this was a violation of its democratic principles.

"As to the Labor Union Federation, it may have once had the 600,000 members which you mentioned, but after the November emergency when they closed the textile factories, it lost much influence. Though some members still remain, many left the Federation. It may still represent a small element of the Trade Union movement. However, if we include it, we should also include a third labor group in addition to the large group I have listed. This would mean that we would have three industrial labor groups which is not justified by the strength of industrial labor in the South. Consequently, I feel this group should not be included. In any event, they are already adequately represented by the Democratic People's Front. The platforms of the organizations in the People's Front, as expressed by the leaders, are identical for all parties forming part of the Front.

DECLASSIFIED
NND 760090
By NARS, Date

I doubt if any of them are more than echoes of one another. The parties are small, their leaders are inter-connected, and their views are identical.

"As to the Korean Communist Party, it is entered in both Northern and Southern lists. I do not think it is right that this small group should have two places on our combined list. Certain Southern Communists claim 30,000 members, but this is exaggerated according to all our data. It is not a great influence among the population. Furthermore, in all important political questions, it shares the ideas of the Northern Korean Communist Party. The platforms are identical and the candidates are the same as those of the North Korean Communist Party. They are well organized, disciplined, rich, politically conscious, and have quite a progressive platform. However, it does not reflect the opinion of the party membership as much as the opinions of its leaders; that is, the party's ideas come from above and not from the people. That they reflect the will of the people is not accurate in Southern Korea. The structure and principles of organization of the Communist Party in Southern Korea are such that while it can be of little value in reflecting the will of the masses, which the Joint Commission wants to know, it is an excellent vehicle for telling the masses what is best for them. The January incident illustrated this very clearly: there was a violent reaction against trusteeship which continued for three days.

"The Communist Party announced it would stage a demonstration against trusteeship, and when everything was ready for the demonstration, suddenly they changed their point of view. Those actually in the demonstration did not know the change had been made. This did not happen by accident. On 3 January the Communist Party of North Korea sent written instructions, copies of which I have here, to all lower echelons that they must at once vote for trusteeship. The South Korean Communist Party thereupon did an about-face. I do not think one could consider that this reflects the will of the people in the party. On the contrary, it only reflects the instructions received from above. Here are the instructions in the original if you would care to examine them. We properly should have only one Communist Party and not two since one will only be an echo of the other.

DECLASSIFIED
NND 760090
By NARS, Date

"As to the Farmers Alliance which claims 3,000,000 members, there are not 3,000,000 farmers in South Korea. The Military Government information service considers the 3,000,000 claim absurd.

"It also engages in terrorism. The farmers are often threatened sometimes killed or injured when they do not join. We have even had to jail some leaders. The organization is legal in the South, but it is not democratic in its methods. We hope that it will gradually learn by experience and hence we do not wish to ban it as undemocratic now, in the hope that it will chose better leaders. These leaders are all in the People's Front.

"It was the first farmers organization to organize and may have reached ten percent of the farmers in some counties, but later it lost much of its influence by its terrorist methods and many former members have left it. In many counties farmers even thanked Military Government for freeing them of the pirates in this organization. It is a young organization and cannot be considered a responsible one.

Mr. Tsarapkin: "I have attentively heard your arguments. I have the following observations: With respect to such parties as the All-Korean Women Organization and the Korean Young Democratic Organization, my impression is that you do not have an impartial view. You use words showing that you are prejudiced. Since such organizations exist, they are not necessarily smaller than others, as you claim.

"You say that they were the loudest to protest against submitting lists of members. Before Military Government repealed that requirement, I must say that these measures were disliked not only by them but also by those in the Representative Democratic Council. The requirements of Order 55 went even beyond what General MacArthur demanded of the Japanese. No such conditions were even imposed in Europe."

Mr. Thayer: "We wished this data on membership for the Joint Commission's use. We do not feel that it affected the democratic rights of parties. When some parties objected violently, the suspicion arose that they could not substantiate their public claims to membership. While all parties protested, those in the Democratic Front disobeyed. The main thing is not opposition but in the fact of disobedience. The other parties protested but gave a substantiated estimate. The

DECLASSIFIED
NND 760090
By NARS, Date

People's Front Parties did not."

Mr. Tsarapkin: "You say that the Front parties are small. We feel that your approach is arbitrary. When you examine the claims of the five parties in the Democratic Front, where they say 5,000,000 to 6,000,000, you state 5,000 to 7,000 members. Yet when you speak of other parties you are more liberal. Thus, to the National Association which claims 7,000,000 members, you allow 1,500,000. You do the same for the farm organizations. You slight the Democratic Front when you reduce their number to zero. You should treat both groups alike."

"As to the third question, I object to the word "echo". Not only the Democratic Front but the parties outside of it echo one another.

"As to the fourth question, I do not wish to argue about the Communist Party. The fact that it reflects the masses is self-evident. This is too obvious to everyone. There is no single Korean Communist Party. Both in the North and the South, the Communist representatives should reflect the views of each zone. There is no connection between the Northern Communist Party and the Southern Communist Party. They are totally independent at all levels.

"In regard to the Peasants Alliance, a claim of 3,000,000 is not at all exaggerated. South Korea includes about 9,000,000 peasants."

Mr. Thayer brought up the matter of proportionate representation of the North and South Korea stating that an 18 to 10 ratio should be preserved. Mr. Tsarapkin insisted upon a 14 to 16, or at least a 13 to 17 ratio. He claimed that the North had approximately 11,000,000 people. Mr. Thayer said the 9-5 ratio reflected the official statistics on population for the last five years. He recommended using these indisputable figures. If, however, Mr. Tsarapkin preferred to use the estimates of the military commands, he, Mr. Thayer, would consider this approach. He pointed out that at least a half million people had come South from the North. If there were now 11,000,000 in North Korea that meant that 2-1/2 million had come there presumably from China, Manchuria and Russia in the last six months. Reliable data indicates that there were not that many Koreans outside the country in 1945. Despite his doubts as to the estimate of 11,000,000, he would be prepared to accept. In such an event the U.S. estimate of present population would be used. Exist-

DECLASSIFIED
NND 760090
By NARS, Date

ing figures showed that there were 19 million people in South Korea - 17.7 million of whom were here when we came, 1 million had been repatriated from Japan and a half million from the North. Mr. Tsarapkin suggested ignoring these disputable statistical bases and simply pick a ratio of 17 to 13. Mr. Thayer pointed out that such a ratio was not even disputable--it was without any basis whatever. Mr. Tsarapkin requested the question be dropped for the time being.

DECLASSIFIED
NND 760090
By NARS, Date

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MINUTES OF SUBCOMMISSION #1 MEETING OF 1 MAY 1946 (P.M.)

Present - Mr. Thayer (Chairman), Mr. Tsarapkin
Mr. Prostov, and Mr. Khomianin

Mr. Thayer: You asked about our list of parties. We shall ask several questions about your list of parties. In the list for the People's Parties, I see that Mr. Choi is listed as the leader of the party. He apparently succeeded Mr. Cho Man Sik who was removed in February. Is my information correct?

Mr. Tsarapkin: No, Choi was a newly elected chairman.

Mr. Thayer: We have evidence that on January 4th, Cho Man Sik and Mr. Lee were called in by the local authorities and told that they must not speak against Trusteeship and that they must support the Moscow Decision. Mr. Cho stated that he was opposed to Trusteeship but that he did not have enough facts about the Moscow Decision to formulate an opinion on it. At that meeting there were present 14 Koreans, 5 of whom were members of the party. On the following day the meeting was attended by 10 Koreans, some of whom were not party members, who said they were there to take over party leadership. The law was laid down to Cho Man Sik and his followers to support Moscow Decision or to retire. Cho Man Sik declared that he could not support Moscow Decision and resigned under protest. On February 24th, 139 individuals met including a few party members and also several provincial representatives, for instance, from Chongju, the latter group also including many non-members. Several spokesmen attacked Mr. Cho Man Sik in speeches. One of the speeches was delivered by a Colonel Ignatiev, who described Cho Man Sik as a follower of Rhee, Syngman and stated that Cho Man Sik could not be a party member since he opposed Moscow Decision.

A committee was then formed consisting of 33 individuals, largely non-party members. On 28 February this committee expelled Mr. Cho Man Sik from the party. On 5 January and 24 and 28 February, the by-laws which were adopted by the Democratic Party of the North on 3 November 1945 were not followed. Unless this information is shown to be incorrect, in the opinion of the U.S. Delegation, Choi Yen Pen cannot represent the party; either the party does not exist or else if it does exist, Mr. Cho Man Sik is its chairman.

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DECLASSIFIED
State Dept Instr. 12 Apr and 8 July 1976
By NARS, Date APR 02 1977

DECLASSIFIED
NND 760090
By NARS, Date

Mr. Tsarapkin: I do not know where you get your information, but it is not accurate. The Democratic Party exists; it is alive, and is flourishing. Cho Man Sik is neither a leader nor even a member. An overwhelming majority of the party is opposed to Mr. Cho Man Sik. At the time you referred to, the first Party Congress was called together at which a central organ was elected. Many old members including the vice-chairman participated in this meeting. All this was perfectly legal and was within the party's right. I am amazed that you question my information based on impeccable data.

Mr. Thayer: The official by-laws of the democratic party were approved in Pyongyang on November 3rd, 1945. Individuals were admitted to membership only if they possessed certain qualifications. Those who opposed Cho Man Sik were not members. I do not understand how non-members could participate in the Party Congress.

Mr. Tsarapkin: The Congress consisted of party members only and your information is false: (a) The Congress was summoned by party members, (b) Only members were present, and to a greater number than 185, (c) The meeting was presided over by the vice-chairman.

Mr. Thayer: Would you give me any details about Colonel Ignatiev's role?

Mr. Tsarapkin: This is the first time I have heard of this. Only members participated in the meeting. All changes took place according to democratic process in the course of a conference at which were represented the central organization and the provincial branches. There are no doubts as to the legality of that conference. The overwhelming bulk of the party is very much alive and is carrying out a great work. Cho Man Sik is a private individual and is not even a party member.

Mr. Thayer: Have you got anything against Mr. Cho Man Sik?

Mr. Tsarapkin: He is just another Korean like millions of others.

Mr. Thayer: In the view of the Soviet Delegation, would he be a satisfactory party representative?

DECLASSIFIED
NND 760090
By NARS, Date

Mr. Tsarapkin: I cannot answer this since paragraph 2 specifies representatives of parties and organizations.

Mr. Thayer: Has Mr. Cho Man Sik actively opposed the Moscow Decision?

Mr. Tsarapkin: I do not know. I have prepared answers only to your direct questions.

Mr. Thayer: The Soviet Command should know of Mr. Cho Man Sik. It has worked with him.

Mr. Tsarapkin: He was a leader until he lost the confidence of the party, until the masses of the party membership declared trat they did not agree with Mr. Cho Man Sik's policy. This was not individual intrigue. There was a Party Congress.

Mr. Thayer: In the opinion of the Soviet Delegation, is Mr. Cho Man Sik due to participate in political life?

Mr. Tsarapkin: I do not know. What is the connection? It would be all right if he were not a party member but he was expelled by his own party.

Mr. Thayer: He is a leader of that part of the party which had come south.

Mr. Tsarapkin: He is not a leader.

Mr. Thayer: He is registered as the leader in the Chosun Democratic Party, here in Seoul. This party is headed by Cho Man Sik. Is Mr. Cho Man Sik one of the leaders acceptable to the Soviet Delegation?

Mr. Tsarapkin: The party which was led by Mr. Cho Man Sik is in the north. Mr. Cho Man Sik is also in the north. This party has refused to confide in Mr. Cho and has expelled him from its ranks, so I do not understand your question. If a small cabal has come south, it is a group that had been refused by its own party. Even if such a cabal had declared itself a political party, it is not rightly a party, it is a party intrigue.

Mr. Thayer: This was an intrigue all right. But you refuse to state if Mr. Cho is in your view eligible.

Mr. Tsarapkin: We cannot speak in the abstract. He is not a party member and not a party leader. He was known to us in connection with a democratic party until the time of the party congress during which the democratic party voiced disagreement with his policy.

DECLASSIFIED
NND 760090
By NARS, Date

Mr. Thayer: I have also asked about the Christian elements in the population of north Korea.

Mr. Tsarapkin: I have received no answer. No such organizations as you mention have filed their declarations to this hour.

Mr. Thayer: You have stated that the south has two equal political groupings with respect to the Trusteeship.

The line of division with respect to the Trusteeship is clear, a minority--the Democratic Front--is for Trusteeship. It enjoys a very small popular support. You stated that I was not objective in determining that the actual party membership, that I deliberately lowered the figures for the Democratic Front parties much more that I did the other groups.

We do not approach the question of membership as a mathematical problem. We judge the size of the party membership by such factors as participation in demonstrations, etc. We have not decreased the claimed membership by a definite per cent in every case. It merely happens that the parties affiliated with the Democratic Front have given estimates of their membership which were more exaggerated than the other.

We initiated that there was a certain lack of objectivity because I use such words as "noisy." This is the impression we get from the local newspapers. The first impression is that the Democratic Front is extremely noisy; we say in English that "still water runs deep." The parties which are quiet are the important ones and vice versa. I could give you the following example: The meeting on Independence Day of non-Front parties at the Liberty Bell included some 250,000 participants. The Democratic Front had its own demonstration; the newspapers claimed that this was attended by 30,000 but it was found by actual count that the attendance was between 7 and 8,000. On the following day the newspapers reported only the Democratic Front demonstration because of the Frontist bias of the printers. A stranger judging solely by the newspaper would conclude that there was only a Democratic Front demonstration. As a matter of fact, there were a quarter of a million who demonstrated for the other groups, and one-eighth of that number in the Front demonstration. Thus, when I speak of noise, I mean to imply that the noise in their press is no indication of their strength.

Examining the list of the northern parties submitted by you, one finds

DECLASSIFIED
NND 760090
By NARS, Date

that it does not include any representatives of the other side but only of those who correspond in outlook to the Democratic People's Front in the south. Other parties are absent, though in the south they are by demonstrable fact in the majority.

Mr. Tsarapkin: We did not ask ourselves what line was represented when we were compiling our list. We approached this matter strictly in accordance with the Moscow Decision: democratic parties, social organizations; the only condition was that when signing the declaration they should recognize the Moscow Decision. We had no other approach. We took the principal democratic parties and social organizations.

Mr. Thayer: Do they "represent various political schools" in the north?

Mr. Tsarapkin: Our list answers this question.

Mr. Thayer: There is a strong political movement in the south opposing the Trusteeship but still upholding the aims of the Moscow Decision. In the north there are no parties opposing Trusteeship. Could it be that the anti-trusteeship feeling ends at the 38th parallel? Our information indicates that great numbers of people in the north do not share the political views of those who are defending Trusteeship.

Mr. Tsarapkin: There is no political school of thought in the north which does not support Trusteeship. This would be also true of the south if it were not for the agitation of the anti-democratic leaders. I agree that the 38th parallel is a barrier dividing the two political approaches to Moscow Decision. In the north nobody has misled the people with respect to the meaning of the Moscow Decision. There they understood it clearly. In the south those who were against the Moscow Decision were noisy as you well know. That is the difference.

Mr. Thayer: Can you explain why the Communist Party was also against Trusteeship before it received its instructions?

Mr. Tsarapkin: I object to you using the word instructions; who wrote the instructions?

Mr. Thayer: (Referring to the printed instructions). The instruction says it emanates from "the executive secretary of the northern Korean Branch of the Communist Party."

Mr. Tsarapkin: The opposition in the south used the word "shintaku" for "trusteeship" which is the same thing as the Japanese domination. It is not the same thing as what is in the Moscow Decision. This mislead some southern parties temporarily.

Mr. Thayer: We ourselves used the term "shintaku" as the exact equivalent

DECLASSIFIED
NND 760090
By NARS, Date

of Trusteeship. We translated this not from the Russian language but from English. The exact equivalent of the English word "trusteeship is the Korean word "shintaku". Under the circumstances it was completely correct to write "shintaku". We refrain from engaging in propaganda since we ourselves did not know what trusteeship form trusteeship would take- and we still don't know.

Mr. Tsarapkin: But would it not mislead the people to use a word which means "protectorate"? The reaction mobilized all its forces and donned the togas of independence and mislead the Southern population.

Mr. Thayer: We did not force any political leaders to act in any special way under Trusteeship or to be kicked out from their parties.

Mr. Tsarapkin: We approach this matter from a completely different angle. We could not observe reactionaries as impassively as you did; we think we were right.

The Moscow Decision was not made either to benefit or for us to destroy it. Like us, you must defend the Moscow Decision. We must not represent the U.S. or U.S.S.R. as enemies of the Korean people.

We did not wish any harm to the Korean people when the Moscow Decision was made; we took into consideration actual conditions and history of the country. Consequently there are no parties in the North which are against Moscow Decision. You likewise have those who support the Moscow Decision. The reactionary elements, who do not like the democratic way, are opposed to it.

Mr. Thayer: The Moscow Decision provides for foreign control of Korea but is it not true that many Koreans believe that foreign control is unnecessary? Is it not true that Cho Man Sik was given a choice to agree with the Moscow Decision or to retire?

Mr. Tsarapkin: I hear of this for the first time. I am not interested in him.

Mr. Thayer: There are many people both north and south who are very interested in Cho Man Sik as an important leader.

Mr. Tsarapkin: His party condemned him.

Mr. Thayer: I have here a declaration of 29 April by Mr. Lee, vice-chairman of the Chosun Democratic Party now in Seoul.

Mr. Tsarapkin: Two men do not constitute a party. The party consists of 110,000 members.

DECLASSIFIED
NND 760090
By NARS, Date

Mr. Thayer: The party of 110,000 members had a chairman, a vice-chairman and a secretary general. Cho Man Sik was apparently removed and the other two highest officials fled south.

Mr. Tsarapkin: But Cho Man Sik is in the north; he is not a member.

Mr. Thayer: Ask Mr. Cho Man Sik about it.

Mr. Tsarapkin: He is merely a private individual and I will not speak with them.

Mr. Thayer: How about the Christian groups?

Mr. Tsarapkin: As soon as I get an answer.

At this point Mr. Tsarapkin requested declarations signed by parties since this was after the deadline (30 April) set by the Commission. Mr. Thayer stated that the declarations were not available but would be delivered to Mr. Tsarapkin as soon as possible.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

SUBCOMMISSION #1 MEETING OF 2 MAY 1946 MINUTES

Present - Mr. Thayer (Chairman), Mr. Tsarapkin
Mr. Frostov, and Mr. Khomianin and Lt. Bertch

Mr. Tsarapkin was asked whether he had any further information on the Christian groups in Northern Korea, and replied that no information had yet been received.

Mr. Thayer then asked whether there was any further information on the matters of Cho, Lan Sik and was told by Mr. Tsarapkin that all information given to him was genuine, while the information in the hands of U.S. Delegation was incorrect, having been furnished by a small discontented group which was forced out of the party.

Mr. Thayer then pointed out that the exclusion of Cho, Lan Sik was not legal under the by-laws of the party, that the meeting which forced the exclusion included many non-members, that the presiding officer, Choi, was not even a vice-president, and that Cho, Lan Sik was not present at the meeting, which was therefore not a legal one under the terms of Art. 5, Chapter VI of the by-laws. Previously he had been summoned by authorities and told to either support the Moscow Declaration and trusteeship, or to get out of the party. Mr. Thayer also stated that it was reported to the U.S. Delegation that the Democratic Party was the largest political party in the North, hence it was very important who represented it. It was not a matter of indifference to the U.S. Delegation as to who had the right to speak for it. According to the available information, Choi did not have that right. In Mr. Thayer's view, it seemed apparent that a small group had illegally seized the leadership in the party. Mr. Tsarapkin asserted that everything had been legal; that the best proof of legality was that the party had afterward increased its membership to 110,000 members; that he had answered the main question, whether Choi was the president; and that he doubted that the details mentioned by Mr. Thayer were correct. Mr. Cho, said Mr. Tsarapkin, stated that he could not give his judgment on the Moscow Decision because he was waiting for instructions from the South.

Mr. Thayer said that the eye-witnesses reported that Mr. Cho had stated that he had no information about the Moscow Decision, and so declined to state his attitude, but that he was opposed to the Trusteeship.

DECLASSIFIED
State Dept. Instr. 12 Apr and 8 July 1976
By Fusbon NARS, Date APR 02 1977

DECLASSIFIED
NND 760090
By NARS, Date

Mr. Tsarapkin then declared that Cho could not represent the party, since the party Congress had deprived him of its confidence, and that it was not the business of the Subcommission to go into the internal life of the party.

Mr. Thayer repeated that the Commission should consult with legally appointed representatives expressing the opinions of the party, and not those of a small group who had usurped power. He also suggested that the detailed information at his disposal be checked with witnesses.

Mr. Tsarapkin stated that the party had fulfilled the conditions presented to it, that it had been legally registered, had a central organ, that there were no doubts as to the legality of its leadership which was democratically elected at the party Congress; that the highest law of a party was its Congress.

Mr. Thayer stated that this was perhaps true of the Communist Party; that since the Soviet Delegation questioned the leadership of parties in the South, the U.S. Delegation should be able to inquire about the party leadership in the North. He added that the Congress was illegal since neither Cho nor Lee Quong Young were present as required by the bylaws, copies of which he had with him.

Mr. Tsarapkin: This was a small group which was removed.

Mr. Thayer: Non-members took the liberty to speak for the party in the socalled removal.

Mr. Tsarapkin: This is unfounded.

Mr. Thayer: We must find out the facts.

Mr. Tsarapkin: The Congress did not elect Cho. He was replaced by another president.

Mr. Thayer: How was the other president chosen?

Mr. Tsarapkin: That was voted by the Congress.

Mr. Thayer: Choi was elected by 189 so-called members.

Mr. Tsarapkin: No, more.

Mr. Thayer: How did Cho cease to be a president?

Mr. Tsarapkin: Why do we need to know that?

Mr. Thayer: The Northern newspapers stated that a Commission of 33 men elected Choi.

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

Mr. Tsarapkin: I consider that the question should not be judged here. We are not judging the parties--we do not have that right to.

Mr. Thayer: We sit here now because the U.S. Delegation is defending the right not to interfere with internal party affairs. But so long as we cannot be convinced that a man has the right to speak for the mass membership , we must examine his mandate.

Mr. Tsarapkin: But if the party congress elects somebody it is the strongest possible mandate.

Mr. Thayer: Who summoned the Congress? This was not a Congress of the Democratic Party but of a small group which had no right to seize power.

----------At this point population description by the North and South Korea was discussed. Mr. Tsarapkin stated that for the North, they had People's Committees figures--11,000,000 inhabitants, many having come from South Korea and China. Mr. Thayer then asked whether Mr. Tsarapkin would want to use the People's Committee data or the official statistics. Mr. Tsarapkin claimed that People's Committee figures were exact. Mr. Thayer said he had checked the present population of the South. Military Government estimated, if Mr. Tsarapkin preferred estimates of present population, that there were 17,700,000 when we came, subtract:

Approximately - 600,000 Japanese and add:

1,200,000 Koreans from Japan and China

600,000 from North Korea (Koreans) Registered

200,000 Unregistered

19,100,000 Total

Thus the total figure for North and South Korea was approximately 11 plus 19 million equaling 30 million.

Mr. Tsarapkin: This is a curious estimate and very difficult to believe.

Mr. Thayer: We will accept either Japanese or MG estimate--whichever you wish.

Mr. Tsarapkin: Do you include those who are residing abroad?

Mr. Thayer: No, only the residents of Korea. Approximately 200,000 have illegally entered Korea from the North--also a large number of the Japanese who are not included in this figure.

Mr. Tsarapkin: I cannot believe such a claim.

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Mr. Thayer: We know their names and we know what transportation we have given them, where they came and where they are now. The figures you gave for the North indicate two million more than we know existed there from the official Japanese statistics. Yet we know that the total number of Koreans in China, Manchuria and USSR was about 1,700,000. Even if all had come to North Korea, we could not find more than 10,200,000 in North Korea now. However, if you say 11,000,000, we will accept your estimate as a basis for a ratio.

Mr. Tsarapkin: Instead of debating disputable statistics, let us accept the 13-17 ratio for the population.

Mr. Thayer: Please be logical.

Mr. Tsarapkin: On the basis of 25 million total, not 30 as you claim, there are some 14 million in South Korea.

Mr. Thayer: I am talking facts - facts I can prove with names, dates and places.

Mr. Tsarapkin: We must check these figures.

Mr. Tsarapkin: Let us continue the conversation on the list of parties.

Mr. Thayer: Here is a list of all parties mentioned on my two lists, having those who probably will be the representatives. This will be helpful to us in our conversations on paragraph 2.

Mr. Tsarapkin: We are not discussing representatives. We are discussing facts pertaining to the compilation of the lists.

Mr. Thayer: Those are the parties which might possibly be included in the final list. I gave you this list not to discuss, but for your information in connection with paragraph 2.

Mr. Tsarapkin: I understand now.

Mr. Thayer: To get back to the compilation of a list, look at my second list of Southern parties. We can strike out number 1 and 2 as you suggest but then the People's Front (No. 2), Women's Parties, Youth Parties, Federation of Trade Unions, would not have any representation. I'd like to leave No. 2 in the list.

Mr. Tsarapkin: We feel that the largest parties of the Democratic Front should be included. I know that April 30th papers such as Chosen Ilbo, etc., have published membership figures of organizations in the Democratic Front as follows: Korean People's Party, 120,000, Korean Communist Party,

DECLASSIFIED
NND 760090
By NARS, Date

105,000, National Revolutionary Party with 4,500, Young People's Party, 90,000, All-Korean Labor Federation, 590,000, Women's Party, 800,000, Youth Party, 650,000 and the All-Korean Culture Organization, 18,000. The following must therefore be included in the Southern list: Korean People's Party, Korean Communist Party, New Korean People's Party, All-Korean Federation of Labor, All-Korean Farmers Alliance, All-Korean Women's Union, Korean Union of Democratic Youth and All-Korean Association of Cultural Workers. This last contains all the intellectual workers. The Democratic National Front must be duly represented, if not in full consonance with its actual strength, at least more justly than you have suggested. This is our proposal.

Mr. Thayer: As to the New Korean People's Party, I said that they are a small branch. These figures are absurd. We should know, we are here. We send people to check and we can count ourselves. We have asked for substantiated proof. They claimed that this was undemocratic. The Cultural Association has never held a meeting attended by more than 200.

Mr. Tsarapkin: The Democratic Party having 200,000 is absurd.

Mr. Thayer: We saw with our eyes during a demonstration that 250,000 people marched in its demonstration recently. The People's Democratic Front claims that 30,000 marched in their demonstration. We counted only 8,000. Is this not a proof of their exaggeration?

Mr. Tsarapkin: I saw them myself when I was going back from the meetings. I cannot dispute your figures but my impression was that there were more than 8,000

Mr. Thayer: Our Military Government here should be best informed as to how many people march in demonstrations. Estimates by them should be more exact than those of casual obaervers. I cannot believe such absurd claims as those made by the Farm Alliance. Likewise, there are no 18,000 members in the Cultural Organization.

----------At this point Messrs. Thayer and Tsarapkin argued as to the relative dependability of newspaper and other estimates. Mr. Tsarapkin reiterated that he only knew that the Democratic Front was a powerful organization and should be better represented. Mr. Thayer repeated his arguments on the various groups saying that the National Revolutionary

DECLASSIFIED
NND 760090
By NARS, Date

Party was a small party. The Labor Federation was fairly large originally, but had lost members because of the textile strikes, the Farmers' Alliance had exaggerated absurdly when it gave its estimates. He said that he would be willing to include the Women's Union although small and that the Young People's Organization had recently become liquidated. Lieut. Bertch stated that the Korean Democratic Union of Youth never had more than 3,000 members--it had so much dissent in its ranks that it finally disbanded recently. A group of leaders consisting of ardent party members recognized the failure of the organization. On April 16th the Communist organ, Hai Ban Ilbo, reported the new constituent meeting of the organization which met on April 25th. You cannot credit a group with membership which is only a week old. It may contain currently about 1500 members. All groups split because of lack of harmony.

Mr. Thayer: (Showing a poster) This is what the Trade Union Federation states about the U.S. These are the people who asked President Truman to remove General Hodge for Fascism. Those people are not serious and we should not speak with them.

Mr. Tsarapkin: I understood you to say that you objected to this group because it was too small and now I see you bring in its political bias.

Mr. Thayer: This group cannot reflect the will of the laboring masses.

Mr. Tsarapkin: I do not know under what circumstances this was published but I feel that a working organization uniting the overwhelming majority of workers of South Korea should be included and if I had any objections to the group because of its opposition to the U.S., I should say so openly.

Mr. Thayer: We do not mind what they say--it is right for them to exist but you will agree that there cannot be many people who think thus of the U.S. but rather a small disgruntled group (they claim here 800,000).

I have written here a new proposal. At your suggestion numbers 18, 19, 1 and 2 have been removed. The women now have three places--they should be happy!

Mr. Tsarapkin: What representatives of the National Democratic Front are in this new list?

Mr. Thayer: 1, 4 and 7.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Mr. Tsarapkin: 3 out of 19?

Mr. Thayer: May I point out that in your Northern list, those who represent political views of the Emergency National Assembly have not a single place?

Mr. Tsarapkin: It is strange to see that you give three places to the Democratic Front and six to religious groups--as if nothing but religious groups are in this country. I refer to numbers 11, 12, 13, 14 and 16.

Mr. Thayer: 16 is a Youth organization.

Mr. Tsarapkin: This is disproportionate. How could we defend it before the world's opinion if we published the fact that the powerful Democratic People's Front has only 3 representatives while religious organizations have 6. That does not correspond to democratic spirit.

Mr. Thayer: You can perhaps convince yourself that the Democratic Front is powerful, if you use the adjective often enough but this does not change the fact that it is relatively small.

Mr. Tsarapkin: We cannot approve this new list.

Mr. Thayer: You should be better acquainted with facts in the South--You should talk to the masses and not rely simply on newspapers. Do you wish to tour South Korea? General Hodge will give you the use of a plane, I am sure. We could make a survey together.

Mr. Tsarapkin: Thanks for such a solution, but we have enough work here. The newspapers are a good index of influence of various organs. Not only newspapers but also meetings, demonstrations, etc. To belittle the Democratic Front as you propose is not proper. Two such powerful movements, the Democratic Front and the Representative Democratic Council, should have equal representation. The Democratic Front has a more progressive policy and has more influence than the Representative Democratic Council.

Mr. Thayer: The Democratic Front is if anything more conservative than the Representative Democratic Council. If you look at their platforms you will see they are not more progressive.

Mr. Tsarapkin: As to peasants and workers, they have a better right to be included than churches. I don't understand your viewpoint.

Mr. Thayer: Industrial workers form less than 5% of the population. Religious groups include the entire population with the exception of a small minority.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Mr. Tsarapkin: But we here are not trying to establish a theocracy like Tibet, or Zwinglian, Switzerland.

Mr. Thayer: Not an industrial union either but rather a modern workers and peasants state in accordance with reality.

Mr. Tsarapkin: We consult then about the formation of a government and yet 1/3 of all places are given to religious organizations. This is disproportionate.

Mr. Thayer: In Southern Korea the workers are 5% of the population and members of religious groups are 95%.

Mr. Tsarapkin: Then you propose to give 95% to religious groups? This is not a political approach but a religious approach.

Mr. Thayer: But such representation would correspond with the will of the masses.

Mr. Tsarapkin: I shall make a draft and submit it to you.

Mr. Thayer: Mine is a good list, corresponding to the actuality. I advise you not to read newspapers, but to talk to people.

Mr. Tsarapkin: I offer you a like advise.

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DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

MINUTES OF MEETING OF SUBCOMMISSION #1 - 3 MAY 1946

Present - Mr. Thayer (Chairman), Mr. Tsarapkin, Mr. Krostov and Mr. Khomianin, Lt.Col. Benton

Testimony was presented by Lt. Col. Larwood O. Benton, Provincial Deputy Military Governor of Kyong Sang Namdo, who, as a district governor in Cholla Pukto, attempted to utilize the local farm organizations in setting up local government. According to Lt. Col. Benton, the Farmers' Alliance group was a great disappointment to him in this work. The leader of the organization in the Hamoon District was an ex-Japanese air force pilot and not a farmer. His claim that it included 95% of the population of the district was proved to be absurdly exaggerated. The organization was run by a small group of unemployed repatriates from Japan, Manchuria and Korea. A large part of the activities of the group consisted of military training (drill with wooden guns, etc.). Few, if any farmers belonged to this organization, no more than 2-3 percent in the rural districts, and possibly 5-6% in the cities and towns.

The organization did not represent farmers but was in fact a cloak for exploiting farmers for the benefit of the non-farmers who ran the organization. Farmers were forced to join the organization by force. Armed individuals collected tribute from individual rich farmers, threatening them with death. In several instances the Alliance attempted to seize Military Government police stations, beating up the Korean policemen and even the police chiefs. Very large sums of money were sometimes extorted by violence, and individuals were sometimes forced to leave the district after their women were raped and their houses razed.

In Chonju and later in Kyong Sang Namdo, the Farmers' Alliance conducted a systematic campaign to prevent farmers from delivering rice to collection points by confiscating rice after beating up farmers who attempted to effect deliveries.

Mr. Thayer asked whether many women belonged to the Farmers' Alliance. Lt. Col. Benton stated that he knew of none; the only relationship between the Farmers' Alliance and women was the fact that women frequently complained to the Military Government about their husbands being beaten up by the organization.

SECRET

DECLASSIFIED
State Dept Instr. 12 Apr and 8 July 1976
NARS, Date APR 02 1977

1-13

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

. r. Thayer asked whether in Lt. Col. Benton's view the Farmers' Alliance had any political backing, that is to say, whether it represented a large proportion of the people. Colonel Benton stated that it represented an extremely small minority. Certainly, it did not represent the population in the area he governed which included 39 guns. In not one of them could the Farmers' Alliance represent more than 10 percent of the people.

r. Thayer asked whether the Alliance was particularly outspoken against the landlords or whether it also persecuted tenant farmers.

olonel Benton: The Alliance does not represent land-owning farmers. However, a few tenants participate in it, largely because of bad economic conditions. Nevertheless, the Farmers' Alliance members frequently beat up tenant farmers, also forcing them to march in parades, to pay various assessments and to contribute rice.

r. Thayer: Has any improvement been noticed lately in the activities of that organization?

olonel Benton: The Alliance is on its way out. The people are deserting it like rats deserting a sinking ship. The farmers are now convinced that the Farmers' Alliance is a gestapo-like organization collecting rice and money by violence and trying to force a type of government on the people which they do not want. Farmers who were at first afraid to complain about the activities of the Alliance will now do so openly.

. Tsarapkin: Although a clear picture has been painted of criminal types attacking honest farmers including tenants, I feel that Colonel Benton is not describing the organization I referred to earlier which has 3-1/2 million members. I cannot disprove what Colonel Benton has just told us but he has not convinced me that the Korean Farmers' Alliance is a gestapo gangster-like organization. It may include occasional criminal elements, but I speak of the millions of peasants which it represents. It does occasionally happen that criminal elements use the name of a respectable organization for their own nefarious purposes.

Colonel Benton was asked whether he knew of any other Farmers' Alliance. Mr. Tsarapkin said that he had in mind the Korean Peasant Alliance consisting of 3-1/2 million members headed by Pak Hay Yong. Colonel Benton repeated that he knew of no other Farmers' Alliance but

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

according to his information the membership frequently overlapped with such organizations as Young People's Committee and the General Women's Association. Occasionally, also, Farmers' Alliance members participated in the People's Committees. Mr. Tsarapkin asked for a list of parties included in the Representative Democratic Council and Mr. Thayer informed him that such a list had been prepared and he could furnish a copy later in the day. Mr. Tsarapkin also transmitted to Mr. Thayer information from the Soviet Military Command in Pyongyang stating that no Christian groups had registered declarations with it although some such groups were known to be in existence.

Mr. Thayer informed Mr. Tsarapkin that he had given him a list of 20 parties. At Mr. Tsarapkin's suggestion, he had removed parties 1, 2, 18 and 19 of the original list and had added the Women's Union and the Youth Organization. He had thus added two of the groups suggested by Mr. Tsarapkin. He suggested it was time to begin agreeing on the composition of the final list for North and South. Mr. Tsarapkin stated that he had already given the list of all parties which he insisted should be included from the South. Mr. Thayer stated that of the proposed parties not already added, two were extremely small, one was a branch of a northern party, one was a Trade Union, one was a Farmers' Union. The Farmers' Alliance was unacceptable to the American Delegation because of its present non-democratic character. Comparable doubts existed as to the Trade Union group. The New Korean People's Party was a branch and no branches should be included. The Nationalist Revolutionary Party was so small that it had little influence and it was not one of the principle parties of South Korea. He also inquired if the additional two northern parties would be included if they signed the declaration, but Mr. Tsarapkin pointed out that the deadline had passed. Mr. Thayer then pointed out that Mr. Tsarapkin wanted to add 7 parties to the southern list while he did not accept any from the North. Mr. Tsarapkin retorted stating that all the Northern parties had submitted their declarations immediately after the publication. Mr. Thayer wanted to know on what authority, if any, a deadline had been set. Mr. Tsarapkin answered that this had not been necessary, that all the declarations had been delivered very quickly.

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

He pointed out again that Mr. Thayer had not included in his list the largest northern party--the Democratic Party of North Korea. Mr. Tsarapkin then summarized the list for the South stating that only 4 parties had been included from the Democratic Front and that the National Revolutionary Party, the New Korean People's Party, the Labor Group and the Farm Group and the Cultural organization had not been included. Mr. Thayer objected to the Labor Group stating that it was not important and not sincere in its activity. There were other Labor groups as large as the one mentioned which would have to be included in which case there would be 3 organizations representing the Industrial Workers who, however, did not form any significant proportion of the population. 3 out of 19 was entirely too much representation for labor. Mr. Tsarapkin reiterated that in his view the All-Korean Federation of Labor should be represented in the list.

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

MINUTES OF MEETING OF SUBCOMMISSION #1 - 3 May 1946

Present - Mr. Thayer (Chairman), Mr. Prostov, Mr. Tsarapkin, and Mr. Khomianin.

Remarks on the Combined List of Parties No. 3, submitted by Mr. Thayer.

Mr. Tsarapkin pointed out that the list contained ten religious organizations but did not include the workers', peasants', women's and youth organizations which he had mentioned.

Mr. Thayer remarked that there were three women's organizations in his list and only one in Mr. Tsarapkin's list.

Mr. Tsarapkin insisted that the labor group and the youth group of the Democratic Front should also be included. "You must admit that the North and South parties act independently from one another, consequently both schools of thought must be represented. The Communist Party is one of the most influential parties in the South. Why do you insist that either it or the youth organization should be represented in the list?"

Mr. Thayer: Why should a small Communist Party have two places? We allowed it and the New Korean People's Party to function in the South though you don't allow any southern party to function in the North?

Mr. Tsarapkin: We are speaking of lists and not of parties. What you say, that some cannot function in the North, is (a) disputable, and (b) irrelevant. You include many small parties and omit some large parties. The New Korean People's Party and the Communist Party are large.

Mr. Thayer: The Communist Party is relatively small though it is one of the best organized parties. It has little genuine popular support.

Mr. Tsarapkin: The list should include more of the Democratic Front parties.

Mr. Thayer: If the Korean Independence Party, one of the largest in Korea, could have a northern branch, and a place on your list, we could discuss the inclusion of two branches of the Communist Party. We allowed Han Bin to come to the South and organize--but this does not mean that he can

DECLASSIFIED
State Dept Instr. 12 Apr and 8 July 1976
By FWB/Bau NARS, Date APR 02 1977

DECLASSIFIED
NND 760090
By NARS, Date

have two representatives on the list. No southern parties are permitted to work in the North.

Mr. Tsarapkin: There is no fertile ground for such parties in the North because they all oppose the Moscow Decision.

Mr. Thayer: In the South the parties are free; from the very beginning they have expressed their opposition to the Moscow Decision even though we carefully explained the meaning of the Decision. Nearly 600,000 Koreans who have left the North to come to the South all say that the population in the North is against trusteeship.

Mr. Tsarapkin: How many? Quite a few people are coming North from the South too as you know.

Mr. Thayer: I am saying that 600,000 people who left the North are in opposition to trusteeship.

Mr. Tsarapkin: It is possible that they left for some other reason. But this is irrelevant. We can examine these claims later. This question is not within our competence. We select only the largest parties for inclusion. The people support them.

Mr. Thayer: Paragraph 6 of our agreement on consultation provides for the freedom of parties to work in North and South Korea. Southern parties must be allowed to work in the North.

Mr. Tsarapkin: This does not follow.

Mr. Thayer: It is what our agreement says.

Mr. Tsarapkin: Because of existing conditions there is no connection between the two zones. This paragraph is applicable to each zone separately as it is stated in paragraph 1, "acting in southern or northern Korea."

Mr. Thayer: Because they are not allowed in the North, you cannot have both your parties in the South and bar others from the North. If northern parties are permitted in the South, southern parties must be permitted in the North.

Mr. Tsarapkin: There are no party branches. All are independent parties.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Mr. Thayer: I have here a document mastheaded: "The Northern Branch of the Communist Party." That is all I have to say on the subject now. Either all parties are free to work in both zones and be represented in both lists or US parties can be on both lists. As to the labor and farmer groups, I have abstained from expressing one thing about them. Both here in Korea as in the U.S. there are parties which are not democratic in their actions.

Mr. Tsarapkin; (interrupting) Like Moseley's group in England?

Mr. Thayer: Yes - like the Ku Klux Klan. So long as they do no harm it is all right with us. When they do illegal things their leaders are arrested. Here in the South there are such organizations chiefly in the People's Front which act in a non-democratic fashion. So long as that does no harm we leave them alone. We feel that they must gradually learn how to utilize their freedom. When they commit illegal acts we arrest those responsible, but the organizations are not generally molested. In this category we include the Trade Union Federation which once illegally closed several textile factories during a strike.

Mr. Tsarapkin: Do you practice anti-strike laws here?

Mr. Thayer: They prevented the majority of employees from working. They could strike but they could not interfere with others who did not want to strike. Because of this they have lost their influence with the masses, for the factories were making badly needed warm clothing for the people.

As to the Farm Union, it is a small scale terroristic organization. Many member have been imprisoned, but the organization although non-democratic and uninfluential is still legal.

Mr. Tsarapkin: I am amazed by your approach. It is inconsistent with our ideas of democracy. Whenever we speak of labor, farm and youth organizations belonging to theDemocratic Front you invariably find them non-democratic. Is that a coincidence?

Mr. Thayer: We have on our list two Front organizations, the Women's and Youths Groups. Both are influential, and fairly democratic though small. Neither of these have been accused of illegal acts, but it

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NND 760090
By NARS, Date

is different with the labor and farmer organizations which have behaved badly.

Mr. Tsarapkin: If a labor organization struggled for its rights (I have no evidence or documents at hand) and if there were strikes, this was the best method usually available to labor whenever its interests were persecuted. If they have used such methods they should not be accused of being non-democratic.

Mr. Thayer: Although they have the right to strike, they have no right to prevent the others from working. The factories affected were not private but public like the factories in the U.S.S.R. If I remember correctly the last strikes in the Soviet Union was in 1923.

Mr. Tsarapkin: Your comparison is unfortunate. We cannot compare Korea with the U.S.S.R. Japan and the Soviet Union were built on different principles. If such methods were used by the workers in Korea this cannot be used to accuse them of being non-democratic.

Mr. Thayer: No, I am merely saying that this strike has lost the party its influence.

Mr. Tsarapkin: This is merely an assumption.

Mr. Thayer: This is a conclusion of our experts.

Mr. Tsarapkin: If we exclude a large, serious organization we shall be completely undemocratic.

Mr. Thayer: Serious? Those who say that the U.S. Military Government is Fascist, are they serious?

Mr. Tsarapkin: I don't know the facts, but opposition to the policies of military government cannot be used to accuse parties of being non-democratic.

Mr. Thayer: I am not discussing at this moment whether it is undemocratic. I am asking whether you can call this organization serious? When I speak of facts I have proofs, and these are indisputable facts. Here is a document put out by the organization you favor which says in so many words - in large print "American Military Government is Fascistic."

Mr. Tsarapkin: We can't accuse them of being non-democratic.

Mr. Thayer: Is it a serious minded organization?

Mr. Tsarapkin: Do you admit freedom of speech?

DECLASSIFIED
NND 760090
By NARS, Date

Mr. Thayer: People can say what they like but those who speak thus are not serious. What would you do in the North if an organization telegraphed to Stalin and asked him to remove Shtikov because he is a Fascist?

Mr. Tsarapkin: If we encounter any protests against the Soviet military authorities in the North, we do not consider them as attacks against the Soviet Union but only against individuals. I don't know under what circumstances the document you referred to was produced, but even so I cannot take isolated expressions out of the context as proof. You cannot treat a large organization like that. We must find out how they complained against the Military Government.

Mr. Thayer: Haven't you read the newspapers?

Mr. Tsarapkin: There was nothing prejudicial about their actions. You remember the dissatisfaction with AMGOT.

Mr. Thayer: They may say that they dislike Military Government, but they cannot say that it is Fascist and still claim to be a serious politically educated group. We can only judge a party by its pronouncements. If these are absurd, we cannot pretend the party is otherwise. You yourself are anxious to exclude parties because of what they say about trusteeship.

Mr. Tsarapkin: I say that criticism of military government cannot be the basis for exclusion. There is no doubt that they are a serious organization. My opinion is that they are a true labor organization--a Federation of Trade Unions--it should find a place on the list.

Mr. Thayer: Have you received yet any information on the Presbyterian and Methodist organizations in the North?

Mr. Tsarapkin: Such organizations are unknown to the Soviet Command. They have not applied for registration.

Mr. Thayer: It is strange that they are unknown. We have furnished you the exact names under which they were registered with the Soviet authorities.

I insist that the New Korean People's Party is merely a branch. Why should that one party have two mandates?

Mr. Tsarapkin: We should hear both sides.

Mr. Thayer: They operate under the same direction.

Mr. Tsarapkin: I had to defend the Moscow Decision in our discussions. Now I see that I must defend the interests of the people of the South.

DECLASSIFIED
NND 760090
By NARS, Date

Mr. Thayer: We want all possible political schools to be represented, but not several representatives from one.

Mr. Tsarapkin: You want to exclude some political schools of thought in the South.

Mr. Thayer: They are not independent schools of thought.

Mr. Tsarapkin: They are independent. They have 180,000 members. All this has been published by most of the newspapers of 30 April.

The New Korean People's Party is a rapidly growing one.

Mr. Thayer: Han Bin is the chief of both branches of the party. He is so registered in Pyongyang and Seoul. We must give all parties and schools a place on the list - but not two places to one party.

Mr. Tsarapkin: It has 180,000 members.

Mr. Thayer: This figure is incorrect. I have specialists who know more or less what the membership is.

Mr. Tsarapkin: I have no basis for doubting the newspaper reports.

Mr. Thayer: I have already given you the proof regarding the Farmers' Alliance's Membership Claim.

Mr. Tsarapkin: How about the women? The women of the country have awakened to their political responsibilities.

Mr. Thayer: We can't include branches.

Mr. Tsarapkin: This is undemocratic. I would have to accuse you of being non-democratic! As soon as I mention a democratic party you abandon impartiality.

Mr. Thayer: The democratic practice is to give proportionate representation. The National Korean Democratic Party is not twice as large as any other party. If you permit the Korean Independence Party to work and organize in the North, we may consider giving it and other parties two mandates.

Mr. Tsarapkin: (Unintelligible.)

DECLASSIFIED
NND 760090
By NARS, Date

DRAFT:
3 May 1946

~~S E C R E T~~

PROPOSAL OF U.S. DELEGATION - 3 May 1946

A. In connection with the Joint Commission document concerning the manner of consultation with the democratic parties and social organizations and particularly concerning paragraph 2 thereof, the following is agreed:

B. If the representative selected by a democratic party or social organization will not be satisfactory to either one of the delegations because of the questionable legality of his right to speak for the party he claims to represent or because of his attitude toward the Moscow Decision or toward either of the Allies (US-USSR) the Joint Commission will decide the possibility of requesting the democratic party or social organization to appoint a substitute for consultation with the Joint Commission.

C. This agreement is made at the request of the Soviet Delegation which states that:

"If any democratic party or social organization will designate, for consultation with the Joint Commission, a representative who had compromised himself by actively voicing his opposition against the Moscow Decision of the Three Foreign Ministers and against one of the Allies (US-USSR), the Soviet delegation declares that it shall protest against his being consulted with, by the Joint Commission".

D. The American delegation declares that:

"In its view any representative is competent to be consulted whose attitude toward the Moscow Decision is that of his party or organization as indicated in the declaration for consultation published in Communique #5." It was no intention of exercising the prerogative of objecting to any representative the parties or organizations may name.

E. This agreement will not be published.

~~S E C R E T~~

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NND 760090
By NARS, Date

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MINUTES OF SUBCOMMISSION #1 MEETING OF 6 May 1946

Present - Mr. Tsarapkin (Chairman), Mr. Thayer
Mr. Prostov, and Mr. Khomianin

Mr. Thayer's proposed party list (No. 3) was discussed. Mr. Thayer said that Mr. Tsarapkin's proposal on the inclusion of the Democratic Front parties had been taken into consideration and appropriate changes made. Mr. Tsarapkin declared that Mr. Thayer had not given any reasons for excluding some of the northern parties which Mr. Tsarapkin had recommended, at the same time adding two which were not registered by the Soviet Command and officially unknown to it. He declined to include those two on the grounds that they were not registered and had not signed the declaration. Mr. Thayer commented that the question of registration did not arise so long as they signed the declaration, and that perhaps there had been a mistake regarding the latter. Mr. Tsarapkin stated that there could hardly be a mistake in the names of the two parties since a thorough check had been made. He went on to say that the Joint Commission should not drag in any groups since the participation was voluntary. He also commented that the list included only four Southern Democratic Front groups, and insisted that the All Korean South Union and three other Democratic Front groups should be added.

Mr. Tsarapkin: As to the Southern parties you already have included in the list, General Shtikov has quoted Kim Kiu Sik's declaration, in the name of the Korean Representative Democratic Council, pertaining to the admissibility of opposing the Moscow Decision after the provisional government was formed.

Such an official declaration from the Korean Representative Democratic Council, stating the conditions as they are understood by it, is an obvious contradiction of both the Moscow Decision and Communique No. 5. The Soviet Delegation insists that the parties affiliated with the Representative Democratic Council should not be consulted.

Mr. Thayer: After four week's discussion we had finally decided that all parties signing the declaration were eligible for consultation. Am I right in understanding that a new condition has now been added to our agreement by the Soviet Delegation? Am I right in understanding that the Soviet Delegation refuses to consult with any parties affiliated with the Representative Democratic Council because of the May 1st declaration

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NND 760090
By NARS, Date

of Kim Kiu Sik opposing trusteeship?

Mr. Tsarapkin: This official declaration of the Representative Democratic Council annuls the signatures on the declarations they filed in connection with Communique No. 5.

Mr. Thayer: Because of their opposition against the trusteeship?

Mr. Tsarapkin: (interrupting) The Moscow Decision

Mr. Thayer: Kim Kiu Sik's statement does not even mention the Moscow Decision. It expresses in so many words opposition to trusteeship. May I say that the Soviet Delegation will not accept parties expressing opposition to trusteeship?

Mr. Tsarapkin: (interrupting) The whole Moscow Decision.

Mr. Thayer: In view of Kim Kiu Sik's official statement made on behalf of the Representative Democratic Council regarding opposition to trusteeship...

Mr. Tsarapkin: Let's not quibble. The declaration in Communique No. 5 cannot contain any reservations. The Moscow Decision is a single document and opposition to any part of it is opposition to the whole. All parties stating that they will cooperate with the Joint Commission must support the Moscow Decision in toto.

Mr. Thayer: Is this an official declaration of the Soviet Delegation?

Mr. Tsarapkin: I am expressing the official view of the Soviet Delegation.

Mr. Thayer: In view of this statement, I do not feel that there is any sense continuing our discussion.

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NND 760090
By _____ NARS, Date _____

DRAFT:
6 May 1946
Mr. Thayer

S E C R E T

The American delegate on Sub-Commission #1 has informed me that the Soviet delegate on that Sub-Commission has officially stated that in view of the official statement of Dr. KimKiuSik on behalf of the Representative Democratic Council on May 1, the Soviet delegation refuses to consult with any parties which are affiliated with the Representative Democratic Council, despite the fact that they have filed declarations in conformity with Communique #5.

The statement of Dr. Kim KiuSik referred to was, as I understand it, as follows:

[illegible]

May I take this statement as an official statement of the Soviet Delegation?

Subcommission # I

Soviet Drafts

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NND 760090
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Совместная комиссия будет консультироваться с теми [illegible] партиями и общественными организациями, которые заявят о том, что они поддерживают решение конференции Трех Министров в Москве о Корее, включая опеку, [illegible] определено в § 3, а именно:

"... [illegible] помощи и содействия политическому, экономическому и социальному прогрессу корейского народа, [illegible] и установлению государственной независимости Кореи".

[illegible] Совместной комиссии в выполнении [illegible] решения.

S. [illegible]

Agreement
26 April

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NND 760090
By NARS, Date

file -

Совместная комиссия будет консультироваться с теми демократическими партиями и общественными организациями, которые заявят о том, что они поддерживают решение конференции Трех Министров в Москве о Корее, включая опеку, как это определено в § 3, а именно:

"... разработать меры помощи и содействия политическому, экономическому и социальному прогрессу корейского народа, развитию демократического самоуправления и установлению государственной независимости Кореи".

и будут содействовать Совместной комиссии в выполнении Московского решения.

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Final Version

[redacted]

[redacted]

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соображения

К письму излагающему соображения

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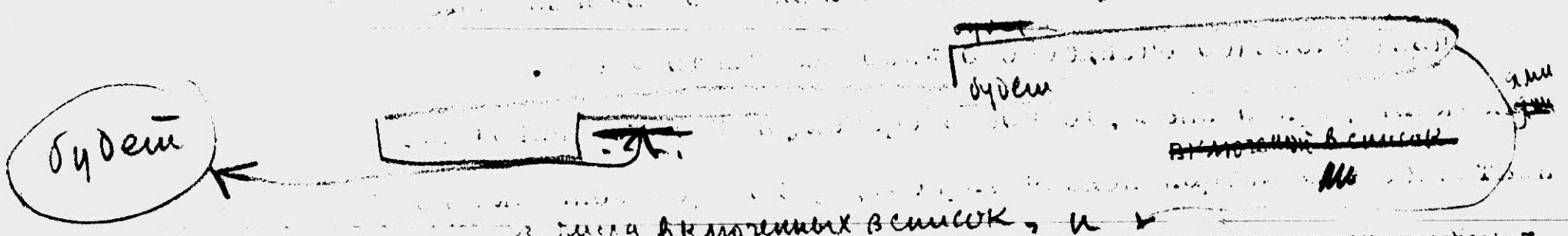

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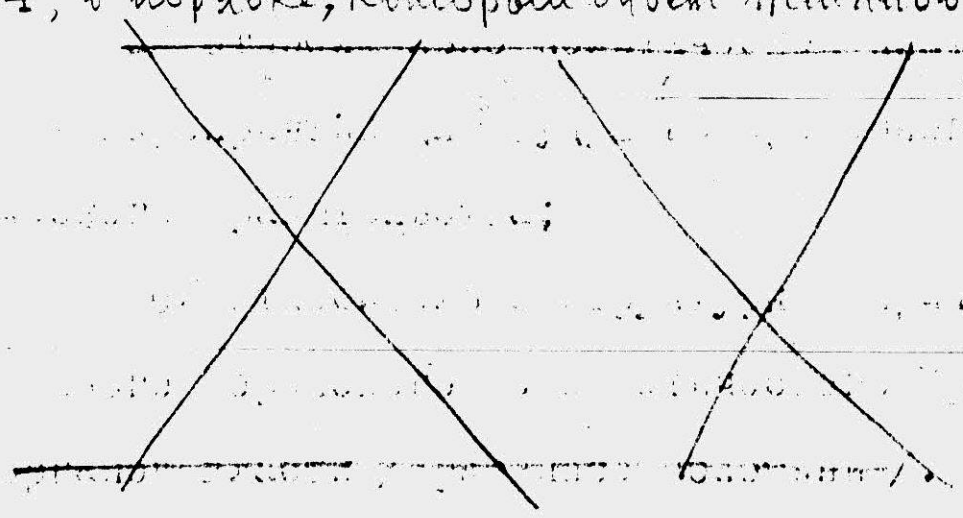
By _____ NARS, Date _____

До вынесения окончательного решения

одно или несколько

вопросы, упомянутые в пункте 4, в порядке, который будет установлен Комиссией позже.



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ПРОЕКТ СОГЛАШЕНИЯ ПОДКОМИССИИ № 1.

1. Руководствуясь решением совместной Советско-Американской Комиссии относительно условий консультации с корейскими демократическими партиями и общественными организациями, Подкомиссия № 1 составляет список примерно 30 главнейших корейских демократических партий и общественных организаций, представляющих различные политические направления как на Севере, так и на Юге Кореи, ~~указывая численность и насколько возможно влияние этих партий и организаций~~ и представляет его на утверждение Совместной Комиссии.

2. После утверждения списков корейских демократических партий и общественных организаций, Совместная Комиссия официальным письмом извещает центральные органы этих партий и общественных организаций о том, что они приглашаются для консультации, для чего им надлежит выделить своих представителей ~~из~~ числа членов партии или организации, не скомпрометировавших себя активными выступлениями против Московского решения и против союзников.

3. Выделенные представители всех демократических партий и общественных организаций Южной Кореи приглашаются на заседание Совместной Комиссии. Председательствует на данном заседании в Сеуле - Глава Советской Делегации и на аналогичном заседании в Пхеньяне - Глава Американской делегации. С сообщением от

выработанным Комиссией

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NND 760090
By NARS, Date

~~имени~~ Комиссии на таком Совещании выступает Глава той делегации, в зоне которой проводится Совещание. В дальнейшем, повестка дня таких об"единенных заседаний Комиссии с представителями партий и общественных организаций утверждается Комиссией.

На вышеуказанном заседании Комиссия предлагает корейским Демократическим партиям и общественным организациям через своих представителей представить к назначенному сроку свои соображения:

а/ относительно политической платформы и других надлежащих мероприятий для будущего Временного Корейского Демократического Правительства;

б/ относительно структуры и принципов организации Временного Корейского Демократического Правительства и местных органов власти / Временное Положение/.

4. После этого Совместная Комиссия выезжает в Пхеньян, где проводит аналогичные мероприятия с представителями демократических партий и общественных организаций Северной Кореи.

5. Получив предложения Совместной Комиссии, демократические партии и общественные организации как Южной, так и Северной Кореи обсуждают это предложение в своих центральных органах с представителями своих местных организаций и проводят соответствующую работу среди населения /митинги, собрания и т.п./.

6. Выработанные каждой демократической партией и общественной организацией Южной Кореи соображения и предложения направляются в письменном виде, за подписью своих представителей, в Совместную Комиссию.

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NND 760090
By NARS, Date

7. Совместная Комиссия передает полученные от корейских демократических партий и организаций соображения и предложения для изучения и выработки согласованных предложений в Подкомиссии № 2 и № 3, которые для этой цели создают необходимое количество подкомитетов. Советники, эксперты и технический персонал для работы в подкомиссиях и подкомитетах назначаются Главами соответствующих делегаций.

8. Совместная Комиссия будет консультироваться в индивидуальном порядке с такими партиями, представившими свои соображения, с какими пожелает любая из обоих делегаций. Таким же образом, подкомиссий

подкомиссии и подкомитеты в процессе изучения предложений корейских демократических партий и общественных организаций и выработки своих согласованных предложений для Комиссии могут, по обоюдной договоренности председателей соответствующих подкомиссий, приглашать на свои заседания представителей партий и общественных организаций, с которыми они сочтут нужным посоветоваться или выяснить какой-либо вопрос.

9. Демократические партии и общественные организации Северной Кореи посылают своих представителей с выработанными предложениями в Сеул, для представления их Комиссии. Комиссия по предложениям демократических партий и общественных организаций Северной Кореи проводит аналогичную работу и в том же порядке, как и по предложениям демократических партий и общественных организаций Южной Кореи.

10. Выработанные подкомиссиями согласованные предложения передаются на рассмотрение Совместной Комиссии, которая рассматривает эти предложения и дает им свое предварительное одобрение.

11. После этого Комиссия созывает об"единенное заседание с представителями демократических партий и общественных организаций как Южной, так и Северной Кореи и ставит на обсуждение

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NND 760090
By _____ NARS, Date _____

11. Тогда, когда она сочтет это своевременным, Совместная Комиссия образует представительную группу делегатов из числа демократических партий и общественных организаций, предложивших свои соображения о правительственной структуре, политической платформе, и личному составу правительства. Эта группа будет содействовать ~~предварительно одобренные ею предложения:~~ с Совместной Комиссией в ~~составлении~~ подготовке ею своих рекомендаций по ~~а/ относительно политической платформы и других мероприятий для будущего Временного Корейского Демократического Правительства;~~ этим вопросам. (вышеуказанным)

~~б/ относительно структуры и принципов организации Временного Корейского Демократического Правительства и местных органов власти /Временное Положение/.~~

12. После обсуждения этих предложений на совместном заседании Комиссия назначает редакционную комиссию, которой дает необходимые указания относительно составления окончательного текста рекомендаций по указанным вопросам. Выработанные редакционной комиссией тексты утверждаются Комиссией.

13. После утверждения текста рекомендаций представленных редакционной Комиссией, Совместная Комиссия переходит к обсуждению вопросов ,относящихся к образованию Временного Корейского Демократического Правительства.

x x xx xx

Все остальные партии, не вошедшие в список, но выполняющие условия о консультации, согласованные Комиссией,будут приглашены представить свои соображения Совместной Комиссии по структуре Правительства, политической программе и персональному составу Правительства, адресовав свои заявления в Штаб Комиссии в Сеуле. Их письменные заявления должны сопровождаться подписанной декларацией о согласии с условиями о консультации, согласованными Комиссией, а также кратким заявлением о характере, целях и предполагаемом количестве сторонников данной партии или организации.

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Hapkins
Think this is Soviet Paper!
SC#1

~~Секретно.~~

Проект.

ПЕРЕЧЕНЬ

вопросов Советской делегации для корейских демократических партий и общественных организаций относительно политической платформы Временного Корейского Демократического Правительства.

1. Какие права корейских граждан должны быть провозглашены политической платформой Временного Корейского Демократического Правительства.

2. Какие должны быть предприняты меры для искоренения последствий длительного японского господства в Корее и борьбы с реакционными и антидемократическими элементами.

3. Какова должна быть политика Временного Корейского Демократического Правительства в отношении помещичьего землевладения и феодальной системы землепользования.

4. Как должно Правительство поступить с крупной промышленностью, банками, недрами, лесами и железнодорожным транспортом.

5. Каковы должны быть меры в отношении развития сельского хозяйства, промышленности и транспорта для повышения благосостояния корейского народа.

6. Что нужно предпринять для обеспечения промышленности, сельского хозяйства, транспорта, государственного аппарата и т.п. кадрами корейских специалистов и квалифицированных рабочих.

7. Какие меры должны быть проведены для улучшения условий труда, установления минимума зарплаты, организации социального страхования и охраны труда и введения охраны детского и женского труда.

8. Какова должна быть политика Правительства в области народного образования и развития корейской национальной культуры.

9. Какие мероприятия необходимо провести в области финансовой и налоговой.

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10. Какую нужно проводить политику в области торговли и цен и как вести борьбу с ростовщичеством и спекуляцией.

11. Что должно сделать Правительство для выработки корейского кодекса законов, установления судопроизводства на корейском языке и демократизации судебных органов.

12. Как должно быть организовано здравоохранение.

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Sub Com. no. 1 – 4th Soviet draft, discussed in the morning meeting, 22 April, and incorporated, with correction, in *

Проект Советской делегации от 19 апреля 1946 года /четвертая редакция/

ПРОЕКТ СОГЛАШЕНИЯ ПОДКОМИССИИ № 1

1. Руководствуясь решением Совместной Советско-Американской Комиссии относительно условий консультации с корейскими демократическими партиями и общественными организациями, Подкомиссия № 1 составляет список примерно 30 главнейших корейских демократических партий и общественных организаций, представляющих различные политические направления как на Севере, так и на Юге Кореи, учитывая численность и, насколько возможно, влияние этих партий и организаций, и представляет его на утверждение Совместной Комиссии.

Составление указанного списка по партиям и общественным организациям, осуществляющим свою деятельность на Юге Кореи, производится в Сеуле незамедлительно по утверждении Комиссией настоящего соглашения. Включение в список партий и общественных организаций, осуществляющих свою деятельность на Севере Кореи, будет произведено в соответствии с пунктом 5 настоящего соглашения, т.е. по выезде Совместной Комиссии в г.Пхеньян.

2. После утверждения списка корейских демократических партий и общественных организаций, Совместная Комиссия официальным письмом извещает центральные органы этих партий и общественных организаций о том, что их партия или организация приглашается для консультации, для чего им надлежит выделить своих представителей из числа членов партии или организации, не скомпрометировавших себя активными выступлениями против Московского решения и против Союзников. Партии и общественные организации снабжают выделенных ими представителей

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надлежащими полномочиями и официально уведомляют Комиссию о выделенном представителе или представителях, сообщая их фамилии и имена, год рождения и положение, занимаемое ими в партии или в общественной организации.

3. Корейским демократическим партиям и общественным организациям как Северной, так и Южной Кореи, не вошедшим в список, указанный в пункте 1, и которые выполняют условия о консультации, опубликованные Комиссией, тоже будет предоставлена возможность представить свои соображения Совместной Комиссии по вопросам, перечисленным в пункте 4.

Свои соображения указанные партии и организации должны направить в адрес Совместной Комиссии в Сеуле (1). К письму, излагающему соображения, должны быть приложены письменная декларация, подписанная руководством партии или организации в соответствии с условиями о консультации, опубликованными Комиссией, а также краткие сведения о своей программе и общем количестве членов.

4. После проверки Комиссией полномочий представителей демократических партий и общественных организаций Южной Кореи, Комиссия созывает совместное заседание, на которое приглашает указанных представителей партий и общественных организаций Южной Кореи. Председательствует на данном заседании в Сеуле - Глава Советской делегации и на аналогичном заседании в Пхеньяне - Глава Американской делегации. С сообщением, выработанным Комиссией, от имени Комиссии на таком совещании выступает Глава той делегации, в зоне которой проводится совещание. В дальнейшем повестка дня таких объединенных заседаний Комиссии с представителями партий и общественных организаций утверждается Комиссией.

На первом совместном заседании в Сеуле Комиссия оглашает список партий и общественных организаций Южной Кореи и их предста-

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вителей, с которыми Комиссия будет консультироваться, и зачитывается выработанное подкомиссией № 1 настоящее соглашение о порядке консультации. Затем Комиссия предлагает корейским демократическим партиям и общественным организациям через их представителей представить к назначенному сроку свои соображения:

а/ относительно политической платформы и других надлежащих мероприятий для будущего Временного Корейского Демократического правительства;

б/ относительно структуры и принципов организации Временного Корейского Демократического Правительства и местных органов власти /временное положение/.

5. После этого Совместная Комиссия выезжает в Пхеньян, где проводит аналогичные мероприятия с представителями демократических партий и общественных организаций Северной Кореи.

6. Получив предложение Совместной Комиссии, демократические партии и общественные организации как Южной, так и Северной Кореи обсуждают это предложение в своих центральных органах и с представителями своих местных организаций и проводят соответствующую работу среди населения /митинги, собрания и т.п./.

7. Выработанные каждой демократической партией и общественной организацией Южной Кореи соображения и предложения представляются в письменном виде, за подписью своих представителей, в Совместную Комиссию.

8. Совместная Комиссия передает полученные от корейских демократических партий и организаций соображения и предложения для изучения и выработки согласованных предложений в Подкомиссии № 2 и № 3, которые для этой цели создают необходимое количество подкомитетов. Советники, эксперты и технический персонал для работы в Подкомиссиях и подкомитетах назначаются Главами соответствующих делегаций.

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9. Совместная Комиссия будет консультироваться отдельно с представителями той или иной корейской демократической партии и общественной организации из числа включенных в список и, с обоюдного согласия Глав делегаций, с представителем той или иной демократической партии или общественной организации как Северной, так и Южной Кореи, которая представила Комиссии свои соображения.

Подкомиссии и подкомитеты в процессе изучения предложений корейских демократических партий и общественных организаций и выработки своих согласованных предложений для Комиссии могут, по обоюдной договоренности председателей соответствующих подкомиссий, приглашать на свои заседания представителей партий и общественных организаций, с которыми они сочтут нужным посоветоваться или выяснить какой-либо вопрос.

10. Демократические партии и общественные организации Северной Кореи посылают своих представителей с выработанными предложениями в Сеул, для представления их Комиссии. Комиссия по предложениям демократических партий и общественных организаций Северной Кореи проводит аналогичную работу и в том же порядке, как и по предложениям демократических партий и общественных организаций Южной Кореи.

11. Выработанные Подкомиссиями согласованные предложения передаются на рассмотрение Совместной Комиссии, которая рассматривает эти предложения и дает им свое предварительное одобрение.

12. ~~До вынесения окончательного решения~~ Комиссия, когда она сочтет это своевременным, созывает одно или несколько об"единенных заседаний с представителями демократических партий и общественных организаций как Южной, так и Северной Кореи и ставит на обсуждение вопросы, перечисленные в пункте 4, в порядке, который будет установлен Комиссией позже.

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13. Вся работа Комиссии с корейскими демократическими партиями и общественными организациями, предусмотренная пунктами 2, 3, 4, 6 и 9 настоящего соглашения, проводится Совместной Комиссией на равных основаниях как с партиями и общественными организациями Южной Кореи, так и с партиями и общественными организациями Северной Кореи. Эта работа по партиям и общественным организациям Южной Кореи проводится в г.Сеуле, а по партиям и общественным организациям Северной Кореи - в г.Пхеньяне, куда Комиссия будет выезжать, когда она сочтет это целесообразным.

14. После обсуждения предложений на совместном заседании, Комиссия назначает редакционную комиссию, которой дает необходимые указания относительно составления окончательного текста рекомендаций по указанным вопросам. Выработанные редакционной комиссией тексты утверждаются Комиссией.

15. После утверждения текстов рекомендаций, представленных редакционной комиссией, Совместная Комиссия переходит к обсуждению вопросов, относящихся к образованию Временного Корейского Демократического правительства.

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ДОКЛАД ПОДКОМИССИИ № 1

относительно обсуждения условий, предъявляемых к политическим партиям и общественным организациям, с которыми будет консультироваться Комиссия.

Представитель Советской делегации предложил два условия, которым должны отвечать партии и организации, с которыми будет консультироваться Комиссия:

1. Демократические партии и общественные организации, с которыми будет консультироваться Совместная Комиссия, должны быть официально признанными.

2. Совместная Комиссия не должна консультироваться с теми партиями и группировками, которые выступают против решения Московского Совещания трех Министров о Корее.

По пункту 2 не было достигнуто соглашения, обсуждение пункта 1 также не было закончено.

В ходе обсуждения второго условия, американский представитель высказал критическое замечание, что это условие сформулировано в негативной форме и заметил, что в качестве условия важно отметить, что партии и общественные организации будут сотрудничать с Комиссией, т.е. оказывать Совместной Комиссии содействие в выполнении ею § § 2 и 3 Московского решения о Корее.

Учитывая эти замечания американского представителя, Советский представитель изменил первоначальную редакцию второго условия, изложив ее в позитивной форме, а именно:

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"Совместная Комиссия должна консультироваться с теми демократическими партиями и общественными организациями, которые полностью поддерживают решение Московского Совещания трех Министров о Корее и содействуют Совместной Комиссии в выполнении этого решения".

По первому условию Советский делегат раз"яснил, что официально признанными следует считать те партии и организации, которые известны корейскому народу по их деятельности, по печати, имеют свои центральные руководящие органы, известны Советскому Командованию на Севере и соответственно Американскому Командованию на Юге Кореи по их регистрации и мероприятия которых поддерживаются народом.

В обоснование необходимости пред"явления корейским партиям и общественным организациям второго условия Советский делегат высказал следующие соображения:

1. Совместная Советско-Американская Комиссия учреждена и призвана для того, чтобы выполнить § § 2 и 3 Московского решения о Корее, а именно:

а/ оказать содействие образованию Временного Корейского Правительства и для предварительной разработки соответствующих мероприятий;

б/ разработать такие меры помощи и содействия /опека/ политическому, экономическому и социальному прогрессу корейского народа, развитию демократического самоуправления и установления государственной независимости Кореи.

2. Осуществляя порученную ей работу, Комиссия должна консультироваться с корейскими демократическими партиями и общественными организациями. Само собой разумеется, что Комиссия

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включая помощь и содействие
(опеку)

должна привлекать к консультации и заслушивать мнения и предложения только тех партий и организаций, которые согласны с Московским решением и полностью его поддерживают. Иначе и не может быть, ибо содержанием работы Комиссии является выполнение Московского решения и ни что иное. Следовательно, Комиссия в своей работе должна полагаться и принимать во внимание мнения и предложения тех корейских партий и организаций, которые полностью поддерживают ту программу возрождения корейского независимого государства, которая зафиксирована в Московском решении. Только при таком условии наша Комиссия сможет иметь гарантию, что Московское решение в отношении Кореи будет выполнено точно и будущее Кореи, как самостоятельного демократического государства, будет обеспечено.

3. Комиссия не должна консультироваться с теми партиями и организациями, которые выступают против Московского решения, потому, что обязанностью Комиссии является выполнение Московского решения и для этого ей надо рассмотреть и учесть мнения и предложения корейских партий и организаций по вопросам, прямо относящимся к §§ 2 и 3 Московского решения. Вполне очевидно, что с теми партиями и организациями, которые выступают против Московского решения, Комиссии консультироваться не о чем.

При обсуждении второго условия Американский делегат заявил, что если Комиссия не будет консультироваться с теми партиями, которые выступают против Московского решения /против § 3/, то тогда Комиссии не с кем будет консультироваться на Юге Кореи, так как, по его мнению, на Юге Кореи нет таких партий и организаций, которые

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полностью поддерживали бы Московское решение, во всяком случае, ему такие партии и организации не известны. Советский делегат возразил, заявив, что на Юге Кореи есть такие партии и организации, которые стоят на позиции полной поддержки Московских решений о Корее. Представитель Американской стороны указал затем, что по его мнению для Комиссии важным является не то, поддерживают ли или не поддерживают приглашаемые Комиссией к консультации партии и организации Московское решение, а то, будут ли они сотрудничать или нет с Комиссией в выполнении этого решения.

Советский представитель считает, что Московское решение является базой, основой работы Комиссии и без поддержки этих решений со стороны приглашаемых к консультации партий и организаций работа Комиссии неизбежно окажется неэффективной и успеха не достигнет.

Американский представитель в подкомиссии заявил, что подобное условие / о необходимости поддержки Московского решения/ для партий и организаций, с которыми Комиссия должна консультироваться не упоминалось и не подразумевалось в Московском решении, что он рассматривает применение этого условия, как превышение власти со стороны Комиссии, и что он не видит никакой необходимости требовать от партий поддержки Московского решения при том условии, что партии, с которыми будет консультироваться Комиссия, действительно демократичны в своих целях и методах и готовы сотрудничать с Комиссией и поддерживать ее в выполнении ее задач. Американский представитель считает, что неприязненное отношение к § 3

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By NARS, Date

Московского решения, где говорится об опеке, является совершенно естественной реакцией каждого корейского патриота, и при условии лояльного подчинения с его стороны решениям Комиссии и желания провести эти решения в жизнь, ничего больше от него и не требуется.

Советский делегат считает, что пред"явление второго условия к партиям и организациям, с которыми Комиссия будет консультироваться, вовсе не является превышением полномочий Комиссии, а прямо вытекает из самого Московского решения, ибо само собой разумеется, что предметом консультации с партиями и организациями будет не дискуссия о том, согласны или не согласны партии и организации с § 3 Московского решения, предусматривающим разработку мер помощи и содействия /опека/ политическому, экономическому и социальному прогрессу корейского народа, развитию демократического самоуправления и установлению государственной независимости Кореи. Вопрос этот для корейского народа ясен, он к нему относится положительно и полностью поддерживает эту программу. Смысл консультации Комиссии с демократическими партиями и организациями заключается в том, чтобы дать им возможность изложить свои взгляды и высказать свои пожелания, как, каким образом по их мнению, лучше было бы организовать выполнение Комиссией Московского решения. Московское решение является органически единым документом, это политическая программа действий союзников в Корее, и мы не можем искуственно разбивать ее на две части.

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NND 760090
By NARS, Date

Это решение должно поддерживаться в целом. С теми же партиями и общественными организациями, которые выступают против какой бы то ни было части Московского решения, не поддерживают его, Совместной Комиссии консультироваться не о чем.

Американский представитель заявил, что он не считает обязательным применение к партиям и организациям такого условия, чтобы они поддерживали Московское решение, и считает, что не следует отстранять от участия в консультации такие партии и организации, которые выступают против Московского решения. По мнению Американского представителя, эти партии и организации Комиссия может привлечь к консультации при условии, что они дадут заверение в том, что они готовы сотрудничать с Комиссией и поддерживать Комиссию при выполнении ею задач, возложенных на нее §§ 2 и 3 Московского решения.

Окончательным Советским предложением на подкомиссии было:

Совместная Комиссия должна консультироваться с теми демократическими партиями и общественными организациями, которые полностью поддерживают решение Московского совещания трех Министров относительно Кореи и содействуют Комиссии в выполнении этого решения.

Окончательным Американским предложением на подкомиссии было:

Совместная Комиссия будет консультироваться со всеми политическими партиями и общественными организациями, которые действительно демократичны в своих целях и методах и готовы к искреннему сотрудничеству и полной поддержке Совместной Комиссии в выполнении ее задач по § § 2 и 3 Московского решения.

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NND 760090
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Subcommission #1
Drafts

9/1

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

— the three points Mr. H 24 Dec.

U.S. PROPOSAL REGARDING ANNOUNCEMENT ON CONSULTATION

10

In accordance with the recent correspondence between Foreign Minister Molotov and Secretary of State Marshall, agreeing to wide scale Korean participation and respect for freedom of expression, the Joint Commission has reconvened to prepare for presentation to the four signatory powers to the Moscow Decision on Korea, recommendations regarding the formation of a provisional Korean Democratic Government.

2 The Joint Commission has agreed that all democratic parties and social organizations which have a membership of over 1,000, branches in two or more provinces, and which will subscribe to the declaration contained in Communique No. 5, shall be invited for consultation regarding the organization, structure and political platform of the Provisional Democratic Government.

3 All political parties and social organizations meeting the above requirements and wishing to present their suggestions to the Joint Commission are hereby invited to sign the declaration and submit it together with the following information to the Joint Commission not later than 10 June 1947:

1. The full name of the party or organization, together with the address of its central organ, the date of establishment, and the estimated number of members.

2. The full names of a designated representative and an alternate given in Chinese characters and English or Russian transliteration, the place and date of birth, and positions held in the party or social organization, and their home addresses.

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NND 760090
By _____ NARS, Date _____

13 MAY WASHINGTON UP

The text of Marshall's note on Korea was delivered to the Soviet Foreign Office early today:

"I have received your letter of May 7, 1947, and am pleased to note agreement of your government to reconvening of the Joint Commission on the basis of the proposals made in American Commander's letter of December 24, 1946, to the Soviet Commander in Korea. Those proposals authrized by this government are identical in purpose to the statement contained in the second paragraph of my letter of May 2, 1947. I am instructing the American Commander in Korea to make immediate preparations for reconvening the Commission in Seoul.

"A copy of this letter has been sent to the Government of the United Kingdom and China."

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NND 760090
By _____ NARS, Date _____

COPY

CONFIDENTIAL

MOLOTOV LETTER TO SECRETARY MARSHALL DATED MAY 16:

Dear Mr. Marshall:

I acknowledge receipt of your letter of reply dated May 13, 1947. Your statement that you are instructing the American Commander in Korea to make immediate preparations for reconvening the Commission in Seoul, I regard as your agreement to my proposal to resume the work of the Commission on May 20, 1947.

For my part, I inform you that the Soviet Delegation to the Joint Commission is prepared to arrive in Seoul by that date.

I am sending a copy of this letter to the Govts of UK and the Chinese Republic.

Accept, Mr. Secretary of State, the assurances of my highest consideration.

V. M. MOLOTOV

(From State Dept 171135/Z)

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NND 760090
By _____ NARS, Date _____

[illegible] 2
17 [illegible] 1947

[illegible] - USSR JOINT COMMISSION
Seoul, Korea

[illegible]
[illegible] COMMISSION DECISION NO. 4

The Joint Commission established 20 [illegible]rch 1946 at Seoul, Korea, in accordance with Section III (Korea) of the Decision of the Communique of the Moscow Conference of the Three Ministers on [illegible] affairs, agreed upon the following points:

[illegible]

2. The Joint Commission will consult with [illegible] on democratic political parties and social organizations which are truly democratic in character and methods and which will subscribe to the following conditions:

1) [illegible] Koreans that will uphold the aims of the Moscow Decision concerning Korea as stated in paragraph 1 of the decision, namely:

'The establishment of Korea as a united independent state;

The creation of conditions for developing the country on democratic principles, and,

The earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea.'

Further, we will abide by the decisions of the Joint Commission in its fulfillment of paragraph 3 of the Moscow Decision in the formation of a Provisional Korean Democratic Government;

Further, we will cooperate with the Joint Commission in working out by it with the participation of the Provisional Korean Democratic Government, of proposals concerning measures foreseen by paragraph 3 of the Moscow Decision.

Signed _____

representing the _____ Party or Organization." headquarters
Zonal or national headquarters of Central organizations

2. All democratic parties and social organizations of North and South Korea shall be invited to submit applications for consultation with the Joint Commission providing they meet the following conditions:

(1) ~~Are zonal or national in scope,~~ Have branches or in two or more provinces

(2) Have a membership of present of over 1,000. ~~members as of this date.~~

This announcement shall be published in the Korean press and over the radio not later than _____ (date). Following this, applications shall be submitted by the parties and organizations on or before _____ (date) in Seoul or in Pyongyang. The applications of the parties and organizations shall contain the date of ~~registration~~ relative to the announcement and the estimated number of members as of May 20th. It shall be accompanied by a signed copy of the declaration described in 1 above. and the application

names of the proposed representatives and an alternate.

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NND 760090
By _____ NARS, Date _____

3. Upon receipt of these applications, Subcommission No. 1 shall review them in the light of the above criteria and prepare a composite list of democratic parties and social organizations to present to the Joint Commission for final approval.

4. Following the approval of the composite list of the Korean democratic parties and social organizations, the Joint Commission shall notify by official communication the central organs of these parties and social organizations that they are invited for consultation, ~~for which purpose they should designate their representatives~~. The parties and social organizations shall provide their representatives with appropriate credentials. ~~And shall~~ officially notify the Commission, within one week of dispatch of the invitation, of the designation of representative, informing it of their surname and given name in Chinese characters and English transliteration, place and date of birth, and the position held by them in the party or the social organization.

5. Following the verification by the Commission of the credentials of the representatives of democratic parties and social organizations of both zones, the Commission shall convene a joint meeting to which it shall invite such representatives. The head of the senior delegation shall act as the Chairman of this meeting in order of the Chief of the Korean delegation shall preside at an initial session to be held in Pyongyang. A communication worked out by, and in the name of the Commission, shall be presented at such a meeting by the Chief of the delegation of the zone in which the meeting is taking place. At these meetings the representatives of the democratic parties and social organizations shall be handed a questionnaire (Appendix B), and instructed to prepare written answers to be submitted to the Joint Commission at Seoul within 14 days under the signatures of their representative.

6. Following the meeting in Seoul, the Joint Commission shall depart for Pyongyang where it shall carry out with the representatives of democratic parties and social organizations of North Korea all those steps listed in paragraph 5.

7. Upon the Commission's return from Pyongyang, each representative of political parties and social organizations mentioned in paragraph 4 shall be asked to appear before appropriate subcommittees at a designated time to present answers to such questions which the subcommittees may deem it necessary to ask or to provide any further elucidation of the answers submitted that may be desired.

8. In the process of studying the proposals of the Korean democratic parties and social organizations of North and South Korea and the working-out of their coordinated proposals for the Commission, the su commissions and subcommittees may, subject to mutual agreement of the chairmen of the corresponding subcommission, again invite to their meetings at Seoul representatives of parti s and social organizations of North and South Korea with whom they may deem it necessary to converse or to elucidate some question or other.

9. The Joint Commission upon approval of the Chief Commissioner of each Delegation may invite representatives of democratic parties and social organizations and such other persons as are mutually agreed upon to consult with the Joint Commission in a manner to be later determined.

10. The Joint Commission shall transmit to the appropriate subcommissions the proposals and suggestions of the Korean democratic parties and social organizations of North and South Korea for study and preparation of coordinated proposals, for which purpose a necessary number of subcommittees shall be created by the

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DECLASSIFIED
NND 760090
By NARS, Date

subcommissions. The heads of the respective delegations shall appoint the advisers, experts, and technical personnel for the work in the subcommissions and subcommittees.

11. The coordinated proposals worked out by the subcommission shall be submitted to the Joint Commission which shall examine these proposals and shall give its preliminary approval.

12. Democtratic parties and social organizations of both Northern and Southern Korea shall have equal rights and opportunities in consultation with the Joint Commission.

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NND 760090
By _____ NARS, Date _____

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U.S. DRAFT #3
19 May 1947

US - USSR JOINT COMMISSION
Seoul, Korea

PROPOSALS FOR CHANGES IN
JOINT COMMISSION DECISION NO. 4

The Joint Commission established 20 March 1946 at Seoul, Korea, in accordance with Section III (Korea) of the Decision of the Communique of the Moscow Conference of the Three Ministers of Foreign Affairs, agreed upon the following points:

CONDITIONS FOR AND ORDER OF CONSULTATION WITH DEMOCRATIC PARTIES AND SOCIAL ORGANIZATIONS.

1. The Joint Commission will consult with Korean democratic parties and social organizations which are truly democratic in their aims and methods and which will subscribe to the following declarations:

"We _____ declare that we will uphold the aims of the Moscow Decision on Korea as stated in paragraph 1 of this decision, namely:

'The reestablishment of Korea as an independent state.
The creation of conditions for developing the country on democratic principles, and,
The earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea.'

Further, we will abide by the decisions of the Joint Commission in its fulfillment of paragraph 2 of the Moscow Decision in the formation of a Provisional Korean Democratic Government;

Further, we will cooperate with the Joint Commission in working out by it with the participation of the Provisional Korean Democratic Government, of proposals concerning measures foreseen by paragraph 3 of the Moscow Decision.

Signed _____

Representing the _____ Party or Organization"

2. Central headquarters of all democratic parties and social organizations of North and South Korea shall be invited to submit applications for consultation with the Joint Commission providing they meet the following conditions:
(1) Have branches in two or more provinces.
(2) Have a present membership of over 1,000.

This announcement shall be publicized in the Korean press and over the radio not later than _____ (date). Following this, applications shall be submitted by the parties and organizations on or before _____ (date) in Seoul or Pyongyang. The applications of the parties and organizations shall contain the date of ~~registration~~ establishment, the estimated number of members as of May 20th, and the names of a proposed representative and an alternate. These names should include the surname and given name in Chinese characters and English or Russian transliteration, place and date of birth, and the position held by each person in the party or the social organization. The application shall be accompanied by a signed copy of the declaration described in 1 above.

paragraph

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NND 760090
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SECRE.

American Delegation
U.S.-USSR JOINT COMMISSION
Subcommission No. I
APC 235

27 May 1947
1000 Hours

OBSERVATIONS CONCERNING THE PROPOSAL OF THE SOVIET DELEGATION SUBCOMMISSION I REGARDING METHODS OF CONSULTATION

1. In the proposals presented by the Soviet chairman certain passages in the exchange of letters between Foreign Minister Molotov and Secretary of State Marshall some ~~very important~~ of the essential elements were omitted, and the spirit of the agreement was therefore greatly distorted.

I. Molotov's letter, April 19, Part 1:

"The establishment of a provisional democratic Korean Government on the basis of a wide-scale participation of Korean democratic parties and social organizations in order to expedite the political and economic unification of Korea as a self-supporting state independent of foreign interference, which would do away with the division of the country into two zones."

II. Marshall's letter May 2nd in Reply to the Above, Paragraph 2:

"In order to avoid any future misunderstanding with respect to the phrase 'exact execution' I wish to make clear my interpretation of the phrase. In my letter to you of April 8th I stated that the Joint Commission should be charged with expediting its work under the terms of the Moscow Agreement on a basis of ~~responsibility~~ respect for the democratic right of freedom of opinion. In making this statement I had, and have, in mind the well-known position of the government of the United States that Korean representatives of democratic parties and social organizations shall not be excluded from consultation with the Commission on the formation of a Provisional Korean Government, because of opinions they might hold or may have expressed in the past concerning the future government of their country, provided they are prepared to cooperate with the Commission."

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NND 760090
By NARS, Date

SECRET

.... Molotov's letter May 7th, page 2:

. roposal Number 1 to be interpreted as follows:

lining the declaration in Communique Number

5 will be accepted as declaration of good faith with respect

to upholding fully the Moscow Decision and will make the

signatory party or organization eligible for initial consulta-

tion," the Soviet Delegation has added to this statement a

number of superfluous qualifications.)

.. Proposal Number 2 - ... consel or it the right of

... signatory party or organization to appoint the representative

... it believes will best present to the Joint Commission

... views on the implementation of the Moscow Decision. Con-

... ver, ... such representative for good reason is believed

... be ... subject to the implementation of the Moscow Decision

... to ... of the ... cons, the Joint Commission may,

... after ... hearing, require the signatory party to name a

substitute representative. (It may be necessary to explain that

this agreement means that there will be no unilateral exclusion

and that such agreement must be reached in the Joint Com-

mission before asking a party or organization to replace its

representative. The Soviet proposal for some reason omits the first half of this paragraph.)

3. "Proposal Number 3" - it is suggested that it be

reworded as follows: Individuals, parties and social organi-

zations invited for the consultation with the Joint Commission

should not after signing the declaration contained in

Communique Number 5 foment or instigate active opposition to

the work of the Joint Commission or to either of the Allied

Powers or to the fulfillment of the Moscow Decision. Those

individuals, parties and social organizations which after sign-

ing the declaration contained in Communique Number 5 do foment

or instigate active opposition to the work of the Joint

Commission or to either of the Allied Powers or to the fulfill-

ment of the Moscow Decision shall be excluded from further

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NND 760090
By NARS, Date

consultation with the Joint Commission. The decision excluding such individuals, parties and social organizations shall be by agreement of the Joint Commission." (This agreement eliminates exclusion on the basis of statements of opinion, and allows exclusion only on the basis of fomenting and inciting active opposition to the work of the Joint Commission or either of the Allies. It also eliminates unilateral exclusion.)

IV. Attempts to establish basis for exclusion from consultation were the fundamental cause of the breakdown of the ~~last meeting~~ previous session of the Joint Commission.

There appears to be no hope of finding agreement on the basis of exclusion, and attempts to do so will lead to interminable bickering and a waste of the Commission's time which might well be used in consulting with the Korean parties and organizations.

Furthermore, such a procedure violates the basic principles agreed upon by Foreign Minister Molotov and Secretary of State Marshall.

I therefore propose that the United States' proposals for the widest possible consultation be accepted as a basis for our work.

(Remarks to be presented to the Soviet Delegation on Subcommission Number 1 at 1:30, 27 May 1947)

DECLASSIFIED
NND 760090
By NARS, Date

1. The Chairman of Subcommission Number 1 of the American delegation, Minister Arthur C. Bunce, has reported to the Chief Commissioner of the American delegation that Subcommission Number 1 has been unable to reach an agreement on section number 4, which is concerned with the method of consultation with/democratic parties and social organizations.

2. In view of this situation, I have requested that the question of consultation be referred back to the Joint Commission. The United States position is relative to consultation is based upon the belief that there should be wide-spread consultation and that no political parties or social organizations or their representatives should be excluded from consultation because of political views which are in accordance with the principles of democracy. It is my purpose today to make the American position clear so that it may be fully understood by the Joint Commission, the Korean people, and all other peoples of the world.

3. The basis for the American view with respect to consultation is found in the first two sentences of paragraph 2, Section III of the Moscow decision which state: "In order to assist the further development of a provisional Korean democratic government and with a view to the preliminary elaboration of these measures there shall be established a joint Commission consisting of representatives of the United States Command in Southern Korea and the Soviet Command in Northern Korea. In the elaboration of their proposals the Commission shall consult with the Korean democratic parties and social organizations."

4. Therefore, it is clear that the Moscow decision does not provide for exclusion or limitation the number of democratic political parties and social organizations to be consulted by the Joint Commission.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

~~However, in order to meet the~~ Delegation, a compromise formula

3. ~~(which be prefaced by some connecting sentence or~~ leaving the last version

~~issue~~ On 17 April 1946, the Soviet and American delegations to the Joint Commission reached a decision covering consultation with democratic parties and social organizations which was published as Joint Announce No. 5. This decision stated that the Joint Commission will consult with Korean democratic parties and social organizations which are truly democratic in their aims and activities and which will subscribe to the following principles:

"a. ____ declare that we will uphold the aims of the Moscow decision in order to establish [illegible]

[illegible] provisional [illegible]

[illegible] democratic principles, and,

[illegible] earliest possible realization of the Moscow decision in the interests of the entire Korean people.'

Further, we will uphold the decision of the Joint Commission in the formation of a provisional Korean democratic government; further, we will cooperate with the Joint Commission in working out by it with the participation of the provisional Korean democratic government, of proposals concerning measures foreseen by Paragraph 3 of the Moscow decision."

6. However, after six weeks of discussions, on 6 May 1946, the Joint Commission was forced to adjourn when it became evident that it was impossible to reconcile Soviet and American interpretations of the conditions for consultation with Korean democratic parties and social organizations.

7. In his letter to Lt. General John R. Hodge on 26 November 1946, Guard Colonel General I. M. Chistikov advanced the following three proposals as a basis for the re-

DECLASSIFIED
NND 760090
By NARS, Date

sum tion o the work of the Joint Commission:

"1. The oint om ission must consult with those demoer tic parti s and or anizations w ich uphold fully the oscow eclsion on orea.

"2. arties or social or anizati ns invited for consultation with the oint om isei n must not nominate for consultation those re resentatives who have compromised t emselves anti ly volu o osition to the oscow eclsion.

"3. arties or social organizations invited for consult tion with the oint o mmissi n must not and will not a ise o osition or will they incite others to volu osition to the eclaration and the work of the oint om ission. If such b the a ove criteria of social organizations, a mutual understa ding will be reached as to whether they will be invited for consultation with the oint om ission."

5. In reply to a oint letter on 20 ctober 1946, ea h of the o mentators drew attention to the a ove criteria and requested clarification, with the following specific questions:

"Proposal o. 1 will be interpreted as follows:

Individuals or parties to be consulted as to whether they will uphold fully the Moscow decision and will make the signatory party or organization eligible for consultation.

"Proposal o. 2, I consider it the right of a declarant party or organization to a oint the representative which it believes will best present to the oint om ission its views on the implementation of the Moscow ecision. owever, should such representative for good reason be believed to be antagonistic to the implementation of the oscow ecision or to either of the Allied owers, the oint omission, may after mutual agreement, require the declarant party to name a substitute spokesman."

"Proposal No. 3, it is suggested that it be reworded as follows: 'Individuals, parties and social organizations invited for consultation with the Joint Commission shall not after signing the declaration contained in Communique No. 5 foment or in-

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

ati[illegible] active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow decision. Those individuals, parties and social organizations which after signing the declaration contained in Document No. 5 do [illegible] or institute active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow decision shall be excluded from participation in consultation with the Joint Commission. The decision as to which individuals, parties and social organizations shall be excluded from participation in the Joint Commission."

9. In his letter of February 12 to the Soviet Commander, General Hodge insisted on a formula which would result in the majority of persons to live [illegible] ~~representatives of democratic political organizations~~ ~~acceptable to the U.S. Command~~. This proposal was not included in the correspondence between the 2 commanders.

10. On 9 April 1947, Secretary of State Marshall submitted a written request to Foreign Ministers Molotov and Bevin for the reconvening of the Joint Commission on the basis of consultation with Korean democratic parties. In his reply of 10 April 1947 Foreign Minister Molotov agreed to reconvene the Joint Commission on 20 May 1947 on the basis of "an exact and strict fulfillment of the above mentioned decision" adding that one of the points of disagreement was "the establishment of provisional democratic Korean government on the basis of a wide-scale participation of democratic parties and social organizations in order to expedite the political and economic unification of Korea as a self-supporting state independent of foreign interference, which would do away with the division of the country into two zones."

11.

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NND 760090
By _____ NARS, Date _____

X = Rel of pub
X+10 = Deadline for submission of applications
X+15 = U. S. PROPOSAL REGARDING ANNOUNCEMENT ON CONSULTATION
X+16 - meeting in Seoul
X+19 - " " Pyongyang

In accordance with the recent correspondence between Foreign Minister Molotov and Secretary of State Marshall agreeing to wide scale Korean participation and respect for freedom of expression, the Joint Commission has reconvened to prepare for presentation to the four signatory powers to the Moscow Decision on Korea, recommendations regarding the formation of a Provisional Korean Democratic Government.

The Joint Commission has agreed ~~to invite~~ that all democratic parties and social organizations which have a membership of over 1,000, ~~and~~ branches in two or more provinces, and which will subscribe to the declaration contained in Communique No. 5, shall be invited to present to the JC their opinion regarding the organization, structure and political platform of the Korean Provisional Democratic Government. ~~to the Joint Commission.~~

~~All~~ political parties and social organizations which ~~the~~ requirements and wishing to present their opinions to the Joint Commission are hereby invited to ~~give the declaration and~~ submit it together with the following information ~~name of their representative in the Joint Commission~~ to the JC in Seoul or Pyongyang not later than ~~X~~ June 1947:

(1) the full name of the party or social organization, together with the address of its central organs, the date of establishment, and the estimated number of members; ~~as of~~

(2) the full names of ~~the proposed~~ a designated representative ~~and an alternate.~~ ~~Their names should include the surname and given name~~ in Chinese characters and English or Russian transliteration, ~~together with~~ the place and date of birth, and the position held ~~by each person~~ in the party for the social organization, or home address.

Following the approval of the application and the representative of such parties and social organizations by the Joint Commission, a meeting of the representatives of the parties and social organizations of South Korea will be called in Seoul on June 20. At this time

DECLASSIFIED
NND 760090
By NARS, Date

each representative will be presented with a questionnaire regarding the charter and platform of the Korean Provisional Democratic Government to which they will be asked to submit written answers no later than July 6.

A similar meeting for the representatives of the parties and social organizations of North Korea will be held in Pyongyang on June 24. The written answers of North Korea parties and social organizations shall be received by the Joint Commission by July 10.

Following this initial consultation, parties and social organizations will be invited to send their representative to consult with the Joint Commission or its designated representatives where further elucidation of their views is deemed desirable.

In order that the parties and social organizations may immediately begin in the preparation of their answers to the questionnaire being submitted to them by the Joint Commission, the list of questions will be published in the newspapers and copies may be obtained upon request by writing to the Joint Commission, Duk Soo Palace, Seoul, Korea, or the Joint Commission, _____, Pyongyang, Korea.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

These forms will be available at the Joint Commission Hq Duksoo Pal Seoul & ——— Pyongyang-

In order to expedite the work of the Joint Commission, questionoires regarding the charter and platform of the Korean Provisisional Democratic Government will be distributed simultaneously with the distrubition of applications for consultation.

5. All parties fulfilling the stipulated conditions for consultation with the Joint Commission are requested to submit their answers to these questionaires to the Joint Commission, Duk Soo Palace, Seoul Korea, or to the office of the Joint Commission, _____, Pyongyang Korea, on or before 15 June 1947.

6 Following the approval of the application for consultation and of the representative of such parties and social organizations by the Joint Commission, a meeting of all the representatives of the parties and social organizations of South Korea will be called in Seoul on 16 June.

purpose of meeting to be shown later

7 A similar meeting for the representatives of the parties and social organizations of North Korea will be held in Pyongyang on June 19.

8 Following this initial consultation, parties and social organizations will be invited to send their representative to consult with the Joint Commission or its designated representatives where further elucidation of their views is deemed desirable.

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ON THE ORDER OF CONSULTATION WITH KOREAN DEMOCRATIC PARTIES AND SOCIAL ORGANIZATIONS IN NORTHERN AND SOUTHERN KOREA

1. In consulting with Korean democratic parties and social organizations, the Joint Commission shall be guided by the conditions stated in the letter of Minister of Foreign Affairs of the U.S.S.R. V. M. Molotov, of 7 May 1947, and accepted by the Secretary of State of the U.S.A. George Marshall in his letter of 13 May 1947. The appropriate quotation from the letter of Foreign Minister Molotov is given below:

"The Soviet Commander in his letter of Nov. 26, 1946, advanced the following proposals as a basis for the resumption of the work of the Joint Commission:

1. The Joint Commission must consult those democratic parties and organizations which uphold fully the Moscow Decision on Korea.

2. Parties or social organizations invited for consultation with the Joint Commission must not nominate for consultation those representatives who have compromised themselves by actively voicing opposition to the Moscow Decision.

3. Parties and social organizations invited for consultation with Joint Commission must not and will not voice opposition nor will they incite others to voice opposition to Moscow Decision and the work of the Joint Commission. If such be the case, such parties and social organizations by mutual agreement of both delegations will be excluded from further consultation with the Joint Commission.

The American Commander in his letter of Dec. 24, 1946, agreed to accept these proposals of the Soviet Commander with the following changes as the basis for the resumption of the work of the Joint Commission:

DECLASSIFIED
NND 760090
By NARS, Date

"Proposal Number 1 to be interpreted as follows:

"Signing the declaration in Communique Number 5 will be accepted as declaration of good faith with respect to upholding fully the Moscow Decision and will make the signatory party or organization eligible for initial consultation.

"Proposal Number 2. I consider it the right of a declarant party or organization to appoint the representative which it believes will best present to the Joint Commission its views on the implementation of the Moscow Decision. However, should such representative for good reason be believed to be antaganistic to the implementation of the Moscow Decision or to either of the Allied Powers, the Joint Commission may, after mutual agreement, require the declarant party to name a substitute spokesman.

"Proposal Number 3. It is suggested that it be reworded as follows: Individuals, parties and social organizations invited for the consultation with the Joint Commission should not after signing the declaration contained in Communique Number 5 foment or instigage active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision. Those individuals, parties and social organizations which after signing the declaration contained in Communique Number 5 do foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision shall be excluded from further consultation with the Joint Commission. The decision excluding such individuals, parties and social organizations shall be by agreement of the Joint Commission."

With a view to expediting the resumption of the work of the Joint Commission and the creation of a temporary Korean democratic government, I am prepared to accept the amendments set forth above proposed by the American Commander."

DECLASSIFIED
NND 760090
By NARS, Date

2. The Joint Commission will consult with Korean democratic parties and social organizations which are truly democratic in their aims and methods and which will subscribe to the following declarations:

"We _____ declare that we will uphold the aims of the Moscow Decision on Korea as stated in paragraph 1 of this decision, namely:

'The reestablishment of Korea as an independent state, the creation of conditions for developing the country on democratic principles, and, the earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea.'

Further, we will abide by the decisions of the Joint Commission in its fulfillment of paragraph 2 of the Moscow Decision in the formation of a Provisional Korean Democratic Government;

Further, we will cooperate with the Joint Commission in working out by it with the participation of the Provisional Korean Democratic Government, of proposals concerning measures foreseen by paragraph 3 of the Moscow Decision.

Signed _____

Representing the _____ Party or Organization"

3. Democratic parties and social organizations of northern and southern Korea are hereby invited to submit their applications for participation in consultation with the Joint Commission. Every party and organization must submit only one application through its central zonal organ.

The application should be accompanied by a copy of the declaration given in paragraph 2 above, duly signed and sealed with the seal of its central organ and also signed by the designated representative. The application shall contain the following information:

a. The full name of the party or organization, the address of its central office, the date of estab-

DECLASSIFIED
NND 760090
By NARS, Date

CONFIDENTIAL

lishment, the membership number and location of branches, and total membership.

b. The full name of a designated representative given in Chinese characters and, where possible, in English and Russian transliteration, the place and dat of birth, position held in the party or organization and home address. Applications for participation in consultation shall be submitted to the Joint Commission at Seoul or Pyongyang by 20 June 1945.

4. Democratic parties and social organizations of Northern and Southern Korea which have signed the declaration contained in paragraph 2 may submit to the Joint Commission in written form their considerations regarding the structure and principles of organization of the Provisional Korean Democratic Government and local organs of authority (Provisional Charter) and also the political platform for this Government, in accordance with a questionnaire approved by the Commission. This questionnaire shall be published in the press and printed copies will be available at the Joint Commission headquarters in Seoul and Pyongyang.

The aforementioned considerations shall be submitted to the Joint Commission by ~~25 June~~ 1 July 1947.

5. Subcommission No. 1, upon receiving the applications for consultation, shall compile a list of all democratic parties and social organizations and their designated representatives of North and South Korea which have signed the declaration in paragraph 2.

6. Following the approval by the Joint Commission of the list of democratic parties and social organizations and their representatives, mentioned in paragraph 5, the Joint Commission shall convene in Seoul on 25 June 1947 a joint meeting to which it shall invite the above mentioned representatives of parties

CONFIDENTIAL

CONFIDENTIAL

DECLASSIFIED
NND 760090
By NARS, Date

CONFIDENTIAL

and social organizations in South Korea. A similar meeting of representatives of parties and social organizations in North Korea shall take place in Pyongyang on 30 June 1947. The Chief Commissioner of the Soviet Delegation shall preside over the meeting in Seoul, and the Chief Commissioner of the American Delegation shall preside at the meeting in Pyongyang. At such meetings the Chief of the Delegation in whose zone the assembly is being held will present a statement elaborated by the Joint Commission.

7. Representatives of parties and social organizations of both Northern and Southern Korea which are included in the list referred to in paragraph 5 above will be invited to individual oral consultation regarding the structure and principle of organization of the Korean Provisional Democratic Government and local organs of authority (Provisional Charter) and also regarding the political platform for this Government. For this purpose the Joint Commission will appoint the necessary number of subcommittees and shall notify each representative of the time and place he is to appear for consultation. This process of oral consultation shall commence on 3 July 1947 and take place in Seoul and Pyongyang. **(Question of consultation in Seoul and Pyongyang.)**

8. The Joint Commission will present the considerations and proposals received from the Korean democratic parties and social organizations of North as well as South Korea for study and elaboration of coordinated proposals to the corresponding sub-commissions which will create, for this purpose, the necessary number of subcommittees. Advisors, experts and technical personnel for the work in the Joint subcommissions and subcommittees will be appointed by the heads of the corresponding delegations.

9. For the purpose of consultation and aiding the Joint Com-

CONFIDENTIAL

DECLASSIFIED
NND 760090
By NARS, Date

CONFIDENTIAL

mission in elaboration by it of recommendations regarding the structure and principles of organization of the Korean Provisional Democratic Government and of the local organs of authority (Provisional Charter), and also the political platform for this government, representatives of various parties and social organizations shall be invited from among such parties and organizations included in the list mentioned in paragraph 5.

The number of such representatives of various parties and organizations shall be determined by the Joint Commission in accordance with the number of members and, as far as possible, taking into account their influence. The Joint Commission shall convene joint meetings with such representatives and may also call upon them to take part in the elaboration of recommendations by subcommissions and subcommittees. The time and the agenda of the joint sessions of the Joint Commission with such representatives will be approved by the Chief Commissioners.

10. Democratic parties and social organizations of both northern and southern Korea shall have equal rights and opportunity in consultation with the Joint Commission.

11. The coordinated proposals elaborated by the subcommissions shall be submitted for consideration to the Joint Commission which shall examine such proposals and shall grant its provisional approval. Following this the Joint Commission shall appoint a drafting commission to which it shall give the necessary instructions regarding the compilation of the final text of the recommendations concerning the structure and principles or organization of the Korean Provisional Democratic Government and local organs of authority (Provisional Charter) and also the political platform for this government. The texts of

CONFIDENTIAL

DECLASSIFIED
NND 760090
By NARS, Date

CONFIDENTIAL

recommendations elaborated by the drafting commission shall be approved by the Joint Commission.

12. Following the approval of the texts of recommendations submitted by the drafting commission, the Joint Commission shall proceed with elaboration of recommendations regarding the personnel of the Korean Provisional Democratic Government.

CONFIDENTIAL

CONFIDENTIAL

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

EXTRACT RE: SOVIET PROPOSAL #1 of _____

"ON THE ORDER OF CONSULTATION WITH THE DEMOCRATIC PARTIES AND SOCIAL ORGANIZATIONS OF NORTH AND SOUTH KOREA" :

1. In accordance with the decision of the U.S.-U.S.S.R. Joint Commission concerning the conditions of consultation with the Korean democratic parties and social organizations, and also with the letter regarding this question by the Minister of Foreign Affairs of U.S.S.R., V. M. Molotov, of May 7, 1947, and with the letter of the U.S. Secretary of State, G. C. Marshall, of May 13, 1947, Subcommission No. 1 prepares a general list approximately 30 of the most important Korean democratic parties and social organizations, which signed the declaration, contained in Communique No. 5, representing different political beliefs in the North as well as in the South of Korea, taking into consideration the membership and, as far as possible, the influence of these parties and organizations and submit it for approval of the Joint Commission in Seoul.

different conditions.

For inclusion into the general list the following is submitted to the Commission: The American Delegation - a list of the democratic parties and social organizations realizing their activities in the South of Korea, and the Soviet Delegation - a list of the democratic parties and social organizations realizing their activities in the North of Korea.

2. The Korean democratic parties and social organizations, desiring to be admitted to the consultation with the Joint Commission, shall sign the declaration, contained ~~in the press communique #5~~ of the Joint Commission of April 17, 1946, unconditionally and without reservations. The signing of the declaration, contained in Communique No. 5 will be considered as a declaration of the good intentions to support fully the Moscow Decision on Korea.

3. After the approval of the list of the Korean democratic parties and social organizations, the Joint Commission notifies by official letter the main organs of these parties and social organizations that their party or organization is invited for consultations for which purpose they shall elect their representatives from the number of the members of the party or organization. Parties and social organizations supply their elected representatives with the necessary full powers and officially advise the Commission regarding the elected representative or representatives, advising of their

DECLASSIFIED
NND 760090
By NARS, Date

full names, place and date of birth and position held by them within the party or social organization.

If such a representative, because of very important reasons, will be considered antagonistic toward the fulfillment of the Moscow Decision, or toward one of the allied powers, then the Joint Commission after mutual agreement shall be able to insist that the party or organization in question shall elect in his place another representative.

4. Parties, social organizations and their representatives, invited for consultation with Joint Commission, shall not, after signing the declaration, contained in Communique No. 5, provoke or incite active demonstrations against the work of the Joint Commission or against one of the allied powers or against the fulfillment of the Moscow Decision.

Parties, social organizations, and their representatives, who after the signing of the declaration, contained in Communique No. 5, will provoke or incite active demonstrations against the work of the Joint Commission, or against one of the allied powers, or against the fulfillment of the Moscow Decision, will be removed from further consultation with the Joint Commission. The decision of the exclusion of such parties, social organizations and their representatives, shall be accepted by the agreement of two delegations of the Joint Commission.

5. Korean democratic parties and social organizations of north and south Korea, not included in the list indicated in paragraph 1, which fulfill the conditions for consultation published by the Commission, shall also be given the opportunity to present their views to the Joint Commission on the questions enumerated in paragraph 6.

The aforementioned parties and organizations shall direct their views to the headquarters of the Joint Commission in Seoul or in Pyongyang while the Commission is there. The letter containing their views shall be accompanied by a written declaration signed by the officials of the party or the organization in accordance with the conditions on consultation published by the Commission, as well as by a brief statement of the party's or organization's program and total number of members.

6. Following the verification by the Commission of the credentials of the representatives of democratic parties and social organizations of south Korea, the Commission shall convene a joint meeting to which it shall

DECLASSIFIED
NND 760090
By NARS, Date

invite such representatives of the parties and social organizations of South Korea. The head of the Soviet Delegation shall act as the chairman of this meeting in Seoul and the Chief of the American Delegation shall preside at an analogous meeting in Pyongyang. A communication worked out by, and in the name of the Commission, shall be presented at such a meeting by the Chief of the Delegation of the zone in which the meeting is taking place. The agenda for subsequent joint meetings of the Commission with the representatives of the parties and social organizations, shall be approved by the Commission.

At its first joint meeting in Seoul the Commission shall publish the list of the parties and social organizations of South Korea and their representatives with whom the Commission shall consult, and shall record the present agreement worked out by Subcommission No. 1 about the order of consultation. Following this, the Commission shall offer to the Korean Democratic parties and social organizations, through their representatives, to submit for the specified date their considerations:

a. Concerning the political platform and other appropriate measures for the future Provisional Korean Democratic Government.

b. Concerning the structure and principles of organization of the Provisional Korean Democratic Government and the local organs of authority (Provisional Charter).

7. Following this, the Joint Commission shall depart for Pyongyang where it shall carry out with the representatives of democratic partiesand social organizations of north Korea all those steps listed in paragraph 6.

8. Having received the proposal of the Joint Commission, the democratic parties and social organizations of both south and north Korea shall discuss it in their central organs and with the representatives of their local organizations and shall conduct appropriate work among the population(mass meetings, session, etc.)

delete

9. The suggestions and proposals worked out by each democratic party and social organization of north and south Korea shall be submitted to the Joint Commission in writing and under the signature of their representatives.

10. The Joint Commission shall transmit to the Subcommissions #2 and 3 the proposals and suggestions of the Korean democratic parties and social

DECLASSIFIED
NND 760090
By NARS, Date

organizations of north and south Korea for study and preparation of coordinated proposals, for which purpose a necessary numberof subcommittees shall be created by the subcommissions. The heads of the respective delegations shall appoint the advisors, experts, and technical personnel for the work in the subcommissionsand subcommittees.

11. The Joint Commissions shall consult individually with representatives of any Korean democratic party or social organizatioh of north and south Korea from among those included in the list; and will consult, at Seoul or Pyongyang, as it may see fit, and as mutually agreed by the heads of the delegations, with the representatiges of any other democratic party or social organisations of north or south Korea which had submitted its suggestions to the Commissions.

In the process of studying the proposals of the Korean democrstic parties and social organizations and the working-out of their coordinated proposals for the Commission, the Subcommissions and Subcommittees may, subject to mutual agreement of the Chairmen of the corresponding subcommission, invite to their meetings representatives of parties and social organizations of north and south Korea with whom they may deem it necessary to converse or to elucidate some question or other.

12. The democratic parties and social organizations of north Korea shall send their representatives to Seoul to submit the elaborated proposals to the Commission. The Commission shall carry out analogous steps with respect to the proposals of the democratic parties and social organizations of north Korea in the same manner as with the proposals of the democratic parties and social organizations of south Korea.

13. The coordinated proposals worked out by the subcommission shall be submitted to the Joint Commission which shall examine these proposals and shall give its preliminary approval.

14. The Commissions, at such time when it may see fit, shall convene one or several joint sessions with representatives of the democratic parties and social orgnaizations of both south and north Korea and offer for discussion the questions enumerated in point 6, in a manner later to be established by the Commission.

finally agreed upon

15. Democratic parties and social organizations of both northern and southern Korea shall have equal rights and opportunities in consultation with

DECLASSIFIED
NND 760090
By NARS, Date

the Joint Commission.

16. Following the discussion of proposals mentioned in paragraph 13 at the joint session, the Commission shall appoint a drafting committee which shall be given the necessary instructions concerning the compilation of the final text of the recommendations on the indicated questions. The text worked out by the drafting committee shall be approved by the Commission.

17. Following the approval of the texts of the recommendations submitted by the drafting committee, the Joint Commission shall proceed with the discussion of the questions pertaining to the composition of the Provisional Korean Democratic Government.

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

U.S. [illegible] No. 1
[illegible]
Seoul, Korea

1 June 1947

Conditions for and Order of
Consultation with
Democratic Parties and Social Organizations.

1. In accordance with the present correspondence between Foreign Minister Molotov and Secretary of State Marshall agreement to reconvene the Joint Commission on the basis of respect for freedom of expression [illegible] observance of the conditions stipulated in the Moscow decision of December 1946, the Joint Commission has agreed upon the following method of consultation with Korean democratic parties and social organizations.

2. Signification of the declaration in Communique No. 5 will be accepted as a declaration of good faith with respect to upholding fully the Moscow decisions on Korea by the signatory party or organization submitting it for initial consideration.

It is the right of a declarant party or organization to appoint the representative which it believes will best represent to the Joint Commission its views on the implementation of the Moscow decision. However, should such representative for good reason be believed to be unwilling to support implementation of the Moscow decision or to either or both of the Allied Powers, the Joint Commission, by mutual agreement, may require the declarant party to name a substitute spokesman.

Individuals, parties and social organizations invited for consultation with the Joint Commission shall not after signing the declaration contained in Communique No. 5 foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow decision. Those individuals, parties and social organizations which, after signing the declaration contained in Communique No. 5, do foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow decision shall be excluded from further consultation with the Joint Commission. The decision excluding such individuals, parties and social organizations shall be by agreement of the Joint Commission.

3. The text of the decision in Communique No. 5 is as follows:

> The Joint Commission will consult with Korean democratic parties and social organizations which are truly democratic in their aims and methods and which will subscribe to the following declarations:
>
> We _____ declare that we will support the aims of the Moscow decision on Korea as stated in paragraph 1 of this decision, namely:
>
> 'The re-establishment of Korea as an independent state,
> the creation of conditions for developing the country on democratic principles,
> and,
> the earliest possible liquidation of the disastrous results of the prolonged Japanese domination in Korea.'

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Further, we will abide by the decisions of the Joint Commission in its fulfillment of paragraph 2 of the Moscow decision in the formation of a Provisional Korean Democratic Government;

Further, we will cooperate with the Joint Commission in working out by it with the participation of the Provisional Korean Democratic Government, of proposals concerning measures foreseen by paragraph 3 of the Moscow decision.

Signed _____

Representing the _____ Party or Organization"

4. Representatives of all Korean democratic parties and social organizations throughout Korea both north and south are hereby invited to submit applications for consultation with the Joint Commission. Each party and/or organization should submit only one application on behalf of its own headquarters and its branches.

Each application should be accompanied by a copy of the declaration given in paragraph 3 above duly signed and sealed and countersigned by the designated representative. The application shall contain the following information:

a. The full name of the party or organization, the address of its central office, the date of establishment, and the number of members. -- same for all branches.

b. The full name of a designated representative given in Chinese characters and in English or Russian transliteration, the place and date of birth, position held in the party or organization, and home address.

5. In order to expedite the work of the Joint Commission, questionnaires regarding the charter and platform of the Korean Provisional Democratic Government will be distributed simultaneously with the distribution of applications for consultation. These forms will be available at the Joint Commission headquarters, Duk Soo Palace, Seoul and _____ Pyongyan. All parties accepting the stipulated conditions for consultation with the Joint Commission are requested to submit their applications and answers to these questionnaires to the Joint Commission, Duk Soo Palace, Seoul, Korea or to the office of the Joint Commission, _____, Pyongyan Korea, on or before 15 June 1947. (6)

Provide for families, etc. for pers. groups

6. Following the approval of the application for consultation and of the representatives of such parties and social organizations by the Joint Commission, a meeting of all the representatives of the parties and social organizations of South Korea will be called in Seoul on 20 June.

A similar meeting for the representatives of the parties and social organizations of North Korea will be held in Pyongyan on June 24.

- 2 -

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

7. In the process of studying the proposals of the Korean democratic parties and social organizations of North and South Korea, the Joint Commission and its subcommittees may, at the request of either delegation, again invite to their meetings in Seoul the designated representatives of the parties and social organizations of North and South Korea with whom they may deem it necessary to consult.

8. The Joint Commission upon approval of the Chief Commissioner of each delegation may invite other persons as are mutually agreed upon to consult with the Joint Commission.

9. The Joint Commission, at such time as it may see fit, shall convene one or several joint sessions with representatives of the democratic parties and social organizations of both South and North Korea and offer for discussion questions regarding the establishment of the Provisional Korean Democratic Government.

10. Democratic parties and social organizations of both Northern and Southern Korea shall have equal rights and opportunity in consultation with the Joint Commission.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

U.S. SUBCOMMISSION NO: 1
US - USSR JOINT COMMISSION
Seoul, Korea

2 June 1947.

Conditions For and Order of
Consultation with
Democratic Parties and Social Organizations

1. In accordance with the recent correspondence between Foreign Minister Molotov and Secretary of State Marshall agreeing to reconvene the Joint Commission on the basis of respect for freedom of expression and the acceptance of the conditions stipulated in the letters of General Chistiakov and General Hodge, the Joint Commission has agreed upon the following method of consultation with Korean Democratic Parties and Social Organizations:

2. Detailed extracts from the letters stating the conditions of consultation follow:

Proposal 1 of General Chistiakov, as stated in his letter of 26 November 1946.

"The Joint Commission must consult with those democratic parties and organizations which uphold fully the Moscow Decision on Korea."

Modification proposed by General Hodge in his letter of 24 December 1946, and adopted by Foreign Minister Molotov:

"Signing the declaration in Communique No.5 will be accepted as a declaration of good faith with respect to upholding fully the Moscow Decision and will make the signatory party or organization eligible for initial consultation."

Proposal 2 of General Chistiakov:

"Parties or social organizations invited for consultation with the Joint Commission must not nominate for consultation those representatives who have compromised themselves by actively voicing opposition to the Moscow Decision."

Modification proposed by General Hodge and adopted by Foreign Minister Molotov:

"I consider it the right of a declarant party or organization to appoint the representative which it believes will best present to the Joint Commission its views on the implementation of the Moscow Decision. However, should such representative for good reason be believed to be antagonistic to the implementation of the Moscow Decision or to either of the Allied Powers, the Joint Commission, may after mutual agreement, require the declarant party to name a substitute spokesman."

Proposal 3 of General Chistiakov:

"Parties and Social organizations invited for consultation with the Joint Commission must not and will not voice opposition nor will they incite others to voice opposition to the Moscow Decision and the work of the Joint Commission. If such be the case such parties and social organizations by mutual agreement of both delegations will be excluded from further consultations with the Joint Commission."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Modification proposed by General Hodge and adopted by Foreign Minister Molotov:

"It is suggested that it be reworded as follows. Individuals, parties and social organizations invited for consultation with the Joint Commission shall not after signing the declaration contained in Communique No.5 foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision. Those individuals, parties and social organizations which after signing the declaration contained in Communique No.5 do foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision shall be excluded from further consultation with the Joint Commission. The decision excluding such individuals, parties and social organizations shall be by agreement of the Joint Commission."

In his letter of 2 May 1947 to Foreign Minister Molotov, Secretary of State Marshall stated in paragraph 2:

"In order to avoid any future misunderstanding with respect to the phrase "exact execution" I wish to make clear my interpretation of the phrase. In my letter to you of April 8, I stated that the Joint Commission should be charged with expediting its work under the terms of the Moscow Agreement on a basis of respect for the democratic right of freedom of opinion. In making this statement I had and have in mind the well known position of the government of the United States that Korean representatives of Democratic parties and social organizations shall not be excluded from consultation with the Commission on the formation of a Provisional Korean Government. Because of opinions they might hold or may have expressed in the past concerning the future government of their country, provided they are prepared to cooperate with the Commission."

3. The text of the decision in Communique No.5 is as follows:

The Joint Commission will consult with Korean democratic parties and social organizations which are truly democratic in their aims and methods and which will subscribe to the following declarations:

"We _____ declare that we will uphold the aims of the Moscow decision on Korea as stated in paragraph 1 of this decision, namely:

'The reestablishment of Korea as an independent state,
The creation of conditions for developing the country on democratic principles, and,
The earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea.'

Further, we will abide by the decisions of the Joint Commission in its fulfillment of paragraph 2 of the Moscow Decision in the formation of a Provisional Korean Democratic Government;

Further, we will cooperate with the Joint Commission in working out by it with the participation of the Provisional Korean Democratic Government, of proposals concerning measures foreseen by paragraph 3 of the Moscow Decision.

Signed _____

Representing the _____ Party or Organization"

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

4. Central headquarters of all democratic parties and social organizations of North and South Korea are hereby invited to submit applications for consultation with the Joint Commission. Each party and organization should submit only one application on behalf of its zonal headquarters and its branches.

Each application should be accompanied by a copy of the declaration given in paragraph 3 above duly signed and sealed and countersigned by the designated representative. The application shall contain the following information:

a. The full name of the party or organization, the address of its central office, the date of establishment, the number and location of branches, membership of each branch and total membership.

b. The full name of a designated representative given in Chinese characters and English or Russian transliteration, the place and date of birth, position held in the party or organization, and home address.

5. In order to expedite the work of the Joint Commission, questionnaires regarding the charter and platform of the Korean Provisional Democratic Government will be distributed simultaneously with the distribution of applications for consultation. These forms will be available at the Joint Commission headquarters Duk Soo Palace, Seoul, and _____ Pyongyang. All parties accepting the stipulated conditions for consultation with the Joint Commission are requested to submit their applications and answers to these questionnaires to the Joint Commission, Duk Soo Palace, Seoul, Korea, or to the office of the Joint Commission, _____, Pyongyang, Korea, on or before ___ June 1947.

6. All political parties and social organizations with a membership of over 5,000 and which have branches in two or more provinces, will be invited to send their representative to Seoul in order to consult individually with the Joint Commission regarding the formation and platform of the Korean Provisional Democratic Government.

7. The Joint Commission upon approval of the Chief Commissioner of each delegation may invite other persons or representatives as are mutually agreed upon to c onsult with the Joint Commission.

8. The Joint Commission, at such time as it may see fit, may convene one or several joint sessions with representatives of the democratic parties and social organizations of both South and North Korea and offer for discussion questions regarding the establishment of the Provisional Korean Democratic Government.

9. Democratic parties and social organizations of both Northern and Southern Korea shall have equal rights and opportunity in consultation with the Joint Commission.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

SOVIET PROPOSAL June 3, 1947.

ORDER OF CONSULTATION WITH DEMOCRATIC PARTIES AND SOCIAL ORGANIZATIONS OF NORTH & SOUTH KOREA.

1. Korean democratic parties and social organizations, who want to participate in consultation with the Joint Soviet-American Commission, must sign a declaration, set forth in Communique No.5 of the Joint Commission.

2. The signing of the declaration set forth in Communique No.5 will be considered as a declaration of good faith with respect to upholding fully the Moscow Decision and will give the right to the parties and organizations who have signed it to be nominated for initial consultation.

3. The party or organization who has made such a declaration, has the right to appoint such a representative who, in its opinion, will best present to the Joint Commission its views on fulfillment of the Moscow Decision. However, should such representative for good reason be believed to be antagonistic to the fulfillment of the Moscow Decision or to either of the Allied Powers, the Joint Commission may after mutual agreement require the declarant party to name a substitute representative.

4. The persons, parties and social organizations, invited for consultation with the Joint Commission, must not after signing the declaration, set forth in Communique No.5, foment or instigate active demonstrations against work of the Joint Commission or against any one of the Allied Powers, or against the fulfillment of the Moscow Decision. Those persons, parties or social organisations which after the signature of the declaration set forth in the Joint Communique No.5, will agitate or instigate active demonstrations against the work of the Joint Commission, or against the work of the Joint Commission, or against one of the Allied

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Powers or against the fulfillment of the Moscow Decision, will be excluded from further consultation with the Joint Commission. The decision regarding exclusion of such persons, parties or social organizations will be adopted upon mutual agreement of the two delegations of the Joint Commission.

5. Korean Democratic parties and social organizations which signed the declarations set forth in Communique No.5 may submit to the Joint Commission their considerations regarding matters enumerated in the questionnaire adopted by the Joint Commission, which will be published in the press.

6. Subcommission No.1, upon receiving the declarations, compiles a combined list of the parties and social organizations and also determines the number of the representatives for consultation from various democratic parties and social organizations which signed the declaration in conformity with the membership of these parties and organizations and taking into consideration as much as possible, their influence.

7. Following the adoption of the list of Korean democratic parties and social organizations and the number of representatives designated, the Joint Commission in an unofficial letter will invite these parties and social organizations to designate the corresponding number of the representatives for consultation. Parties and social organizations charge their designated representatives with proper authority and officially notify the Joint Commission about their designated representatives, advising their full names, place of birth and position occupied by them in the parties or social organizations.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

8. After verification by the Joint Commission of the full powers of the representatives of democratic parties and social organizations in South Korea, the Joint Commission will call the joint meeting to which it will invite the designated representatives of parties and social organizations in South Korea. There will preside at the specified meeting in Seoul, the head of the Soviet Delegation and at a similar meeting in Pyongyang, the head of the American Delegation. The statement elaborated by the Joint Commission on behalf of the Joint Commission at such a meeting, will be delivered by the head of the delegation in whose zone the consultation is taking place. Further, the agenda of such joint meetings of the Joint Commission with the representatives of parties and social organizations, will be adopted by the Joint Commission.

At the first joint meeting in Seoul, the Joint Commission will announce the list of parties and social organizations of South Korea and their representatives, with whom the Joint Commission will consult, and will include in the minutes the present agreement elaborated by Subcommission No.1 regarding the order of consultation.

9. After this the Joint Commission will go to Pyongyang where, with the representatives of democratic parties and social organizations of North Korea, it will promulgate all those measures enumerated in Article 8.

10. The Joint Commission will present the considerations and proposals received from the Korean democratic parties and social organizations of North as well as South Korea for study and elaboration of coordinated proposals to the corresponding subcommissions, which will create, for this purpose the necessary number of subcommittees. Advisors, experts and technical personnel for the work in the Joint subcommissions and subcommittees will be appointed by the heads of the corresponding delegations.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

II. The Joint Commission will consult separately with the representatives of one or another Korean Democratic party or social organization of North, as well as South Korea from the number included in the list, and with mutual agreement of the heads of the delegations, will consult in Seoul or Pyongyang as the Joint Commission considers expedient, with the representatives of one or another democratic party or social organization in North as well as of South Korea, which present to the Joint Commission their considerations.

The Subcommissions or subcommittees during the course of studying the proposals of the Korean democratic parties and social organizations and the elaboration of their coordinated proposals for the Joint Commission, may with mutual agreement of the chairman of the corresponding subcommissions, invite to their meeting the representatives of the parties and social organizations of North as well as of South Korea with which they will consider it necessary to consult or clarify anyone of the problems.

12. The coordinated proposals, elaborated by the subcommissions will be presented for consideration of the Joint Commission, which will consider these proposals and will give them their initial approval.

13. The Joint Commission, when it considers this timely, will call one or several joint meetings with the representatives of the democratic parties and social organizations in South as well as North Korea and will present for consideration questions in an order which will be established by the Joint Commission at a later date

14. Democratic parties and social organizations of North as well as of South Korea, will have equal rights and possibilities for consultation with the Joint Commission.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

15. After discussing the indicated proposals in paragraph 12 at the joint meeting, the Joint Commission appoints a editing commission, which gives necessary instructions regarding the final text of the recommendations on the designated matters. The text, worked out by the editing commission are adopted by the Joint Commission.

16. Following the adoption of the text of the recommendations submitted by the editing commission regarding the political platform, as well as the structure and principles of the organization of the Korean Provisional Democratic Government and the local organs of authority (Provisional Charter) the Joint Commission passes on to the elaboration of the recommendations regarding the personnel of the Korean Provisional Democratic Government.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

5 June '47

Soviet revision of Protocol of 3 June '47

2. The Commission in its work on consultation with democratic parties and social organizations shall be guided by the following three conditions brought out in the course of the correspondence between the Soviet and American Commanding Generals in Korea and agreed to between the Ministers of Foreign Affairs of the U.S.S.R., V. M. Molotov, (letter of 7 May 1947) and the State Secretary G. Marshall (letter of 13 May 1947), namely the following:

(Paragraph a, b and c representing the three conditions stated in the previous Soviet proposal - 2, 3 and 4 of 3 June)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SOVIET PROPOSAL - June 5, 1947

Paragraph 3. Democratic Parties and Social Organizations of northern and southern Korea ~~may submit~~ are invited to submit their applications for participation in the consultation with the Joint Commission. Every party and organization must submit only one application through its central zonal organ. The application should be accompanied by the text of the declaration contained in Communique No.5 duly signed and sealed with the seal of the central organ and signed by the rep. The application must contain the following information:

a. The full name of the party or organization, the address of its central office, the date of establishment, the number and location of branches, and [illegible] membership. [illegible] and that [illegible]

b. The full name of designated representative given in Chinese characters and where possible English and Russian transliteration, the place and date of birth, position held in the party or organization, and home address.

Paragraph 4. Following the receipt of applications on consultation, Subcommission I compiles a composite list of democratic parties and social organizations which had signed the declaration in Communique No.5, and of their representatives.

Paragraph 5. Following the approval by the Joint Commission of the list of the democratic parties and social organizations and their representatives, Joint Commission shall convene in Seoul on 24 June 1947 a joint meeting to which it shall invite the above-mentioned representatives of parties and social organizations of South Korea. A similar meeting of representatives of parties and social organizations of North Korea shall take place in Pyongyang on 27 June 1947. The Chief

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Commissioner of the Soviet Delegation shall preside over the meeting in Seoul, and the Chief Commissioner of the American Delegation shall preside at the meeting in Pyongyang. At such meetings the Chief Commissioner of the delegation in whose name the meeting is taking place shall announce a declaration, elaborated by the Joint Commission.

Paragraph 6. Democratic parties and social organizations which had signed the declaration in Communique No.5 may submit to the Joint Commission, in written form, their views regarding the political platform and also the structure and principles of organization of a Provisional Korean Democratic Government and of local organs of authority (Provisional Charter). Such views are handed to the Joint Commission by representatives of parties and organizations, mentioned in paragraph 2, who may give the necessary oral explanations.

Paragraph 7. Joint Commission transmits the views and propogals received by it from the Korean democratic parties and social organizations of both Northern and Southern Korea into appropriate subcommissions for study and elaboration of coordinated proposals, which subcommissions for this purpose shall create necessary number of subcommittees. The Chief Commissioners of the respective delegations shall appoint the advisors, experts and technical personnel for work in the subcommissions and subcommittees.

In the process of studying the propogals of the Korean democratic parties and social organizations and the elaboration of coordinated proposals for the commission, the subcommissions or sub-committees may, upon mutual agreement of the chairman of the appropriate subcommissions, invite to their meetings representatives of parties and social organizations of both Northern and Southern Korea with whom they may deem it necessary to discuss or to elucidate some problem or other.

Paragraph 8. For the purpose of aiding the Joint Commission in elaboration by it of recommendations regarding the political platform and also of the structure and principles of organization of the Provisional Korean Democratic

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Government and of the local organs of authority (Provisional Charter), representatives of various parties and social organisations shall be invited by mutual agreement of the Commanders from among such parties and organisations included in the list mentioned in paragraph 5.

The number of such representatives of various parties and organizations shall be determined consistent with the number of members and taking into account as far as possible, their influence. The Joint Commission shall convene joint meetings with such representatives and may also call them in the course of elaboration of recommendations of subcommissions and subcommittees.

The time and the agenda of the joint sessions of the Joint Commission with such representatives will be approved by the Chief Commissioners.

Paragraph 9. Democratic parties and social organisations of both northern and southern Korea shall have equal rights and opportunity in consultation with the Joint Commission.

Paragraph 10. The coordinated proposals elaborated by the subcommissions shall be submitted for consideration to the Joint Commission which shall examine such proposals and shall grant its provisional approval. Following this the Joint Commission shall appoint a drafting commission to which it shall give the necessary instructions regarding the compilation of the final text of the recommendations concerning the political platform, and also the structure and principles or organization of the Korean Provisional Democratic Government and local organs of authority (Provisional Charter). The texts of recommendations elaborated by the drafting commission shall be approved by the Joint Commission.

Paragraph 11. Following the approval of the texts of recommendations submitted by the drafting commission, the Joint Commission shall proceed with elaboration of recommendations regarding the personnel of the Korean Provisional Democratic Government.

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET rev. 6/5/47

4. Central headquarters of all democratic parties and social organizations of North and South Korea are hereby invited to submit applications for consultation with the Joint Commission. Each party and organization should submit only one application on behalf of its zonal headquarters and its branches.

Each application should be accompanied by a copy of the declaration given in paragraph 3 above duly signed and sealed and countersigned by the designated representative. The application shall contain the following information:

a. The full name of the party or organization, the address of its central office, the date of establishment, the number and location of branches, membership of each branch and total membership.

b. The full name of a designated representative given in Chinese characters and English or Russian transliteration, the place and date of birth, position held in the party or organization, and home address.

5. ~~In order to expedite the work of the Joint Commission,~~ questionnaires regarding the charter and platform of the Korean Provisional Democratic Government will be ~~distributed~~ simultaneously with the ~~distribution of applications~~ for consultation. These forms will be available at the Joint Commission headquarters, Duk Soo Palace, Seoul, and yongyang. All parties accepting the stipulated conditions for consultation with the Joint Commission are requested to submit their applications and answers to these questionnaires to the Joint Commission, Duk Soo Palace, Seoul, Korea, or to the Office of the Joint Commission, _____ yongyang, Korea, on or before [redacted] June, 1947.

6. Sub-Commission No. 1, upon receiving the applications for consultation, shall compile a list of all democratic parties and social organizations ~~which have a membership of 5,000 or more~~.

7. Following the approval by the Joint Commission of the applications for consultation and of the representatives of the parties and social organizations included in the list mentioned in paragraph 6, a meeting of all the representatives of those parties and social organizations of South Korea will be held in Seoul on [redacted] June 1947. A similar meeting for the representatives of the parties and social organizations of North Korea will be held in yongyang on 27 June 1947. The Chief Commissioner of the Soviet Delegation will preside at the meeting in Seoul, and the Chief Commissioner of the American Delegation will preside at the meeting in yongyang. At these meetings the chief of the delegation in whose zone the assembly is being held will present a statement elaborated by the Joint Commission. Further, the agenda of these joint meetings of the Commission, with the representatives of parties and social organizations, will be adopted by the Joint Commission.

8. The Joint Commission will present the considerations and proposals received from the Korean democratic parties and social organizations of North as well as South Korea for study and elaboration of coordinated proposals to the corresponding subcommissions, which will create, for this purpose, the necessary number of subcommittees. Advisors, experts and technical personnel for the work in the Joint subcommissions and subcommittees will be appointed by the heads of the corresponding delegations.

9. In order to assist the Joint Commission, and its subcommissions and subcommittees, _____ representatives of parties and social organizations of both North and South Korea which have a membership of [redacted] or more will be invited for individual oral consultations regarding the formation and platform of the Korean Provisional Democratic Government. These consultations will be held beginning on 30 June 1947 in Seoul or yongyang, as the Joint Commission considers expedient.

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Capt. J.

[redacted]

Corr. 6/5/47

10. The Joint Commission, at such time as it may see fit, may convene one or several joint sessions with a group of representatives of the democratic parties and social organizations of both South and North Korea, and offer for discussion questions regarding the establishment of the Korean Provisional Democratic Government. This group shall be formed in conformity with the membership of these parties and organizations, and taking into consideration as much as possible their influence.

11. Democratic parties and social organizations of both North and South Korea shall have equal rights and opportunity in consultation with the Joint Commission.

12. After discussing the proposals made by the subcommissions following consultation with representatives of Korean parties and social organizations, the Joint Commission will appoint an editing commission, which will be given necessary instructions regarding the final text of the recommendations on the designated matters. The text, worked out by the editing commission will be submitted to the Joint Commission for its approval.

[redacted]

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

~~SECRET~~ Confidential rev. 6/6/47

2. The Joint Commission will consult with Korean democratic parties and social organizations which are truly democratic in their aims and methods and which will subscribe to the following declarations:

"We _____ declare that we will uphold the aims of the Msocow Decision on Korea as stated in paragraph 1 of this decision, namely:

'The reestablishment of Korea as an independent state, the creation of conditions for developing the country on democratic principles, and, the earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea.'

Further, we will abide by the decisions of the Joint Commission in its fulfillment of paragraph 2 of the Moscow Decision in the formation of a Provisional Korean Democratic Government;

Further, we will cooperate with the Joint Commission in working out by it with the participation of the Provisional Korean Democratic Government, of proposals concerning measures foreseen by paragraph 3 of the Moscow Decision.

Signed _____

Representing the _____ Party or Organization"

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET Confidential

rev. 6/6/47

3. Democratic parties and social organizations of northern and southern Korea are hereby invited to submit their applications for participation in consultation with the Joint Commission. Every party and organization must submit only one application through its central zonal organ.

The application should be accompanied by a copy of the declaration given in paragraph 2 above, duly signed and sealed with the seal of its central committee and which shall also be signed by the designated representative. The application shall contain the following information:

a. The full name of the party or organization, the address of its central office, the date of establishment, the membership, number and location of branches, [redacted] and total membership.

b. The full name of a designated representative given in Chinese characters and, where possible, in English and Russian transliteration, the place and date of birth, position held in the party or organization, and home address.

4. Questionnaires regarding the charter and political platform of the Korean Provisional Democratic Government will be published simultaneously with this document. Democratic parties and social organizations which sign the declaration in paragraph 2 may submit to the Joint Commission in written form, their views regarding the questions enumerated in the questionnaire. The application and answers to this questionnaire should be submitted to the Joint Commission, Duk Soo Palace, Seoul, Korea, or to the Office of the Joint Commission, Pyongyang, Korea, on or before _____ June 1947.

Applications for participation in consultation to be submitted to Joint Commission at Seoul or Pyongyang by 20 June 1947.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Amendment 1

~~SECRET~~ rev. 6/6/47

5. Subcommission No. 1, upon receiving the applications for consultation, shall compile a list of all democratic parties and social organizations and their designated representatives of North and South Korea which have signed the declaration in paragraph 2.

6. Following the approval by the Joint Commission of the list of democratic parties and social organizations and their representatives, mentioned in paragraph 5, the Joint Commission shall convene in Seoul on 25 June 1947 a joint meeting to which it shall invite the above mentioned representatives ~~and~~ of parties and social organizations in South Korea. A similar meeting of representatives of parties and social organizations in North Korea shall take place in Pyongyang on 30 June, 1947. The Chief Commissioner of the Soviet Delegation shall preside over the meeting in Seoul, and the Chief Commissioner of the American Delegation shall preside at the meeting in Pyongyang. At such meetings the Chief of the Delegation in whose zone the assembly is being held will present a statement elaborated by the Joint Commission.

~~SECRET~~ Unofficial

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Confidential

7. Representatives of parties and social organizations of both Northern and Southern Korea which are included in the list referred to in paragraph 5 above will be invited to individual oral consultation regarding the structure and principles of organization of the Korean Provisional Democratic Government and local organs of authority (Provisional Charter) and also regarding the political platform for this Government. For this purpose the Joint Commission will appoint the necessary number of subcommittees and shall notify each representative of the time and place he is to appear for consultation. This process of oral consultation shall commence on 3rd July 1947 and take place in Seoul and Pyengyang.

(Question of consultation in Seoul and Pyengyang.)

Confidential

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

8. The Joint Commission will present the considerations and proposals received from the Korean democratic parties and social organizations of North as well as South Korea for study and elaboration of coordinated proposals to the corresponding subcommissions, which will create, for this purpose, the necessary number of subcommittees. Advisors, experts and technical personnel for the work in the Joint subcommissions and subcommittees will be appointed by the heads of the corresponding delegations.

In the process of studying the proposals of the Korean democratic parties and social organizations and the elaboration of coordinated proposals for the commission, the subcommissions or subcommittees may, upon mutual agreement of the chairman of the appropriate subcommissions, invite to their meetings representatives of parties and social organizations of both Northern and Southern Korea with whom they may deem it necessary to discuss or to elucidate some problem or other.

DECLASSIFIED
NND 760090
By NARS, Date

9. For the purpose of consultation and aiding the Joint Commission in elaboration by it of recommendations regarding the [redacted] structure and principles of organization of the Korean Provisional Democratic Government and of the local organs of authority (Provisional Charter), and also the political platform for this Government, representatives of various parties and social organizations shall be invited from among such parties and organizations included in the list mentioned in paragraph 5.

The number of such representatives of various parties and organizations shall be determined by the Joint Commission in accordance with the number of members and taking into account as far as possible their influence. The Joint Commission shall convene joint meetings with such representatives and may also call them upon to take part in the consultation of elaboration of recommendations by subcommissions and subcommittees.

The time and the agenda of the joint sessions of the Joint Commission with such representatives will be approved by the Chief Commissioners.

10. Democratic parties and social organizations of both northern and southern Korea shall have equal rights and opportunity in consultation with the Joint Commission.

Confidential

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

~~SECRET~~ Confidential rev. 6/6/47

11. The coordinated proposals elaborated by the subcommissions shall be submitted for consideration to the Joint Commission which shall examine such proposals and shall grant its provisional approval. Following this the Joint Commission shall appoint a drafting commission to which it shall give the necessary instructions regarding the compilation of the final text of the recommendations concerning [redacted] the structure and principles or organization of the Korean Provisional Democratic Government and local organs of authority (Provisional Charter) and also the political platform for the government. The texts of recommendations elaborated by the drafting commission shall be approved by the Joint Commission.

12. Following the approval of the texts of recommendations submitted by the drafting commission, the Joint Commission shall proceed with elaboration of recommendations regarding the personnel of the Korean Provisional Democratic Government.

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DECLASSIFIED
NND 760090
By _____ NARS, Date _____

June 6, 1947

~~SECRET~~ Confidential

~~SOVIET~~ PROPOSAL Draft of Joint. Final proposal

ON THE ORDER OF CONSULTATION WITH KOREAN DEMOCRATIC PARTIES AND SOCIAL ORGANIZATIONS IN NORTHERN AND SOUTHERN KOREA

1. In consulting with Korean democratic parties and social organizations, the Joint Commission shall be guided by the conditions stated in the letter of Minister of Foreign Affairs of the U.S.S.R. V. M. Molotov, of 7 May 1947, and accepted by the Secretary of State of the U.S.A. ~~George~~ George C. Marshall in his letter of 13 May 1947. The appropriate quotation from the letter of ~~V. M.~~ Foreign Minister Molotov is given below:

"The Soviet Commander in his letter of Nov. 26, 1946, advanced the following proposals as a basis for the resumption of the work of the Joint Commission:

1. The Joint Commission must consult those democratic parties and organizations which uphold fully the Moscow Decision on Korea.

2. Parties or social organizations invited for consultation with the Joint Commission must not nominate for consultation those representatives who have compromised themselves by actively voicing opposition to the Moscow Decision.

3. Parties and social organizations invited for consultation with Joint Commission must not and will not voice opposition nor will they incite others to voice opposition to Moscow Decision and the work of the Joint Commission. If such be the case, such parties and social organizations by mutual agreement of both delegations will be excluded from further consultation with the Joint Commission.

The American Commander in his letter of Dec. 24, 1946, agreed to accept these proposals of the Soviet Commander with the following changes as the basis for the resumption of the work of the Joint Commission:

~~Secret~~ Restricted Confidential

DECLASSIFIED
NND 760090
By NARS, Date

"Proposal Number 1 to be interpreted as follows:

"Signing the declaration in Communique Number 5 will be accepted as declaration of good faith with respect to upholding fully the Moscow Decision and will make the signatory party or organization eligible for initial consultation.

"Proposal Number 2. I consider it the right of a declarant party or organization to appoint the representative which it believes will best present to the Joint Commission its views on the implementation of the Moscow Decision. However, should such representative for good reason be believed to be antagonistic to the implementation of the Moscow Decision or to either of the Allied Powers, the Joint Commission may, after mutual agreement, require the declarant party to name a substitute spokesman.

"Proposal Number 3. It is suggested that it be reworded as follows: Individuals, parties and social organizations invited for the consultation with the Joint Commission should not after signing the declaration contained in Communique Number 5 foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision. Those individuals, parties and social organizations which after signing the declaration contained in Communique Number 5 do foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision shall be excluded from further consultation with the Joint Commission. The decision excluding such individuals, parties and social organizations shall be by agreement of the Joint Commission."

With a view to expediting the resumption of the work of the Joint Commission and the creation of a temporary Korean democratic government, I am prepared to accept the amendments set forth above proposed by the American Commander."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Confidential

4

Democratic parties and social organizations of Northern and Southern Korea which have signed the declaration contained in paragraph 2 may submit to the Joint Commission in written form their considerations regarding the structure and principles of organization of the Provisional Korean Democratic Government and local organs of authority (Provisional Charter) and also the political platform for this Government, in accordance with a questionnaire approved by the Commission. This questionnaire shall be published in the press and ~~also~~ distributed by the Commission to parties and organizations included in the list mentioned in paragraph 5. [illegible]

The aforementioned considerations shall be submitted to the Joint Commission by 25 June 1947.

[illegible]

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DECLASSIFIED
NND 760090
By _____ NARS, Date _____

June 7, 1947

CONFIDENTIAL

CONFIDENTIAL

Korea

ON THE ORDER OF CONSULTATION WITH KOREAN DEMOCRATIC PARTIES AND SOCIAL ORGANIZATIONS IN NORTHERN AND SOUTHERN KOREA

1. In consulting with Korean democratic parties and social organizations, the Joint Commission shall be guided by the conditions stated in the letter of Minister of Foreign Affairs of the U.S.S.R. V. M. Molotov, of 7 May 1947, and accepted by the Secretary of State of the U.S.A. George Marshall in his letter of 13 May 1947. The appropriate quotation from the letter of Foreign Minister V.M. Molotov is given below:

"The Soviet Commander in his letter of Nov. 26, 1946, advanced the following proposals as a basis for the resumption of the work of the Joint Commission:

'1. The Joint Commission must consult those democratic parties and organizations which uphold fully the Moscow Decision on Korea.

'2. Parties or social organizations invited for consultation with the Joint Commission must not nominate for consultation those representatives who have compromised themselves by actively ~~voicing opposition~~ (actively voicing) to the Moscow Decision.

'3. Parties and social organizations invited for consultation with the Joint Commission must not and will not voice opposition nor will they incite others to (voice opposition) to the Moscow Decision and the work of the Joint Commission. If such be the case, such parties and social organizations by mutual agreement of both delegations will be excluded from further consultation with the Joint Commission.'

"The American Commander in his letter of Dec. 24, 1946, agreed to accept these proposals of the Soviet Commander with the following changes as the basis for the resumption of the work of the Joint Commission:

CONFIDENTIAL

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

"Proposal Number 1 to be interpreted as follows:

"Signing the declaration in Communique Number 5 will be accepted as declaration of good faith with respect to upholding fully the Moscow Decision and will make the signatory party or organization eligible for initial consultation.

"Proposal Number 2. I consider it the right of a declarant party or organization to appoint the representative which it believes will best present to the Joint Commission its views on the implementation of the Moscow Decision. However, should such representative for good reason be believed to be antagonistic to the implementation of the Moscow Decision or to either of the Allied Powers, the Joint Commission may, after mutual agreement, require the declarant party to name a substitute spokesman.

"Proposal Number 3. It is suggested that it be reworded as follows: Individuals, parties and social organizations invited for ~~the~~ consultation with the Joint Commission should not after signing the declaration contained in Communique Number 5 foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision. Those individuals, parties and social organizations which after signing the declaration contained in Communique Number 5 do foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision shall be excluded from further consultation with the Joint Commission. The decision excluding such individuals, parties and social organizations shall be by agreement of the Joint Commission."

"With a view to expediting the resumption of the work of the Joint Commission and the creation of a provisional temporary Korean democratic government, I am prepared to accept the amendments set forth above proposed by the American Commander."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

2. The Joint Commission will consult with Korean democratic parties and social organizations which are truly democratic in their aims and methods and which will subscribe to the following declaration:

"We _____ declare that we will uphold the aims of the Moscow Decision on Korea as stated in paragraph 1 of this decision, namely:

"The reestablishment of Korea as an independent state, the creation of conditions for developing the country on democratic principles, and, the earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea.'

Further, we will abide by the decisions of the Joint Commission in its fulfillment of paragraph 2 of the Moscow Decision in the formation of a Provisional Korean Democratic Government;

Further, we will cooperate with the Joint Commission in working out by it with the participation of the Provisional Korean Democratic Government, of proposals concerning measures foreseen by paragraph 3 of the Moscow Decision.

Signed _____

Representing the _____ Party or Organization."

3. Democratic parties and social organizations of northern and southern Korea are hereby invited to submit their applications for participation in consultation with the Joint Commission. Every party and organization must submit only one application through its central zonal organ.

The application should be accompanied by a copy of the declaration given in paragraph 2 above, duly signed and sealed with the seal of its central organ and also signed by the designated representative. The application shall contain the following information:

a. The full name of the party or organization, the address of its central office, the date of estab-

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

CONFIDENTIAL

lishment, the membership, number and ~~location~~ of branches, and total membership.

b. The full name of a designated representative given in Chinese characters and, where possible, in English and Russian transliteration, the place and date of birth, position held in the party or organization and home address. Applications for participation in consultation shall be submitted to the Joint Commission at Sebul or Pyongyang by 20 June 1947.

4. Democratic parties and social organizations of Northern and Southern Korea which have signed the declaration contained in paragraph 2 may submit to the Joint Commission in written form their considerations regarding the structure and principles of organization of the Provisional Korean Democratic Government and local organs of authority (Provisional Charter) and also the political platform for this Government, in accordance with a questionnaire approved by the Commission. This questionnaire shall be published in the press and printed copies will be available at the Joint Commission headquarters in Seoul and Pyongyang.

The aforementioned considerations shall be submitted to the Joint Commission by 25 June 1947.

5. Subcommission No. 1, upon receiving the applications for consultation, shall compile a list of all democratic parties and social organizations and their designated representatives of North and South Korea which have signed the declaration in paragraph 2.

6. Following the approval by the Joint Commission of the list of democratic parties and social organizations and their representatives mentioned in paragraph 5, the Joint Commission shall convene in Seoul on 25 June 1947 a joint meeting to which it shall invite the above mentioned representatives of parties

CONFIDENTIAL

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

CONFIDENTIAL

and social organizations in South Korea. A similar meeting of representatives of parties and social organizations in North Korea shall take place in Pyongyang on 30 June 1947. The Chief Commissioner of the Soviet Delegation shall preside over the meeting in Seoul, and the Chief Commissioner of the American Delegation shall preside at the meeting in Pyongyang. At such meetings the Chief of the Delegation in whose zone the assembly is being held will present a statement elaborated by the Joint Commission.

7. Representatives of parties and social organizations of both Northern and Southern Korea which are included in the list referred to in paragraph 5 above will be invited to individual oral consultation regarding the structure and principles of organization of the Korean Provisional Democratic Government and local organs of authority (Provisional Charter) and also regarding the political platform for this Government. For this purpose the Joint Commission will appoint the necessary number of subcommittees and shall notify each representative of the time and place he is to appear for consultation. (~~This process~~ omitted by Russians

✓ ~~of~~) Oral consultation shall commence on 5 July 1947 and take place in Seoul and Pyongyang. **(Question of consultation in Seoul and Pyongyang.)**

8. The Joint Commission will present the considerations and proposals received from the Korean democratic parties and social organizations of North as well as South Korea for study and elaboration of coordinated proposals to the corresponding subcommissions which will create, for this purpose, the necessary number of subcommittees. Advisors, experts and technical personnel for the work in the Joint subcommissions and subcommittees will be appointed by the heads of the corresponding delegations.

9. For the purpose of consultation and aiding the Joint Com-

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

CONFIDENTIAL
omitted by Russians

mission in elaboration (~~by it~~) of recommendations regarding the structure and principles of organization of the Korean Provisional Democratic Government and of the local organs of authority (Provisional Charter), and also the political platform for this government, representatives of ~~various~~s parties and social organizations shall be invited from among ~~such~~ parties and organizations included in the list mentioned in paragraph 5.

The number of such representatives of various parties and organizations shall be determined by the Joint Commission in accordance with ~~the number of~~ their membership and, as far as possible, taking into account their influence. The Joint Commission shall convene joint meetings with such representatives and may also call upon them to take part in the elaboration of recommendations by subcommissions and subcommittees. The time and the agenda of the joint sessions of the Joint Commission with such representatives will be approved by the Chief Commissioners.

10. Democratic parties and social organizations of both northern and southern Korea shall have equal rights and opportunity in consultation with the Joint Commission. (yes) - Russian

11. The coordinated proposals elaborated by the subcommissions shall be submitted for consideration to the Joint Commission which shall examine such proposals and shall grant its provisional approval. Following this the Joint Commission shall appoint a drafting commission to which it shall give the necessary instructions regarding the compilation of the final text of the recommendations concerning the structure and principles of organization of the Korean Provisional Democratic Government and local organs of authority (Provisional Charter) and also the political platform for this government. The texts of

DECLASSIFIED
NND 760090
By NARS, Date

CONFIDENTIAL

recommendations elaborated by the drafting commission shall be approved by the Joint Commission.

12. Following the approval of the texts of recommendations submitted by the drafting commission, the Joint Commission shall proceed with elaboration of recommendations regarding the personnel of the Korean Provisional Democratic Government.

CONFIDENTIAL

CONFIDENTIAL

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET Revised

SOVIET PROPOSAL
17 June 1947

ORDER OF COMPILATION OF THE LIST OF PARTIES AND ORGANIZATIONS.

1. The applications for participation in consultation and signed copies of the declaration which are received by the representative of the American Secretariat in Seoul from the parties and organizations of South Korea shall be transmitted without delay as a copy or in translation to the Soviet Secretariat. The above mentioned documents received from the parties and organizations of Northern Korea by the representative of the Soviet Secretariat in Pyongyang shall be transmitted in the same manner to the American Secretariat.

2. The information submitted by the parties and organizations, after translation, will be forwarded to the respective chairmen of Subcommission No. 1 by the Secretariats.

3. The list of parties and organizations which had signed the declaration, as well as the list of their representatives, shall be discussed in Subcommission No. 1, and following agreement will be submitted for approval to the Joint Commission.

4. Following the approval of the list, the Joint Commission shall send to the parties and organizations included in the list a written notification of having been admitted to consultation, and also concerning the invitation extended to their representatives to attend the Joint meeting.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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S E C R E T

SOVIET PROPOSAL
17 June 1947

ORDER OF COMPILATION OF THE LIST OF PARTIES AND ORGANIZATIONS.

1. The applications for participation in consultation and signed copies of the declaration which are received by the representative of the American Secretariat in Seoul from the parties and organizations of South Korea shall be transmitted without delay as a copy or in translation to the Soviet Secretariat. The above mentioned documents received from the parties and organizations of Northern Korea by the representative of the Soviet Secretarial in Pyongyang shall be transmitted in the same manner to the American Secretariat.

2. On the basis of the information submitted by the parties and organizations, the Soviet and American Secretariats shall jointly compile:

a. A preliminary list of parties and social organizations which had submitted a signed declaration according to the following form:

Number, in order of receipt of application,
Name of party or organization, the address
of its central organ, date of establishment,
number of branches and their membership,
total number of members.

b. List of designated representatives according to the following form:

Full name of the designated representative,
date and place of birth, position occupied
in the party or organization, and home address.

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NND 760090
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3. The list of parties and organizations which had signed the declaration compiled by the Secretariat, as well as the list of their representatives, shall be discussed in Sub-commission No. 1, and following agreement are submitted for approval to the Joint Commission.

4. Following the approval of the list, the Joint Commission shall send to the parties and organizations included in the list a written notification of having been admitted to consultation, and also concerning the invitation extended to their representatives to attend the Joint meeting.

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SJJ

MEMORANDUM OF CONVERSATION, 19 JUNE,
BETWEEN HEADS OF SUBCOMMISSION No. 1,
MESSRS. BUNCE AND TOUMKIN. ALSO
PRESENT, COL. LINCOLN, MR. PROSTOV,
MR. VALENKO.

1. New draft of opening speech, combining the American and the Soviet proposals was submitted by Dr. Bunce. Mr. Tounkin asked for time to study the new draft, and suggested that it be discussed at 10:30 a.m. the following day.

2. Dr. Bunce brought up the problem of distributing invitations, and suggested that these, together with programs, be handed to designated representatives at the time applications are brought in, without waiting for compilation of lists. He indicated that time was very short between the deadline for turning in signed declarations, and the time of the meeting.

3. Mr. Tounkin objected to this proposal saying that it would be confusing, and might give some representatives the wrong impression that they had been invited to consultation. He suggested that Subcommission I begin compiling lists of parties immediately the applications are in.

4. Col. Lincoln pointed out that the invitations would not state that individual representatives had been invited for consultation, but merely to attend the joint meeting. He also stated that Mr. Tounkin's suggestion regarding the immediate compilation of lists seemed to conflict with the agreement previously reached.

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NND 760090
By _____ NARS, Date _____

5. Dr. Bunce suggested that another alternative would be to postpone the meeting, to allow for time to distribute the invitation. Mr. Tounkin objected saying that this would change the entire schedule of consultations.

6. Col. Lincoln suggested that even if a partial list is compiled by the Subcommission, no initial consultations could take place until the Joint Commission approved such a list. He pointed out that written invitation would serve to identify representative for admission to the meeting. Dr. Bunce pointed out that in all probability there would be a last minute rush of applications, since in all probability the parties would wait to file them simultaneously with the questionnaires.

7. Mr. Tounkin said there would be no objection to approving a partial list, but that he would have to discuss the problem of invitations with the Soviet Delegation. He also pointed out that every representative should have his credentials before attending the meeting.

8. Dr. Bunce pointed out that it would be impossible to set up screening at this time, and that all applicants would have to be given invitations. Screening would take place at the time the listings are compiled.

9. Mr. Tounkin suggested that representatives bring signed copies of the declaration as their credentials. Col. Lincoln suggests that it would be more embarrassing to turn representatives away at the door of the meeting, following check up with the list.

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NND 760090
By _____ NARS, Date _____

10. Mr. Tounkin tried unsuccessfully to find out the number of parties which had signed the declaration.

11. Dr. Bunce pointed out that the alternatives were -

a. To give out invitations at time applications are filed;

b. To postpone the meeting.

Mr. Tounkin asked for time to think the matter over.

12. Mr. Tounkin suggested that a standard form be used for compiling the lists, and submitted a form recommended by the Soviet Delegation. He also suggested that it would be more convenient for the U. S. Delegation to compile the list of the Southern parties, Soviet Delegation the list of the Northern parties, the two lists being translated into corresponding languages. The work may be carried on simultaneously by two delegations, yet parties should be arranged in the same order; i.e., in the order of application. Dr. Bunce objected to compilation of separate lists, and Mr. Tounkin explained that the only reason for this would be to facilitate handling. This would be actually the same list, on two different sheets.

13. Dr. Bunce agreed to follow the scheme suggested by Mr. Tounkin, and designated Mr. Keeney to handle the compilation of lists from the American side. It was also recommended that the lists should include transliterations of Korean names of parties so as to facilitate identification.

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NND 760090
By NARS, Date

LIST OF REPRESENTATIVES DESIGNATED BY PARTIES AND SEVERAL ORGANIZATIONS OF SOUTHERN KOREA FILING APPLICATIONS FOR PARTICIPATION IN CONSULTATION WITH THE JOINT COMMISSION

Accession No.	Name of Party or Organization	Full name of Designated Representative	Date & Place of Birth	Position Occupied in Party or Organization	Home Address	Remarks
I	II	III	IV	V	VI	VII

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NND 760090
By NARS, Date

LIST OF PARTIES AND SOCIAL ORGANIZATIONS OF SOUTHERN KOREA WHICH HAVE FILED APPLICATIONS FOR PARTICIPATION IN CONSULTATION WITH THE JOINT COMMISSION

No. in Order of Application	Full name of Party or Organization	Date of Est.	Declared No. of Members of Party or Organization	Name of Central Organ and Its Address	Branches of Party or Organization			Remarks
					Total No.	Location	Membership	
I	II	III	IV	V	VI	VII	VIII	IX

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NND 760090
By _____ NARS, Date _____

SUBCOMMISSION I

TRANSCRIPT OF 10TH MEETING, 1100 HOURS

25 JUNE 1947

DR. TOU KI.: I propose to discuss the list of political parties and social organizations.

MR. LUNCL: No objection.

MR. TOUNKIN: I have not yet studied carefully the list submitted by the American Delegation of the democratic parties and social organizations of South Korea because it was not translated fully. However, I have made a brief review of this list, and it seems to me that if we adopt such a list we would put ourselves in an awkward position. I would rather say that we would put in an awkward position the Moscow Decision. That is why I would like to know the suggestion of the American Delegation about this list which was submitted by the delegation.

DR. LUNCL: This list submitted by the American Delegation is the result of an agreed program of work which was subscribed to by the Soviet Delegation at the time this was discussed in the Joint Commission, and also during the meetings of Subcommission I the American Delegation attempted to obtain from the Soviet Delegation a definition of what a social organization was and what parties would be consulted with, in order that a certain limitation could be placed on the number who would apply for oral consultation. The American proposals were not accepted by the Soviet Delegation. This list is a direct result of the position insisted upon by the Soviet Delegation. The American position is that we must in good faith follow out the commitments made in Joint Decision #4. If Mr. Tounkin feels there are certain objectionable and dangerous features in the list of the South Korea parties, I would like him to explicitly state what the objections are and what the Soviet Delegation proposes as a solution to any of the problems that they may raise. Mr. Tounkin stated that this list might even put the Joint Commission in an awkward position, and the Moscow Decision itself. I would like a full explanation of the meaning of that statement.

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NND 760090
By _____ NARS, Date _____

MR. TOUNKIN. First, I remember that when we discussed this question in the Subcommission I suggested to exchange for orientation the lists of parties and organizations in North and South Korea. Second, the Soviet Delegation proposed earlier to publish the declaration, and only then to look through this list to see what parties and organizations would apply for consultation with the Joint Commission. Neither the first nor the second Soviet proposal was accepted. Looking at this list I am sure that if we had accepted the American proposal to limit the parties and organizations to 5,000 membership and at least 3 branches in the provinces there would not be much change in the list. It would have had no real effect on this list. I did not count -- maybe the American Delegation has counted it -- the total membership of the parties and organizations of South Korea submitted for consultation, but probably the total membership is about seventy or eighty million members. If we had accepted the limitation of a 5,000 membership, it seems to me that we would have a total membership of one hundred twenty or maybe one hundred fifty million. I don't think that it would help us in our practical work, and it would not let us have the limitation of the number of these parties and organizations. I have no objections to the fulfillment of Decision 12 of the Joint Commission, and I feel certain that we should fulfill this decision, but I think that by accepting this decision, and being guided by the Moscow Decision on Korea, the Commission has not in mind and it does not follow from the Joint Decision that the Commission has in mind consulting with, for instance, the following organizations mentioned in the list: #14, Society of Esperanto; #15, Society of Fighters for Christianity; #21, Society of Students Studying in America and in Europe; #39, Society of Chinese Signs; #85, Society of Fencing, and so on to many other such organizations which have narrowly specialized and local character. In Decision #12 it is said that the Joint Commission will consult with the democratic parties and social organizations of South and North Korea, and that the organizations who would like to participate in the consultation should submit only one copy of

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

application, in the name of their central zonal organization. It seems to me that we have agreed that we could consult with the central zonal organizations, but not with the local provincial and city organizations. I think it would be better to exclude the provincial, city and local organizations from the list. What suggestion has the American Delegation on this question? Americans know best which ones are local and provincial.

DR. LIMB: I think the fundamental difference between the South Korea list and the North Korea list lies in the fact that in South Korea we do not have the central organizations which take into their organization all the smaller associated organizations. As you go over the North Korea list you find you have a Musicians' Society, with a central committee; an Actors and Singers Society, with a central committee; a North Korea Artists Society, with a central committee. In the South we do not have, and have not built up, any of these central organizations, so that if you exclude all these social organizations and parties which are not associated with a central committee or organization, they would have no way whatever of having their views known. I think the difficulty and difference between these two lists lies in that fundamental difference of the organization of the parties and social organizations in North and South Korea. In South Korea no effort has been made to get them all tied in and associated with any central committee or organization.

MR. KOUNKIN: I cannot agree with such an interpretation. Such an interpretation does not coincide with the real situation. In the South there are parties and organizations which have local provincial branches. Such organizations as well are in the North of Korea. In the South there are central parties and organizations, and in North Korea there are also central parties and organizations. In the South there are local organizations with no central organizations, and in the same way in North Korea there are very many local organizations which have no

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

central organs. There are many organizations, such as musical, physical culture, and so forth, and that is why if we would accept the way of the South, in the North, there might be twice as big a list of parties and organizations in the North as there are in the South. If we approach this question so that every local organization would have the right to send its representative to the Joint Commission for consultation, then -- I don't know how it is in the South -- but in the North we have very, very many such organizations, and it is probable that every village would send its representative to the Joint Commission for consultation. If we are not intending to delay the work of the Joint Commission we cannot consult with the local organizations, and we should not consult with those organizations which are not social organizations in the meaning which the Joint Commission has for consultation with the organizations. My proposal to exclude the local organizations and the organizations which are not under the meaning of the Moscow Decision from the list completely corresponds to Decision #12 of the Joint Commission. I think that Mr. Bunce would agree that our position would not be very solid if we would consult with an organization such as Fencing Society, or an organization such as Society of Chinese Signs, and many, many other organizations of such a type. We are confronted with a serious task, the task of the formation of the Provisional Korean Democratic Government, and we should fulfill this task in such a way that neither the Korean people nor the world could form the opinion that we are engaged here with fencing and so on, and not with the serious work of the fulfillment of this task.

Dr. LUNCE: I agree with Mr. Tounkin that we do face a very serious problem. If Mr. Tounkin will recall, the American Delegation attempted to state specifically in Joint Decision #12 that social organizations with branches in two or more provinces be included, but that phrase was not acceptable to the Soviet Delegation. We are now in the position of having stated to the Korean people, in Decision #12, that we would consult with these social organizations and political parties. Mr.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Tounkin now proposes that the Joint Commission essentially go back on its word to the Korean people and say that now we will not consult with them. I agree that probably in North Korea there are many independent organizations which might have sent in their applications for consultation, and I am somewhat surprised that none of them did so. In terms of interpreting the meaning of social organizations in the Moscow decision, it is very difficult to state explicitly what social organizations should be included and which ones should be excluded. For example, No. 36 in the North Korea list is the "North Korea Society of People's Air Fleet". I don't know whether there is much difference between flying a plane or using a foil. They are both examples of manual dexterity and skill. I cannot see very much basis for reaching a definition as to what parties we should exclude at this time after we have publicly announced and committed the Joint Commission to consultation. There is one other problem involved in Mr. Tounkin's suggestion which I cannot see how to solve, and that is excluding all parties and organizations which have only one branch and no subbranches. We may exclude some parties and organizations with a large membership, while we would at the same time include some parties and organizations which may have two or three branches but a very much smaller membership, and essentially it would weight consultation in favor of all parties and organizations that list branches. I should think that the number of members should also be considered as an important factor.

MR. TOUNKIN: I agree that the membership is an important factor, but in the South this looked very strange. There are about 62 million members of parties and organizations. From this figure it is seen that everything is not in order with the membership. Having a population of 16 million, there are more than 60 million members of parties and organizations. It means that one adult person is a member of at least eight organizations. I can mention one very believable example -- there is a Union of Building Workers and Repair Workers of South Korea with

DECLASSIFIED
NND 760090
By NARS, Date

a membership of 1,200,000 members, or the Korean Society of Red Cross with a membership of 5,000,000. Mr. Bunce, I think, should help us out on how we should deal with such membership, because such membership is false, and for such false statements to an official organ there are penalties. We have only one way -- to exclude such an organization from the list -- we have no other means of imposing a penalty. I would like to ask Mr. Bunce if he has any concrete suggestion about the list submitted by the American Delegation, and does the American Delegation suggest to exclude any parties and organizations from the list, or does it believe that all these parties and organizations should be retained in this list?

DR. KUNG: In reply to Mr. Younkin I might mention that the population figure for South Korea is considerably too low. Our statistics indicate that we have approximately 20 million people in South Korea. I would point out that one reason there is such a large number of people counted in this total list is that central associations have filed applications giving their total membership, and also the associated parties or organizations have listed themselves separately. I will give one example -- "The People's Front" has listed itself with a membership of six million, and all the associated parties with the People's Front have also listed themselves, so we have a complete duplication of six million people. The Chung Hyung has listed itself with 364,000, and all the unions associated with the Chung Hyung are also listed. The Farmers' Union, for example, lists over two million members, and the Cooperative Union, which essentially represents the same people, has over half a million, so there is no question about Mr. Younkin's statement that there is a good deal of duplication in this list. Now in regard to the proposal, the American position is that we wish to exclude as few parties and individuals as possible. Where we have outright cases of fraud and deception then I believe that we have a perfectly just cause for excluding a party or organization. What I would like to see us do would be to try and work out some method whereb we could maintain our commitments to the Korean people and

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

organize some form of consultation with a lot of these small parties and minor groups that could be done very rapidly, and give a longer time to the more important groups with the larger numbers of members. I would suggest that since we have to meet at the Capitol at 1:30, and do not want to be late, the Subcommission meet tomorrow at 9:30, and that both the Soviet and American representatives consider further this problem, and see if we can get any more ideas by tomorrow. I assure Mr. Tounkin that we have no desire whatever to delay the work of the Joint Commission and that the American Delegation is just as interested as the Soviet Delegation in finding a solution to this problem.

MR. TOUNKIN: First of all I should mention that the 20 million population in South Korea is an imaginary figure. Second, such a big membership could not be explained by duplication. I mentioned two examples where there is no duplication. In the whole of Korea there is no 1,200,000 workers, and only in one trade union of building and repair workers there are listed 1,200,000 workers; or if you take the South Korean Red Cross with five million members, it means that almost all the adult population are members of this organization. That is not the case. I think that the duplications should be eliminated, because some parties and organizations are submitting their views to the Joint Commission, and we should exclude such parties and federal organizations which are submitting to you on behalf of these organizations. I agree to adjourn now and to meet again tomorrow, and later on I will phone Mr. Bunce about the time of our meeting tomorrow.

Meeting was adjourned at 1215 hours, 25 June 1947.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

DRAFT
28 June

U.S. POSITION ON FREEDOM OF EXPRESSION AND ELIGIBILITY FOR CONSULTATION

The following are extracts of statements on freedom of expression in formation of a Korean Government which indicate the U.S. viewpoint:

1. Moscow Decision: para 2 . . . . "In preparing their proposals the Commission shall consult with the Korean democratic parties and social organizations." This places no restriction on freedom of speech or opinion regarding the Moscow Decision or anything else.

2. Letter, 9 May 1946, Gen. Hodge to Gen. Chistiakov:
. . . . "but the American Delegation cannot agree to exclusion of Korean democratic parties and social organizations and their leaders from consultation concerning the future of their nation because of expression of their political views on the Moscow Decision."

3. Letter, 15 June 1946, Gen. Hodge to Gen. Chistiakov:
. . . . "The American Command stands ready to resume negotiations in order fully to carry out the Moscow Decision in accordance with the principle of freedom of expression as enunciated in the Atlantic Charter."

4. Letter, 12 Aug. 1946, Gen. Hodge to Gen. Chistiakov:
. . . . "There is nothing in the Moscow Decision that prohibits Koreans in conferences with the Commission or elsewhere from expressing freely their wishes and desires in formation of their own government."

5. Letter, 1 Nov. 1946, Gen. Hodge to Gen. Chistiakov:
. . . . "(b) The United States has always favored the exercise of freedom of speech in Korea. The United States believes that all Korean democratic parties and social organizations should be permitted to make known their desires in the formation of their own government. The representatives of

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NND 760090
By _____ NARS, Date _____

the United States see a great difference between (1) the instigation of mass opposition to the work of the Joint Commission and the fulfillment of the Moscow Decision; and (2) the proper exercise of freedom of expression by Korean individuals, democratic parties and groups concerning their wishes and desires in the formation of their own government."

6. Letter, 24 Dec. 1946, Gen. Hodge to Gen. Chistiakov:

. . . . "Paragraphs I x and X of your letter guarantee on the part of the Soviet Delegation complete freedom of expression to Korean political parties, social organizations and individuals 'regarding the formation of the Korean government and other questions connected with the realization of the Moscow Decision on Korea.' "

7. Letter, April 8, 1947, Mr. Marshall to Mr. Molotov:

. . . . "The policy of the United States toward Korea has the following basic objectives:

. . . . 2. To insure that the national government so established shall be representative of the freely expressed will of the Korean people."

and, further on in the same letter Secretary Marshall adds:

. . . . "To this end I ask that our Governments agree to instruct our respective Commanders in Korea to reconvene the Joint Commission as soon as possible and charge it with expediting its work under the terms of the Moscow Agreement on a basis of democratic right for freedom of expression."

8. Letter, May 2, 1947, Mr. Marshall to Mr. Molotov:

. . . . "In order to avoid any future misunderstanding with respect to the phrase 'exact execution', I wish to make clear my interpretation of the phrase. In my letter to you of April 8, I stated that the Joint Commission should be charged with expediting its work under the terms of the Moscow Agreement on a basis of respect for the democratic right of freedom of opinion. In making this statement I

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NND 760090
By _____ NARS, Date _____

had and have in mind the well known position of the government of the United States nd Korean representatives of Democratic parties and social organizations shall not be excluded from consultation with the Commission on the formation of a Provisional Korean Government, becauseof opinions they might hold or may have expressed in the past concerning the future government of their country, provided they are prepared to cooperate with the Commission."

9. In answer to Mr. Marshall's letter of May 2, Mr. Molotov quoted the 3 proposals of Gen. Chistiakov's letter to General Hodge of November 26, 1946, and also General Hodge's proposed amendments of his December 24 letter with the statement that he was prepared to "accept the amendments set forth by the American Commander." These three proposals as amended constitute the specific formula for insuring freedom of expression and for determining which parties or organizations are prepared to cooperate with the Joint Commission.

Secretary Marshall in his 2 May letter to Mr. Molotov stated: "These proposals were authorized by this government and are identical in purpose to the statement contained in the second paragraph of my letter of 2 May 1947."

10. Thus the U.S. position on freedom of expression in consultation has not changed nor will it change. It is clear from the agreement made by Secretary Marshall and Mr. Molotov that:

(a) A party which has signed the application in accordance with the instructions of the Joint Commission must be accepted for consultation irrespective of its previous actions.

(b) That a party or organization remains eligible for consultation unless after signing the declaration of Commuhique No. 5 it foments and instigates active opposition to the Moscow Decision or to either of the Allied Powers. A statement of opinion or any other

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

passive action or indication of opinion is not cause for declaring a party or organization ineligible. An overt act must be committed. In the absence of proof of such overt act, the party remains eligible.

/Lincoln/

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By _____ NARS, Date _____

U.S. - U.S.S.R. Joint Commission
SUBCOMMISSION NO. 1
Seoul, Korea

26 August 1947

PROPOSED OUTLINE OF JOINT REPORT

1. Introduction

   (1) Background

   (2) First session (1946)

   (3) Interim correspondence

2. Current session (1947)

   (1) Formal agreements of Joint Commission

   (2) Questionnaires Joint Decisions No. 10 and No. 13

   (3) Joint Decision No. 12.

   (4) Applications of Political Parties and Social Organizations in North and South Korea

   (5) Oral Consultation

      a. Soviet position

      b. American position

   (6) Further proposals of both delegations

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NND 760090
By _____ NARS, Date _____

3. Upon receipt of these applications, Subcommission No. 1 shall review them in the light of the above criteria and prepare a composite list of democratic parties and social organizations, to present to the Joint Commission for final approval.

4. Following the approval of the composite list of the Korean democratic parties and social organizations, the Joint Commission shall notify by official communication the central organs or these parties and social organizations that they are invited for consultation. The parties and social organizations shall provide their designated representative with appropriate credentials to be submitted to the Joint Commission by the _____ (date).

5. Following the verification by the Commission of the credentials of the representatives of democratic parties and social organizations of South Korea, the Commission shall convene in Seoul a joint meeting to which it shall invite such representatives. The Head of the Soviet delegation shall act as chairman of this meeting. A communication worked out by, and in the name of, the Commission shall be presented at such a meeting by the chief of the American delegation. At this meeting the representatives of the democratic parties and social organizations shall be given a questionnaire (Appendix A), and instructed to prepare written answers to be submitted to the Joint Commission over the signature of their representatives within fourteen days.

6. Following the meeting in Seoul, the Joint Commission shall meet in Pyongyang where it shall carry out with the representatives of democratic parties and social organizations of North Korea the same procedure as listed in paragraph 5. However, at the Pyongyang meeting the Head of the American delegation shall act as chairman and the communication to be worked out in the name of the Commission shall be presented by the chief of the Soviet delegation.

7. Upon the Commission's return from Pyongyang, each representative of political parties and social organizations mentioned in paragraph 4 shall be asked to appear before appropriate subcommittees at a designated time to present answers to such questions which the subcommittee may deem it necessary to ask or to present any additional views on the formation of the Korean Provisional Government which their parties and organizations deem ~~pertinent~~.

8. In the process of studying the proposals of the Korean democratic parties and social organizations of North and South Korea, the subcommissions and subcommittees may, subject to mutual agreement of the chairmen of the corresponding subcommission, again invite to their meetings at Seoul the designated representatives of parties and social organizations of North and South Korea with whom they may deem it necessary to consult.

9. The Joint Commission upon approval of the Chief Commissioner of each delegation may invite any representatives of democratic parties and social organizations and such other persons as are mutually agreed upon to consult with the Joint Commission.

10. The Joint Commission shall transmit to the appropriate subcommissions the proposals and suggestions of the Korean democratic parties and social organizations of North and

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NND 760090
By _____ NARS, Date _____

South Korea for study and preparation of coordinated proposals, for which purpose a necessary number of subcommittees shall be created by the subcommissions. The heads of the respective delegations shall appoint the advisers, experts, and technical personnel for the work in the subcommissions and subcommittees.

11. The coordinated proposals worked out by the subcommissions shall be submitted to the Joint Commission ~~which shall examine these proposals and shall give its approval.~~ for its examination and approval.

12. Democratic parties and social organizations of both northern and southern Korea shall have equal rights and opportunities in consultation with the Joint Commission.

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APPENDIX

Summary of Korean political parties and social organizations applying for consultation in South Korea, North Korea, and in all Korea, by size and political orientation.

1) SOUTH KOREA

(a) Political orientation and size of political parties and social organizations applying for consultation in South Korea.

Membership Categories	Political Orientation of Groups					TOTAL	Percentage
	Right	Moderate Right	Moderate	Moderate Left	People's Front		
1,000,000 & over	7	2	1	1	2	13	3.1
100,000 - 999,999	16	9	1	3	10	39	9.2
10,000 - 99,999	41	11	7	3	29	91	21.6
5,000 - 9,999	30	0	2	0	9	41	9.7
1,000 - 4,999	119	8	7	3	38	175	41.5
less than 1,000	39	4	8	2	10	63	14.9
Total Number	252	34	26	12	98	422 *	-----
Percentage:	59.7	8.1	6.2	2.8	23.2		100.0

* Excluding the following three applicants, which both delegation have agreed are fraudulent:

Acc. Nos.
19 Korea Civil Engineers' & Architects' League
154 Korean Democratic Young Men's League
212 Chosun Federation of Youth

(b) Claimed membership of groups applying for consultation in South Korea.

Membership Categories	Political Orientation (in 1,000)					TOTAL MEMBERSHIP
	Right	Moderate Right	Moderate	Moderate Left	People's Front	
1,000,000 & over	17,693	4,390	2,125	4,064	8,358	36,630,000
100,000 - 999,999	5,692	1,895	499	1,117	4,688	13,890,000
10,000 - 99,999	1,082	249	259	129	782	2,501,000
5,000 - 9,999	190	---	11	---	64	265,000
1,000 - 4,999	253	20	18	5	71	367,000
less than 1,000	11	.8	3	.6	4	19,000
Total Number	4,921	6,554.8	2,915	5,315.6	13,967	53,673,400

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NND 760090
By _____ NARS, Date _____

APPENDIX A - #2

2) NORTH KOREA

Political parties and social organizations of North Korea whose applications for consultation were submitted by the Soviet Delegation (all are members of the Democratic People's Front).

Membership Categories	Orientation: People's Front — Number of Groups	TOTAL MEMBERSHIP
1,000,000 & over	5	9,192,665
100,000 - 999,999	7	3,608,837
10,000 - 99,999	16	477,268
5,000 - 9,999	5	31,152
1,000 - 4,999	5	19,595
less than 1,000	--	---
Total Number	38	13,329,517

3) ALL KOREA

(a) Political orientation and size of groups applying for consultation in all Korea.

Membership Categories	Political Orientation of Groups					TOTAL	Percentage
	Right	M.Right	Moderate	M.Left	P.Front		
1,000,000 & over	7	2	1	1	7	18	3.9
100,000 - 999,999	16	9	1	3	17	46	10.0
10,000 - 99,999	41	11	7	3	45	107	23.3
5,000 - 9,999	30	0	2	0	14	46	10.0
1,000 - 4,999	119	8	7	3	43	180	39.1
less than 1,000	39	4	8	2	10	63	13.7
Total Number	252	34	26	12	136	460	----
Percentage:	54.8	7.4	5.7	2.6	29.5		100.0

(b) Claimed membership of groups applying for consultation in all Korea.

Membership Categories	Political Orientation (in 1,000)					TOTAL MEMBERSHIP
	Right	M.Right	Moderate	M.Left	P.Front	
1,000,000 & over	17,693	4,390	2,125	4,064	17,551	45,823,000
100,000 - 999,999	5,692	1,895	499	1,117	8,297	17,500,000
10,000 - 99,999	1,082	249	259	129	1,259	2,978,000
5,000 - 9,999	190	---	11	---	95	296,000
1,000 - 4,999	253	20	18	5	91	387,000
less than 1,000	11	.8	3	.6	4	19,400
Total Number	24,921	6,554.8	2,915	5,315.6	27.297	67,003,400

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NND 760090
By _____ NARS, Date _____

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APPENDIX B

List of all Korean political parties and social organizations applying for consultation in South and North Korea: by name, claimed membership, and political orientation. Those twenty-eight parties marked by an asterisk applied for consultation but did not submit answers of the questionnaires.

SOUTH KOREA:

Acc. Nos.	Full Name of Party or Social Organization	Declared Number of Members	Classified by Political Orientation
1	Korean Law & Political Institute	2,000	Right
2	General Union of Entire Country Buddhist Assn.	1,585,708	Right
3	People's Republican Party	127,500	People's Front
4	Humanity Institute	8,000	Right
5	United People's Party	14,000	Mod. Right
6	Sungdong Young Men's League	1,600	People's Fr.
7	Korean Popular Party	23,350	Right
8	North-South Friendship Association	1,840	Right
9	Hq. War Refugee Relief Association	2,500,000	Mod. Right
10	Chosun Renovation Party	20,431	Right
11	New Korea Young Men's Federation	2,400	Right
12	Korea Economic Association	2,756	Right
13 *	Korean Political & Ecohomical Society	125	Right
14	Korean Esperanto Society	5,000	Moderate
15	Association for a Christian Nation	5,000	Right
16	Democratic Independence Front	498,647	Moderate
17	War Refugees Association	20,000	Right
18	New Progressive Racial Association	30,200	Right
19	Korea Civil Engineers & Architects' League	1,220,000	Moderate
20	Shang Hai Christian Friendship Association	567	Right
21	University Club (Global Comrades Society)	2,500	Mod. Right
22	Assn. of People from North Hamgyong Province	1,000	Right
23	Democratic Korean Independence Party	176,590	Mod. Right
24	Relief Assn. for Koreans in China	550	Right
25	Oriental Cultural Promotion Society	13,570	Right
26	Industrial Patriotic Party	13,475	Right
27	Western and Northern Friendship Assn.	1,028	Right
28	Korean Red Cross (charter members:	300)	Mod. Right
29	Society for Making Korea Wealthy & Strong	17,580	Right
30	Committee Promoting Korean Independent Dem.Govt.	22,000	Right
31	Assn. of Descendants of Tan (Founder of Korea)	31,560	Right
32	Whole National Patriotic Assn.	129	Mod. Right
33	Korean Renaissance Political Party	35,000	Mod. Right
34	Alliance for Independence Movement	20,000	Mod. Right
35	Reconstruction Alliance of Korean Druggists	6,029	Right
36 *	Korean Young Men's Esperanto League	300	People's Fr.
37	Young Korean Party	1,889,600	Mod. Right
38	Popular Party of Korea	24,178	Right
39	Institute for China Affairs	1,200	Mod. Right
40	Self-Realization Institute	2,709	Right

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Secret

APPENDIX B - #2

Acc. Nos.	Full Name of Party or Social Organization	Declared Number of Members	Classified by Political Orientation
41	Oriental Idea Association	9,000	Right
42	Korean Civil Engineers Assn.	1,490	People's Front
43	Korean Transportation Society	5,000	Right
44	Korean Civil Engineers & Architects Assn.	195,183	Right
45	Society for the Study of the Korean Language	1,200	Right
46	North Korea Farmers' Union	3,000	Right
47	Korean Electric Engineers' Assn.	1,250	People's Fr.
48	Korean Patriots' Relief Assn.	22	Right
49	Patriotic Association	1,500	Right
50	Korean Manufacturing Chemists' Assn.	1,280	People's Fr.
51	Korean Chamber of Commerce	14,500	Right
52	Seoul Chamber of Commerce	5,553	Right
53 *	Korean Diligence and Saving Fraternity	250	Right
54	Democratic Women's Alliance of South Korea	857,287	People's Fr.
55	Christian Democratic Union	6,740	People's Fr.
56	Kwangju Chamber of Commerce	1,400	Right
57	Korean Fruit Growers Assn.	11,793	Mod. Right
58	Chundokyo Women's Assn.	42,843	Right
59	Central Hq. of Korean Buddhists	4,250,120	Right
60	Feder. of S. Chulla Prov. Commodity Dealers' Union	23,000	Right
61	Idealistic Korean Buddhist Institute	5,512	Right
62	All Korea Confucians' Union	18,635	People's Fr.
63	League of National Free Labor	6,000	Right
64	Korean Metallic Workers' Trade Union	16,596	People's Fr.
65	Korean Communication Labor Union	8,096	People's Fr.
66	Korean Tailor Workers' Union	4,479	People's Fr.
67	Korean Salary Men's Union	40,142	People's Fr.
68	National Congress of Specified Trade Union	8,657	People's Fr.
69	Korean Carpenters' Trade Union	3,752	People's Fr.
70	Korean Food Trade Union	8,384	People's Fr.
71	Korean Industrial Medical Institute	500	People's Fr.
72	Cooperative Association of Korea	554,080	People's Fr.
73	Korean Printing Workers' Trade Union	11,771	People's Fr.
74	Korean Fishery Workers' Trade Union	17,328	People's Fr.
75	Korean Textile Workers' Trade Union	23,252	People's Fr.
76	Chosun Pharmacist Society	560	People's Fr.
77	The Union of Korean Musicians	1,122	People's Fr.
78	Society of Tan Mountain (Tan, founder of Korea)	1,020	Right
79	League of Korean Art	1,624	People's Fr.
80	Great Mutual Society	28,363	Right
81	Toiling Masses Party	47,868	Mod. Left
82	Korean Accountants' Assn.	27	Right
83	Korean Public Opinion Assn.	1,500	Right
84	Chosun Political Economic Study Society	14,100	Mod. Right
85	Korean Wrestlers' Institute	26,531	Mod. Right

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Secret

APPENDIX B - #3

Acc. Nos.	Full Name of Party or Social Organization	Declared Number of Members	Classified by Political Orientation
86	Chosun Healthy People's Society	23,755	Mod. Right
87	1919 Independence Declaration Memorial Assn.	26,400	Right
88	Korean Educators' Association	9,210	People's Front
89	Seoul War Refugees' Street Vendors' Assn.	6,225	Right
90	Dong Hak Party	5,674	Right
91	Korean National Academy	570	People's Fr.
92	Race Culture StudySociety	500	Right
93	Korean Revolutionist Self-Governing Assn.	1,769	Right
94	Korean Mechanical Engineers' Assn.	1,210	People's Fr.
95	Politics and Economics Institute	25	Moderate
96	Korean Modern Garments' Research Assn.	1,300	Right
97	Central Hq. of National Cooperative Assns.	20,000	Right
98	Neighborhood Comrades Assn.	18,372	Right
99 *	Philanthropist Institute	505	Right
100	Chosun Theatre League	2,080	People's Fr.
101	Korean Democratic & Patriotic Young Men's Assn.	781,209	People's Fr.
102	Korean Independence Promoting Assn.	1,500	Right
103	Korean Language Institute	3,392	Mod. Right
104	Drafted (during the war) Union of Workers	11,050	People's Fr.
105	National Music Institute	1,042	People's Fr.
106	Korean Literary Men's Assn.	3,512	People's Fr.
107	Seoul Student Unification Acceleration Society	39,478	People's Fr.
108	Southeastern Section of Korea Club	1,400	Right
109	Korean Mining Technicians' Assn.	1,500	People's Fr.
110	Council of Korean Industry Construction	185,900	Mod. Left
111	Korean Trading Association	1,389	Right
112	Korean Farm Labor Party	58,600	Right
113	Union of Korean Scientists & Technicians	6,820	People's Fr.
114	Korean Agricultural Technicians' Assn.	1,270	People's Fr.
115	Chosun Movie Association	1,560	People's Fr.
116	Council of Committee (located in Korea) of Union of Korean Scientists & Technicians in Japan	1,100	People's Fr.
117	Korean Industrial Technicians Union	11,796	People's Fr.
118	Korean Architecture Assn.	1,475	People's Fr.
119	Chosun Coal Manufacturers' Assn.	3,000	Right
120	Korean Forestry Assn.	3,253	Right
121	Peace and Light Institute	4,160	Right
122	Great Korea Patriotic Society	5,200	Right
123	Korean Farmers' Party	42,159	Mod. Right
124	Suwon Chamber of Commerce	150	Right
125	National Socialist Party	61,552	Right
126	Union of Sacred Korean Construction	72,000	Right
127	Union of New Literature	1,200	People's Fr.
128	Korean People's Relief Society	207,316	People's Fr.
129	Korean Music Reconstruction League	707	People's Fr.
130	Korean Photographers' Union	1,240	People's Fr.

Secret

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Secret

APPENDIX B - #4

Acc. Nos.	Full Name of Party or Social Organization	Declared Number of Members	Classified by Political Orientation
131	Union of All Korean Farmers' Committee	2,140,505	People's Front
132 *	Pusan Central Head Office of Korean Young Men's Association in Japan	2,500	People's Fr.
133 *	Pusan Economic Institute	37	Moderate
134	8th February Friendship Assn.	1,637	Right
135	Women's Work Patrons' Assn.	215	Right
136	Self-Supporting Students' Mutual Aid Assn.	21,930	People's Fr.
137	Eugenic Association of Korean Nation	453	Right
138	Korean Industrial Assn.	3,000	Right
139	Women's Scientist Assn.	1,500	People's Fr.
140	Korean Kwangpok Students Ex-Soldiers Assn.	8,470	Right
141	Pusan Chamber of Commerce & Industry	2,341	Right
142	South Kyongsang Province Commodity Assn.	1,231	Right
143	Pusan Property Custodian's Assn.	249	Right
144	Assn. of Korea Federation of Distribution	15,570	Right
145 *	Construction Young Men's Assn.	2,900	Right
146	Korean Opera Union	1,153	People's Fr.
147	Korean-American Assn.	1,300	Right
148	Central Friendly Assn.	3,000	Right
149	Seoul Committee of Residents in Japan Korean Assn.	15,240	People's Fr.
150	South Korea Labor Party	750,900	People's Fr.
151	Great Korea Young Men's Assn.	1,803	Right
152	Young Friends Party of Chon Do Kyo	61,695	Mod. Left
153	Hq. of Chon Do Kyo Religion	4,064,300	Mod. Left
154	Korean Democratic Young Men's League	830,000	People's Fr.
155	Chosun Marine Transportation Assn.	10,670	Moderate
156	Chosun Dancing Art Assn.	1,247	People's Fr.
157	Central People's Committee	20,207	People's Fr.
158	United Labor Committee	58,860	People's Fr.
159	Chosun Chemical Labor Union	18,013	People's Fr.
160	Transit Labor Union	38,311	People's Fr.
161	Union of Korean Civil Engineering Workers	21,025	People's Fr.
162	Korean Barber Workers Trade Union	2,317	People's Fr.
163	Korean Mine Workers Trade Union	15,648	People's Fr.
164	Korean Shoe Workers' Trade Union	2,539	People's Fr.
165	Korean Marine Trade Union	12,579	People's Fr.
166	Korean Electrical Workers' Trade Union Right	11,687	People's Fr.
167	Assn. for Rapid Realization of United Political	1,500	Right
168	Righteous Friends Assn.	2,000	Right
169	Soviet-Korean Cultural Assn.	1,500	People's Fr.
170	Korean Mutual Relief Assn.	4,000	Right
171	Movement Assn. Anti-Japanese Relief	505,506	People's Fr.
172	Korean Assn. for Liberal Arts & Sciences	5,150	People's Fr.
173	Korean Drug Manufacturing Laborers' Assn.	2,112	Right
174	Korean Inventors' Assn.	963	Moderate
175	Korean War Refugee Unemployed Assn.	25,510	People's Fr.

Secret

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Secret

APPENDIX B - #5

Acc. Nos.	Full Name of Party or Social Organization	Declared Number of Members	Classified by Political Orientation
176	Korean Holy Political Society (Confucian)	16,000	Right
177	Korean Student Soldiers League	1,370	People's Front
178	Korean Railway Workers' Trade Union	30,98[illegible]	People's Fr.
179	Korean Patriotic Women's Union	10,642	Right
180	League of Legal Scholars	1,030	People's Fr.
181	Taichung Music Assn.	1,200	Right
182	Ryesoo Nation Construction Young Men's Assn.	2,100	Right
183	Ryesoo Young Men's Christian Assn.	3,500	Right
184	Kimhai Newspaper Assn.	1,863	Right
185	Diamond Mountain Society	104,583	Right
186 *	Kyongsong (Seoul) Lawyers' Society	120	People's Fr.
187	Student Soldier Refusers' Assn.	2,783	Right
188	Council of Korean Labor Union	354,417	People's Fr.
189	Yongsan Social Work Assn.	1,500	Right
190	Korean General Farmers' Alliance	216,548	Mod. Right
191	Right & Left Unification Promotion Assn.	2,700	Moderate
192	Korean Dentists' Assn.	1,100	Right
193	Yosu Chamber of Commerce	480	Right
194	Korean People's Society	1,800	Right
195	Oriental Youth Assn.	4,900	Right
196	Kum Hung Friends' Society	525	Right
197	Korean Peace-Time Policy Committee	130,000	Right
198	Korean Public Health & Welfare Assn.	1,645	Right
199	Korean Democratic Union	31,600	Moderate
200	Pohang Chamber of Commerce	1,357	Right
201	Anti-Fascist Fighting Committee	25,000	People's Fr.
202	Christian Youth Federation in Soon Chon	1,100	Right
203	State Formation of Women's Society in Soon Chon	6,800	Right
204	Korean Moving Picture Technicians' Assn.	1,101	Right
205	Asiatic Democratic League	12,032	Right
206 *	Similar Righteous Ideas Institute	3,000	Moderate
207	Farmers-Laborers Cooperative Assn.	5,000	People's Fr.
208	Farm Laborers' Assn.	6,000	People's Fr.
209	Korea Welfare Society	20,000	Moderate
210	New Korea Nationalist Party	291,150	Mod. Right
211 *	Chamber of Commerce in Kunsan	1,100	Right
212	Chosun Federation of Youth	651,000	People's Fr.
213	Korean Revolutionary Labor Party	4,350	Mod. Right
214 *	Central Council of Korean Social Problems	27,500	Right
215	Korean-Chinese Cultural Assn.	1,300	Right
216	Central Food Dealers' Union	11,400	Moderate
217	Chun Do Kyo ("Worshipping Heaven," religious sect)	64,360	Moderate
218	Federation of Korean Cultural Assn.	68,493	People's Fr.
219	New Life Society	2,550	Moderate
220	Korean Agricultural Tools Assn.	1,277	Right

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

APPENDIX B - #6

Acc. Nos.	Full Name of Party or Social Organization	Declared Number of Members	Classified by Political Orientation
221	Full Moon Meeting Society	1,430	Right
222	Research Assn. on Problems of Koreans Residing ---	1,800	Right
223	Righteous Young Men's Assn. Abroad -/	400	Right
224	All Korea Anti-Trusteeship Assn.	3,450	Right
225	Anti-Trusteeship Fellowship Assn.	3,500	Right
226	Anam Revolutionary Young Men's Assn.	1,254	Right
227	Repatriated Koreans from Manchuria Assn.	1,600	Right
228	Great Korean Young Men's League	6,702	Right
229	North Mountain Comrades Assn.	1,185	Right
230	Korean Bamboo Lake Unit	2,763	Right
231	Morning Sun Comrades Assn.	16,613	Right
232	Korean Young Men's Assn.	1,800	Moderate Left
233	General Alliance of Revolutionary Buddhists	1,300	Right
234	Federation of Buddhist Women's Union	20,070	Right
235 *	Great East Gate Market Merchants' Union	270	Right
236	Returned Countrymen's Assn.	37,680	Mod. Right
237	League of Returners from South Sea Islands	3,673	Moderate
238	Great Korean Patriotic Young Men's Assn.	2,000	Right
239 *	Taegu Oriental Herb Business Assn.	158	Right
240	Korea Industrial Assn. in Japan	10,900	People's Front
241	Revolutionary Young Men's Union	12,000	Mod. Right
242 *	Renters' Assn.	20,100	People's Fr.
243	Korean Civil Liberty Union	500	Mod. Left
244	Korean Legal Research	102	Mod. Right
245	White-Clad People's Assn.	200	Right
246	Korea Tailors' Union	3,530	Right
247	Korea Civil Engineers & Architects Assn.	8,200	Right
248	North Kangwon People's Society	100,137	Right
249	Tongchun People's Society	5,080	Right
250	March-1st Establishing Country Assn.	1,200	Mod. Right
251	Mutual Cooperative Original Society	2,600	Moderate
252	National Cultural Assn.	45	Right
253	General League of Young Men of Korea	533,200	Right
254	Korean Scientists Assn.	22,000	Right
255	Political Comrades Assn.	9,546	Right
256	Central Committee for Sea Transportation	2,116	Mod. Left
257	Soon Chun Chamber of Commerce	450	Right
258	Mokpo Chamber of Commerce	1,050	Right
259	March 1st Christian Friendship Assn.	16,736	Right
260	Korean Mining Assn.	37,015	Right
261	Popular Party	90,618	Right
262 *	Chamber of Commerce & Industry in Inchon	1,056	Right
263	People's Alliance	135,702	Mod. Right
264	Chamber of Commerce of Chonju	700	Right
265	Chamber of Commerce of Iri	500	Right

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

APPENDIX B - #7

Acc. Nos.	Full Name of Party or Social Organization	Declared Number of Members	Classified by Political Orientation
266	Kangwon Province Commodity Assn	5,300	Right
267	Kangwon Province Chamber of Commerce & Industry	15,000	Right
268	Federation of Catholic Young Women's Assn.	2,110	Right
269	Federation of Catholic Young Men's Assn.	1,400	Right
270	Roman Catholic Church	198,811	Right
271	Working People's Party	220,520	Mod. Left
272 *	Seoul Midwife's Assn.	300	Moderate
273	Kyonggi Girls' School Alumnae Assn.	3,500	Right
274	Democratic People's Front	6,217,819	People's Front
275	Korean Livelihood Assn.	31,620	People's Fr.
276	Democratic Students' League	73,974	Moderate
277	Elementary Science Assn. of Korea	1,120	Mod. Left
278	Oriental Medical Society	6,800	Right
279	Korean Reporters' Assn.	1,500	People's Fr.
280	Tong Yong Chamber of Commerce & Industry	1,773	Right
281	Seoul Lawyers' Assn.	199	People's Fr.
282	Eastern Country Culture Assn.	42,535	Right
283	Social Democratic Party	71,059	Mod. Left
284	The Korean-China Docotrs' Assn.	1,811	People's Fr.
285	Yong San Truck Business Assn.	1,517	Right
286	Kyonggi Province Steam Engine Assn.	2,150	Right
287	South Korea Farmers' Society	19,679	Mod. Left
288	Kyonggi Province Education Assn.	5,033	Right
289	Korean Young Men's Assn.	102,300	Mod. Right
290	North Kyong Sang Province Chamber of Com. & Ind.	2,600	Right
291	South Cholla Province Chamber of Commerce & Ind.	2,570	Right
292 *	Metropolitan Transportation Cooperative Assn.	3,500	Right
293 *	Kyonggi Province Midwife's Assn.	110	Right
294	Chung Nam Commodity Assn.	1,200	Right
295	South Chung Chong Province Chamber of Commerce	1,200	Right
296	Buddhist Young Men's Party	21,915	Right
297	Inyi Self-Guarding Troop	226	Right
298	Great Law Buddhist Society	200,000	People's Fr.
299	Heung San Laborers Self-Aid Assn.	5,215	Right
300	Korean Renters' Assn.	45,800	People's Fr.
301 *	Merchant Assn. of Great South Gate Market of Seoul	226	Right
302	Sam Ri Self-Strengthening Assn.	10,000	Right
303 *	Great Korean Popular Socialist Party for the Redistribution of the National Land	200	Right
304	National Federation of Confectionary Unions	3,000	Right
305	New Progressive Party	12,332	Mod. Right
306	Dukryang Friendship Assn.	2,300	Right
307	Dukryang Christian Young Men's Mission	1,500	Right
308	Democratic Educational Society	25,581	People's Fr.
309	Korean Legal Clerk's Assn.	1,310	Right
310	War Refugees League	74,326	People's Fr.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

APPENDIX B - #8

Acc. Nos.	Full Name of Party or Social Organization	Declared Number of Members	Classified by Political Orientation
311	Keunwoo Association	1,300	Right
312	Korea Patriotic Friends Assn.	1,050	Right
313	Hai Yang Gun (County) People's Assn.	3,000	Right
314	Democratic Youth United Front	46,988	Moderate
315	Korean Industrial Club	1,500	People's Front
316	Torch Club	86	Right
317	Sinhomism Korea Society	357	Moderate
318	Korean Patriotic Comrades Assn.	5,800	Right
319	Patriotic Young Men's Assn.	2,611	Right
320	Medical Doctors' Assn.	706	Moderate
321	Korean Medical Doctors' Assn.	2,711	Right
322	Christian Assn. of North Kyongsang Province	3,562	Right
323	Taegu Christian Young Men's Assn.	2,800	Right
324	Street Merchants' Policy Committee	3,495	People's Fr.
325	Coalition Committee	65	Moderate
326	Korean National Reconstruction Youth Assn.	387,000	Mod. Right
327	Korean Textile Assn.	3,380	Right
328	Assn. of Council Against Illegal Actions	2,000	Right
329	Union of Art Assn.	3,080	Right
330 *	Korean Authors' Assn.	730	Right
331	Assn. of People from South Hamgyong Province	125,000	Mod. Right
332 *	Printing Committee of Left-Wing Books	143	People's Fr.
333	Kyongsang Province Natives Friendship Society	5,000	Right
334	North Chungchong Prov. Chamber of Com. & Ind.	3,830	Right
335	North Chungchong Province Commodity Assn.	1,032	Right
336	Christian New People's Assn.	4,462	Mod. Right
337	Korean Horse Assn.	3,000	Right
338	Tongnam Young Men's Assn.	1,050	Right
339 *	Korean Medical Suppliers' Assn.	1,800	Moderate
340	Institute for Nations Program	5,600	Moderate
341	The Legal & Political Assn.	583	Right
342	Kyongsang (N.) Province Medical Doctors' Assn.	309	Mod. Right
343	National Construction Oratory Assn.	1,750	Right
344	Anam Young Men's Assn.	1,100	Right
345	Korea Republican Party	173,500	Mod. Right
346	North Mountain Assn.	300	Right
347	Seoul Nurses' Assn.	250	Right
348	Korean Sericulture Assn.	451,365	Right
349	Hwang Hai Society	5,000	Right
350	Korean Social Education Assn.	15,080	Right
351	Korean Publishers' Cultural Assn.	150	Mod. Left
352	Korean Youth Union	287,500	Mod. Right
353	Federation of Korean Irrigation Assn.	500,000	Right
354	Democratic Party of Korea	865,706	Right
355	Council for Establishing Provisional Government	150	Right

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

APPENDIX B - #9

Acc. Nos.	Full Name of Party or Social Organization	Declared Number of Members	Classified by Political Orientation
356	Union of All Women's Assns. in Korea	4,525,150	Right
357	Independent Laborers Federation of Korea	1,001,799	Right
358	Korean Alphabet Comrades Assn.	1,200	Right
359	National Art Society	1,050	Right
360	Spring and Autumn Assn.	1,800	Right
361	Young Friends' Assn.	1,200	Right
362	Committee for Importation of Korean Property from Japan	20,000	Right
363	Patriotic League	7,164	Right
364	Philanthropical Society	2,800	Right
365	Masan Chamber of Commerce & Industry	3,319	Right
366	Mutual People's Society	1,600	Right
367	Confucian Association	3,000	Right
368	Great Korea Patriotic Assn.	1,800	Mod. Right
369	Light Revival Society	12,550	Right
370	Korean Printing Cultural Assn.	270	People's Front
371	Korean Military Affairs Assn.	300,000	Right
372	Chosun Democratic Party	225,212	Right
373	Korean Public Opinion Society	1,775	People's Fr.
374	Fatherland Culture Society	2,000	Right
375 *	Korean-American Cultural Society	200	Right
376	General Council for National Fishery Industry	105,000	Right
377	Anti-Trusteeship Establishing Country Comrades	5,300	Right
378	Korean Confucianists Unification Assn.	3,300	People's Fr.
379	Korean Industrial Labor Investigation Institute	2,489	People's Fr.
380	Korean Liberty Party (Korean Free Youth Party)	150,000	Right
381	International Politics & Diplomatic Assn.	230	People's Fr.
382	General Hq. of Self-Guarding Corps	1,200	Moderate
383	Korean Fertilizer Society	7,415	Right
384	Korean Aviation Development Assn.	1,200	Right
385	People's Assn. of Sunchon County (N. Pyongan Prov.)	365	Right
386	Spinners & Weavers Assn. of Korea	30,000	Right
387	Korean Historical Society	2,103	People's Fr.
388	Central Livestock Breeding Assn.	2,462	Right
389	Korean Restoration Youth Assn.	879,050	Right
390	Central Culture Assn.	40	Right
391	Same Voice Association	2,108	Right
392	Korean Medical Supply Industry Assn.	4,700	Right
393	New Life Association	1,500	Right
394	Oriental Politics Institute	1,300	Mod. Right
395	Korean Race Assn.	662,282	Right
396 *	Korean Musicians' Assn.	35	Right
397	Korean Patriots' Union	280	Right
398	Korean Veterinarians' Assn.	925	Moderate
399	Federation of Korean Property Custodians	2,500	Right
400 *	Korean Agricultural Assn.	1,655,650	Right

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Secret

APPENDIX B - #10

Acc. Nos.	Full Name of Party or Social Organization	Declared Number of Members	Classified by Political Orientation
401	People's Livelihood Society	1,038	Peoples Front
402	Korean Christian Good-Will Mission Society	3,003	Right
403	General Assn. of Blind in Korea	20,000	Right
404	Chong Dong Church Women's Assn.	110	Right
405 *	Tankoo Fine Art Institute	30	Right
406	Korean Christian Fellowship Missionary Assn.	1,000	Right
407	New Korea Party	5,500	Right
408	Butchers' Union	350,000	People's Fr.
409	Korean Youth Literature Assn. (Youth Writers')	1,350	Right
410	Clean Friends Club	1,500	Right
411	National Club	28,000	Right
412	National Patriotic Party of Chun Do Kyo	1,393,065	Right
413	Women's Assn. for Rapid Realization of Korean Independence	3,281,724	Right
414	Central Union Federation	100,000	Right
415	Korea Laborers' Athletic League	3,710	Right
416	Korean Agricultural Science Assn.	2,253	Right
417	Reformation Comrade Assn.	5,200	Right
418	Republic Club	3,200	Right
419	Evolution Association	2,000	Right
420	Construction League	3,200	Right
421	National Constructing Club	2,500	Right
422	Youth Loving Comrades Assn.	3,451	Right
423	Korea Young Women's Christian Assn. (Y.W.C.A.)	9,280	Right
424	All-Korea Political Parties & Social Organizations League for U.S.-U.S.S.R. Joint Commission	2,125,055	Moderate
425	Seoul City & Town Young Men's Assn.	3,000	People's Fr.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

APPENDIX B - #11

NORTH KOREA

Acc. Nos.	Full Name of Party or Social Organization	Declared Number of Members	Classified by Political Orientation
1	North Korea Labor Party	652,077	People's Front
2	North Korea Democratic Party	247,972	" "
3	North Korea Chun Do Kyo Young Friends	414,964	" "
4	North Korea Miners' Union	50,976	" "
5	North Korea Metal Workers' Union	22,250	" "
6	North Korea Construction Workers' Union	16,096	" "
7	North Korea Automobile & Land-Carriage Workers' Union	14,177	" "
8	North Korea Chemical Workers' Union	41,773	" "
9	North Korea Textile Workers' Union	20,1?0	" "
10	North/Food Industries Workers' Union Korea	11,3?2	" "
11	North Korea Printers' Union	3,5?4	" "
12	North Korea Lumber Workers' Union	30,435	" "
13	North Korea Fishing Industries Union	22,6?1	" "
14	North Korea Communications Employees' Union	5,1?9	" "
15	North Korea Public Health Employees' Union	4,2?4	" "
16	North Korea Office Workers' Union	64,249	" "
17	North Korea Teachers' & Cultural Workers' Union	29,461	" "
18	North Korea Municipal Employees' Union	14,177	" "
19	North Korea Railroad Workers' Union	30,319	" "
20	North Korea Electrical Workers' Union	7,163	" "
21	North Korea Peasants' Alliance	2,572,714	" "
22	North Korea Democratic Women's Alliance	1,050,103	" "
23	North Korea Democratic Youth Alliance	1,248,574	" "
24	North Korea Consumers' Cooperative Alliance	2,751,798	" "
25	North Korea Society for Aid to Korean Fighters & Patriots	752,514	" "
26	North Korea Society of Public Health Employees	2,976	" "
27	North Korea Soc. of Engineers & Technical Employees	33,038	" "
28	North Korea Red Cross Society	54,000	" "
29	North Korea Society for the Encouragement of Peoples Education and Culture	1,569,4?8	" "
30	North Korea Writers' Society	6,3?2	" "
31	North Korea Musicians' Society	5,6?4	" "
32	North Korea Actors' & Singers' Society	6,9?4	" "
33	North Korea Artists' Society	4,7?9	" "
34	North Korea Society of Specialists in Agriculture, Forestry & Marine Products' Industries	4,0?2	" "
35	North Korea United Buddhists' Society	375,762	" "
36	North Korea Society of People's Air Fleet	201,865	" "
37	North Korea Protestant Society	22,0?4	" "
38	North Korea Chun Do Kyo Religious Society	963,683	" "

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

APPENDIX C

List of South Korea political parties and social organizations applying for consultation which are considered ineligible because of fraud (including inactivity, rendering the organization, in effect, defunct).

Acc. Nos.	Name of Party or Social Organization	Membership	Reason
11	New Korea Young Men's Federation	2,400	Inactive
19	Korea Civil Engineers Union	1,220,000	Fraudulent
29	Society for Making Korea Wealthy & Strong	17,500	Fraudulent
104	Union of Conscription Workers	11,050	Inactive
154	Korean Democratic Young Men's Union	830,000	Fraudulent *
157	Central People's Committee	20,20[illegible]	Inactive
169	Soviet-Korean Cultural Association	1,50[illegible]	Inactive
175	Korean War Refugees Unemployed Association	25,51[illegible]	Inactive
177	Korean Student Soldiers' League	1,370	Inactive
187	Student Soldiers' Refusers' Association	2,78[illegible]	Inactive
201	Anti-Fascist Fighting Committee	15 parties	Inactive
212	Chosun Federation of Youth	651,000	Fraudulent *
214	Central Council for Korean Social Problems	27,500	Inactive
359	National Art Society	1,050	Inactive
373	Korean Public Opinion Society	1,775	Inactive

* Also registered under another name.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

APPENDIX D

List of Korean political parties and social organizations applying for consultation which may be considered for exclusion on the basis of duplication of membership. (Each of the following organizations is a federation of organization whose individual members have also applied for consultation; therefore each is a direct duplication.)

Acc. Nos	Name of Party or Social Organization	Membership
16	Democratic Independence Front	498,647
117	Korean Industrial Technicians' Union	11,796
188	Council of All Korean Labor Union	354,417
201	Anti-Fascist Fighting Committee (federation of groups in Democratic Front)	none given
218	Federation of Korean Cultural Associations	68,493
274	Democratic People's Front	6,217,819
356	Union of All Women's Associations in Korea	4,525,150
424	All Korea Political Parties & Social Organizations League for U.S.-U.S.S.R. Joint Commission	2,125,055

Secret

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

APPENDIX E

Additional political parties and social organizations which the American delegation suggested for exclusion from oral consultation included:

1) Applicants with a claimed membership of 1,000 or less, which number 63. (For names of groups with less than 1,000 claimed membership, see Appendix B).

2) Applicants for consultation from South Korea of over 1,000 claimed membership which may be considered local in nature and interest as follows:

Acc. Nos.	Name of Party or Social Organization	Membership
6	Sungdong (part of Seoul) Young Men's League	1,600
182	Ryesoo Nation Construction Young Men's Assn.	2,100
183	Ryesoo Young Men's Christian Assn. (Y.M.C.A.)	3,500
184	Kimhai Newspaper Association	1,863
189	Yongsan Social Work Assn.	1,500
202	Christian Youth Federation in Soon Chon	1,100
203	State Formation Women's Society in Soon Chon	6,800
207	Farmers'-Laborers' Cooperative Assn.	5,000
208	Farm Laborers' Assn.	6,000
226	Anam Revolutionary Young Men's Assn.	1,254
230	Korean Bamboo Lake Unit	2,763
273	Kyonggi Girls' School Alumnae Assn.	3,500
285	Yong San Truck Business Assn.	1,517
306	Dukryang Friendship Assn.	2,300
307	Dukryang Christian Young Men's Assn.	1,500
313	Hai Yang County (Gun) People's Assn.	3,000
323	Taegu Christian Young Men's Assn.	2,800
338	Tongnam Young Men's Assn.	1,050
344	Anam Young Men's Assn. (part of Seoul)	1,100
425	Seoul City & Town Young Men's Assn.	3,000

3) Applicants for consultation from South Korea whose membership is located almost entirely in Japan (since Korean organizations whose headquarters are located in Manchuria, Siberia, Hawaii, the United States, and China are not included for consultation, it does not seem necessary to consult orally with organizations of Koreans located primarily in Japan).

Acc. Nos.	Name of Party or Social Organization	Membership
116	Council of Committee Located in Korea of Union of Korean Scientists & Technicians in Japan	1,100
132	Pusan Central Head Office of Korean Young Men's Assn. in Japan	2,500
149	Seoul Committee of Residents in Japan Korean Assn. (all but 15,240 in Japan)	625,581
240	Korean Industrial Assn. in Japan (all but 10,900 in Japan)	38,900

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

APPENDIX E - #2

4) Applications for consultation from South Korea not otherwise excluded which may be termed "non-social" within a limited definition of the expression: "social organizations."

Acc. Nos.	Name of Party or Social Organization	Membership
14	Korean Esperanto Society	5,000
45	Society for the Study of the Korean Language	1,200
50	Korean Manufacturing Chemists' Assn.	1,280
85	Korean Wrestlers' Institute	26,531
103	Korean Language Institute	3,392
105	National Music Institute	1,042
121	Peace & Light Institute	4,160
242	Renters' Association	20,100
286	Kyonggi Province Steam Eng[illegible] Assn.	2,150
300	Korean Renters' Assn.	45,800
315	Korean Industrial Club	1,500
324	Street Merchants' Policy Committee	3,495
337	Korean Horse Assn.	3,000
379	Korean Industrial Labor Investigation Institute	2,489
383	Korean Fertilizer Society	7,415
384	Korean Aviation Development Assn.	1,200
388	Central Livestock Breeding Assn.	2,462
399	Federation of Korean Property Custodians	2,500

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

APPENDIX F

List of twenty-four parties of over 10,000 members which the Soviet delegation insists must be excluded from consultation because of membership in the Anti-Trusteeship Committee (those with known membership in the Anti-Trusteeship Committee are marked with an asterisk).

Acc. Nos.	Name of Party or Social Organization	Membership	Political Orientation
7	Korean Popular Party	23,350	Right
31	Assn. of Descendants of Tan (founder of Korea)	31,560	Right
37 *	Young Korea Party	1,889,000	Mod. Right
38	Popular Party of Korea	24,178	Right
60	Commodity Dealers' Union of South Cholla Prov.	23,000	Right
80	Great Mutual Society	28,363	Right
87	1919 Independence Declaration Memorial Assn.	26,400	Right
144	Assn. of Korea Federation of Distribution	15,570	Right
179	Korean Patriotic Women's Union	10,642	Right
261	Popular Party	90,618	Right
289 *	Korean Young Men's Assn.	102,300	Mod. Right
302	Sam Ri Self-Strengthening Assn.	10,000	Right
326	Korean National Reconstruction Youth Assn.	387,000	Right
331	Assn. of People from South Hamgyong Province	125,000	Mod. Right
350	Korean Social Education Assn.	15,080	Right
354 *	Democratic Party of Korea	865,706	Right
356 *	Union of All Women's Assns. in Korea	4,525,150	Right
357 *	Independent Laborers' Federation of Korea	1,001,790	Right
369	Light Revival Society	12,550	Right
371	Korean Military Affairs Assn.	300,000	Right
372 *	Chosun Democratic Party	225,212	Right
389 *	Korean Restoration Youth Assn.	879,050	Right
412 *	Natl. Patriotic Party of Chun Do Kyo	1,393,065	Right
413 *	Women's Assn. for Rapid Realization of Korean Independence	3,281,724	Right

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

O.K
29
28 August 1947.

DRAFT

JOINT REPORT

INTRODUCTION

1. In his letter of 12 August 1947 to Soviet Foreign Minister V.M. Molotov, United States Secretary of State George C. Marshall proposed that the US - USSR Joint Commission submit a report concerning "the status of its deliberations" to the governments of the United States and the Soviet Union. Replying to Mr. Marshall on 22 August 1947, Mr. Molotov stated, in reference to the report proposed by Mr. Marshall, that the Soviet Government "does not object to your proposal". Therefore, in accordance with the agreement of the Foreign Ministers, the US - USSR Joint Commission presents the following report which covers the background and progress of the Joint Commission through the _____ meeting held _____.

2. The Cairo Declaration of 1 December 1943 participated in by the United States, China, and the United Kingdom, pledged independence to Korea in due course. This pledge was reaffirmed at Potsdam on 26 July 1945 and subscribed to by the U.S.S.R. upon its declaration of war on Japan.

3. The agreement of the Allied Powers to permit American and Soviet troops to enter Korea for the purpose of accepting the surrender of Japanese forces, caused an arbitrary division of Korea.

4. On 27 December 1945, the Foreign Ministers of the United States, the Soviet Union, and the United Kingdom announced the Moscow Agreement, Section III of which was designed to implement the declarations made at Cairo and at Potsdam providing for Korea's independence. The Moscow Agreement on Korea was subsequently subscribed to by China.

5. The Moscow Agreement provided for the establishment of the US - USSR Joint Commission which was charged with the re-establishment of Korea as an independent state free from domination of any foreign country, the formation of a Provisional Korean Democratic Government, and elaborating methods of aiding and assisting (trusteeship) the political, economic, and social progress of the Korean people, the development of democratic self-government, and the establishment of the national independence of Korea.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

6. For the purpose of establishing a Provisional Korean Democratic Government, the Moscow Agreement provided that the Joint Commission consult with the representatives of Korean democratic political parties and social organizations. Detailed methods of evolving a Provisional Government were not defined.

7. Methods to be followed in evolving measures of aid and assistance (trusteeship) were to be elaborated by the Joint Commission with the participation of the Korean Provisional Government and of the Korean democratic organizations.

8. With the Moscow Decision as the only term of reference, the US - USSR Joint Commission convened in Seoul on 20 March 1946. Ensuing difficulties, which led to adjournment sine die of the Joint Commission on 8 May 1946, are apparent in the positions taken by the two Delegations:

9. The Soviet Delegation contended that those organizations and individuals who oppose the Moscow Agreement in any way are not "democratic" and, therefore, could not be included in participation in the formation of the Provisional Korean Democratic Government. Specifically, the Soviet Delegation desired to exclude from consultation all political parties and social organizations and their leaders who voiced opposition to the "trusteeship" provided for in the Moscow Agreement.

10. The U.S. Delegation maintained: that the word "democratic" could be applied only as in common usage throughout the world; that there is no provision in the Moscow Agreement which requires parties and organizations to be consulted by the Joint Commission to support the Moscow Agreement blindly and without reservation; that Koreans may freely express their wishes and desires in the formation of their own government, including their opposition to an as yet undefined "trusteeship".

11. In an effort to resolve the differences between the positions of the two Delegations, an agreement was reached on 17 April 1946 and published as Joint Communique No.5 which included a declaration to be signed by applicants for consultation, guaranteeing that they would:

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

a. Uphold the aims of the Moscow Agreement on Korea as stated in paragraph No.1 of that agreement;

b. Abide by the decisions of the Joint Commission in its fulfillment of paragraph No.2 of the Moscow Agreement; and

c. Cooperate with the Joint Commission in the working out of proposals concerning measures foreseen by paragraph No.3.

12. However, in working out the detailed application of Joint Communique No.5, difficulties arose regarding the composition of the list of signatory parties and organizations to be consulted.

13. The Soviet Delegation attempted to revise the U.S. list of signatory organizations in such a way as to substitute member organizations of the Democratic People's Front for various large and influential organizations suggested by the U.S. Delegation.

14. ~~The U.S. Delegation contended that~~ The Soviet list for North Korea contained only member organizations of the Democratic People's Front and, therefore, was not a representative list.

15. Because of a statement that Communique No.5 did not preclude the right of an organization to express opposition to trusteeship, made by the Acting Chairman of the Representative Democratic Council of South Korea, a body composed entirely of the principal rightist parties and organizations, the Soviet representative in Subcommission No.1 insisted that member organizations of the Council should not be accepted for consultation with the Joint Commission. This contention was supported by the Soviet Delegation in the Joint Commission.

16. The U.S.Delegation considered the position of the Soviet Delegation to be a repudiation of the agreement regarding Communique No.5.

17. Failing agreement on the formation of a Provisional Government, the U.S. Delegation in the meeting of 6 May 1946, attempted to initiate discussion concerning the unification of the two zones of occupation. The Soviet Delegation refused to discuss the matter until the issue of consultation

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

had been clarified. In the same meeting (6 May 1946) the U.S.Delegation proposed that the Joint Commission adjourn pending clarification of consultation. Two days later (8 May 1946), the Chief Commissioner of the Soviet Delegation informed the Commanding General, USAFIK, that he had been ordered by his Commander to terminate the work of the Soviet Delegation and return to Pyongyang. The return of the Soviet Delegation to Pyongyang on 9 May 1946 marked the effective adjournment sine die of the Joint Commission.

18. On the same day, 9 May 1946, the Commanding General, USAFIK, initiated an exchange of correspondence with the Soviet Commander in Korea in an attempt, which continued to 28 February 1947, to find a formula for the resumption of the work of the Joint Commission. The views presented by the two Commanders, while apparently narrowing the divergent viewpoints, resulted in no definite agreement through which the differences causing adjournment of the Joint Commission could be resolved. The inability of the Commanders to resolve the divergent viewpoints led to an effort initiated by Secretary of State, George C. Marshall, to find a suitable formula on a governmental level.

19. As a result of exchange of correspondence in April and May 1947 between Secretary of State, George C. Marshall, and Minister of Foreign Affairs, V.M. Molotov, proposals contained in the 26 November 1946 letter of the Commanding General, Soviet Forces in North Korea, as amended by the counter proposals contained in the letter of the Commanding General, USAFIK, of 24 December 1946, were finally accepted as a basis for reconvening the Joint Commission. The proposals and amendments thereto were as follows:

(The Soviet Commander in his letter of Nov.26,1946, advanced the following proposals as a basis for the resumption of the work of the Joint Commission)

"1. The Joint Commission must consult those democratic parties and organizations which uphold fully the Moscow Decision on Korea.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

"2. Parties or social organizations invited for consultation with the Joint Commission must not nominate for consultation those representatives who have compromised themselves by active opposition to the Moscow Decision.

"3. Parties and social organizations invited for consultation with the Joint Commission must not and will not actively oppose nor will they incite others to actively oppose the Moscow Decision and the work of the Joint Commission. If such be the case, such parties and social organizations by mutual agreement of both Delegations will be excluded from further consultation with the Joint Commission."

(The American Commander in his letter of Dec.24,1946, agreed to accept these proposals of the Soviet Commander with the following changes as the basis for the resumption of the work of the Joint Commission:)

"Proposal Number 1 to be interpreted as follows:

"Signing the declaration in Communique Number 5 will be accepted as declaration of good faith with respect to upholding fully the Moscow Decision and will make the signatory party or organization eligible for initial consultation.

"Proposal Number 2. I consider it the right of a declarant party or organization to appoint the representative which it believes will best present to the Joint Commission its views on the implementation of the Moscow Decision.

"However, should such representative for good reason be believed to be antagonistic to the implementation of the Moscow Decision or to either of the Allied Powers, the Joint Commission may, after mutual agreement, require, the declarant party to name a substitute spokesman.

"Proposal Number 3. It is suggested that it be reworded as follows: Individuals, parties and social organizations invited for consultation with the Joint Commission should not after signing the declaration

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

contained in Communique Number 5 foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision.

"Those individuals, parties and social organizations which after signing the declaration contained in Communique Number 5 do foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision shall be excluded from further consultation with the Joint Commission.

"The decision excluding such individuals, parties and social organizations shall be by agreement of the Joint Commission."

"With a view to expediting the resumption of the work of the Joint Commission and the creation of a Provisional Korean Democratic Government, I am prepared to accept the amendments set forth above proposed by the American Commander."

20. In addition to the above agreements, Mr. Molotov and Mr. Marshall specifically agreed to wide scale participation of Korean democratic parties and social organizations in the formation of a Provisional Government. Moreover, Mr. Marshall pointed out in his letter of 2 May 1947 that "Korean representatives of democratic parties and social organizations shall not be excluded from consultation with the Commission on the formation of a Provisional Korean Government because of opinions they might hold or may have expressed in the past concerning the future government of their country, provided they are prepared to cooperate with the Commission." Mr. Molotov did not take exception to this position.

CURRENT SESSION - (1947)

21. Reconvening on 21 May 1947 in Seoul on the basis of the Marshall-Molotov correspondence, the Joint Commission resumed its initial, assigned task of establishing a Provisional Korean Democratic Government.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

26

Proposed Insert for Page 7 - before paragraph No. 23.

23. In attempting to prepare a Joint Decision concerning consultation, early indications of the divergent positions of the two Delegations, which later led to the impasse in the Joint Commission, were evident in Subcommission No.1 and in the Joint Commission.

24. In Subcommission No.1, which was charged with drafting the text of a Joint Decision on consultation for the approval of the Joint Commission, the Soviet Delegation's first proposal prescribed the narrowing of consultation to about thirty organizations. The U.S. Delegate considered the Soviet proposal to be in violation of the principle of broad consultation discussed in the correspondence between the Commanders and specifically proposed by Mr. Molotov and agreed to by Mr. Marshall. Attempts made by the U.S. Delegate in Subcommission No.1 to arrive at definitions of "social organization" and "political party", and to establish criteria as a basis for the elimination of local and small organizations from consultation, were refused by the Soviet Delegation as unnecessary. In addition, the Soviet Delegate contended that organizations to be consulted by the Joint Commission must fully uphold the Moscow Agreement, including every paragraph. The U.S.Delegate considered this position to be based on a unilateral interpretation of the Moscow Agreement to which the U.S. Delegation could not agree. Moreover, he contended that the Soviet Delegation had returned to its 1946 position and, thereby, had vitiated the Marshall-Molotov agreement. The U.S. Delegate also pointed out that there could be no unilateral exclusion under the terms upon which the Joint Commission was reconvened.

25. Early disagreements in Subcommission No.1 resulted in discussion in the Joint Commission of the means of implementing consultation. The positions of both Delegations were amplified by the respective Chief Commissioners in accordance with the stands taken by the Delegates in Subcommission No.1.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

INSERT (4)

In agreeing to the principles under which Joint Commission Decision No. 12 was prepared, the Soviet Delegation receded from its position of narrow oral consultation and, by specific statement, agreed to broad consultation

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

From 21 May 1947 until _____, _____ meetings of the Joint Commission were held.

22. Agreement on internal procedural matters and the program of work, primarily on the basis of decisions reached in the 1946 sessions, was largely effected in the early meetings of the Commission.

INSERT → 23. 26. In spite of an underlying divergence of opinion regarding implementation of consultation evident in sessions of Subcommission No.1, ~~which was charged with drafting the text of a Joint Decision on consultation for the approval of the Joint Commission,~~ and in sessions of the Joint Commission, agreement was reached on Joint Commission Decision No.12, "The Order of Consultation with Korean Democratic Parties and Social Organizations" on 7 June 1947. Joint Decision No.12, which embodied the Marshall-Molotov agreement, provided for the broadest consultation possible. (insert (b) ↑ It was ↓ Joint Decision No.12.) published, along with two questionnaires, one concerning the Provisional Charter for the Provisional Korean Democratic Government, and one regarding the Political Platform of the Provisional Korean Democratic Government, on 12 June 1947.

27. 24. Publication of Joint Commission Decision No.12 resulted in the application for consultation of 425 political parties and social organizations in South Korea and 38 in North Korea. In compliance with Joint Commission Decision No.12, formal meetings with the representatives of organizations eligible for consultation were held in Seoul on 25 ~~July~~ June 1947 and in Pyongyang on 1 July 1947. In these meetings, the procedure for broad consultation was outlined.

28. 25. In Subcommission No.1, lists of organizations applying for consultation were exchanged and the U.S. Representative proposed that the Subcommission review the combined list of applicants to obtain agreement as to which parties should be excluded by mutual agreement and the standards of exclusion. As a diversity of opinion soon arose in Subcommission No.1 concerning the implementation of initial oral consultation provided for in

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Joint Commission Decision No.12, the Joint Commission concerned itself with the problem in the 37th meeting in Pyongyang on 2 July 1947. From that date until _____ the Joint Commission has been engaged in considering a series of proposals and in continuous debate of the divergent views.

29.
~~26~~. The position of the Soviet Delegation was as follows:

a. The fact that an organization is eligible for consultation under the Marshall-Molotov agreements, as published in Joint Commission Decision No.12, does not mean that it must be admitted for consultation by the Joint Commission.

b. In order for an organization to be included on the list for consultation, it must be acceptable to both Delegations.

c. Organizations falling within the following categories should not be included in the list for initial consultation:

(1) "Non-social" organizations.

(2) District and purely local organizations.

(3) Organizations which do not intend to uphold fully the Moscow Decision on Korea, especially members of the Anti-Trusteeship Committee and similar organizations. Such organizations would be considered for consultation only if they publicly withdraw from membership in the Anti-Trusteeship Committee or similar organizations.

d. Signatures on the applications for consultation by member organizations of the Anti-Trusteeship Committee were not given in good faith and therefore were invalid because the organizations maintained membership in a committee formed solely to "struggle against" the Moscow Agreement.

30.
~~27~~. The position of the U.S. Delegation was as follows:

a. In accordance with point No.1 of the agreed proposal for reconvening the Joint Commission (Marshall-Molotov correspondence), "signing the Declaration in Communique No.5 will be accepted as a declaration of

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

good faith with respect to upholding fully the Moscow Decision and will make the signatory party or organization eligible for initial consultation."

b. Organizations signing the declaration contained in Communique No.5 are automatically eligible for consultation and are automatically placed on the list for consultation as provided in paragraph No.5 of Joint Commission Decision No.12. Organizations may be excluded from the list for consultation only by mutual agreement of the two Delegations as provided in point number 3 of the Marshall-Molotov agreement. Therefore, the ~~arbitrary~~ line of distinction drawn by the Soviet Delegation between "eligibility for consultation" and "admission for consultation" nullifies the agreements reached by Mr. Marshall and Mr. Molotov and by the Joint Commission, and gives the Soviet Delegation the veto power over any applicant it dislikes.

c. The Moscow Agreement does not define "social organization" and because of the Soviet Delegation's refusal to define basic concepts, Joint Commission Decision No.12 contains no definition of "social" or any other term. However, the U.S. Delegation was willing to exclude from consultation, by mutual agreement, any organization which could not be considered "social" within the definitions to be found in the dictionaries of the world.

d. District and purely local organizations are not barred fron consultation by any provision of the Moscow Agreement, the Marshall-Molotov agreements, or Joint Commission Decision No.12. However, the U.S. Delegation made several proposals which, if accepted by the Soviet Delegation, would have eliminated a large number of truly local organizations from consultation.

e. The U.S. Delegation was willing to exclude from consultation, by mutual agreement, fraudulent organizations, provided that no such organization should be excluded where the sole claim of fraud was exaggeration of membership, a factor evident in some applications of both North and South Korean organizations.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

f. Organizations which are members of the Anti-Trusteeship Committee and similar organizations are manifestly eligible for initial consultation under the Marshall-Molotov agreements if they have applied for consultation and have signed the required declaration. They remain eligible unless and until they are, by mutual agreement, excluded after indictment as provided by point number 3 of the Marshall-Molotov agreement. Failure of the Soviet Delegation to bring charges, supported by adequate evidence, against member organizations of the Anti-Trusteeship Committee and similar organizations, while insisting arbitrarily on their exclusion, nullified the spirit and letter of the Marshall-Molotov correspondence. Therefore, the Soviet Delegation's attempt unilaterally to deprive organizations of the right to initial consultation by omitting them from a list of organizations to be consulted constituted, in effect, an attempt to arrogate a veto power to itself. There is no provision in any of the agreements binding upon the Joint Commission which provides such a veto power, while there are two <u>specific</u> agreements which state that exclusion shall be by mutual agreement.

g. By insisting upon the unilateral exclusion of various organizations the Soviet Delegation was nullifying the principle of broad consultation agreed to by Mr. Marshall and Mr. Molotov. Moreover, it was the opinion of the U.S. Delegation that the Soviet Delegation's exclusion policies, which specifically aimed at the exclusion of major Rightist organizations, were designed to insure a Democratic People's Front control of Korea. The U.S. Delegation based its opinion on the following:

(1) Of 460 groups which applied for consultation (excluding three applicants both delegations agreed to exclude for fraud), 38, all members of the Democratic People's Front, were from North Korea, while 422, representing all shades of political views, were from South Korea.

(2) These 460 groups can be roughly and approximately classified: People's Front - 136 groups, 27,296,000 claimed members, 41% of total claimed membership; Moderates - 72 groups, 14,785,000 claimed

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

members, 22%; Right - 252 groups, 24,920,000 claimed membership, 37%.

(3) The Soviet Delegation submitted a list of 146 parties and organizations of both North and South Korea with memberships in excess of 10,000 whose eligibility for consultation they were willing to discuss. This list failed to include 24 parties and organizations stated by the Soviet Delegation to be members of the Anti-Trusteeship Committee. Acceptance of this list would give the following political alignment:

(a) People's Front and other Leftists - 75 groups, claimed membership 32,417,000.

(b) Right and Moderate - 71 groups, claimed membership- 18,581,000.

(c) Eliminated Right and Moderate Right - 24 groups, claimed membership - 15,286,000.

(d) Eliminated Left - none.

FURTHER PROPOSALS

31. 27. Failing agreement concerning initial consultation, the U.S. Delegation attempted to find a basis for the progress of the work of the Joint Commission in the following proposal made in the 48th meeting, held 29 July, 1947:

"That the Soviet Delegation conduct consultation with those political parties and social organizations of North Korea and the American Delegation consult with those political parties and social organizations of South Korea."

32. The Soviet Delegation rejected the above proposal on the ground that it was

33 .. not a "serious" one.

34. 28. In the 50th meeting, held 1 August 1947, the U.S. Delegation proposed the following:

"That consultation be jointly conducted north and south of the 38th (parallel) with those parties which the Soviet Delegation is willing to hear, and that the American Delegation conduct unilateral consultation

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

south of the 38th with those parties they (the Soviet Delegation) claim are suspicious to them. Such consultation by the U.S.Delegation will be considered consultation with the Joint Commission."

29. The Soviet Delegation rejected the above proposal on the ground that it was contrary to Joint Commission Decision No.12 and No.16 and to common sense. Furthermore, it was the contention of the Soviet Delegation that acceptance of the proposal would have led to the Joint Commission consulting with any party or organization which applied for consultation which the U.S. Delegation found desirable to invite for consultation.

35. At the 51st meeting, held 5 August 1947, the Soviet Delegation made the following proposal:

"(1) To start elaboration of proposals on the question of structure and principles of a Provisional Korean Democratic Government and local organs of government (Provisional Charter), political platform for this government and also personnel composition of Provisional Government, procedure for assumption of power by Provisional Government, selection of personnel.

"(a) In compliance with and in connection with this aim-in compliance with point 8 of Joint Commission Decision No.12, to direct Subcommission No.2 to refer to Subcommission No.2, those considerations which were received from Korean democratic parties and social organizations both in South and North Korea, and also the proposals for a study and elaboration of agreed suggestions.

"(b) To entrust to Subcommission 2 and 3 in five days to submit for approval by the Joint Commission plans of their work.

"(c) To direct Subcommission No.2 and 3 to submit their proposals on the creation of subcommittees.

"(2) To entrust both head commissioners together with Subcommission No.1:

"(a) To continue discussion of question of compilation of list of democratic parties and social organizations to be invited for oral consultation, with a view to achieving agreement.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

"(b) To prepare a list of representatives of parties and social organizations for oral consultation.

"(c) To elaborate proposals on point 9 of Joint Commission Decision No.12."

30. The U.S. Delegation rejected the above proposal on the basis that it did not change the Soviet position regarding exclusion. In the 52nd meeting, held 7 August 1947, the U.S. Delegation proposed that paragraph 2 of the above proposal be amended to read:

"To direct the Chief Commissioner of both Delegation to meet with the Chairman of Subcommission No.1 and discuss and resolve the consultation issue."

In addition, the U.S. Delegation agreed to consider paragraphs 1a, b, c, and paragraph 2c as soon as the consultation issue was resolved.

31. The U.S. Delegation made the following proposal in the 53rd meeting held 12 August 1947:

"c. At the 53rd meeting, held 12 August 1947: "The American Delegation, mindful of the solemn obligations of its government under the Moscow Agreement and conscious of its duty to the Korean people to establish as early as possible a Provisional Korean Democratic Government, makes the following proposals to overcome the present impasse regarding consultation:

"1. Oral consultation shall be dispensed with and the questionnaires submitted by Korean political parties and social organizations shall be accepted as consultation under the Moscow Agreement.

"2. Directive to be issued to Subcommission No.2 to complete and present to the Joint Commission a provisional charter and political platform for the Provisional Korean Democratic Government. This charter to specify which offices are appointive and which are elective.

"3. The Joint Commission shall in the charter proposed to the Four Powers include a provision for an immediate general election to

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

elect a national legislature and such other individuals of the government as the charter may specify, which election shall be held with free electioneering, secret and multi-party ballots, under international supervision. That Subcommission No.2 be directed to prepare detailed plans for such a general election in North and South Korea to be presented to the Four Powers with the proposed charter.

"4. That Subcommission No.3 be directed to prepare a plan for the selection of appointive personnel for the Provisional Korean Democratic Government together with a plan for the integration of the existing governmental functions of North and South Korea.

"By making this proposal the American Delegation feels that the opinion of the Korean people which cannot be obtained through oral consultation on a broad basis can be expressed through the medium of a general election where a clear and free election under international supervision is guaranteed."

38.
~~39~~.
~~39~~.

The Soviet Delegation countered the above proposal in the 56th meeting, held 26 August 1947, with the following proposal:

"1. To instruct:

a. Subcommission No.2 to immediately commence study of the written proposal presented to the Joint Commission of the democratic parties and social organizations on the questionnaires which have been sent out by the Joint Commission and to submit to the Joint Commission a draft of the structure of the provisional democratic government and local organs of power (provisional charter) and political platform.

b. Subcommission No.3 to present to the Joint Commission proposal concerning the personnel composition of the provisional government and on the procedure of assumption of governmental power.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

"2. To create a consultative power - Provisional Korean People's Assembly of the representatives of democratic parties and social organizations. Provisional Korean People's Assembly to perform the representatives of democratic parties and social organizations which have applied for consultation with a membership of 10,000 or more and those who fully uphold the Moscow Decision and also do not act against the Joint Commission and the Allied Powers - do not oppose the Joint Commission and the Allied Powers. The number of representatives into the Provisional Korean People's Assembly should be equal from the North as well as from the South. Representation of various parties and social organizations, the Joint Commission will establish this representation in compliance with the number of members and taking into consideration as much as possible thier influence.

"3. The Joint Commission directs the Provisional Korean People's Assembly for elaboration of proposal on the question of structure and principles of organizations of provisional democratic government and local organs of power (provisional charter) political platform and personnel of the Korean Democratic Government and the order of assumption of power and other questions. The provisional charter should envisage the creation of a legislative body, elections which should be carried out all over Korea on the basis of general direct equal electoral right, secret ballot. The Soviet Delegation understands that the Korean people are impatiently awaiting the creation of a Provisional Korean Democratic Government which would unite Korea and realizes these democratic reforms which the Korean people wish. The proposal of the Soviet Delegation clearly states that there should be created a consultative body, Provisional Korean People's Assembly, of the representatives of democratic parties and social organizations. This Provisional Korean People's Assembly, consistihg of Koreans themselves, and representing the views of

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

of different populations will take part - immediate part, in the elaboration of all questions connected with the creation of a Provisional Korean Democratic Government and the program of its activities. The Soviet proposal also includes an education on the necessity to envisage in the provisional charter and creation of the legislative body, elections which should be carried out all over Korea on the basis of a general direct equal electoral right by secret balloting. During these elections, all democratic parties and social organizations should have equal opportunity to designate their candidates and equal opportunity to freely agitate for them and for their program."

34. (U.S. Delegation's reply)

40. INSERT (a)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

insert (c)

4o. The Moscow Agreement, the Marshall-Molotov correspondence, and Joint Commission Decision No. 12 constitute adequate and detailed terms for conducting consultation and for the implementation of the establishment of a Provisional Korean Democratic Government. However, consultation cannot be conducted nor can the establishment of a Provisional Korean Democratic Government be implemented until the Soviet Delegation abandons its position that either delegation has the right to unilaterally exclude any applicant democratic party or organization from consultation with the Joint Commission and from participation in the Korean Provisional Democratic Government.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

[redacted]

Roll 16

Target 2

Subcommission No. II
Minutes of Meetings
Notes on Meetings
Proposals for a Draft Charter of a Provisional
Korean Democratic Government
Drafts - Proposals and Working Papers

[redacted]

Subcommission # II
Minutes of Meetings
(Meetings # 1 to 6 Incl.)
(19 May 47 - 27 May 47)
(Meetings # 1 to 5 Incl.)
26 May 47 - 2 Jun 47)

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NND 760090
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U. S. Subcommission Number II
US-USSR JOINT COMMISSION
Seoul, Korea

AGENDA
AS OF 20 MAY 1947

1. Revision of Joint Commission Decision Number 5.

   a. Assigned by

      SM-4 (18 May 1947)
      SM-7 (19 May 1947)

   b. References:

      (1) Par. 3, 108th Meeting
      (2) AMD 4

2. Draft of Charter for Provisional Korean Government.

   a. Assigned by:

      SM-5 (18 May 1947)

   b. References:

      (1) AMD Z
      (2) B II 1
      (3) B II 2
      (4) B II 3

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U.S. SUBCOMMISSION NUMBER II
U.S.-U.S.S.R. JOINT COMMISSION
SEOUL, KOREA

COPY NO. ____

MINUTES OF THE
1ST MEETING
DUK SOO PALACE
19 MAY 1947

PRESENT

BRIGADIER GENERAL JOHN WECKERLING
DR. ERNST FRAENKEL
MR. WALTER E. MONAGAN

SECRETARIAT

CAPTAIN MORTON S. JAFFE

SECRET

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MINUTES 1ST MEETING
19 MAY 1947

1. Mission of Subcommission II

After discussion of significant developments and preparations made to date for reconvening the Joint Commission, General Hodgerling stated that the first tasks of the Subcommission were:

a. revision of Joint Decision Number 5;

b. preparation of questionnaire in connection therewith;

c. draft of charter.

2. Interpreter Services

The secretary was directed to arrange without delay for the assignment of Korean and Russian interpreters to the Subcommission.

3. Previous Meeting of Joint Commission

Papers of Subcommission Number II originating in the 1946 meeting of the Joint Commission were distributed to Dr. Fraenkel with direction to pass on to Mr. Monagan and the secretary.

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U.S.-U.S.S.R. JOINT COMMISSION
SEOUL, KOREA

COPY NO.____

MINUTES OF THE
2ND MEETING
DUK SOO PALACE
21 MAY 1947

PRESENT

BRIGADIER GENERAL JOHN WECKERLING
DR. ERNST FRAENKEL
MR. WALTER E. MONAGAN

SECRETARIAT

CAPTAIN MORTON S. JAFFE

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1. Preparation of Charter

B II 2 and B II 3 were discussed.

2. Preparation for Meeting with Joint Subcommission.

After discussion the Subcommissioners agreed:

a. The Subcommission will avoid controversial issues and at the outset restrict its activities to the establishment of a working governmental machinery based on democratic principles.

b. The Subcommission will start with the coordination of purely administrative activities and postpone discussion of economic and social problems until a uniform administrative system has been agreed upon.

c. Note will not be taken of the economic and political achievements in North and South Korea except in connection with consideration of Joint Decision Number 6, when it will be argued that such achievements may be recited and thus make unnecessary the proposed political platform.

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U.S. SUBCOMMISSION NUMBER II
U.S.-U.S.S.R. JOINT COMMISSION
SEOUL, KOREA

COPY NO. ____

MINUTES OF THE
3rd MEETING
DUK SOO PALACE
22 MAY 1947

PRESENT

BRIGADIER GENERAL JOHN WECKERLING
DR. ERNST FRAENKEL
MR. WALTER E. MONAGAN

SECRETARIAT

CAPTAIN MORTON S. JAFFE

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MINUTES 3RD MEETING
22 MAY 1947

1. Review of C II 1.

During discussion, the subcommissioners:

a. agreed to amend paragraph 1 a to read:
"Freedom of speech, press, and religion and right of petition."

b. agreed to amend paragraph 1 b to read:
"Freedom of association and assembly."

c. agreed to amend paragraph 1 c to read:
"Equal protection under law for all persons including aliens and national minorities."

d. agreed to amend paragraph 1 e to read:
"Inviolability of personal freedom (protection against unreasonable searches and seizures and unlawful detention without warrant or charge).

e. agreed to consider carefully the inclusion of any proposals, by Soviet subcommission, along the lines of including questions on the "right to work and rest"; the "right to organize"; "the right to education" in the questionnaire.

f. returned draft as amended to subcommissioners for revision in the light of the discussion.

g. agreed to reconvene at 0900 hours, 23 May 1947.

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U.S.-U.S.S.R. JOINT COMMISSION
SEOUL, KOREA

COPY NO. 1

MINUTES OF THE
4th MEETING
DUK SOO PALACE
23 MAY 1947

PRESENT

BRIGADIER GENERAL JOHN WECKERLING
DR. ERNST FRAENKEL
MR. WALTER E. MONAGAN

SECRETARIAT

CAPTAIN MORTON S. JAFFE

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MINUTES 4TH MEETING
23 MAY 1947

1. Review of C II 1.

After discussion the subcommissioners:

a. returned draft for final revision in the light of the discussion.

2. B II 3.

After discussion, General Weckerling directed that paragraph II, 4 be submitted for adoption as the policy of the American Delegation.

3. Preparation of Counter-Arguments.

General Weckerling directed that notes be prepared on arguments to such probable proposals of the Soviet Delegation as the American subcommission would be likely to oppose.

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U.S. SUBCOMMISSION NUMBER II
U.S.-U.S.S.R. JOINT COMMISSION
SEOUL, KOREA

COPY NO. 1

MINUTES OF THE
5TH MEETING
DUK SOO PALACE
26 MAY 1947

PRESENT

DR. ERNEST FRAENKEL
MR. WALTER E. MONAGAN
CAPTAIN MORTON S. JAFFE

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MINUTES 5TH MEETING
26 MAY 1947

1. Review of C II 1/1

After discussion, the subcommissioners:

Amended C II 1/1 in several particulars.

2. Memorandum, "Transmittal of Information and Delivery of Documents to the Soviet Delegation".

Subject memorandum dated 25 May 1947 and paragraph 3, 112th meeting, were brought to the attention of the subcommissioners.

3. Joint Commission Decision Number 6.

a. Extract from meeting between Chief Commissioners on 21 May 1947 was read and made a matter of record, as follows:

Gen. Shtikov commented that, due to differences in terminology, he felt that Gen. Brown referred to what the Americans called the platform of the government which was the same thing as the charter. According to his viewpoint, such a document would include a statement of aims for the future government. The government would have to tell the people of what it intended to do and how it intended to accomplish its plan. It also would have to refer to the external and internal policy of the State. This time he was sure that there would be no misunderstanding of terms, as he had brought along a complete dictionary of foreign words and phrases.

Gen. Brown indicated that his proposal did not go beyond the first three decisions of the Joint Commission. The two others would be discussed in greater detail after preparatory study by the Sub-commission.

a. Method of consultation;

b. Method of preparing charter and possibly the platform.

His hope was that it should be possible to combine the two documents into a single document, and the name for that would be determined later.

Gen. Shtikov suggested that a suitable name might be "statue regarding a provisional government."

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NND 760090
By _____ NARS, Date _____

Gen. Brown said that fundamentally the document would have to be a guide to the duties and rights of the provisional government; and that the main object was to prevent the horses from running away, but the name would not matter.

b. It was announced that Joint Commission Decision Number 6 was referred to Subcommission Number 2 for consideration.

c. After discussion, the subcommissioners:

(1) Agreed to submit paragraphs A 2 and 3 to Subcommission Number I for analysis and recommendations.

(2) Agreed to submit paragraphs B and C to Subcommission Number III for analysis and recommendations.

(3) Agreed to proceed to analysis of and recommendations on Paragraphs A1, 4 and 5.

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U.S. SUBCOMMISSION NUMBER II
U.S.-U.S.S.R. JOINT COMMISSION
SEOUL, KOREA

COPY NO. 1

MINUTES OF THE
6TH MEETING
DUK SOO PALACE
27 MAY 1947

PRESENT

BRIGADIER GENERAL WECKERLING (Para. 1.b only)
DR. ERNST FRAENKEL
MR. WALTER E. MONAGAN
MR. CALVIN JOYNER (Para. 1.a only)
MR. STEWART MEACHAM (Para. 1.a only)
MR. PAUL J. STURM (Para. 1.a only)
CAPT. EUGENE E. MILLER (Para. 1.a only)
CAPT. MORTON S. JAFFE

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MINUTES 6TH MEETING
27 MAY 1947

1. Joint Commission Decision Number 6.

After discussion:

a. Mr. Joyner, Chairman of Subcommission Number 3, stated that that subcommission approved Decision Number 6 in its present form and, because of other pressing assignments, could not consult further on this subject. Messrs. Joyner, Meacham, Sturm and Miller then withdrew from the meeting.

b. The subcommissioners proceeded to revise Joint Commission Number 6.

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US-USSR JOINT SUBCOMMISSION II
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

1st Meeting

26 May 1947

1330 Hours

Duk Soo Palace

Seoul, Korea

Present

Major General N. G. Lebedeff
Brigadier General John Weckerling

Interpreters

Soviet : Mrs. A. S. Maslov
American: Mr. V. P. Pekarsky
Mrs. V. G. Zadkovsky

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Secret

1. Call of Meeting

General Weckerling met General Lebedeff, Soviet Chairman of Subcommission No. 2 at the latter's request at 1330 to discuss the work assigned Subcommission No. 2 by the Joint Commission: the preparation of a "Provisional Charter" and a "Political Platform" for the Korean Provisional Democratic Government.

2. Procedure

General Weckerling proposed that all meetings be informal in character; that no verbatim stenographic notes of the meetings be taken unless one or both sides requested such practice; and that each side keep such records of the meeting as it desired without reference to the other. General Lebedeff agreed.

3. Mission of Joint Subcommission

General Weckerling stated that he saw no reason for a "political platform" since many of the subjects in the "political platform" questionnaire (Joint Decision No. 6 of the 1946 meeting) were duplicative, having already been included in the "provisional charter" (Joint Decision No. 5 of the 1946 meeting). General Weckerling stated his opinion that one instrument, viz, the "provisional charter" would appear to be sufficient in view of the short life of the Provisional Korean Democratic Government envisioned by the Moscow Agreement.

General Lebedeff stated that the 1946 meeting of the Joint Commission agreed that two documents, a charter and a platform, were essential for the guidance of the Provisional Korean Democratic Government, that the American delegation had agreed to both documents; and that General Arnold, the head of the American delegation, in fact, had signed both the charter and the platform, with General Shtikov, Soviet Chief Commissioner.

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NND 760090
By _____ NARS, Date _____

General Weckerling acknowledged that this was the case but expressed the belief that this prior agreement need not necessarily bind this year's meeting if benefits would accrue by initiating new action. He then stated to General Lebedeff his opinion as to what each document should contain for guidance of the Provisional Korean Democratic Government: the provisional charter should contain an outline of the structure and powers of the new government plus such missions and restrictions as the Joint Commission should specify; that the political platform should be a declaration of the principles of government under which the Provisional Korean Democratic Government should operate.

General Lebedeff stated his general agreement with this view in substantially the same terminology but thought that the political platform should delineate the specific tasks assigned to the Provisional Korean Democratic Government rather than vague principles.

4. Joint Decision Number 5

General Weckerling stated that in his opinion Joint Decision No. 5 adopted by the Joint Commission at the 1946 meeting was too general in nature and that most of the questions asked were susceptible to vague and inappropriate replies. He said that the American members of Subcommission No. 2 had prepared a new proposed "Joint Decision No. 5" which he hoped to present to General Lebedeff at the next meeting.

General Lebedeff agreed to await the completion of the proposed new "Joint Decision No. 5" before making further comment.

General Weckerling stated that he would get copies of the "provisional charter" to General Lebedeff at the earliest practicable moment in both the English and Russian languages. General Lebedeff agreed that when the Soviet side had reviewed the new proposed charter a meeting would be arranged.

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NND 760090
By _____ NARS, Date _____

5. Adjournment

The meeting then at 1520 hours adjourned.

JOHN WECKERLING
Brigadier General, USA
American Chairman, Subcommission No. 2

(Note: Five copies of the proposed Joint Decision No. 5 were delivered to General Lebedeff at 0900 hours, Wednesday 28 May).

Distribution:

1. General Brown
2. Dr. Bunce
3. General Weckerling
4. Mr. Joyner
5. Colonel Lincoln
6. U.S. Secretary
7. Subcommission II
8. File

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US-USSR JOINT SUBCOMMISSION II
US-USSR JOINT COMMISSION
APO 235

Minutes of the

2nd Meeting

29 May 1947

1100 Hours

Duk Soo Palace

Seoul, Korea

Present

Major General N. G. Lebedeff
Brigadier General John Weckerling

Interpreters

Soviet : Lt. Vishniak
American: Mr. V. P. Pekarsky
Mrs. V. G. Zadkovsky

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1. Joint Commission Decision Number 5.

General Lebedeff stated that the Soviet Delegation had reviewed the proposed Joint Decision Number 5 prepared by the American Subcommission and were opposed to changing the 1946 Joint Decision Number 5 which was agreed to and signed by both delegations. He repeated substantially the same arguments brought out in meeting Number 1. General Lebedeff then proposed that, in view of the similarity of basic principles, both Joint Decisions Numbers 5 and 6 of 1946 be reported to the Joint Commission for adoption.

General Weckerling then discussed at considerable length his opinion of the need for a new approach. He said that the Koreans are vitally interested in this matter and that despite their improvement politically they still are far short of attaining maturity in this direction. He said that the vague general questions of the 1946 version of the charter would lead to meaningless answers that would do little to assist the Joint Commission, and that it was necessary to outline to the Koreans the significance of the various questions answered. As the proposed Joint Decision Number 5 was framed all aspects of the problem were broken down and clearly presented. Adequate provision was made for amplification of views in the covering letter.

General Lebedeff then stated:

"The new questionnaire limits the initiative of Koreans with regard to the question of government (power); therefore I suggest that we accept the questionnaire of 1946.

"The old one (1946) is more appropriate; it does not limit Koreans by answers of only "yes" or "no"; it gives them initiative, it has the advantage over the new one, because the material is arranged in such a way as to give them opportunity to express some of their own ideas concerning the administration of their government.

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NND 760090
By NARS, Date

"It was intended for the intelligent Koreans, who are capable of understanding, and answering it.

"It will be more expedient to affirm the old questionnaire, and receive the answer from the Korean parties and organizations, which will make it possible for us to proceed with elaboration of the Provisional Charter.

"As long as there are no changes in basic principles in both questionnaires, let us accept the old one (1946) and submit it to Joint Commission for approval. Then, it is up to the Subcommission Number 1 to decide among which Korean political parties and organizations it should be distributed."

General Weckerling then stated that the American Delegation, without sacrificing adherence to the principle that any of the 1946 Joint Decisions could be modified or revoked if the Joint Commission agreed, and if the work of the Joint Commission were thereby to be benefited, agreed to recommend to the Joint Commission acceptance of the 1946 Joint Decision Number 5 in order to facilitate the work of the Joint Commission.

It was jointly agreed to present these views to the Joint Commission at the meeting scheduled for 1330, 29 May 1947.

2. Adjournment.

The meeting then adjourned at 1215 on 29 May 1947.

JOHN WECKERLING
Brigadier General, USA
Chairman Subcommission #2

(NOTE: Joint Decision Number 5 of 1946 was recommended for adoption by both Subcommission chairmen at meeting of Joint Commission on 29 May which directed an early meeting to resolve agreement on "political platform". The two Subcommission chairmen agreed to meet at 1030 on 30 May 1947 to discuss the political platform.)

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Distribution:

1. General Brown
2. Dr. Bunce
3. General Weckerling
4. Mr. Joyner
5. Colonel Lincoln
6. U.S. Secretary
7. Subcommission II
8. File

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S E C R E T

US-USSR JOINT SUBCOMMISSION II
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the
3rd Meeting
30 May 1947
1030 Hours
Duk Soo Palace
Seoul, Korea

Present

Major General N. G. Lebedeff
Brigadier General John Weckerling

Interpreters

Soviet : Lt. V. V. Vishniak
American: Mr. V. P. Pekarsky

S E C R E T

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1. Political Platform for Korean Provisional Democratic Government.

General Weckerling presented the American position recommending acceptance of Joint Commission Decision No. 6 (1946) by the Joint Commission with the following amendments:

Section A. Political Policies of the Provisional Korean Democratic Government.

Paragraph 2: Eliminate last five words reading "and of the pro-Japanese elements."

Paragraph 3: Eliminate the words "and the activity of reactionary anti-democratic elements and elements."

Paragraph 4c: Change this sub-paragraph to read "How shall the democratization of the judiciary be assured?"

Section B. Economic Policies of the Provisional Korean Democratic Government.

Paragraph 5a: Change the first sentence to read "Should a program of rationing the necessities of life be continued while commodities are scarce?"

Section C. Educational and Cultural Policies of the Provisional Korean Democratic Government.

Paragraph 1: Change opening sentence to read "What educational program should be developed in Korea in the following fields?"

Change 1-a to read: "Elimination of illiteracy among adults."

(See Annex No. 1)

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General Weckerling then stated the reasons of the United States Delegation for proposing these amendments: by mutual agreement to Joint Commission Decision No. 5(1946) we accepted the general principle of broadly worded questionnaires which neither restrict comment nor point to any political philosophy. The Joint Commission Decision Number 5 as adopted by the Joint Commission a few days ago opens up the subjects outlined to the very broadest discussion by Koreans in their replies. The Joint Commission Decision Number 6 is generally acceptable but certain passages violate the principle which was tacitly accepted in Joint Commission Decision Number 5.

After prolonged discussion on the specific points involved the issues narrowed down to the following:

Paragraph 2, Section A of Joint Commission Decision No. 6 (1946)

U. S. Position

As written this paragraph points to particular and well recognized problem which will require solution by the Korean people themselves. There are many questions and other aspects to the elimination of the evil consequences of the prolonged Japanese domination which require the most careful attention, most of which are economic in character equally if not more important. The Korean people will say what they want done with pro-Japanese collaborators without being specifically directed to by the Joint Commission. The people of South Korea are even now attempting to solve this question and have been unable to classify "pro-Japanese". They will in time agree to some sensible solution.

U.S.S.R. Position

"In my opinion the words "and of the pro-Japanese elements" should not be eliminated due to the following considerations: I agree, that not all the Koreans cooperated with the Japanese. It was only a group composed of higher officials, members of the government general and the like, such are the ones that I am

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talking about. We too are concerned with Korean affairs and wish to help them to establish their government, therefore we must help them to punish the pro-Japanese elements. Koreans will consider the measures for establishment of the government, then we shall consider the same, in order to decide whether we shall approve or disapprove these measures. Therefore it is not advisable to eliminate the words "pro-Japanese elements".

"All these questions we leave to the Koreans to decide, and this is our task.

"The Joint Commission of the last year worked out this phraseology and I consider it to be correct. I see no reason to eliminate the words "pro-Japanese elements", as well as the words of paragraph 3 "and the activity of reactionary and anti-democratic elements and elements". But the pro-Japanese elements have not vanished! The Subcommission (of the last year) elaborating the political program, among other questions, took into consideration this paragraph as well. I see no reason to eliminate the words "and pro-Japanese elements".

Paragraph 3

U. S. Position

This paragraph attempts to look into the future and prophesy what groups will approve the Provisional Korean Government.

Paragraph 3 names only certain elements which could possibly attempt to undermine the Korean Provisional Democratic Government. There are other groups equally dangerous and suspect.

What do we mean by "undermining"? If it means political opposition such as practiced in England, the United States and other countries, the American Delegation favors such "loyal opposition".

U.S.S.R. Position

"We are talking about democratic government, and only reactionary and anti-democratic elements can undermine such a government.

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Paragraph 4c

U.S. Position

Paragraph 4c as written and understood in English, is open to the interpretation by the Koreans that the Joint Commission accuses them of having failed to make progress in the democratization of the judiciary. Regardless of the present status of the Korean judiciary, we should exclude from our questions such implications.

U.S.S.R. Position

"In Northern Korea the Supreme Korean Court was elected at the Session of Peoples Representatives by secret ballot, - this in itself shows the democratization of Korea." (Then General Lebedeff attempted by a long series of questions to compare the judiciary of South Korea to that of North Korea, in favor of the latter. He intimated that he believes that the entire judiciary of South Korea is a direct inheritance from the Japanese.)

General Lebedeff ended by insisting that Paragraph 4c remain unchanged.

The American Commissioner proposed that Paragraph 5a Section B, be amended to conform to the present situation. (The Soviet Commissioner agreed without argument.)

The American argument for amendment of Paragraph 1, Section C was substantially the same as for Paragraphs 2 and 3, Section A above. Paragraph 1a, Section C involved only a minor change of wording involving the principle, but ten minutes was wasted in appeasing apparent Soviet suspicions.

Two general thoughts dominated the Soviet attitude on all questions:

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1. Unwillingness to concede any point, no matter how small, without an interminable discussion of all factors involved.

2. Desire to point to lack of democratic progress in South Korea (in their view) and unfavorable comparison to what has been done in North Korea.

The following agreements were reached by Subcommission II.

Section A. Political Policies of the Provisional Korean Democratic Government.

Paragraph 2. Open

Paragraph 3. Open

Paragraph 4c. Following wording adopted:

"How shall the democratization of the judiciary be exercised?"

Section B. Economic Policies of the Provisional Korean Democratic Government.

Paragraph 5a. Following wording adopted:

"Should a program of rationing the necessities of life be continued while commodities are scarce?"

Section C. Educational and Cultural Policies of the Korean Provisional Democratic Government.

Paragraph 1. Following wording adopted:

"What educational program (system) should be introduced.

(U.S. proposal was to change "introduced" to "developed". This point was not resolved.)

Paragraph 1a. "Elimination of illiteracy among adults."

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The following points were not resolved:

Paragraphs 2 and 3, Section A, Joint Commission Decision No. 6 Paragraph 1, Section C:

U.S. proposal to change word "introduced" to "developed". Final U. S. proposal which Soviet side agreed to consider, "What educational program (system) should be adopted and developed in Korea in the following fields?"

2. Agenda

It was agreed to meet at 1100 on 31 May 1947 to review the outstanding unresolved points.

3. Adjournment

Subcommission II agreed to adjourn at 1530.

JOHN WECKERLING
Brigadier General, USA
U.S. Chairman, Subcommission II

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US-USSR JOINT SUBCOMMISSION II
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the
4th Meeting
31 May 1947
1100 Hours
Duk Soo Palace
Seoul, Korea

Present

Major General N. G. Lebedeff
Brigadier General John Weckerling

Secretariat

Soviet: Lt. A. Kadishnikov

Interpreters

Soviet: Lt. V. V. Vishniak
American: Mr. V. P. Pekarsky
Mrs. V. G. Zadkovsky

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1. Political Platform for Korean Provisional Democratic Government.

General Weckerling argued at some length for acceptance of rephrasing of paragraph 1, Section C as follows:

"What educational program (system) should be adopted and developed in Korea in the following fields?"

General Weckerling stated that this paragraph as originally worded: "should be introduced", would give the Koreans the impression that the Joint Commission or the allies intended to introduce a new educational system into Korea. He stated that he was sure that the Soviet Delegation did not intend that the Koreans should get this impression and he therefore, proposed to substitute "should be adopted and developed" for "should be introduced".

General Lebedeff stated the following: "System" is a broader term than 'program', therefore let us retain the word 'system'. 'Introduce' and 'develop' are two words with different meanings, therefore we cannot parenthesize the word 'develop'. Koreans themselves will indicate their own educational system of schools. We shall submit to them the questionnaire, and they will state what they want with regard to their school system."

After further discussion General Lebedeff agreed to the U. S. proposal.

Paragraph 2, Section A was then discussed and General Weckerling repeated his previous arguments as given in the minutes of the meeting of 30 May 1947. He argued that he thought the Provisional Korean Government should not be given a mandate to eliminate "pro-Japanese" because of its interim and short term character. He stated that it was his personal belief that the Provisional Government would have a most difficult task of

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integration without solving the fundamental, vital problems of Korea. He saw this as the task of the permanent Korean Government.

General Lebedeff agreed and stated it as his informal opinion that the formation of the Provisional Government would be followed by a general election resulting in a legislative and then a permanent Government. He said, however, that the Joint Commission should include some sort of a question on the "pro-Japanese" question to let the Koreans know that the Joint Commission regards this problem as an important one.

The meeting then adjourned at 1215 without reaching an agreement on this point.

The Sub-chairmen agreed to meet again at 1030 on 2 June 1947.

JOHN WECKERLING
Brigadier General, U.S.A.
U.S. Chairman, Subcommission No. 2

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US-USSR JOINT SUBCOMMISSION II
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

5th Meeting

2 June 1947

1030 Hours

Duk Soo Palace

Seoul, Korea

Present

Major General N. G. Lebedeff
Brigadier General John Weckerling

Secretariat

Soviet: Lt. A. Kadishnikov
Capt. M. S. Jaffe

Interpreters

Soviet : Lt. V. V. Vishniak
American: Mr. V. P. Pekarsky
Mrs. V. G. Zadkovsky

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1. Political Platform for Korean Provisional Democratic Government.

GENERAL HECKERLING summarized the progress of the Joint Subcommission to date pointing out that only two questions in the platform remained to be resolved, to wit, paragraphs A 2 and A 3 of the Joint Commission Decision Number 6, pertaining to the elimination of Japanese influence and the concentration of economic and political power, respectively. Apart from these sections Joint Commission Decision Number 6 has been accepted by Joint Subcommission II. He urged immediate reconciliation of existing differences and report to the Joint Commission in order that the work of the latter be accelerated.

GENERAL HECKERLING discussed paragraph A 3 of Joint Comission Decision 6 pointing out that as written it is complex and politically slanted and probably incomprehensible to the Korean parties to whom it is to be directed. He stated further that with respect to "reactionary or anti-democratic elements" it attempts to postulate a future condition which at this time cannot be foreseen. He explained that it was not the intention of the American delegation to embody any particular national political philosophy or scheme in the questionnaire but rather to give representatives of Korean parties and organizations wide latitude in consultation. He accordingly recommended a very general statement of the problem. Specifically, he recommended the deletion of the words "and the activity of reactionary anti-democratic elements and elements attempting to undermine the Provisional Korean Government" from paragraph A 3. He recommended that the following amended version of paragraph A 2 be accepted:

1. Redesignate par 2 after the words "Elimination of Japanese influence" as subparagraph a and delete words "and of the pro-Japanese elements".

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2. Add the following subparagraphs:

b. What measures should be taken by the Korean Provisional Democratic Government to classify and punish those Koreans who collaborated with the Japanese to the detriment of Korea and Koreans?

c. Should the solution of this problem be left for the decision of a nationally elected legislature and a permanent Korean government?

GENERAL LEBEDEFF concurred in the opinion of General Weckerling as to the desirability of expediting the work of the Commission and urged that the best way to accomplish this was by the acceptance of Joint Commission Decision Number 6 as written. He stated further that he regarded the political platform as a guide for the provisional government only, rather than as a guide for the projected permanent government.

GENERAL WECKERLING thereupon agreed to withdraw his amending paragraph 2 c, above.

GENERAL LEBEDEFF agreed to take the proposed paragraph 2 b under advisement. With respect to paragraph 3 of Joint Commission Decision 6 he stated that he considers it inadvisable to eliminate the words, "the activity of reactionary anti-democratic elements" because, for one thing, the provisional government to be established will be a democratic one in compliance with the Moscow Decision. Therefore anything which might oppose it is anti-democratic and therefore reactionary. Secondly, the elimination of these words would indicate a belief that there is no danger from anti-democratic or opposition elements which in his opinion is contrary to fact. He reiterated his stand that the work of the Joint Commission could best be accelerated by making no changes in the Decision as accepted in 1946. He stated, however, that he would consult with his Chief Commissioner before making a final decision in this connection.

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GENERAL WECKERLING stated his belief that neither the Subcommissions nor the Commission should be bound by previous agreements so long as improvement upon the work of last year could be achieved. He cited the decisions on press communications as an example of improved action resulting from reconsideration and revision of prior agreements. The Commission must ask clear questions in order to get clear answers to aid the ultimate writing of the platform, he concluded.

GENERAL LEBEDEFF agreed to advise GENERAL WECKERLING of the results of his consultation with GENERAL SHTIKOV prior to the opening of the meeting of the Joint Commission at 1330 this date.

2. Adjournment.

The meeting adjourned at 1135 hours.

JOHN WECKERLING
Brigadier General, U.S.A.
U.S. Chairman, Subcommission No. 2

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Subcommission #II
Minutes of Meetings

71/1/

Notes on Meetings

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Notes on First Meeting of ORGANIZATION OF GOVERNMENT SUB-COMMISSION

1 April 1946

PRESENT: Colonel Britton, Lt. Col. Marsh, Major Hill, Lt. Halpern, Lt. Matisohn.

General Lebedeff, V.V. Lavrov, Capt. Yerikava.

It was agreed that it will not be necessary to have minutes written on each meeting of the sub-commission, but to have joint reports from time to time when necessary.

The problem of the sub-commission as outlined in the program of the Joint Commission is: "Preliminary elaboration of the recommendations on the structure and principles of the organizations of the Provisional Korean Democratic Government and local organs of authority (provisional charter)."

Colonel Britton presented his views that the problem is primarily divided into two parts: First, preparation of the charter, and second, drawing up of plans for setting up the machinery for the provisional government.

In the discussion of the first part of the sub-commission's work, "preparation of the charter," the U.S. and Soviet representatives agreed on the following points: The charter must be prepared after the Commission completes its consultations with the Korean democratic parties and social organizations; however, in order to approach the problem of preparing this document in an orderly manner, the sub-commission must determine the general scope--the subjects which must be covered in the charter. The sub-commission must determine what type of information is desired from the Koreans on the subject of this charter, how this information will be presented, and how the various views of the Koreans will be evaluated and integrated in preparing the charter. The U.S. and Soviet representatives agreed to each prepare a list of topics which would require discussion with the Korean democratic parties and social organizations. From these will be worked out a guide in the sub-commission's work of obtaining the necessary information

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from the Koreans regarding the provisional charter. The lists will be exchanged through the Joint Secretariat, for study before the next meeting.

General Lebedeff stated that the Soviet delegation's first view was that the charter should be a brief document but that they had now decided that a detailed document was needed, due to the fact that the Provisional Government will be a new government and will have no laws.

Regarding the second part of the sub-commission's work, "preparation and plans for setting up the machinery for a provisional government," Colonel Britton presented the following points: When the provisional government starts operating as a government, it must have the necessary machinery, and we, as a sub-commission, should determine, in general, the departments or bureaus that should be set up. The experts from both the U. S. and Soviet would work together in drawing up plans for integrating or setting up these departments into a single machinery of government.

Looking over this general problem, Colonel Britton presented some questions which might arise, such as whether there should be U.S. and Soviet advisors or joint advisors in the departments, and how deep into this structure will these advisors go; what nation-wide governmental agencies, in addition to departments, must be integrated into the plan.

The U.S. representative presented a chart of the departments now being used in S KOREA. When General Lebedeff stated there is no government in the northern part of KOREA, only some organs of local authority, Colonel Britton suggested that then the problem of the sub-commission is mainly preparing plans to adjust, modify, or make necessary changes in the existing government so that it would become the machinery of the provisional government. He proposed that the government of S KOREA be taken simply as the machinery--that it be used as a starting point in the study to be made by the sub-commission.

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NND 760090
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Next arose the question of the sub-committees necessary in planning the integration of the machinery for the Korean Provisional Government. Colonel Britton stated the U.S. was prepared to set up committees on the following subjects: (1) Agriculture, Forestry & Fisheries, (2) Industry, Mining, Electric Power & Commerce, (3) Communications, (4) Education, (5) Finance, (6) Public Health & Welfare, (7) Department of Justice, (8) Police Affairs, and (9) Transportation. Some of them may be combined in order to reduce the number, or there may be others added if necessary. Colonel Britton suggested that these sub-committees could study the problem and prepare plans as to how the present conditions and machinery could be combined or adjusted to become single agencies for the new Korean Provisional Government.

The Soviet representative stated that in setting up these plans for the personnel of nation-wide agencies the sub-commission was getting away from its task. General Lebedeff agreed that this question of departments will have to be worked out, but that this is the work of the government when it begins to function. After the head of a department is appointed, he will find his personnel with the help of the Joint Commission. The Soviet representative agrees it is necessary to have some sub-committees in order to elaborate on the charter and work out the definite departments, but as far as the U.S. idea that by the time the minister takes office his set-up should be ready for him, General Lebedeff feels this is not the function of this sub-commission.

The Soviet delegation interpreted the duties of this sub-commission, as formed by the Joint Commission, to be only the formation of the structure and principles of the provisional government, but the U.S. feels that it also includes planning of the operation of the governmental structure. In order to make his point clearer, Colonel Britton will draw up a brief paper on the way one department might be handled. This will be presented to the Soviet representatives for study.

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It was decided to hold the next meeting of the sub-commission sometime after the next meeting of the Joint Commission on Wednesday, 3 April 1946. The time of this meeting is to be decided between General Lebedeff and Colonel Britton at the 3 April meeting.

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SCOPE OF PROVISIONAL CHARTER

Memo: To Major General Lebedeff

I. Submitted below is a list of headings or topics to be used as a guide in the preparation of a charter for the Provisional Korean Democratic Government. With information obtained from Korean Democratic parties and social organizations covering, at least, the below listed topics, it will be possible to draft a complete charter. This list will not necessarily be binding on the final form of the Provisional Charter.

1. Rights of the people.

2. Limitations on Government Power.

3. The Executive Organ

   Composition
   Term of office
   Oath of office
   Removal of Executive officers
   President, powers of
   Succession to the office of President
   Vice President
   Executive Ministers
   Other Executive officers
   Executive Departments
   Powers and duties of Provincial Governors
   Provincial Council
   Voters
   Selection of Mayors
   Selection of President, Vice President and Executive Ministers.

4. The Legislative Organ

   Powers and duties
   Composition
   Chairman of Legislative body and duties
   Basic procedure of Legislative body
   Appointment of Legislative Committees
   Adjournment of Legislative body.

5. The Judicial Organ

   Powers and duties
   Composition.

6. Finance

   Taxation
   Expenditure
   Budget
   Audit.

7. Amendments.

8. General Provisions and Supplementary Rules

   Effective date
   Limitation under Joint Commission

II. It is proposed that the above list be discussed at the next meeting of the Sub-Committee and, after any necessary

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modification, be adopted as a guide in the preparation of the "Provisional Charter" of the Provisional Korean Democratic Government.

F. H. BRITTON
Colonel, G.S.C.
Commissioner, U.S. Delegation
(Sub-Commission for Point # 2)

2-2

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U.S.S.R. CONSTITUTION

Chapter I: Social Organization

1. The U.S.S.R. is a socialist state of workers and peasants.
2. The political foundation of the U.S.S.R. consists of the councils (Soviets) of toilers' deputies that have matured and become strong as a result of the overthrow of the power of landlords and capitalists, and the attainment of the dictatorship of the proletariat.
3. The entire authority in the U.S.S.R. belongs to the working people of cities and villages represented by the Soviets (Councils) of toilers' deputies.
4. The economic foundation of the U.S.S.R. consists of the socialistic system of economy and the socialistic ownership of tools and means of production, which had become established as a result of the liquidation of the capitalist system of economy, abolition of private ownership of tools and means of production, and the suppression of exploitation of one man by another
5. Socialistic ownership in the U.S.S.R. has either the form of state ownership (national property), or the form of cooperative-collective property (property of individual collective farms; property of cooperative unions).
6. The land, its mineral resources, waters, forests, industrial plants, factories, mines, collieries, rail, water and air transport, banks, means of communication, large scale agricultural enterprises organized by the state (state farms, machinery and tractor stations, etc.) and also communal establishments and basic housing in the cities and industrial areas are owned by the state (are national property).
7. Social enterprises in collective farms and cooperative organizations, with their livestock and inventories, their produce, as well as their communal buildings are communal, socialistic property of collective farms and cooperative organizations.

   Every collective farm household, in addition to the basic income deriving from the communal, collective farm economy, has for its individual use a small lot of land connected with the dwellings, and, as private property, the auxiliary farming on such lot, dwelling, productive cattle, fowl, and minor farming inventory, as provided for by the charter for agricultural cooperative organizations.
8. The land, occupied by the collective farms, is vested in them for free and interminate use, that is to say, in perpetuity.
9. Along with the socialistic system of economy, which is the dominant form of economy in the U.S.S.R., the law allows small scale private economy of individuals peasants and craftsmen, based on their personal labor and excluding the exploitation of the labor of others.
10. The right of personal ownership of citizens to their earned incomes and savings, to their dwellings and auxiliary household economy (gardens, etc.) to

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household effects, to objects of personal use and convenience, as well as the right to inherit personal property of citizens are preserved by law.

11. The economic life of the U.S.S.R. is determined and directed by the governmental plan of national economy in the interests of increasing the social wealth, steady rise of material and cultural level of the toilers, strengthening of independence of the U.S.S.R. and increasing of its ability to defend itself.

12. In the U.S.S.R. work is the duty and the honorable task of every able bodied citizen according to the principle, "He who does not work, neither shall he eat". In the U.S.S.R. is being put into effect the principle of socialism - "from each according to his ability, to each according to his work".

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Gen Arnold

Secret

PROPOSED OUTLINE OF PROVISIONAL CHARTER

1. Preamble or introduction.
2. Rights of people.
3. Limitation on government power.
4. The Executive Organ
   a. Composition
   b. Powers and duties
   c.. Selection and replacement of executive officers.
5. The Legislative Organ
   a. Composition
   b. Powers and duties
   c. Selection and replacement of personnel of legislative body.
   d. Method of discharging legislative functions.
6. Local organs of authority, their formation, structure, powers and duties.
   a. Provincial government
   b. County (Gun) government
   c. City (Pu) Government
   d. Town (Up) government
   e. Township (Myun) government
   f. Village (Ri) government
7. The Judicial Organ
   a. Composition
   b. Power and duties
   c. Selection and replacement of judicial personnel.
8. Finance
   a. Taxation
   b. Expenditure
   c. Budget
   d. Audit
9. Method of amending provisional charter.
10. General provisions, to include controls by Joint Commission (later to be substituted by "Controls under agreements of the Four Powers").

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СЕКРЕТНО

ПРОЕКТ СХЕМЫ ВРЕМЕННОГО ПОЛОЖЕНИЯ

1. Вступление или введение.
2. Права народа.
3. Ограничения государственной власти.
4. Исполнительный Орган
   - а. Состав
   - б. Полномочия и обязанности
   - в. Избрание и замещение исполнительных должностных лиц
5. Законодательный орган
   - а. Состав
   - б. Полномочия и обязанности
   - в. Избрание и замещение законодательных должностных лиц
   - г. Метод отправления законодательных функций
6. Местные органы власти, их образование и структура.
   - а. Правинциальные органы государственной власти
   - б. Областные /Гун/ органы государственной власти
   - в. Губернские/Городские//Пу/ органы государственной власти
   - г. Уездные /Городские//Уп/ органы государственной власти
   - д. Городские окружные /Ижан/ органы государственной власти
7. Судебные Органы
   - а. Состав
   - б. Полномочия и обязанности
   - в. Избрание и замещение судебного личного состава
8. Финансы
   - а. Налоги
   - б. Расходы
   - в. Бюджет
   - г. Ревизия
9. Метод изменения временного положения.
10. Общие мероприятия, включающие руководство Совместной Комиссии /имеющим быт в дальнейшем замененными "Руководством согласно соглашениям четырёх держав"/.

Russ. Translation of U.S. Paper

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SCHEME OF THE SOVIET CONSTITUTION

Chapter I: Social Organization

1. U.S.S.R. a socialist state.
2. Political basis (deputies of workers)
3. All power belongs to workers.
4. Economic basis of U.S.S.R. (socialist property)
5. Types of socialist property: state and cooperative
6. State ownership (land and resources)
7. Cooperative ownership.
8. Land titles of cooperatives.
9. Admissibility of private ownership.
10. Personal property.
11. Economic planning.
12. Work as duty of citizens.

Chapter II: State Organization

13. Component republics.
14. Sovereign rights of the U.S.S.R.
15. Sovereign right of component republics.
16. Constitutions of component republics.
17. Right of secession of component republics.
18. Territorial integrity of component republics.
19. Obligatory nature of U.S.S.R. in component republics.
20. Preference, in case of conflict, of [illegible] U.S.S.R.
21. Citizenship.
22 - 29. Territorial subdivisions of component republics.

Chapter III: Supreme Organs of State Authority of the U.S.S.R.

30. Supreme Soviet
31. Its rights.
32. Its sole legislative power.
33. Its two chambers.
34 - 35. Electoral norums
36. Tenure.
37. Equal rights of chambers.
38. Legislative initiative.
39. Ratification of laws.
40. Publication of laws.
41. - 46 Sessions.
42 - 45. Officers and their functions.
47. Conflicts between chambers.
48. Presidium (interim body) of the Supreme Soviet.
49. Its rights and functions.
50. Credentials commissions.
51. Control commissions.
52. Immunity of deputies.
53. Interim functions of the Presidium.
54. New elections.
55. Calling of newly elected Supreme Soviet.
56. Formation of cabinet (Soviet of People's Commissars)
57

Chapter IV: Supreme Organs of State Authority of Component Republics.

Chapter V: Executive Organs of the U.S.S.R.

64. Soviet of People's Commissars.

65. Responsibility to Supreme Soviet.
66. Right to issue regulations.
67. Obligatory nature of regulations.
68.- 69. Functions and duties.
70. Composition

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Chapter V: (Cont'd)

71 - 76. Duties of Commissars (Cabinet Ministers)
77. Federal Commissars.
78. Commissars of individual republics.

Chapter VI - VII: Executive Organs of Individual Republics

Chapter VIII: Local Organs of Governmental Authority

94. Local Soviets of Deputies
95. Elections
96. Electoral norum
97.-98. Functions
99.-100. Executive organs (committees)
101. Their responsibilities

Chapter IX: Judiciary and the Institute of Procuratura

102. Types of courts
103. People's jurors
104. Supreme Court

105-106. Election and tenure, higher courts
107. Election and tenure, local courts
108. Language provision
110. Open courts; right to defense.
111. Judges, their rights
112. Independence
113. Procuratura (Institute of Procuratura)

114-116. Appointment and tenure
117. Rights of procurators

Chapter X: Basic Rights and Duties of Citizens

118. Right to labor
119. Right to rest
120. Right to social security
121. Right to education
122. Right to equality of sexes
123. Right to equality of races
124. Right to religious belief
125. Right to freedoms (speech, press, etc.)
126. Right to organize
127. Right to inviolability of person
128. Right to inviolability of correspondence
129. Right of asylum
130-133. Duties of citizens (law obeyance, military service, etc.)

Chapter XI: Electoral System

134. Universal suffrage
135. Qualifications (age, etc.)
136. Right to one vote
137. Women's rights
138. Soldiers' rights
139. All elections are direct
140. Secret ballot
141. Candidates' slates
142. Deputies' duties

Chapter XII: Coat of Arms, Flag, Capital

Chapter XIII: Amending Constitution

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

U.S. - SOVIET JOINT COMMISSION
Seoul, Korea

16 April 1946

MEMORANDUM TO: MAJOR GENERAL LEBEDEFF.

1. The attached paper outlines the basic needs and methods of a possible unification of the machinery of government for the Provisional Korean Democratic Government which was referred to in the first meeting of the sub-commission.

2. It is proposed that the sub-commission meet at 1000 hours, Thursday, 18 April, in Room 10 to discuss Outline of Provisional Charter and the attached paper.

F. H. BRITTON
Colonel, GSC
Co-Chairman
Sub-Commission No. 2

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Sheet

[illegible] OF GOVERNMENTAL MACHINERY FOR [illegible] PROVISIONAL KOREAN GOVERNMENT

In order that a new government such as the Korean Provisional Government may take over its functions and operate with efficiency, it is necessary that there be placed in this government's hands at its inception an integrated machine or structure. At present there are two separate commands in Korea, each of which controls a portion of Korea under its jurisdiction. To enable the Korean Provisional Government properly to assume governmental functions, the governmental functions in these two areas must be unified into a single nation-wide structure, the basis of this structure to be determined by the Joint Commission after consultation with the Korean democratic parties and social organizations.

In order to accomplish this unification, it will be necessary to combine and adjust the two existing spheres of government with a view to establishing the central headquarters which will have contact with and jurisdiction over all of Korea. To insure maximum efficiency and minimum confusion in the combining and adjusting of the existing governments, it must be accomplished by the time the governmental functions are turned over to the newly-appointed officials of the Provisional Korean Government.

A brief outline of any department of government in Korea will help to demonstrate the importance of and necessity for integrating each such department into a single nation-wide machine.

Let us take, for example, the Department of Agriculture. In Southern Korea, the central headquarters of the Department of Agriculture is located in Seoul with provincial branch offices located in each of the southern provinces. This central headquarters, through its provincial branches, directs agricultural activities for all of the southern provinces. At the present time, in the provinces of Northern Korea, the Agriculture Departments or Branches have no

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NND 760090
By _____ NARS, Date _____

contact with Seoul and operate separately in their own sphere.

Yet there are many respects in which Northern and Southern Korea are agriculturally dependent upon one another. In order for each of these areas not to lose any more of the benefits of this interdependence than is absolutely necessary, it is important that a single Department of Agriculture designed to function for all of Korea be planned and established to operate as soon as the newly-appointed Director or Minister takes control.

It is the normal function of a Department of Agriculture to obtain statistics on matters pertaining to food, such as crop yield, crop acreage, fish catch, etc.; and on the basis of these statistics, to direct the distribution of such foods. It is further the function of an Agriculture Department to help further the interests of the producers as well as the consumers of agricultural products by increasing crop yields, conserving forest lands, and producing better seed for replanting. Lack of nation-wide coordination in such matters results in unnecessary reduction in total food output.

The only way in which to plan and coordinate activities concerning important agricultural items is to have a nation-wide central organization undertake necessary planning and coordination as soon as the Provisional Korean Democratic Government is established. This means that the new Director or Minister of Agriculture upon assuming charge of this department will have a working organization. It does not mean, however, that he will be denied the right to operate his department with all freedom allowed him under the provision of the Provisional Charter for Korea. He will be free to make changes in personnel and policy which are consistent with this charter and with the platform of the government. The big advantage to his having a nation-wide organization the day he assumes his duties is that in this way he will not have to devote the early days of his tenure with the tremendous task of hurriedly locating

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NND 760090
By _____ NARS, Date _____

and growing together all of the organs of his department wherever situated in Korea and fitting them into a single integrated body as well as establishing the necessary central office.

In the meantime, between now and the actual day on which he takes over his department, the matter of integrating this department could be planned and accomplished gradually by this Commission and experts working with the Commission.

For example, the present Department of Agriculture now located in Seoul could be used as a starting point in the development of these plans. The plans for the unification of the department could be drafted by the agricultural experts of the ... and Soviet Commands in Korea working with the Sub-Commission. In general, the plan could include an American and a Soviet advisor to the new department head--these advisors to be detailed by the central department advisors to special activities on provincial levels as needed. Qualified Korean agriculturists from both Northern and Southern Korea should be brought into the organization. The various bureaus (major sub-divisions) of the department could be adjusted in the same manner and a qualified Korean selected to carry on the role of bureau head and function with the aid of both a Soviet and an American advisor, if necessary.

Plans for the necessary initial integration of agricultural activities on a national level (other than the Central Department) could be worked out by the experts with the Sub-Commission in the same manner and placed into operation when necessary.

All plans would be adjusted to conform to the Provisional Charter prior to being placed into effect.

Just prior to the Provisional Korean Democratic Government taking over control, the Soviet and American advisors detailed to the department could begin the nation-wide integration and establishment of the national department under the plans approved by

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

the Joint Commission. On the date that the new department head (detailed to office as provided by Provisional Charter) takes control, the two advisors would then revert to their advisory positions. In this way the new department head would have a working machine with which he could begin the performance of his duties in the operation of the government of Korea and in carrying out the necessary steps for developing the agriculture of Korea.

Provincial branches of the department could be adjusted under temporary Korean or Allied directors to conform to the realignment of the Provisional Charter prior to the Central government taking control. These branches could then pass to Central control when the Provisional Korean Government takes office. Appointed or elected officers in provincial branches would then be selected as provided by Provisional Charter and relieve the temporary personnel at the earliest date possible under the provisions of the Charter.

Without these prior plans and the initial integration, the new department head would be without the normal machinery of such a national office and would not even have contact with the agricultural activities in Korea. He would be a single man with a difficult and essential task to which he would be unable to devote his time. His valuable time would be spent on organizational duties instead of departmental duties.

It is proposed that the experts of the Soviet and U. S. Commands get together as soon as possible and begin work on the necessary plans for establishing the necessary machinery for the Provisional Korean Democratic Government and integration of nation-wide governmental activities in order that this government can begin operation as soon as officially established.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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U.S. - SOVIET JOINT COMMISSION
Seoul, Korea

SUB-COMMISSION NO. 2 (ORGANIZATION)

1000 hours 18 April 1946

PRESENT

U. S.	U. S. S. R.
Colonel Britton	Major General Lebedeff
Lt. Col. Wiard	Colonel Butusov
Capt. Murphy	V. V. Lavrov
Lt. Wilber	Colonel Korkulenko
Lt. Halpern	Capt. Erikalova
Lt. Natisohn	

Discussion was opened on U. S. Proposed Outline of Provisional Charter (U.S. Paper No. 2-4). General Lebedeff asked what was meant by Item 2, "Rights of people." Colonel Britton explained it meant such items as we would normally refer to as the Bill of Rights--rights to freedom of speech, freedom of an individual to be tried by court. General Lebedeff took the stand that these rights were part of the political platform. However, it was agreed finally that the Provisional Charter will be the law which will guide the provisional government and that in this provisional charter should be included the rights of the people.

General Lebedeff asked what was meant by point 3, "Limitation on government power," and Colonel Britton gave as examples, prohibiting government from using state funds for religious activities, or legalizing any discrimination against any persons on account of race, creed or sex. The Soviet representative felt that what the people and government could or could not do was sufficiently expressed in points 2 and 10. Therefore, it was agreed that point 3 is unnecessary and should be omitted.

The question arose as to whether points 4 and 5, executive organ and legislative organ, should be one. General Lebedeff expressed the opinion that since as yet there is no government, there was no need for executive and legislative organs. This

DECLASSIFIED
NND 760090
By NARS, Date

question was left open for further discussion after the opinions of the Korean people had been expressed.

The Soviet delegation presented a proposal of the questions "For presentation to representatives of parties and social organizations on the organizational structure and principles of organization of the Provisional Korean Democratic Government (Provisional Charter)." The U. S. delegation felt that it is necessary to ask the Koreans to present their views fully detailed, covering certain subjects, rather than answers to specific questions. They presented a supplementary proposal to the Soviet delegation which was just a more elaborate approach to the same question. It was agreed that, since the U. S. and Soviet proposals were very similar, these two lists should be studied and combined to form the final proposal of what information the subcommission wishes to obtain from the Korean people.

A discussion arose as to the machinery of the government. It was the view of the U. S. delegation that, after consultation with the Korean people, the complete machinery for the operation of the government should be established so that when the independent government came into power it would have a means of operation. It is the Soviet opinion that only the ministers and a skeleton structure should be given to the government when it comes into power and the ministers shall work out the details of their machinery. General Lebedeff stated that he would study the question and submit a proposal for discussion at a future meeting.

Colonel Britton asked the Soviet delegation what its view was on the time that the Korean Provisional Democratic Government would begin functioning as "the" government of all Korea. General Lebedeff replied: "The government will become a government on the day of its inception. It could not be any different".

2-7

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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SUB-COMMISSION NO. 2 - PROPOSAL, 18 APRIL 1946

It is proposed that the following request for information regarding the Provisional Charter be forwarded to the Korean democratic parties and social organizations according to the method of consultation drawn up by the Sub-Commission on consultation:

"It is requested that your views on a Provisional Charter for the Provisional Korean Democratic Government be forwarded to the Joint Commission by (date established by Sub-Commission No. 1). It is desired that your reply state your views on the following subjects in sufficient detail that these replies can be used in drafting the Provisional Charter:

Rights of people (Bill of Rights. For example: Right of freedom of speech, right of trial.

The Executive Branch of the government.

a. Composition (For example: Type and organization of executive branch, designation and number of officials.)

b. Powers and duties of various executive and administrative officials.

c. Selection and replacement of executive officers. (For example: Election or appointment of officials, terms of office, succession to office, removal from office.)

The Legislative Branch of the government.

a. Composition (For example: Type and organization of law-making body, designation of body, number of members.)

b. Powers and duties of legislative body.

c. Selection and replacement of personnel of legislative body. (For example: Election or appointment of members, term of office, removal from office.)

2-6

Secret

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

d. Method of discharging legislative functions.
(For example: Number of members required to be present to conduct business, chairmanship of legislative body, how body is convened, how recessed.)

The local organs of authority, their formation, structure, power and duties.

a. Provincial government
b. County (Gun) government
c. City (Pu) government
d. Town (Up) government
e. Township (Myun) government
f. Village (Ri) government

The Judicial Branch of the government.

a. Composition (For example: Type, size, and number of courts, organization of any other judicial organizations.)
b. Power and duties of courts or other judicial bodies.
c. Selection and replacement of judicial personnel. (For example: Election or appointment of members, term of office, removal from office.)

Finance

a. Taxation
b. Expenditure
c. Budget
d. Audit

Method of amending Provisional Charter.

"Subjects not listed above which appear appropriate for inclusion in the Provisional Charter may be included in your reply."

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~~2 - 5~~

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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U.S. - SOVIET JOINT COMMISSION
Seoul, Korea

SUB-COMMISSION NO. 2 (ORGANIZATION)

1300 Hours 19 April 1946

PRESENT

U.S.	U.S.S.R.
Colonel Britton	Major General Lebedeff
Lt. Col. Wiard	Colonel Butusov
Capt. Murphy	V. V. Lavrov
Lt. Wilber	Colonel Korkulenko
Lt. Halpern	Capt. Erikalova
Lt. Matisohn	

The meeting was opened by the U.S. and Soviet representatives, each presenting a revised proposal of the questions or topics to be submitted to the Korean democratic parties and social organizations, their replies to be used in drafting the Provisional Charter.

The U.S. proposal is Paper No. 2-8; the Soviet proposal is Paper No. 2-3.

The following Soviet introduction was accepted subject to slight adjustment of wording of their translations: "Request your point of view concerning the structure and principles of the organization of a Provisional Korean Democratic Government and local organs of authority (Provisional Charter) to be given to the Joint Commission (...date...). It is desired that in your answer was given your point of view on the following questions in enough detail so that these answers could be used for the compilation of a Provisional Charter."

Item 1 of the Soviet paper was accepted by both delegations: "Rights of the people. (Bill of Rights. For example, freedom of speech, press, religion, assembly; inviolability of personal freedom, equality of sexes, right of trial, and other.)"

It was agreed to use Item 2 of the U.S. paper as Item 2 in the final joint document: "The general type or character of provisional government to be established."

Next point discussed was Item 2 of the Soviet paper and Items 3 and 4 of the U.S. paper regarding executive and legislative powers of the central government or central organ of authority. The Soviet delegation's point of view was that in the Provisional Charter the

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NND 760090
By _____ NARS, Date _____

executive and legislative powers will be vested in a "Council of Ministers"--they would prepare and enact all the laws--and that the information desired from the Korean people is what the functions and duties of this central organ of authority shall be. The American delegation does not want to ask the Korean people questions which will give them the impression that the provisional government will have one organ of authority which will have executive and legislative powers, but rather that the Korean people should be asked to express their opinions on how the executive and legislative branches should be formed. Since no decision could be reached on this point, it was decided to re-draft the topic and present it in the future.

After discussion on local organs of authority (Item 3 of the Soviet proposal and Item 5 of the U.S. proposal), the following wording was agreed upon:

"3. Local organs of authority, their formation, structure, power and duties.

(a) Method of selection of local authorities. (Should the local authorities of provinces, counties, cities, townships, towns and villages be elected or appointed. If elected, then on what principles should the elections be conducted? If appointed, then by whom?

(b) Composition or structure of the local organs of authority of provinces, counties, cities, townships, towns and villages, to include the designation, duties, and rights of local authorities.

(c) Jurisdiction, powers and duties of the local organs of authority (provinces, counties, cities, townships, towns and villages)."

It was agreed to hold the next meeting of Sub-Commission No. 2 at 1300 hours on Monday, 22 April 1946, at which time the discussion of the Soviet and U.S. proposals would be continued.

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NND 760090

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SUB-COMMISSION NO. 2 - REVISED PROPOSAL, 19 APRIL 1946

It is proposed that the following request for information regarding the Provisional Charter be forwarded to the Korean democratic parties and social organizations according to the method of consultation drawn up by the Sub-Commission on consultation:

"It is requested that your views on a Provisional Charter for the Provisional Korean Democratic Government be forwarded to the Joint Commission by (date established by Sub-Commission No. 1). It is desired that your reply state your views on the following subjects in sufficient detail that these replies can be used in drafting the Provisional Charter:

1. Rights of people (Bill of rights. For example: Right of freedom of speech, right of trial.)

2. The general type or character of provisional government to be established.

3. The Executive Branch of the Central Government.
   a. Composition (For example: Type and organization of executive branch, designation and number of officials.)
   b. Powers and duties of various executive and administrative officials.
   c. Selection and replacement of executive officers. (For example: Election or appointment of officials, terms of office, succession to office, removal from office.)

4. The Legislative Branch of the Central Government.
   a. Composition (For example: Type and organization of law-making body, designation of body, number of members.)
   b. Powers and duties of legislative body.
   c. Selection and replacement of personnel of legislative body. (For example: Election or appointment of members, term of office, removal from office.)

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NND 760090

d. Method of discharging legislative functions. ~~Secret~~

(For example: Number of members required to be present to conduct business, chairmanship of legislative body, how body is convened, how recessed, how will legislative function be performed prior to the first session of the legislative body.)

5. The local organs of authority, their type, designation, formation, structure, powers and duties, (Should the local organs of authority be elected or appointed. If elected, then on what principles should elections take place. If appointed, then by whom.)

a. Provincial government

b. County (Gun) government

c. City (Pu) government

d. Town (Up) government

e. Township (Myun) government

f. Village (Ri) government

6. The Judicial Branch of the government.

a. Composition (For example: Type, size, and number of courts, organization of any other judicial organizations, should there be an organ of Procurature as an organ of supervision of the exact execution of the laws by department and government officials and all citizens of the nation. If so, describe its organization, functions, powers and duties.)

b. Powers and duties of courts or other judicial bodies.

c. Selection and replacement of judicial personnel.

(For example: Election or appointment of members, term of office, removal from office.)

DECLASSIFIED
NND 760090

7. Finance (For example: Organ or organs of government empowered to impose taxes.
Organ or organs of government or local organs of authority empowered to prepare budgets.
Organs and officials empowered to collect taxes.
Organs and officials authorized to expend public funds.
Organ or organs of government required to prepare and present report of all collections and disbursement of public funds.
Organ or organs of government empowered to audit all fiscal operations.

8. Method of amending Provisional Charter.

"Subjects not listed above which appear appropriate for inclusion in the Provisional Charter may be included in your reply".

8

DECLASSIFIED
NND 760090

U.S. - SOVIET JOINT COMMISSION
Seoul, Korea

SUB-COMMISSION NO. 2 (ORGANIZATION)

1000 hours 22 April 1946

PRESENT

U.S.

Colonel Britton
Lt. Col. Wiard
Major Murphy
Lt. Matisohn

U.S.S.R.

Major General Lebedeff
Colonel Butusov
Colonel Korkulenko
V. V. Lavrov
Capt. Erikalova

Discussion was continued on the topics to be included in the joint proposal which is to be submitted to the Korean democratic parties and social organizations regarding their views on the Provisional Charter.

It was agreed to accept the item concerning the judicial branch in the following form:

"Judicial Organs

(a) Composition (For example: Type, size, and number of courts, organization of any other judicial organizations.)

(b) Powers and duties of courts and other judicial bodies.

(c) Selection and replacement of judicial personnel. (For example: Election or appointment of members, term of office, removal from office.)"

It was agreed that the item concerning an organ of procurature should read as follows:

"Organ of Procurature (central and local). (Should there be an organ of procurature as an organ of supervision for the exact execution of the laws by ministries, governmental officials and all citizens of the country. If so, describe its organization, functions, powers and duties.)"

DECLASSIFIED
NND 760090

The next item discussed was No. 7, Finance, in the U.S. proposal. It was the opinion of the Soviet representative that the item should not be designated as a separate one because all of these points will appear in the Charter under the duties of the various ministries or organs of government. Colonel Britton explained that this item was made a separate one for the purpose of eliminating any possible misunderstanding of who in the government will have the authority to impose and collect taxes, prepare budgets, expend public funds, etc. The inclusion of this item as a separate section of the Charter not only outlines the agencies charged with these functions but also has the effect of limiting all other agencies from performing this same function when not specifically authorized. Since no agreement could be reached, it was agreed to discuss it further at the next meeting.

It was agreed that the final item of the proposal will be: "Method of amending Provisional Charter."

It was further agreed that after this last item shall be added: "Subjects not listed above which appear appropriate for inclusion in the Provisional Charter may be included in your reply."

Going back to the introduction to the proposal, it was found that although the meaning remained the same the English wording had been changed some in the second translation. After a discussion the Soviet delegation agreed to the following for the U.S. text: "Request your point of view concerning the structure and principles of the organization of a Provisional Korean Democratic Government and local organs of authority (Provisional Charter) to be given to the Joint Commission (...date ...). It is desired that your reply state your views on the following subjects in sufficient detail that these replies can be used in compiling the Provisional Charter:"

It was agreed to hold the next meeting of Sub-Commission No. 2 at 1000 hours on Tuesday, 23 April 1946, at which time the discussion of the Soviet and U.S. proposals would be continued.

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NND 760090

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U.S. - SOVIET JOINT COMMISSION
Seoul, Korea

SUB-COMMISSION NO. 2 (ORGANIZATION)
1330 hours 26 April 1946

PRESENT

U.S.	U.S.S.R.
Colonel Britton	Major General Lebedeff
Major Murphy	Colonel Butusov
Lt. Matisohn	Colonel Korkulenko
	V. V. Lavrov
	Capt. Erikalova

Discussion was continued on Point 7, "Finance," in the questionnaire to be presented to the Korean democratic parties and social organizations. Colonel Britton explained that the inclusion of this topic would not be considered as a prior decision that there must be such a paragraph in the final document, but only for the purpose of assuring that this information would be given by the Korean people. The information received may be of such a nature that it will be put not in a separate item in the Provisional Charter but may be included under the proper agencies or sections. It was the Russian point of view that this information would be furnished by the Korean people under the other items in the questionnaire; therefore, it would not be necessary to insert a separate item requesting it. After discussion it was agreed to omit the section on finance with the understanding that if sufficient information was not received on this, or any other subject included in the questionnaire, it would be possible later to request additional information from the Korean democratic parties and social organizations.

The final topic of the questionnaire to be discussed was point 3, executive and legislative powers of the central organ of authority. It was the American point of view that the provisional government to be established by the Joint Commission must be set up to function over a long period of time if necessary. That being the case, provisions should be made for a separate legislative organ if it was desired by

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By FWB/Stm NARS, Date APR 02 1977

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DECLASSIFIED
NND 760090

the Koreans, even though this organ might not function at the inception of the provisional government. Therefore, if the creation of a separate legislative body is possible during the existence of the provisional government, we should not deny the Korean people the opportunity of expressing their views on what this body should be.

The Soviet representative agreed that a legislative body could exist in a provisional government but must come into being only after an election. Until this election the government must be a council of ministers which has both executive and legislative powers. The Soviet delegation objected to the U.S. proposal on the grounds that it was impractical to establish a legislative body, therefore, this subject should not be included in the questionnaire because such a legislative body could be later established by the Provisional Korean Democratic Government itself. In reply, the U.S. Delegation pointed out that the Charter must make provisions for a future legislative body under the provisional government.

Since no agreement could be reached, it was decided to make a joint proposal to the Commission, including separate American and Soviet texts for paragraph 3.

Since the Soviet representatives indicated they wanted to rewrite their version of paragraph 3, it was decided that the two delegations would each prepare their proposal and the two would be compared at the next sub-commission meeting to be held at 1000 hours, 27 April 1946.

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NND 760090

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26 April 1946

Subcommission #2

~~DRAFT PROPOSAL~~

Questionnaire to be submitted to democratic parties and social organizations of North and South Korea regarding the Provisional Charter for the Provisional Korean Democratic Government.

Request your point of view concerning the structure and principles of the organization of a Provisional Korean Democratic Government and local organs of authority (Provisional Charter) to be given to the Joint Commission (....date....). It is desired that your reply state your views on the following subjects in sufficient detail that these replies can be used in compiling the Provisional Charter:

1. Rights of the people. (Bill of Rights. For example, freedom of speech, press, universal suffrage, religion, assembly; inviolability of personal freedom; equality of sexes, and others.)

2. The general type or character of provisional government to be established.

AMERICAN TEXT

3. **The organ or organs of** authority of the central government to perform the executive and legislative functions.

(a) General structure of the organ to perform the executive + legislative function.

(1) Composition of the executive organ (For example: Organization, designation and function of the ministries; designation of chief executive or body to perform the chief executive function.)

(2) Powers and duties of various ministers, ~~executive officers, and executive bodies~~.

SOVIET TEXT

3. Central organs of authority.

(a) Council of ministers and its functions (legislative and executive).

(b) List of ministries, their organization, powers and functions.

(c) Appointment and replacing of ministers. (For example, appointment of ministers, succession to office, removal.)

(d) The order of preparation and passing of a law by the provisional government. (For example, in what manner and by whom is a bill submitted for

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Sec. Instr. 12 Apr and 8 July 1976
NARS, Date APR 02 1977

Presented 27 April 1946

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DECLASSIFIED
NLN 760090

AMERICAN TEXT

(3) Selection and replacement of ministers and executive officers. (For example: Election or appointment of ministers and executive officers, term of office; succession to office; removal from office.)

(b) General structure of the organ to perform the legislative function, if this function is not performed by the executive organ.

(1) Composition of the legislative organ.(For example: Type and organization of legislative organ; designation of any legislative body; number of members.)

(2) Powers and duties of legislative organ.

(3) Selection and replacement of members of legislative organ. (For example: Election or appointment of members, term of office; removal from office.)

(4) Method of discharging legislative function. (For example: Number of members required to be present to conduct business; chairmanship of legislative body; how body is

SOVIET TEXT

consideration, and by what majority bills are passed.)

(a) Do it necessary to give the PK G. the right to make laws before the creation of a legislative organ founded upon general elections?

(b) Composition and structure of the organ to perform these functions (For example: organization, designation + function of the structures; designation of the chief executive or body to perform the executive function; organization and functions of any organ to perform the legislative function).

c) Organization of the Council of Ministers and relations between the Government and the Parliament; election of ministers and the principal members of the organs of power to perform the legislative and executive functions (For example: the method of selecting successors to the Council of Ministers).

d) Method of discharging executive and legislative functions.

Secret

DECLASSIFIED
NND 760090
By NARS Date

convened; how body is recessed or adjourned.)

(5) Method of performing legislative function prior to first session of the legislative body.

4. Local organs of authority, their formation, structure, powers and duties.

(a) Method of selection of local authorities. (Should the local authorities of provinces, counties, cities, townships, towns and villages be elected or appointed. If elected, then on what principles should the elections be conducted? If appointed, then by whom?

(b) Composition and structure of the local organs of authority of provinces, counties, cities, townships, towns and villages, to include the designation, duties, and rights of local authorities.

(c) Jurisdiction, powers and duties of the local organs of authority (provinces, counties, cities, townships, towns and villages.)

5. Judicial Organs.

(a) Composition (For example: Type, size, and number of courts, establishment of any other judicial organizations.)

(b) Powers and duties of courts and other judicial bodies.

(c) Selection and replacement of judicial personnel. (For example: Election or appointment of members, term of office, removal from office.)

6. Method of changing and amending Provisional Charter.

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By NARS Date

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Subjects not listed above which appear appropriate for inclusion in the Provisional Charter may be included in your reply.

N. G. LEBEDEFF
Major General
Commissioner of USSR Delegation

F. H. BRITTON
Colonel, G.S.C.
Commissioner of U.S. Delegation

Secret

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~~Secret~~

PARAGRAPH 3 of Sub-Commission #2 Paper No. 2-11 (DRAFT PROPOSAL)

3. The organ or organs of authority of the central government to perform the executive and legislative functions.

(a) Is it necessary to give the Provisional Korean Government the right to make laws before the creation of a legislative organ founded upon general elections?

(b) Composition and structure of the organ or organs to perform these functions (For example: organization, designation and function of the ministries; designation of the chief executive or body to perform the chief executive functions; organization, designation and functions of any organ to perform the legislative functions).

(c) Powers and duties of the various ministers and officials.

(d) Election or appointment and replacement of ministers and other principal members of the organ or organs to perform the legislative and executive functions (For example: terms of office, succession to office; removal from office).

(e) Method of discharging executive and legislative functions.

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Auth: Instr. 12 Apr and 8 July 1976
By RWB Date NARS, Date APR 02 1977

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4

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NND 760090
By NARS Date

Secret

U.S. - SOVIET JOINT COMMISSION
Seoul, Korea

SUB-COMMISSION NO. 2 (ORGANIZATION)
1000 hours 27 April 1946

PRESENT

U.S.

Colonel Britton
Major Murphy
Lt. Matisohn

U.S.S.R.

Major General Lebedeff
Colonel Korkulenko
Major Schetinin
V.V. Lavrov
Capt. Erikalova

The meeting was opened by the exchanging of the American and Soviet texts of the proposal which will be presented to the Joint Commission concerning the questionnaire to be submitted to the Korean democratic parties and social organizations.

In comparing the two texts it was noticed that the Soviet delegation had changed Item 6, leaving in only the words "Organ of Procurature (central and local)" and omitting the parenthetical explanation "(Should there be an organ of procurature as an organ of supervision for the exact execution of the laws by ministries, governmental officials and all citizens of the country. If so, describe its organization, functions, powers and duties.)" Since it was the view of the U.S. Delegation that unless this explanation was included the Korean people would not know specifically what type of information was desired, Colonel Britton suggested that the item be worded as originally agreed upon or be omitted entirely. The Soviet Delegation agreed to omit Item 6 from the questionnaire.

There were also two other additions in the wording of the Russian text which were added to the U.S. text. They were as follows: In Item 1, the words "universal suffrage" were added after the phrase "freedom of speech, press". Item 7, "Method of amending Provisional Charter" was changed to Item 6 (since Organ of Procurature was to be omitted) and the final wording would be "Method of changing and amending Provisional Charter."

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By NARS Date

It was noted that the Soviet proposal for the wording of Item 3, "Central organs of authority" had been altered from the one presented at the meeting the previous day, but the meaning had not been changed.

With these changes the final wording of the proposal was agreed upon (U.S. Sub-Commission paper No. 2-13), and it was further agreed to present it at the next meeting of the Joint Commission which was to be held at 1300 hours 27 April 1946.

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NND 760090
By NARS Date

SECRET

DRAFT:
27 April 1946
Colonel Britton

STATEMENT IN REGARD TO SUB-COMMISSION #2's QUESTIONNAIRE

In regard to the questionnaire on the Provisional Charter for the Provisional Korean Democratic Government, Sub-Commission #2 has agreed on all points except point #3, which deals with the organ or organs of the central government to perform the executive and legislative functions. The U. S. Delegate to Sub-Commission #2 considered the Soviet proposal for paragraph #3 to be too narrow and to require that all executive and legislative functions must be performed by single organ of government. Such questionnaire, would in effect, be deciding this issue prior to consultation with the Korean democratic parties and social organizations and therefore, not satisfactory to the U. S. Delegate.

The Soviet Delegate to Sub-Commission #2 objected to the original U. S. text of paragraph #3 as implying to the Koreans that the legislative and executive functions must be performed by separate bodies. In order to overcome this possible interpretation of the U. S. text, the following words were added to sub-paragraph #3-b, "If this function is not performed by the executive organ".

The U. S. text of paragraph #3, in this wording, is the opinion to a reply by the Koreans that a single executive and legislative organ should be established. The Soviet Delegate then objected to the U. S. text of paragraph #3 ~~from~~ on the ground that the Provisional Korean Democratic Government should not have a legislative body. The Soviet Delegate did admit that it was possible for such a provisional government to have a separate legislative body. The Soviet Delegate further stated, that if a legislative body was to be established in the Provisional Korean Democratic Government, it should be established by the Provisional Korean Democratic Government at a later date.

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By NARS Date

It was the view of the U. S. Delegate that the Provisional Charter should make provisions for such a body, ~~as~~ if desired by the Koreans, even though the body may not come into being until a later date. The U. S. Delegate felt that the U. S. text would obtain all the necessary information from the Korean democratic parties and social organizations, and at the same time, it would be fair to the Soviet viewpoint and clearly indicate to the Koreans that they could recommend a one organ government.

In view of the above it is recommended that the U.S. text of paragraph #3 be used in this questionnaire.

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NND 760090
NARS Date
By

Subcommission #II

Draft of Charter (Prov. Korean Dem. Govt.)

(Russian Language Letters)

DECLASSIFIED
NND 760090
By NARS Date

Secret

~~SECRET~~ ~~Secret~~

TO: Colonel Britton.

I am sending you a draft list of questions for the compilation of the temporary charter of the Provisional Democratic Government of Korea.

1. Introductory part containing a declaration on the nature of the Provisional Korean Democratic Government being formed, with a reference to the Moscow Decision of Three Foreign Ministers.
2. The Provisional Korean Democratic Government and the principles of its relations with the bodies effecting the trusteeship.
3. Central organs of authority.
   a. Council of Ministers.
   b. Council of Ministers and the order of discharging by it of its legislative and executive functions.
   c. Enumeration of the Ministries.
   d. The scope of activities and structure of the Ministries.
   e. Appointment and replacement of the Council of Ministers.
4. Local organs of authority, their formation and structure.
   a. Provincial Peoples' Committees.
   b. Mayors of cities and City Peoples' Committees.
   c. Peoples' Committees of counties.
   d. Peoples' Committees of townships.
   e. Village elders.
   f. Order of election of Peoples' Committees, mayors of cities and village elders.
5. The Judiciary and the Procurature.
   a. Supreme Court.
   b. Local courts.
   c. Organs of the Procurature.
6. Order of amending the provisional charter.

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State Dept Instr. 12 Apr and 8 July 1976
FWB/Bth NARS, Date 4/2/77

Signed Member of Soviet Commission
Major General N. Lebedeff

14 April 1946.

S/c #2
Soviet Paper #1

~~Secret~~

DECLASSIFIED
NND 760090
By NARS Date

Gen Arnold

~~Secret~~

DECLASSIFIED
State Dept Instr. 12 Apr and 8 July 1976
EWB/BAW NARS, Date APR 02 1977

QUESTIONS

For presentation to representatives of parties and social organizations on the organizational structure and principles of organization of the Provisional Korean Democratic Covernment. (Provisional Charter)

1. What must be mentioned in the Provisional Charter for the provisional government, regarding:

   a. Rights of the people.

   b. The character of the provisional government being formed.

2. What should be the structure of the central organs of authority.

   a. Who should be the head of the provisional government.

   b. What departments is it necessary to have, innumerate them.

   c. What rights should be given the government for the period prior to a complete general election of the legislative organ of the state government.

   d. Sphere of activity of departments and their structure; rights of the departments;

   e. When to embark on the selection and establishment of governmental machinery of authority; before the formation, that is, without its taking part or with indirect participation of the ministers in the selection and staffing of the machinery of the departments.

   f. Should there be councils in the departments.

3. What should be the structure of the local organs of authority.

   a. Should the local organs of authority (provinces, counties, cities, towns and villages) be elected or appointed. If elected then on what principles should elections take place? If appointed then by whom?

   b. What name should be given to the local organs of authority in provinces, counties, cities, town and villages?

   c. What should be the structure of the local organs of authority (provinces, counties, etc.)

   d. What questions should enter the sphere of activities of the local organs of authority (provinces, counties, etc.) and their rights.

4. What courts should be establsihed (national, provincial, etc.)

5. Should there be a procurature as an organ of supervision of the exact execution of the laws by department and government officials and also by all the citizens of the nation.

(Note: Wherever the word "department" is used in this translation, the work "ministry" is used in the Russian document)

Sub Com #2 - Soviet Paper No. 2 Secret

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By NARS Date

ПРОЭКТ ВРЕМЕННОГО ПОЛОЖЕНИЯ

Заметка: Генерал Майор Лебедефф

1. Ниже предоставленный список заглавий или предметов для использова как руководство в приготовлении временного положения для Временного Корейского Демократического Правительства. Согласно информации полу ченой от Корейских Демократических партии и общественных организации охватывающих, по крайней мере, ниже указанные предметы, будет возмож планировать полное временное положение. Этот список не совершенно свяжет окончательную форму Временного Положения.

1. Права народа.

2. Ограничения на власть правительства.

3. Исполнительний Орган

   Состав
   Срок службы
   Присяга службы
   Отрешение Исполнительних офицеров
   Президента, его власть
   Последовательность в службу президента
   Вице-президент
   Исполнительные министры
   Другие Исполнительные офицеры
   Исполнительные отделы
   Власти и обязанности Губернаторов Провинций
   Провинциальний Совет
   Избиратели
   Выбор мэр
   Выбор президента, вице-президента, и исполнительних министров

4. Законодательный Орган

   Власти и обязанности
   Состав
   Обязанности председателя законодательной части
   Основная процедура законодательства
   Назначение законодательных комитетов
   Закрытие законодательной части

5. Судейский Орган

   Власти и обязанности
   Состав

6. Финансы

   Наложение налогов
   Расход
   Бюджет
   Поверка счетов

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7. Исправления

8. Общие Правизии и Дополнительные правила.

Действительное число
Ограничения под Совместной Комиссии

11. Предложено чтобы вишеупомянутый список.был обсужден на следующим собрании Под-комиссии и, после какого-нибудь необходимого изменения, был бы принят как руководство в приготовлении "Временного Положения" Временного Корейского Демократического Правительства.

Ф. Х. Бриттон
Полковник, К.Г.Ш.
Комиссионер, Делегации С.Ш.
/Под-комиссия на Пункт № 2/

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By NARS Date

Ten Annex

~~Secret~~

To: Representative. . . . . Parties (Social organizations)

Request your point of view concerning the structure and principles for the organization of a provisional Korean Democratic government and local organs of authority (provisional charter) to be given the Joint Commission (date . . . . .). It is desired that in your answer was given your point of view on the following questions in enough detail so that these answers could be used for the compilation of a provisional charter.

1. Rights of the people. (Bill of Rights; for example, freedom of speech, press, religion, assembly, inviolability of personal freedom, equality of sex, freedom of trial, and others.)

2.

2. Central organs of authority.

(a) Council of Ministers and its functions (legislative and executive).

(b) What ministries are necessary? Ennumerate them.

(c) Sphere of activity of the Ministries and their structure.

When to embark on the selection and establishment of governmental machinery of authority, before the formation of the government, that is, without its taking part or with indirect participation of the Ministers in the selection and staffing of the machinery of the Ministries.

(d) The order of appointing and changing the Council of Ministers.

(e) Is it necessary to have a Council in the Ministries?

3. Local organs of authority, their formation, structure, power and duties.

(a) Should the local organs of authority (provinces, townships, towns) be elected or appointed? If elected, then on what principles the elections be conducted? If appointed, by whom?

Subcom. 2
Nov. Jan. 3

~~Secret~~

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State Dept Instr. 12 Apr and 8 July 1976
By [illegible] NARS, Date APR 02 1977

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NND 760090
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(b) How should the organs of local authority be named (provinces, cities, townships, towns, villages)?

(c) What should be the structure of local organs of authority (provinces, cities, townships, towns, villages)?

(d) What questions should enter the sphere of activities of the local organs of authority (provinces, cities, townships, towns), their rights.

4. Judicial organs.

(a) Composition. (For example, character, size and number of courts, organization of any other judicial institutions.)

(b) Power and duties of courts or other judicial institutions.

(c) Selection and change of judicial personnel. (For example, election or appointment of members, conditions of service, replacement.)

5. Should there be a procurature, as an organ of supervision for exact fulfillment of laws by all Ministries and governmental officials, and all citizens of the country. Establishment of organs of procurature (central and local).

6. Amendments and additions of the provisional charter.

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S/C #2
Soviet paper #1

~~Секретно~~

Полковнику БРИТТОН.

Посылаю проект перечня вопросов для составления Временного положения о Временном Демократическом Правительстве Кореи.

1. Вступительная часть, содержащая в себе заявление о характере образуемого Временного Корейского Демократического Правительства со ссылкой на Московское решение 3 Министров.

2. Временное Корейское Демократическое Правительство и принципы взаимоотношения с органами осуществляющими опеку.

3. Центральные органы власти.

а/ Совет министров
б/ Совет министров и порядок осуществления им законодательных и исполнительных функций
в/ Перечень министерств
г/ Круг деятельности министерств и их структура
д/ Порядок назначения и смена Совета министров

4. Местные органы власти, их образование и структура.

а/ Народные Комитеты провинций
б/ Мэры городов и городские народные комитеты
в/ Народные комитеты уездов
г/ Народные комитеты волостей
д/ Сельские старосты
е/ Порядок выборов Народных комитетов, мэров городов и сельских старост.

5. Судебные органы и прокуратура.

а/ Верховный суд
б/ Местные суды
в/ Органы прокуратуры

6. Порядок изменения временного положения.

ЧЛЕН СОВЕТСКОЙ КОМИССИИ
Генерал-Майор
/ЛЕБЕДЕВ/

"14" апреля 1946 г.

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By EWB/Bam NARS, Date APR 02 1977

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By NARS Date

Секретно.

П р о е к т.

ВОПРОСЫ

для вручения представителям партий и общественных организаций по организационной структуре и принципам организации Временного Корейского Демократического Правительства /Временное положение/.

1. Что должно быть сказано во Временном положении для Временного Правительства, в частности -

   а/ О правах народа

   б/ О характере образуемого Временного Правительства

2. Какова должна быть структура центральных органов власти -

   а/ Кто должен стоять во главе Временного Правительства

   б/ Какие Министерства необходимо иметь. Перечислить их

   в/ Какие права предоставить Правительству на тот период, пока не проведены общие выборы законодательного органа власти страны.

   г/ Круг деятельности Министерств и их структура. Права Министерств

   д/ Когда приступить к подбору и созданию аппарата государственной власти: до образования Правительства, т.е. без его участия, или же с непосредственным участием министров в подборе и комплектовании аппарата Министерств.

   е/ Нужно ли иметь коллегию /совет/ при Министерствах.

3. Какова должна быть структура местных органов власти -

   а/ Местные органы власти /провинция, уездов, волости/ должны быть выборными или назначенными. Если выборными, то на каких принципах должны быть проведены выборы. Если назначены, то кем.

   б/ Какое название дать органам власти провинций, уездов, волостей, сел.

   в/ Какова должна быть структура местных органов власти /провинции, города, уезда, волости, деревни/

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By NARS Date

г/ Какие вопросы должны входить в круг деятельности местных органов власти /провинции, уездов, волости/ их права.

4. Какие суды должны быть созданы / в стране, провинции, уезде/

5. Нужно ли иметь прокуратуру как орган надзора за точным исполнением законов, всеми Министерствами и правительственными чиновниками, а также всеми гражданами страны.

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By NARS Date

Секретно.-

Проект.

Представителю.....партии /общественных организаций/

Просьба Вашу точку зрения по структуре и принципам организации Временного Корейского Демократического Правительства и местных органов власти /Временное Положение/ передать Совместной Комиссии / дата..... /. Желательно, чтобы в Вашем ответе была изложена Ваша точка зрения по следующим вопросам достаточно подробно и чтобы эти ответы можно было использовать при составлении Временного Положения.

1. Права народа /законопроект прав. Например: свобода слова печати, вероисповедания, собраний, неприкосновенность личности, равенство пола, свобода судопроизводства и другие /.

- 2 -

2. Центральные органы власти:

а/ Совет Министров и его функции /законодательные и исполнительные/.

б/ Какие Министерства необходимо иметь. Перечислить их

в/ Круг деятельности Министерств и их структура

/ Когда приступать к подбору и созданию аппарата Государственной власти: до образования Правительства, т.е. без его участия или же с непосредственным участием Министров в подборе и комплектовании аппарата Министерств./

г/ Порядок назначения и смена Совета Министров.

д/ Нужно ли иметь коллегию /совет/ при Министерствах.

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By NARS Date

3. Местные органы власти, их образование, структура, полномочия и обязанности.

а/ (Местные органы власти провинций, уездов, волостей/ должны быть выборными или назначенными. Если выборными, то на каких принципах должны быть проведены выборы. Если назначены, то кем.)

б/ Как именовать органы местной власти /провинции, городов, уездов, волостей, сел/.

в/ Какова должна быть структура местных органов власти /провинции, города, уезда, волости, села/.

г/ Какие вопросы должны входить в круг деятельности местных органов власти /провинции, города, уезда, волости/, их права.

4. Судебные органы.

а/ Состав /например: характер, размеры и количество судов, организация других любых судебных учреждений /

б/ Полномочия и обязанности судов или других судебных учреждений.

в/ Подбор и замена судебного персонала /например: выбор или назначение членов, условие службы, перемещение /.

5. Нужно ли иметь прокуратуру, как орган надзора за точным исполнением законов всеми Министерствами и Правительственными чиновниками, а также всеми гражданами страны. Построение органов прокуратуры /центральные и местные/.

6. Исправления, добавления Временного Положения.

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Подкомиссия № 2

ПРОЕКТ ПРЕДЛОЖЕНИЙ

для консультации с корейскими демократическими организациями по вопросу - Выработка рекомендаций о структуре и принципах организации Временного Корейского Демократического Правительства и местных органов власти. /Временное Положение /.

27 апреля 1946 года.

Просьба изложить Вашу точку зрения относительно структуры и принципов организации Временного Корейского Демократического Правительства и местных органов власти /Временное Положение/ и передать Совместной Комиссии/дата/. Желательно, чтобы в Вашем ответе была изложена Ваша точка зрения по следующим вопросам достаточно подробно с тем, чтобы эти ответы могли быть использованы при составлении Временного Положения:

1. Права народа /декларация прав. Например: свобода слова, печати всеобщего избирательного права, вероисповедания, собраний; неприкосновенность личности, равенство пола и другие/.

2. Общая форма или характер Временного Правительства, которое должно быть образовано.

СОВЕТСКИЙ ТЕКСТ.

3. Центральные органы власти:

а. Совет Министров и его функции /законодательные и исполнительные/.

б. Перечень Министерств, их организация, права и функции.

в. Назначение и замена Министров /например: назначение Министров, преемственность по службе, перемещение /.

г. Порядок подготовки и принятия закона Временным Правительством например: в каком порядке и кем вносится проект закона на рассмотрение, каким большинством голосов закон принимается/.

АМЕРИКАНСКИЙ ТЕКСТ.

3. Орган или органы власти центрального Правительства по выполнению исполнительных и законодательных функций.

а. Общая структура органа по выполнению исполнительных функций:

1. Состав исполнительного органа /например: организация, наименование и функция Министерств наименование главного администратора или организации по выполнению главной исполнительной функции/.

2. Полномочия и обязанности различных министров, чиновников исполнителей и исполнительных организаций.

DECLASSIFIED
NND 760090
By NARS Date

3. Выборы и замена министров и чиновников-исполнителей /например:выбор или назначение министров и чиновников-исполнителей,срок службы,временность по службе,перемещение /.

6.Общая структура органа по выполнению законодательных функций,если эта функция не выполняется исполнительным органом.

1. Состав законодательного органа /например:характер и организация законодательного органа,наименование любой законодательной организации,число членов/.

2. Полномочия и обязанности законодательного органа.

3. Выборы и замена членов законодательного органа /например:выбор или назначение членов, срок службы, перемещение

4. Метод выполнения законодательных функций /например:требуемое количество членов для выполнения обязанностей,выполнение обязанностей председателя законодательного органа,как законодательный орган созывается и как устраивается перерыв /.

5. Метод выполнения законодательной функции первого заседания законодательного органа.

4. Местные органы власти, их образование,структура,полномочия и обязанности:

а/ Метод создания местных органов власти /должны ли местные органы власти провинций, областей,городов,уездов и деревень избираться или назначаться? Если избираться, то на каких принципах выборы должны быть проведены? Если назначаться, то кем? /

б/ Организация и структура местных органов власти провинций, областей, городов, уездов и деревень, включая наименование,обязанности и права местных органов.

в/ Круг деятельности ,права и обязанности местных органов власти/провинций, областей, городов,уездов и деревень /.

5. Судебные органы:

а/ Организация судебных органов /например:характер и типы судов, организация любых других юридических учреждений/

б/ Права и обязанности судов и других юридических организаций.

DECLASSIFIED
NND 760090
By NARS Date

в/ Подбор и замена судебного персонала /например:выборы или назначение членов, срок службы, смещение /.

6. Органы прокуратуры /центральные и местные /
7. Метод ~~исправления~~ изменения и дополнения Временного Положения

Вопросы не упомянутые выше, которые Вы считаете нужным включить во Временное Положение, могут быть внесены в Ваш ответ.

Subcommission #2 (Misc.)

Drafts - Proposals and Working Papers.

73 A/

DECLASSIFIED
NND 760090
NARS Date

DECLASSIFIED
NND 760090
By NARS Date

SECRET

[illegible]:
[illegible] April 1946

[illegible] conversation between General Arnold and General [illegible] April 1946, 15:00 - 17:00

1. General Arnold explained to General Shtikov his time chart, designed to determine the sequence of the principal events between the first meeting of the Joint Commission and the full independence of Korea, stressing the exact points, with respect to the various stages of the activity of the Commission, at which the planning of the principal events should begin, and its execution should be completed.

2. General Shtikov expressed his view by taking as illustration an operation which, e.g. rail roads or agriculture.

(a) In the first stage there would be three simultaneous activities in the Joint Commission

2 wks (1) Agreement on time.

(2) Setting out the organizational structure of the provisional government.

(3) Setting out the provisional charter

(4) Setting out the political platform

(b) Following this, the executive organ, consisting of ministers (responsible heads of departments) would be appointed (1 month).

(c) All this will be embodied in a document (5-10 days) (The recommendations of the Joint Commission) which shall be submitted to the US and USSR for approval, and transmission to the four powers.

5/10 days

(d) While the governments are ratifying the recommendations, (approximately 1-1½ months) the Joint Commission with the ministers-designate shall complete the selection of the Korean personnel (3000-5000 administrators, managers and technicians).

1-1½ mos

SECRET

DECLASSIFIED
NND 760090
By NARS Date

(e) Soviet Delegation attaches exceptional importance to this stage.

(f) The oblast organs in the South are known to the Military Government; in the North, to the Soviet Command.

(g) Although there are parallel departments in all instances, these should not be united mechanically.

1-11/2hr 05

(h) The time necessary for this work, 1 - 1½ months.

(i) The work to be done by a special Commission, with special sub-Commissions for each ministry.

(j) There will be a complete staff, ready to begin work the instant the recommendations are ratified.

(k) The examination of two parallel departments (e.g. of agriculture) will begin at this point; the work of integration will be done by the newly appointed ministers, who will take over.

(l) Records and other materials from the North will be brought over to Seoul by those retained for the positions in the ministries; combined with those from the South.

(m) Following the study of the materials jointly with the Joint Commission, the ministry of the Government will begin discharging duties, in implementing paragraph 3.

(n) Observers should participate at every stage of planning, since this is the best way to learn the business. They should also realize that there is more to management than sitting down and giving orders.

3. General Arnold pointed out that General Shtikov agreed that preliminary planning was necessary.

4. General Shtikov conceded:

(a) That many questions of planning would be solved in the process of working out the structure of

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NND 760090
By NARS Date

the government (e.g. the [redacted] charter, duties, departments, jobs for the ministry of Finance) will be worked out on paper, after which the appropriate people will be distributed to fill the jobs. (e should not think in terms of unification, since that will be automatically understood).

(b) That some items, e.g. questions of finance, money, etc., would take more time and research, jointly by the Provisional Government and the Joint Commission, than the other (e.g. railroads and agriculture, which will be merely taken over).

(c) The introduction of interim money would shake the Koreans' confidence, and the whole thing would have to be worked out by the government and established by law.

DECLASSIFIED
NND 760090
By NARS Date

MEMORANDUM FOR DISCUSSION

1) Summarize progress in the organization and administration of government in South Korea since the last metting of the Commission, with emphasis on the foll wng points:

a) Koreanization has become substantially completed, with Americans acting as advisers.

b) Democatization has been furthered by the establishment of a Legislature by free electionsand appointment of some members whic has functioned in a satisfactory manner. (Ordinances formerly issued by the Military Governor are now issued at the recommenadtion of the Legfslature .

c) Protection of civil libetties has been advanced by the independence of the Korean courts, formation of Labor unions and freedom of speech and press.

d) Social reform has been advanced by the enactment of a Child Labor Law, a law recognizing the eight hour day a law reducing the rent for agricultural tenants and protection of tenants from evic/tion, the recognition of the principle of collective gargaining and trade unionism.

2) The Subcommissionshall avoid controversial issues and in the beginning restrict its activities to the establishment of a working governmental machinery based on democratic principles.

DECLASSIFIED
NND 760090
By NARS Date

3) The Subcommission should start with the coordination of purely administrative activities and postpone discussion of economic and social problems until uniform administrative system has been established.

4) Charter of Provisional Government shall lay down:

a) structure of Government at the national level;

b) basic principles of administrative organization at the provincial and local level;

c) recognition of independent courts;

d) guarantee of civil liberties and democtaricrights of the population.

DECLASSIFIED
NND 760090
By NARS Date

1003

U.S. SUBCOMMISSION II
U.S. - U.S.S.R. JOINT COMMISSION
Seoul, Korea

10 June 1947

SUBJECT: Charter of Korean Provisional Democratic Government

TO: General Brown ✓
Dr. Bunce
Mr. Joyner
Mr. Langdon
Colonel Lincoln

1. Attached is a very rough draft of "Charter of the Korean Provisional Democratic Government" for your information.

2. The next draft is already in preparation.

JOHN [illegible]ERLING
Brigadier General, U.S.A.
Chairman

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NND 760090
By NARS Date

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DRAFT

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DRAFT OF CHARTER OF

THE KOREAN PROVISIONAL DEMOCRATIC GOVERNMENT

PREAMBLE

With a view to the reestablishment of Korea as an independent state, the creation of conditions for developing Korea on democratic principles and the earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea, the United States of America and the Union of Soviet Socialist Republics hereby ordain and establish this Charter for the Korean Provisional Democratic Government. The powers granted under this Charter to the Korean Provisional Democratic Government are derived from the establishing powers in whom supreme authority remains vested. (The authority of the Korean Provisional Democratic Government shall extend to all measures necessary for an effective government of Korea.) (Permanent reforms affecting the political, economic, and social structure of Korea shall be deferred until the formation of a permanent government. All laws now existing in either zone shall continue in force unless changed under such powers as are granted by this Charter.)

ARTICLE I

Section 1. The Korean Provisional Democratic Government shall be composed of an Executive Council and (all Korean administrative and judicial agencies and institutions now functioning in the two zones of occupation,) together with such additional institutions or agencies as are established in this Charter.

Section 2. (The Executive Council of the Korean Provisional Democratic Government is authorized to establish such additional

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

administrative agencies and institutions as are deemed necessary to carry out the purposes of this Charter. Existing administrative and judicial agencies and institutions may be eliminated or changed to carry out the purposes of this charter, provided that no decrease or material reduction in useful services now rendered by any agency of government is brought about.

Section 3. The legislative assemblies of North and South Korea are herewith dissolved and the powers of the highest executive Korean authorities or agencies in the two zones are hereby vested in the Executive Council of the Korean Provisional Democratic Government.

ARTICLE II

Section 1. The Executive Council shall consist of 17 members who shall have the following titles and corresponding duties:

1) President of the Council;
2) Vice-President of the Council;
3) Minister of Agriculture;
4) Minister of Commerce;
5) Minister of Foreign Affairs;
6) Minister of Internal Security;
7) Minister of National Defense;
8) Minister of Justice;
9) Minister of Labor;
10) Minister of Education;
11) Minister of Finance;
12) Minister of Communications;
13) Minister of Transportation;
14) Minister of Public Works;
15) Minister of Public Information;
16) Minister of Coordination and Planning;
17) Minister of Public Health and Welfare.

Section 2. The membership of the Executive Council shall be determined by the two establishing powers in consultation with Korean democratic political and social organizations with a view to giving balanced recognition to the democratic groups of Korea and to fostering the democratic evolution of the country; vacancies occurring in the Executive Council shall be filled in like manner.

Section 3. The Chief Commissioner of either establishing power shall be authorized to submit to the Joint Commission for review:

DECLASSIFIED
NND 760090
By NARS Date

1) All decisions and administrative acts of the Executive Council and other central agencies that either affect vital interests of either establishing power or seriously endanger public security;

2) Decisions and administrative acts of the various governmental agencies and institutions functioning in the zone that is occupied by the power represented by such Chief Commissioner provided that

a) Such decision and administrative act either affects vital interests of either establishing power or seriously endangers public security.

b) The Executive Council has failed to comply with a request of the complaining Chief Commissioner to vacate with immediate effect such decision or administrative act.

The application by either Chief Commissioner for such review shall automatically suspend the decision or administrative act complained of until nullification or Approval by the Joint Commission is had.

ARTICLE III

Section 1. Within 90 days of the assumption of office of the Executive Council, there shall be held a free and democratic election by secret ballot in which delegates to a National Assembly shall be chosen. All Korean nationals of more than 20 years of age, irrespective of sex, shall be qualified electors in the district where they reside at the time of election.

Section 2. One delegate to the National Assembly shall be elected for each 150,000 of population. The (Vice) President of the Executive Council shall have the responsibility for and the authority to make all necessary preparations for the conduct of a fair and free election including the determination of election districts. Elections shall be direct and not representative

DECLASSIFIED
NND 760090
By NARS Date

and multiple nominations shall be provided for.

Section 3. Nominations in the voting districts Council shall be made by any party which has been officially consulted by the establishing powers in the construction of this Charter and any other political party which can submit a signed roster of supporters comprising not less than 10% of the voters of the district for which a candidate is named.

Section 4. Voting districts for the purpose of electing a National Assembly under this Charter shall be established to provide as nearly as practicable for districts containing 150,000 persons, using existing administrative units or a combination of two or more of them to comprise a district containing the required number of electors.

Section 5. To arrive at a determination of the number of electors in Korea, the last official census shall be used, provided however that such census shall not have been made earlier than September 1946.

Section 6. In order to determine the residence qualifications of voters local officials of administrative units on the lowest level shall prepare a list of the residents of their units as of a date four weeks before the date of the election for the National Assembly. Persons not known to be resident in the community as of four weeks prior to the election shall not be qualified as electors.

Section 7. In order to guarantee a free, fair and democratic election, the balloting and the receipt, counting and custody of the ballots shall be subject to general supervision in such manner as shall be determined by the establishing powers. The establishing powers shall provide, in addition to measures for general supervision a panel of impartial referees before whom

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date

may be brought the complaint of any person or party whose rights are claimed to be infringed or who is aggrieved by any ruling or act of an official exercising functions in connection with the election of a National Assembly. The panel of referees shall recommend to the establishing powers measures necessary to remove the causes of complaint or to remedy any abuse or injustice found by them.

Section 8. Upon public announcement of the results of such election by the Executive Council, which shall be not later than two weeks from the date of the balloting, the National Assembly shall be seated. (From and after the date of the seating of the National Assembly, no general law-making power shall reside in the Executive Council but shall be vested in the National Assembly.)

Section 9. General laws passed by the National Assembly shall be signed by the President of the Executive Council but his veto of any bill may be overcome by a two-thirds vote of the national Assembly in which case the measure shall become law, notwithstanding the veto of the President of the Executive Council.

Section 10. Whenever the National Assembly shall have passed a law, it shall, upon the signature of the President of the Executive Council, become the law of the land 14 days after such signature is affixed except that upon a request for reconsideration by the establishing powers made within 14 days of its passage, such a law shall be returned to the legislature by the President of the Executive Council for reconsideration in accordance with such reasons as may be stated in the request for reconsideration.

DECLASSIFIED
NND 760090
By _____ NARS, Date

Section 11. A two-thirds majority of the National Assembly shall have the power to impeach the President, Vice President and Ministers of the Executive Council for violation of law or misfeasance in office.

Section 12. The seat of the National Assembly shall be at Seoul.

Section 13. The members of the National Assembly shall be entitled to the reasonable expenses of travel and subsistence arising from their attendance on sessions of the Assembly.

SECRET

DECLASSIFIED
NND 760090
By ____ NARS, Date

ARTICLE IV

Section 1. Judges serving under the Provisional Korean Democratic Government are independent and subject only to the law.

Section 2. There is hereby established as the highest judicial organ of the Korean Provisional Democratic Government a High Court of Justice to be composed of a Chief Justice and six associate justices, learned in the law.

Section 3. Members of the High Court of Justice shall be nominated by the President of the Korean Provisional Democratic Government, subject to confirmation by the National Assembly; replacements for such Justices to be made in the same manner.

Section 4. The Chief Justice and Justices of the High Court of Justice shall hold office during good behavior. Misconduct on the part of any Justice or failure to act in accordance with the highest traditions of judicial office shall be ground for removal. The President of the Executive Council shall address a petition for the removal of a Justice to the National Assembly which shall have the power to impeach such Justice.

Section 5. The Executive Council of the Provisional Korean Democratic Government will submit to the National Assembly the draft of a law providing for the establishment of a uniform system of courts throughout Korea. Until such a law has been enacted the High Court of Justice shall hear appeals from the highest judicial organs of the respective zones.

Section 6. The High Court of Justice shall have the power to issue rules of procedure to insure the speedy determination of all cases upon the basis of fair and competent evidence.

Section 7. Upon application of any aggrieved person who complains that he has been deprived of a right guaranteed under Article VI of this Charter the High Court of Justice may, in its discretion, order such case tried before it or remand such

DECLASSIFIED
NND 760090
By ____ NARS, Date

case for procedure in accordance with its opinion to the court of first instance.

Section 8. Members of the Joint Commission and persons attached to the Joint Commission are exempted from the jurisdiction of the Korean Courts. The jurisdiction of the military tribunals of the establishing powers over members of its armed forces and persons attached to such forces remains unaffected. Crimes committed against either of the establishing powers shall normally be tried in courts existing under the Korean Provisional Democratic Government except where the interests of either establishing power require that such cases be tried before their respective military tribunals.

Too narrow def. of juris. What?

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NND 760090
By _____ NARS, Date

SECRET

ARTICLE V

Section 1. The two establishing powers shall develop in consultation with the Korean Provisional Democratic Government an effective foreign exchange control in order to insure that the proceeds of Korean exports are used to finance the import of goods essential to the establishment of an independent Korean economy. The coordination of existing foreign exchange controls in North and South Korea shall be among the primary tasks of the Korean Provisional Democratic Government in order to bring about as early as possible the free exchange of commodities throughout Korea.

Section 2. The Executive Council of the Korean Provisional Democratic Government shall prepare, in consultation with the establishing powers and in accordance with the objectives of this Charter, an annual budget in order to insure that the expenditures of the Korean Provisional Democratic Government are (reasonably) balanced by revenue. The budget so prepared will be enacted into law subject, however, to a veto by the establishing powers of those items of expenditure which appear to be inappropriate to the objectives of this Charter or inconsistent with a sound governmental fiscal policy.

Section 3. The Korean Provisional Democratic Government, in consultation with the establishing powers, will establish a uniform currency to be used throughout Korea as a medium of exchange. A method of conversion for the redemption of existing currencies will be provided. After the date set for the redemption of existing currencies, the uniform currency will be the sole legal tender for all debts and obligations in Korea.

Section 4. The Bank of Chosun will be the central bank of issue of the uniform currency.

Section 5. The uniform currency will be made available by the Korean Provisional Democratic Government to either of the

DECLASSIFIED
NND 760090
By _____ NARS, Date

establishing powers at their request, for use in Korea on a basis of exchange for gold or a free currency, such exchange to be made at a rate to be determined by the establishing powers.

Section 6. Until final determination by the Allies of the disposition of former Japanese-owned property in Korea, all such property shall be subject to the control of the establishing powers, and the authority of each establishing power to hold and administer such property under the law in force in the respective zones on the date of promulgation of this Charter remains unaffected. No action shall be taken by the Korean Provisional Democratic Government affecting such property except in such particulars as may be authorized by the establishing powers. (The Korean Provisional Democratic Government will require, however, that its subordinate agencies cooperate closely with agencies of the establishing powers in charge of the administration of former Japanese-owned property and will comply with the orders of such agencies in connection with such property.

Section 7. Commodities and equipment for the use of the Korean people which may be furnished by either of the establishing powers shall be distributed or allocated (by the power making the contribution. Until such time as a final settlement is made with a permanent Korean government concerning commodities or equipment furnished, the right of control over and final disposition of capital and non-expendable goods so contributed (shall remain in the power making the contribution.) The Korean Provisional Democratic Government will require that its subordinate agencies cooperate closely with the agencies of the establishing power making such contributions and will comply with the orders of such agencies.

Section 8. The Korean Provisional Democratic Government shall give its early attention to the enactment of a civil service law which shall be designed to promote the efficiency

DECLASSIFIED
NND 760090
By _____ NARS, Date

of civil servants and guarantee to them an assurance of adequate compensation and protection against arbitrary dismissal. Until such a law is promulgated, all civil servants at present employed in either zone of Korea shall be retained in office, and no discharges shall be made except for cause. Until the enactment of a civil service law, an appeal from any discharge made may be presented to the Office of the Minister of Coordination, who shall establish in his office an impartial board of review to hear and determine such cases.

Section 9. Upon the establishment of the Korean Provisional Democratic Government under this Charter, all employees retained under the provisions of Section 8 hereof shall be required to execute a solemn statement that they will support the Korean Provisional Democratic Government, forswearing all other loyalties and allegiances.

Section 10. The Korean Provisional Democratic Government shall establish by law a uniform system of rationing of essential commodities. Until a uniform system is established by law, the Korean Provisional Democratic Government shall make no change in the existing systems of rationing of essential commodities in either zone of Korea, except as authorized by the establishing powers.

ARTICLE VI Place in priority ahead of this.

Section 1. The liberty of the person shall be inviolate within the limits of the law.

Section 2. No person shall be deprived of liberty save by a judgment of a court of law or pending trial in accordance with the law. Detention by purely executive order shall be unlawful, ~~in time of peace.~~ Warrant of arrest

Section 3. There shall be protection from arbitrary and unauthorized arrest.

DECLASSIFIED
NND 760090
By ____ NARS, Date

Section 4. The law shall provide against prolonged detention preceding trial, against excessive bail or unreasonable refusal thereof, against denial of adequate safeguards of evidence and procedure, against the refusal of protection in the nature of the writ or habeas corpus, against the retroactive operation of criminal laws, and against inhuman and cruel punishment.

Section 5. There shall be full freedom of religion.

Section 6. The freedom of speech and expression of opinion in writing and by other means shall not be denied or impaired.

Section 7. There shall be full freedom of association and assembly.

Section 8. The sanctity of the home and the secrecy of correspondence shall be respected.

Section 9. All nationals of the country shall enjoy full equality before the law and equal treatment in all respects by the authorities of the Korean Provisional Democratic Government. In particular, there shall be no discrimination on account of religion, race, colour, language, or political creed.

Section 10. Aliens shall not be denied the full and equal protection of the preceding articles of this Bill of Rights and of other rights granted to them by law.

ARTICLE VII

The power of amendment of this Charter is reserved to the establishing powers.

DECLASSIFIED
NND 760090
By ____ NARS, Date

DRAFT CONSTITUTION OF THE BULGARIAN PEOPLE'S REPUBLIC

Note: The appended analysis of the new Bulgarian constitution as drafted by a "Fatherland Front" Commission, headed by a Communist, has been prepared in the Department of State's Division of Research for Europe. Since nearly identical Constitutions had been adopted by the People's Republics of Albania and Yugoslavia, it is probable that all three embody a standard, Moscow-approved blueprint of a model constitution for any satellite state run by a "United Front" coalition. A comparable blueprint may well have been drafted in Moscow for Korea.

Chapter One -- The Supreme Authority

All authority comes from and belongs to the people, who exercise it through the referendum and through representatives chosen by free, general, direct, equal, and secret ballot. Suffrage and the right to be elected belong to all citizens over 18, regardless of sex, birth, race, religion, education, occupation, social origin, or economic status, unless they have been legally deprived of it. Representatives are responsible to electors and may be recalled.

Chapter Two -- Social and Economic System.

All natural resources, transportation, and communications belong to the State, which controls foreign and domestic commerce and can establish any monopoly. Private property and initiative are recognized, though limited and regulated by the State. With certain exceptions and limitations, land belongs to those who cultivate it. The economic life of the country is directed in accordance with a common economic plan. Labor is the basic social and economic factor. The State encourages unification of workers.

Chapter Three - - Governmental Structure.

The National Assembly is the supreme organ of State authority. It is elected for four years, one representative to 25,000 population, and is in permanent session. The Assembly alone passes and interprets legislation, and decides on its constitutionality. It elects the President of the Ministerial Council, controls the number of ministries, approves the budget and taxes, ratified international agreements, passes on war and peace, and decides questions of public order, all by vote of more than half of all representatives. For some questions a two-thirds vote is required and in some cases a popular referendum. Legislation initiative is shared by the Assembly and the Cabinet. The former has the usual legislative assembly prerogatives, such as ruling on the validity of its members, mandates, and immunity of its members.

The President of the Republic is elected jointly by the National Assembly and representatives from District and Regional Councils, for a four-year term. Reelection is possible, but a third term is barred. Any one over 18 can be elected. In case of death or incapacity the Assembly Presidium (president and vice-presidents) taken over the Presidential functions. The President has the usual prerogatives of the head of state, such as that of appointing and receiving diplomats. He sets the date of elections and convokes the National Assembly, formally appoints and accepts resignations of Ministers (except the Prime Minister, who is elected by the Assembly), signs decrees, grants amnesties, and orders mobilization.

1. Situation Report, Southern Europe, 18 October 1946

BII [redacted]

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NND 760090
By ____ NARS, Date

The Government consists of the President and Vice Presidents of the Council of Ministers, the President of the Supreme Economic Council, and 14 Ministers, who need not be Representatives. The Prime Minister is elected by a majority of all representatives in the Assembly. If two votes fail to achieve this the Assembly is dissolved and new elections are held. Ministers, nominated by the Prime Minister, have individual responsibility to the National Assembly and in case of a vote of no confidence are dismissed. Votes of no confidence on the Government as a whole result in new elections for Prime Minister; new elections are also held in case of his death or resignation. The Council of Ministers is responsible for the administration and execution of the laws, for the implementation of the general economic plan, and for the Army.

Local Government embraces regions, Districts, and Municipalities, administered by elected councils charged with responsibility for executing the general economic plan and improving economic and cultural standards of living.

The Judicial System. Judges are independent and subordinate only to the laws. The Presidents of the Supreme Court of Cassation and the Supreme Administrative Court, and the Chief Procurator, are elected by the Assembly for five years. All others are elected by the Supreme Juridical Council, representing the Assembly, the President of the Republic, and the Union of Judges, under the presidency of the Minister of Justice. The Chief Prosecutor, who shares the supervision and execution of the laws with the Supreme Administrative Court, is responsible only to the Assembly.

Chapter Four -- Rights and Obligations of Citizens.

All citizens are equal before the law. Women have equal rights in every field of public and private life. The family is under State protection. All citizens have freedom of conscience. Church and state are separated. Citizens have the right to education, which is secular, democratic, and progressive. Elementary education is compulsory and free. All schools are State or State-controlled. The State takes care of encouraging science and culture.

Citizens have the right to work and to rest. The State secures this by paying every citizen according to quantity and quality of work,[1] and by pensions, unemployment compensation, insurance, and medical aid. But every citizen is obliged to work according to ability.

No one can be held for more than 24 hours without a warrant, nor can homes and places of business be entered or searched arbitrarily. Punishments must be in accordance with law, fit the crime, and promote reeducation. Foreign citizens persecuted for defending democracy, and for fighting for national liberation, workers' rights, and scientific and cultural freedom have the privilege of asylum.

Freedom of the press, speech, meetings, petition, membership in organizations, and correspondence are guaranteed, with certain qualifications and exceptions.

Finally, all citizens are subject to military service and uniform taxes according to ability to pay.

Chapter Five -- Coat of Arms, Seal, Flag, and Capital.

Chapter Six -- Constitutional Amendment.

Amendments may be initiated by the Government or a quarter of all Representatives, and must be approved by two-thirds of all Representatives and majority vote of a popular referendum.

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1. This portion of text, as received, seems to be at variance with the recognition of private property and initiative, in Chapter two.

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NND 760090
By ____ NARS, Date

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Significant Features

This constitutional draft represents a complete break with Bulgarian constitutional precedent as embodied in the earlier Constitution. While certain passages may be reminiscent of or may even quote the old constitution, the fundamental conception and the most significant provisions are radically new. On the other hand, the new draft forms a striking parallel to the constitutions already enacted in the Federative People's Republic of Yugoslavia and the People's Republic of Albania, both of which are ultimately based on the Soviet Constitution of 1936. Like the Yugoslav and Albanian constitutions, the present draft was prepared under Communist auspices. Like them, it is ultra democratic in form and language but opposes no effective obstacle to totalitarian rule by a single party or bloc. In addition, the present draft may be said to constitute an endorsement of FF legislation enacted since September 9, 19[illegible].

The following are some of the more striking features. The basis is that all authority stems directly from the people, through their elected representatives. The franchise is granted to all citizens over 18 (unless judicially disqualified), who may also be elected to any office including the Presidency of the Republic. In this as in every other respect women are put on a par with men.

The old Constitution restricted the franchise to males over [illegible] qualities had to be over 30 and literate. In the 1945 electoral law, the Communists tried to put through the "18-year" provision but the opposition, then still part of the FF, forced a compromise at 19 years, with 23 years for candidates.

The President of the Republic, indirectly elected, is a figurehead of state. The Prime Minister, on the other hand, is elected by the Assembly. Ministries remain as at present. The Grand National Assembly is replaced by a popular referendum.

The National Assembly is the key institution. Whoever controls 51 percent of the seats controls the country. Electoral legislation is not defined in the constitution nor is the method of recalling elected representatives. Since September 9, 1944 the Communist-controlled FF National Committee, with its local branches, has been the real governing power. There are no indications that it will not continue to be, unless the Communists should decide to discard the FF mechanism and emerge as sole rulers of the country.

The most revolutionary features of the new draft are its economic provisions. Although the right to private property and enterprise is reaffirmed, it is greatly circumscribed by the wide range of state ownership or monopoly, by the undefined terms of the "economic plan" repeatedly referred to in the constitution, and by existing laws or legislation yet to be enacted. For example, Article 19 states that

> "Private land belongs to those who cultivate it. The law defines cases in which non-farmers may possess land. Laws define the extent of such land. The greatest extent of land which can be owned is defined by law."

According to Dr. Nevorah, one of its Communist framers, the constitution "demands creative, socially useful private property. It recognizes private initiative which will not only pursue the crude interests of amassing wealth for itself but will have as its aim the creation of products useful to all." Some idea of what this means may be gained from the manner in which the "Law for Confiscation of Property obtained by Speculation and Illegally" is being applied.

Restricted

DECLASSIFIED
NND 760090
By NARS, Date

very citizen has the right and obligation to work according to his ability, for adequate compensation (Articles 11, 67, 76). The practical meaning of this provision may be surmised from the law against "loafers" and "parasites" approved by the National Assembly on August 7, 1946.

The State, according to the proposed constitution, not only is to guide and control economic life in a far-reaching sense but will also extend its supervision over the family, education ("The schools belong to the State"), and cultural life by setting up libraries, theaters, museums, publishing companies, cinemas, and so forth (Article 61-65). On the other hand, the Church is disestablished.

Although "All citizens are equal before the law" (Article 70) and "Judges are independent, and subordinate only to the laws" (Article 97), a search for "Bill of Rights" guarantees fails to reveal the nature of source of judicial independence. It does appear, however, that almost every so-called "right" is limited or nullified by ulterior considerations or loopholes. There is no reason to suppose that the notorious "Law of the Defense of the People's Authority" will not remain on the books.

Finally, Article Five states that "The People's Republic of Viet Nam is administered exactly in accordance with the provisions of the Constitution and the laws of the country." Supporters of the proposed constitution point to the absence of such a provision in the Yarnovo Constitution. However, as the sole judges of constitutionality are going to be the framers of the laws, the effectiveness of Article Five may be questioned.

Conclusion

Although a cursory examination of the new draft constitution discloses numerous ultra-democratic and socially advanced features, it also shows numerous references scattered throughout the document to laws which may or may not yet have been drafted, and which will in all probability determine the real nature of the future Republic.

The VN parties have agreed to conduct their campaign for the Grand National Assembly elections on the sole basis of the draft constitution. In view of the probability that the VM bloc will gain a decisive victory at the polls on October 27, it may be surmised that the work of the Grand National Assembly will consist of editing rather than altering the proposed draft.

DECLASSIFIED
NND 760090
By NARS, Date

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DRAFT CHARTER OF PROVISIONAL GOVERNMENT

PREAMBLE

With a view to re-establishing Korea as an independent state, to creating conditions for developing Korea on d emocratic principles and to the earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea, the United States of America and the Union of Socialist Soviet Republics hereby do ordain and establish this charter for the Provisional Government of the Republic of Korea.

ARTICLE I:

Section 1: The Provisional Government of the Republic of Korea shall be initially composed of all the existing administrative and judicial officials and institutions now functioning in the two zones of occupation, together with a Council of State herein outlined, defined and established.

Section 2: The Council of State shall consist of fifteen (15) members, with the following designated titles: President of the Council; Vice President of the Council; Ministers of Foreign Affairs Internal Security, National Defense, Justice, Labor, Communications, Commerce, Finance, Education and Coordination; and three (3) Ministers to be designated Ministers without Portfolio.

Section 3: The membership of the Council shall originally be established by the two establishing powers, in consultation with Korean political parties and social organizations, with a view to giving balanced recognition to the democratic groups of Korea and to fostering the democratic evolution of the country.

Section 4: All decisions of the Council of State shall be by majority vote of the total number of members; the President of the Council shall cast no vote except in the event of a tie.

ARTICLE II:

Section 1: It is the stated intention of this Charter that this Provisional Government of Korea shall be of the shortest possible

SECRET

B II 2

DECLASSIFIED
NND 760090
By NARS, Date

duration, being intended to serve only as the first phase of the evolution of Korea toward full independence. It is the stated intention of the establishing powers that this evolution shall be carried forward with all possible speed.

Section 2: During the period of the life of this provisional government, the supreme administrative, executive and legislative power shall be embodied in this State Council of the Provisional Government, subject, however, to review by the US - USSR Joint Commission.

Section 3: In the event of disagreement within the US - USSR Joint Commission, each of the occupying powers establishing this government shall have the right, by published open declaration of the Chief Commissioner for such power, to void any act or decision of the Council of State insofar as it relates to the territorial zone occupied by such power.

Section 4: Vacancies occurring in this Council of State by death or resignation shall be filled by vote of the remaining members of the Council.

ARTICLE III:

Section 1: All laws now in effect in each of the respective zones of occupation shall remain in effect and shall be enforced by the Council of State and its subordinate officials of the provisional government in the two respective zones, except as modified as hereinafter stated.

ARTICLE IV:

Section 1: It shall be the first function of the Council of State to determine and enact the detailed plan whereby the administration of the two respective zones may be placed under the direction and supervision of the respective Council members holding portfolios.

Section 2: After such a plan is formulated and adopted, replacements of subordinate officials in either zone shall be as determined by the Council member holding jurisdiction over such branch of the government. Questions of administrative and personnel procedure

DECLASSIFIED
NND 760090
By ____ NARS, Date

under existing regulations shall also be under the jurisdiction of such individual members of the Council, subject however to the provision that any decision by an individual Council member may be appealed to the Council of State as a whole.

Section 2: It shall be the primary function of the Minister of Coordination to work out plans, in consultation with the respective individual ministers and their subordinates, whereby individual departments of government may be coordinated and centralized on a gradual schedule.

Section 3: It shall be the function of the Minister of Justice in conjunction with the three Ministers without Portfolio to prepare and present to the Council legislation to remove the differences of law and administration now existing between the two zones.

ARTICLE V:

Section 1: There is hereby established the Supreme Court of the Republic of Korea to be composed of five (5) members.

Section 2: Replacements in this court shall be by election of the Council of State.

Section 3: This court shall hold ultimate jurisdiction of appellate character from all decisions from all existing courts in both zones of occupation.

ARTICLE VI:

Section 1: No body or individual in either zone shall hold or assert legislative or executive authority except as above stated.

ARTICLE VII:

Section 1: The Council of State shall also be charged with the responsibility, in addition to the fulfilling of the functions above stated, for performing the tasks enumerated hereunder:

(1) Plan shall be formulated and enacted for creating on a unified basis a popularly elected officialdom on the village, county and provincial levels. (In such elections it shall be the right and the obligation of both occupying powers to guarantee the full free expressions of the popular will by

DECLASSIFIED
NND 760090
By NARS, Date

having observers present throughout both zones during and before such elections, to determine that full freedom of political action is insured.)

(2) In consultation with the US - USSR Joint Commission and with Korean democratic organizations, to work out measures for helping and assisting the political, economic and social progress of the Korean people, the development of democratic government, and the establishment of national independence of Korea.

ARTICLE VIII:

Section 1: It is herein stated to be an urgent need that the Council of State shall give prompt consideration to the most effective means of immediately eliminating the unfortunate consequences of the economic division between the two zones.

ARTICLE IX:

Section 1: During the tenure of office of the provisional government, the following provisions of guidance are specifically enjoined upon the Council of State.

Section 2: There shall be no law prohibiting the free exercise of religion or abolishing the freedom of speech or of the press or denying the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Section 3: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon proper cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Section 4: No individual shall be compelled in any criminal case to be a witness against himself, nor shall testimony elicited by torture or coercion be admissable in any court; nor shall private property be taken for public use without just compensation.

DECLASSIFIED
NND 760090
By NARS, Date

Section 5: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial court of the State and district wherein the crime shall have been committed, which districts shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistances of counsel for his defense.

Article 6: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

DECLASSIFIED
NND 760090
By ____ NARS, Date

NOTES:

The charter herein proposed is a bare skeletal plan upon which it might be possible to work out the details of a more complete agreement. It is not complex and it leaves every question of detail for later discussion.

In such discussion it must be remembered that it is not possible to abolish the possibility of disagreement and that it is better not to make a basic document too cumbersome in the effort to legislate disagreements out of possibility.

Two basic objectives have been considered: First, to create a plan upon which subsequent plans could build further progress toward independence; second, to make maximum use of the propaganda possibilities within the somewhat rigid framework of the duties prescribed by the Moscow Decision for the Commission.

There has been an effort to observe the three fundamental relationships; first, that of the occupying powers to the new central government; second, that of the central government with the two subgovernments which must of necessity continue for a while if there is to be an avoidance of chaos; and finally, the important point of the relations of government with the individual.

In essence the plan proposed calls for the creation of a federal union of two states, with the difference that it is the stated objective to reduce the two states to a common entity by a process of gradual evolution.

It will be noted that this charter is granted by the powers and not granted by the people. There may be objection to this, but the legal fact remains that under the Moscow Decision the creative power lies actually in the powers rather than in the people When the time comes for the creation of a fully independent government, the basic document of such government may contain an enacting clause deriving its authority from the people.

DECLASSIFIED
NND 760090
By NARS, Date

NOTES (Cont'd):

There is the further consideration that such granting clause is necessary in order to prevent ambiguities and misunderstanding as to the reality of the retention of control by the powers during this preliminary period.

A similar consideration operates in favor of the retention of unilateral veto power by each of the two powers during this preliminary period. Such a power would be actually withheld whether or not stated; it is better that it be stated, so that the outlines of the problem will remain clearly fixed in mind.

It is suggested that the personnel, both of the Council of State and of the new Supreme Court, should be agreed upon by the Commission before the charter is agreed upon. At the same time the naming of individuals to office should be done in a separate document rather than in the basic document creating the government.

One further consideration should be named favoring this type of provisional government. By solidifying the present mass of small administrative officials in at least the temporary retention of their positions, we eliminate one of the obstacles that would otherwise militate against the initial success of the plan. It is true that the removal from office that will be necessary in many cases is now postponed, but it is postponed to the time at which it can be done piece-meal, with less concerted opposition. Continuing drive will have to be exerted by the Commission to prevent the omni present tendency of office-holders freezing themselves into position from upsetting the calendar evolution contemplated in this plan.

Finally, this measure represents a compromise which has in it some aspects which suggest the Soviet system. For this reason it may have more possibility of being favorably considered by the opposition. It should be pointed out, however, that the aspects in which the plan suggests the Soviet system of government are aspects in which it also suggests the parliamentary traditions of Central Europe and even of France and, to a lesser extent, Britain

DECLASSIFIED
NND 760090
By NARS, Date

and Canada. Given continuing vigilance on the part of Americans, especially with regard to the election, there is no reason why this plan cannot be molded into a form which will give the Koreans as much western-style democracy as they are now capable of assimilation. The President and Congress plan of government also is capable of being warped into a thoroughly effective dictatorship, as has been observed in Germany and, in a much smaller scale, in the Dominican Republic. We should not allow insistence upon the form to lead us away from the possibility of reaching agreement in which we may preserve the essence.

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NND 760090
By ____ NARS, Date

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21 May 1947

U. S. Subcommission Number II
US-USSR JOINT COMMISSION
Seoul, Korea

Proposed Charter
for the Provisional Korean Democratic Government

Note by the Secretary

1. The inclosure, a draft of a proposed charter for the Provisional Korean Democratic Government, is a worksheet containing a statement of basic ideas which Subcommission Number II believes are appropriate for embodiment in the proposed charter.

2. It is circulated for information of the Joint Commission and subcommissions. Comments, suggested additions, and amendments are invited.

MORTON S. JAFFE
Captain, AGD
Secretary

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NND 760090
By NARS, Date

PROPOSED CHARTER OF THE PROVISIONAL KOREAN DEMOCRATIC GOVERNMENT

I. BASIC INTERNATIONAL INSTRUMENT ESTABLISHING PROVISIONAL KOREAN DEMOCRATIC GOVERNMENT.

"Section III - (Korea) of the Moscow Agreement of 27 December 1945

"1. With a view to the re-establishment of Korea as an independent state, the creation of conditions for developing the country on democratic principles and the earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea, there shall be set up a Provisional Korean Democratic Government which shall take all the necessary steps for developing the industry, transport and agriculture of Korea and the national culture of the Korean people.

"2. In order to assist the formation of a Provisional Korean Government and with a view to the preliminary elaboration of the appropriate measures there shall be established a Joint Commission consisting of representatives of the United States Command in Southern Korea and the Soviet Command in Northern Korea. In preparing their proposals the Commission shall consult with the Korean Democratic Parties and social organizations. The recommendation worked out by the Commission shall be presented for the consideration of the governments of the Union of Soviet Socialist Republics, China, the United Kingdom and the United States prior to final decision by the two governments represented on the Joint Commission....."

II. PREAMBLE

1. The intention of the Four Powers, bound together under the Moscow Agreement, is declared to be the establishment of an interim representative provisional government which will unite, maintain and harmonize the machinery of state and prepare the ground for a permanent, democratically elected Korean Government.

2. The PKDG, in addition to its principal mission assigned by paragraph one of the Moscow Agreement (Section III - Korea), guarantees a "Bill of Rights" to citizens and residents of Korea under its jurisdiction. The rights of freedom of speech,

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DECLASSIFIED
NND 760090
By NARS, Date

religion and assembly; free elections on basis of general and equal electorial rights; equality of sexes; inviolability of personal freedoms; existing property and other personal rights; and the extension of such rights to non citizens and national minorities within the borders of Korea until or if amended by due process of law, are incumbent upon the Provisional Korean Democratic Government to uphold and protect.

3. The Provisional Korean Democratic Government derives its authority from the executive powers vested in the duly authorized representatives of the United States and the Union of Soviet Socialist Republics. The United States and USSR as the executive power grants ordinance and decree authority to the Provisional Korea Democratic Government on matters within its jurisdiction and as expressly conferred by this Charter.

4. The Provisional Korean Democratic Government shall undertake no fundamental reforms of vital import affecting the lives, economy, and spiritual and moral well being of all or most Koreans. As examples, land reform, ownership of industries and designation and punishment of those who acted to the detriment of Korea and Koreans under the Japanese domination, are matters that must be left to the determination of a permanent Korean government or national legislature brought into being by free elections on basis of general and equal electorial rights.

DECLASSIFIED
NND 760090
By NARS, Date

5. All laws enacted or in force in respective zones retain validity except as inconsistent with this Charter or the powers of the PKDG as determined by the Charter. A general revision of laws is recognized as infeasible, prolonging as it would, the existence of the temporary government undesirably.

III. COMPOSITION OF GOVERNMENT.

1. The Provisional Korean Democratic Government shall consist

DECLASSIFIED
NND 760090
By NARS, Date

2. The function of the PKDG is both executive and legislative deriving its powers as explained in Section II, par 3 above. Until a permanent democratically elected Korean Government or National Legislature is brought into being it may be impeached for its actions only by the executive power or the authorized agent of the executive power.

3. A free, general election on basis of general and equal electorial rights, will be held in Korea for the election of local and provincial officials and government agencies and national government agencies, including a National Assembly within ninety (90) days after the date of assumption of office of the PKDG, under such supervision as may be agreed to by the Allied Nations.

4. <u>Armed Forces</u>

All military or quasi military forces will be integrated into a National Constabulary of not more than 25,000 men under the control of the PKDG.

The Korean Coast Guard shall only be employed in Korean territorial waters to prevent smuggling and other violations of the Korean law.

IV. JUDICIAL.

1. The judicial system under the PKDG shall be

DECLASSIFIED
NND 760090
By NARS, Date

2. Allied Nationals are under the legal jurisdiction of their respective military and civil courts.

Koreans, including non citizens and national minorities, will be tried in Korean courts for offenses against the civil and criminal laws, by an Allied Commission or Provost Court for offenses against the Allies, or the occupation forces.

3. Rulings of local courts are binding until review or appeal processes are provided by legislative action.

4. All citizens, non citizens and members of national minorities may demand trial by jury.

5. The rights of habeas corpus are guaranteed all citizens, non citizens and members of national minorities.

V. INTEGRATION AND HARMONIZATION OF GOVERNMENTAL AGENCIES.

1. Date of Assumption of Office

The PKDG officially assumes office when the recommendations of the Joint Commission are approved by the Four Powers, and final decision is made by the two powers participating in the Joint Commission.

2. Culture

The distinctive national language and culture of Korea will be maintained.

DECLASSIFIED
NND 760090
By NARS, Date

3. Economy

It is essential to the orderly economy of Korea that a rice collection and distribution system be continued for the time being.

4. Education

The Korean educational system will be free from any foreign ideology or political beliefs.

5. Enemy Property

Property owned by former enemy government, including that of Japanese government general imposed on Korea, and former enemy nationals will be administered by the Allies until final disposition is decided.

6. Finance

a. The Bank of Chosen is the sole issuing authority of the national Korean currency which will be

b. International rates of exchange of _____ won to the U. S. Dollar; _____ won to the kopek; _____ won to pound £; and _____ won to the Chinese dollar are established effective on the date of the assumption of office of the PKDG.

DECLASSIFIED
NND 760090
By NARS, Date

c. Joint export and import controls

7. Foreign Relations

The PKDG has no power to conduct foreign relations, conclude treaties or negotiate foreign loans.

8. Freedom of Movement

Free movement of persons and goods between all Korea is established effective _____

9. Integration

DECLASSIFIED
NND 760090
By NARS, Date

10. Political Subdivisions

Political subdivisions in effect on August 15, 1945 will be maintained until changed by the freely expressed national will.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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PRINCIPLES FOR ESTABLISHMENT OF PROVISIONAL GOVERNMENT

1. The objective is the creation of one united government into which the government of North Korea and the government of South Korea will disappear. This process is necessarily evolutionary in character. During its initial phases, the Provisional Government must necessarily be almost federal in character.

2. The existing government of South Korea will be utilized as the model: this will be the objective of the American Delegation, to be amended insofar as is necessary to achieve agreement.

3. The Interim Legislative Assembly and the Central People's Committees of North Korea will be dissolved immediately upon the creation of the Provisional Government. They will be replaced ultimately by the Legislative Assembly, representative of all Korea. Such Legislative Assembly will be created by election, if possible.

4. General popular elections should be deferred until after the effective elimination of the dividing line between the two zones, as a means of insuring free political activity in the northern zone.

5. Existing laws in both zones will remain in effect until amended, repealed, or otherwise changed by due process of law.

6. During the introductory phase of the Provisional Government, at least until such time as the Provisional Government shall have concluded its negotiations with the Joint Commission as contemplated in the Moscow Decision, the Joint Commission must retain the ultimate authority over the acts of the Provisional Government.

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NND 760090
By NARS, Date

THE CONSTITUTION OF THE USSR

Chapter I. The Organization of Society

ARTICLE 1. The Union of Soviet Socialist Republics is a socialist state of workers and peasants.

ARTICLE 2. The Soviets of Working People's Deputies, which grew and attained strength as a result of the overthrow of the landlords and capitalists and the achievement of the dictatorship of the proletariat, constitute the political foundation of the USSR.

ARTICLE 3. In the USSR all power belongs to the working people of town and country as represented by the Soviets of Working People's Deputies.

ARTICLE 4. The socialist system of economy and the socialist ownership of the means and instruments of production firmly established as a result of the abolition of the capitalist system of economy, the abrogation of private ownership of the means and instruments of production and the abolition of the exploitation of man by man, constitute the economic foundation of the USSR.

ARTICLE 5. Socialist property in the USSR exists either in the form of state property (the possession of the whole people), or in the form of cooperative and collective-farm property (property of a collective farm or property of a cooperative association).

ARTICLE 6. The land, its natural deposits, waters, forests, mills, factories, mines, rail, water and air transport, banks, post, telegraph and telephones, large state-organized agricultural enterprises (state farms, machine and tractor stations and the like) as well as municipal enterprises and the bulk of the dwelling houses in the cities and industrial localities, are state property, that is, belong to the whole people.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 7. Public enterprises in collective farms and cooperative organizations, with their livestock and implements, the products of the collective farms and cooperative organizations, as well as their common buildings, constitute the common, socialist property of the collective farms and cooperative organizations.

In addition to its basic income from the public, collective-farm enterprise, every household in a collective farm has for its personal use a small plot of land attached to the dwelling and, as its personal property, a subsidiary establishment on the plot, a dwelling house, livestock, poultry and minor agricultural implements -- in accordance with the statutes of the agricultural artel.

ARTICLE 8. The land occupied by collective farms is secured to them for their use free of charge and for an unlimited time, that is, in perpetuity.

ARTICLE 9. Alongside the socialist system of economy, which is the predominant form of economy in the USSR, the law permits the small private economy of individual peasants and handicraftsmen based on their personal labor and precluding the exploitation of the labor of others.

ARTICLE 10. The right of citizens to personal ownership of their incomes from work and of their savings, of their dwelling houses and subsidiary household economy, their household furniture and utensils and articles of personal use and convenience, as well as the right of inheritance of personal property of citizens, is protected by law.

ARTICLE 11. The economic life of the USSR is determined and directed by the state national economic plan with the aim of increasing the public wealth, of steadily improving the material conditions of the working people and raising their cultural level, of consolidating the independence of the USSR and strengthening its defensive capacity.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 12. In the USSR work is a duty and a matter of honor for every able-bodied citizen, in accordance with the principle: "He who does not work, neither shall he eat."

The principle applied in the USSR is that of socialism: "From each according to his ability, to each according to his work."

Chapter II. The Organization of The State

ARTICLE 13. The Union of Soviet Socialist Republics is a federal state, formed on the basis of the voluntary association of Soviet Socialist Republics having equal rights, namely:

The Russian Soviet Federated Socialist Republic
The Ukrainian Soviet Socialist Republic
The Byelorussian Soviet Socialist Republic
The Azerbaidjan Soviet Socialist Republic
The Georgian Soviet Socialist Republic
The Armenian Soviet Socialist Republic
The Turkmen Soviet Socialist Republic
The Uzbek Soviet Socialist Republic
The Tadjik Soviet Socialist Republic
The Kazak Soviet Socialist Republic
The Kirgiz Soviet Socialist Republic
The Karelo-Finnish Soviet Socialist Republic
The Moldavian Soviet Socialist Republic
The Lithuanian Soviet Socialist Republic
The Latvian Soviet Socialist Republic
The Estonian Soviet Socialist Republic.

ARTICLE 14. The jurisdiction of the Union of Soviet Socialist Republics, as represented by its highest organs of state authority and organs of government, covers:

a) Representation of the Union in international relations, conclusion and ratification of treaties with other states, and the establishment of the general character of the relations between the Union Republics and foreign states;

DECLASSIFIED
NND 760090
By NARS, Date

b) Questions of war and peace;

c) Admission of new republics into the USSR;

d) Control over the observance of the Constitution of the USSR and ensuring conformity of the Constitutions of the Union Republics with the Constitution of the USSR.

e) Confirmation of alterations of boundaries between Union Republics;

f) Confirmation of the formation of new Territories and Regions and also of new Autonomous Republics within Union Republics;

g) Organization of the defense of the USSR and direction of all the armed forces of the USSR; the establishment of the guiding principles of the organization of the military formations of the Union Republics;

h) Foreign trade on the basis of state monopoly;

i) Safeguarding the security of the state;

j) Establishment of the national economic plans of the USSR;

k) Approval of the single state budget of the USSR as well as of the taxes and revenues which go to the all-Union, Republican and local budgets;

l) Administration of the banks, industrial and agricultural establishments and enterprises and trading enterprises of all-Union importance;

m) Administration of transport and communications;

n) Direction of the monetary and credit system;

o) Organization of state insurance;

p) Raising and granting of loans;

q) Establishment of the basic principles for the use of land as well as for the use of natural deposits, forests and waters;

r) Establishment of the basic principles in the spheres of education and public health;

DECLASSIFIED
NND 760090
By NARS, Date

s) Organization of a uniform system of national economic statistics;

t) Establishment of the principles of labor legislation;

u) Legislation on the judicial system and judiicial procedure; criminal and civil codes;

v) Laws on citizenship of the Union; laws on the rights of foreigners;

w) Issuing of all-Union acts of amnesty.

ARTICLE 15. The sovereignty of the Union Republics is limited only within the provisions set forth in Article 14 of the Constitution of the USSR. Outside of these provisions, each Union Republic exercises state authority independently. The USSR protects the sovereign rights of the Union Republics.

ARTICLE 16. Each Union Republic has its own Constitution, which takes account of the specific features of the Republic and is drawn up in full conformity with the Constitution of the USSR.

ARTICLE 17. To every Union Republic is reserved the right freely to secede from the USSR.

ARTICLE 18. The territory of a Union Republic may not be altered without its consent.

(a) Each Union Republic has the right to enter into direct relations with foreign states, to conclude agreements with them and exchange diplomatic and consular representatives with them.

(b) Each Union Republic has its republican military formation.

ARTICLE 19. The laws of the USSR have the same force within the territory of every Union Republic.

ARTICLE 20. In the event of a discrepancy between a law of a Union Republic and an all-Union law, the all-Union law prevails.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 21. A single Union citizenship is established for all citizens of the USSR. Every citizen of a Union Republic is a citizen of the USSR.

ARTICLE 22. The Russian Soviet Federated Socialist Republic consists of the Altai, Krasnodar, Krasnoyarsk, Ordjonikidze, Maritime and Khabarovsk Territories; the Archangel, Vologda, Voronezh, Gorky, Ivanovo, Irkutsk, Kalinin, Kirov, Kuibyshev, Kursk, Leningrad, Molotov, Moscow, Murmansk, Novosibirsk, Omsk, Orel, Penza, Rostov, Ryazan, Saratov, Sverdlovsk, Smolensk, Stalingrad, Tambov, Tula, Chelyabinsk, Chita, Chkalov, Yaroslavl, Ulianov, Kemerevo and Kurgan Regions, the Tatar, Bashkir, Daghestan, Buryat-Mongolian, Kabardino-Balkarian, Kalmyk, Komi, Crimean, Mari, Mordovian, North Ossetian, Udmurt, Checheno-Ingush, Chuvash and Yakut Autonomous Soviet Socialist Republics; and the Adygei, Jewish, Karachai, Oirot, Khakass and Cherkess Autonomous Regions.

ARTICLE 23. The Ukrainian Soviet Socialist Republic consists of the Vinnitsa, Volynsk, Voroshilovgrad, Dnepropetrovsk, Drogobych, Zhitomir, Zaporozhe, Izmail, Kamenets-Podolsk, Kiev, Kirovograd, Lvov, Nikolaev, Odessa, Poltava, Rovno, Stalino, Stanislav, Sumy, Tarnopol, Kharkov, Chernigov and Chernovitsy Regions.

ARTICLE 24. The Azerbaidjan Soviet Socialist Republic includes the Nakhichevan Autonomous Soviet Socialist Republic and the Nagorno-Karabakh Autonomous Region.

ARTICLE 25. The Georgian Soviet Socialist Republic includes the Abkhazian Autonomous Soviet Socialist Republic, the Adjar Autonomous Soviet Socialist Republic and the South Ossetian Autonomous Region.

ARTICLE 26. The Uzbek Soviet Socialist Republic consists of the Bokhara, Samarkand, Tashkent, Ferghana, and Khorezm Regions, and the Kara-Kalpak Autonomous Soviet Socialist Republic.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 27. The Tadjik Soviet Socialist Republic consists of the Garm, Kuliab, Leninabad and Stalinabad Regions, and the Gorno-Badakhshan Autonomous Region.

ARTICLE 28. The Kazakh Soviet Socialist Republic consists of the Akmolinsk, Aktyubinsk, Alma-Ata, East Kazakhstan, Guryev, Djambul, West Kazakhstan, Karaganda, Kzyl-Orda, Kustanai, Pavlodar, North Kazakhstan, Semipalatinsk, and South Kazakhstan Regions.

ARTICLE 29. The Byelorussian Soviet Socialist Republic consists of the Baranovichi, Byelostok, Brest, Vileika, Vitebsk, Gomel, Minsk, Moghilev, Pinsk and Polessye Regions.

ARTICLE 29-A. The Turkmen Soviet Socialist Republic consists of the Ashkhabad, Krasnovodsk, Mari, Tashauz and Chardzhou Regions.

ARTICLE 29-B. The Kirgiz Soviet Socialist Republic consists of the Dzhalal-Abad, Issyk-Kul, Osh, Tian-Shan and Frunze Regions.

Chapter III. The Highest Organs of State Authority of the Union of Soviet Socialist Republics

ARTICLE 30. The highest organ of state authority of the USSR is the Supreme Soviet of the USSR.

ARTICLE 31. The Supreme Soviet of the USSR exercises all rights vested in the Union of Soviet Socialist Republics in accordance with Article 14 of the Constitution, in so far as they do not, by virtue of the Constitution, come within the jurisdiction of organs of the USSR that are accountable to the Supreme Soviet of the USSR, that is, the Presidium of the Supreme Soviet of the USSR, the Council of People's Commissars of the USSR and the People's Commissariats of the USSR.

ARTICLE 32. The legislative power of the USSR is exercised exclusively by the Supreme Soviet of the USSR.

ARTICLE 33. The Supreme Soviet of the USSR consists of two Chambers: the Soviet of the Union and the Soviet of Nationalities.

ARTICLE 34. The Soviet of the Union is elected by the citizens of the USSR according to electoral areas on the basis of one deputy for every 300,000 of the population.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 35. The Soviet of Nationalities is elected by the citizens of the USSR according to Union and Autonomous Republics, Autonomous Regions and national areas on the basis of twenty-five deputies from each Union Republic, eleven deputies from each Autonomous Republic, five deputies from each Autonomous Region and one deputy from each national area.

ARTICLE 36. The Supreme Soviet of the USSR is elected for a term of four years.

ARTICLE 37. Both Chambers of the Supreme Soviet of the USSR, the Soviet of the Union and the Soviet of Nationalities, have equal rights.

ARTICLE 38. The Soviet of the Union and the Soviet of Nationalities have an equal right to initiate legislation.

ARTICLE 39. A law is considered adopted if passed by both Chambers of the Supreme Soviet of the USSR by a simple majority vote in each.

ARTICLE 40. Laws passed by the Supreme Soviet of the USSR are published in the languages of the Union Republics over the signatures of the President and Secretary of the Presidium of the Supreme Soviet of the USSR.

ARTICLE 41. Sessions of the Soviet of the Union and the Soviet of Nationalities begin and terminate simultaneously.

ARTICLE 42. The Soviet of the Union elects a Chairman of the Soviet of the Union and two Vice-Chairmen.

ARTICLE 43. The Soviet of Nationalities elects a Chairman of the Soviet of Nationalities and two Vice-Chairmen.

ARTICLE 44. The Chairmen of the Soviet of the Union and the Soviet of Nationalities preside over the sittings of the respective Chambers and direct the procedure of these bodies.

ARTICLE 45. Joint sittings of both Chambers of the Supreme Soviet of the USSR are presided over alternately by the Chairman of the Soviet of the Union and the Chairman of the Soviet of Nationalities.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 46. Sessions of the Supreme Soviet of the USSR are convened by the Presidium of the Supreme Soviet of the USSR twice a year.

Special sessions are convened by the Presidium of the Supreme Soviet of the USSR at its discretion or on the demand of one of the Union Republics.

ARTICLE 47. In the event of disagreement between the Soviet of the Union and the Soviet of Nationalities, the question is referred for settlement to a conciliation commission formed on a parity basis. If the conciliation commission fails to arrive at an agreement, or if its decision fails to satisfy one of the Chambers, the question is considered for a second time by the Chambers. Failing agreement between the two Chambers, the Presidium of the Supreme Soviet of the USSR dissolves the Supreme Soviet of the USSR and orders new elections.

ARTICLE 48. The Supreme Soviet of the USSR at a joint sitting of both Chambers elects the Presidium of the Supreme Soviet of the USSR, consisting of a President of the Presidium of the Supreme Soviet of the USSR, sixteen Vice-Presidents, a Secretary of the Presidium and twenty-four members of the Presidium.

The Presidium of the Supreme Soviet of the USSR is accountable to the Supreme Soviet of the USSR for all its activities.

ARTICLE 49. The Presidium of the Supreme Soviet of the USSR:

a) Convenes the sessions of the Supreme Soviet of the USSR;

b) Interprets laws of the USSR in operation, issues decrees;

c) Dissolves the Supreme Soviet of the USSR in conformity with Article 47 of the Constitution of the USSR and orders new elections;

d) Conducts referendums on its own initiative or on the demand of one of the Union Republics;

e) Annuls decisions and orders of the Council of People's Commissars of the USSR and of the Councils of People's Commissars of the Union Republics in case they do not conform to law;

DECLASSIFIED
NND 760090
By NARS, Date

f) In the intervals between sessions of the Supreme Soviet of the USSR, relieves of their posts and appoints People's Commissars of the USSR on the recommendation of the Chairman of the Council of People's Commissars of the USSR, subject to subsequent confirmation by the Supreme Soviet of the USSR;

g) Awards decorations and confers titles of honor of the USSR;

h) Exercises the right of pardon;

i) Appoints and removes the higher commands of the armed forces of the USSR;

j) In the intervals between sessions of the Supreme Soviet of the USSR, proclaims a state of war in the event of armed attack on the USSR, or whenever necessary to fulfill international treaty obligations concerning mutual defense against aggression;

k) Orders general or partial mobilization;

l) Ratifies international treaties;

m) Appoints and recalls plenipotentiary representatives of the USSR to foreign states;

n) Receives the credentials and letters of recall of diplomatic representatives accredited to it by foreign states;

o) Proclaims martial law in separate localities or throughout the USSR in the interests of the defense of the USSR or for the purpose of ensuring public order and state security.

ARTICLE 50. The Soviet of the Union and the Soviet of Nationalities elect Credentials Commissions which verify the credentials of the members of the respective Chambers.

On the recommendation of the Credentials Commissions, the Chambers decide either to endorse the credentials or to annul the election of the deputies concerned.

ARTICLE 51. The Supreme Soviet of the USSR, when it deems necessary, appoints commissions of inquiry and investigation on any matter.

It is the duty of all institutions and public servants to comply with the demands of these commissions and to submit to them the necessary materials and documents.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 52. A member of the Supreme Soviet of the USSR may not be prosecuted or arrested without the consent of the Supreme Soviet of the USSR, and during the period when the Supreme Soviet of the USSR is not in session, without the consent of the Presidium of the Supreme Soviet of the USSR.

ARTICLE 53. On the expiration of the term of office of the Supreme Soviet of the USSR, or after the dissolution of the Supreme Soviet prior to the expiration of its term of office, the Presidium of the Supreme Soviet of the USSR retains its powers until the formation of a new Presidium of the Supreme Soviet of the USSR by the newly-elected Supreme Soviet of the USSR.

ARTICLE 54. On the expiration of the term of office of the Supreme Soviet of the USSR, or in the event of its dissolution prior to the expiration of its term of office, the Presidium of the Supreme Soviet of the USSR orders new elections to be held within a period not exceeding two months from the date of expiration of the term of office or dissolution of the Supreme Soviet of the USSR.

ARTICLE 55. The newly-elected Supreme Soviet of the USSR is convened by the out-going Presidium of the Supreme Soviet of the USSR not later than one month after the elections.

ARTICLE 56. The Supreme Soviet of the USSR at a joint sitting of both Chambers, appoints the Government of the USSR, namely, the Council of People's Commissars of the USSR.

Chapter IV. The Highest Organs of State Authority of the Union Republics

ARTICLE 57. The highest organ of state authority of a Union Republic is the Supreme Soviet of the Union Republic.

ARTICLE 58. The Supreme Soviet of a Union Republic is elected by the citizens of the Republic for a term of four years.

The basis of representation is established by the Constitution of the Union Republic.

ARTICLE 59. The Supreme Soviet of a Union Republic is the sole legislative organ of the Republic.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 60. The Supreme Soviet of a Union Republic:

a) Adopts the Constitution of the Republic and amends it in conformity with Article 16 of the Constitution of the USSR;

b) Confirms the Constitutions of the Autonomous Republics forming part of it and defines the boundaries of their territories;

c) Approves the national economic plan and also the budget of the Republic;

d) Exercises the right of amnesty and pardon of citizens sentenced by the judicial organs of the Union Republic;

e) Establishes the representation of the Union Republics in international relations;

f) Establishes the method of the creation of military formations of the Union Republic.

ARTICLE 61. The Supreme Soviet of a Union Republic elects the Presidium of the Supreme Soviet of the Union Republic, consisting of a Chairman of the Presidium of the Supreme Soviet of the Union Republic, Vice-Chairmen, a Secretary of the Presidium and members of the Presidium of the Supreme Soviet of the Union Republic.

The powers of the Presidium of the Supreme Soviet of a Union Republic are defined by the Constitution of the Union Republic.

ARTICLE 62. The Supreme Soviet of a Union Republic elects a Chairman and Vice-Chairmen to conduct its sittings.

ARTICLE 63. The Supreme Soviet of a Union Republic appoints the Government of the Union Republic, namely, the Council of People's Commissars of the Union Republic.

Chapter V. The Organs of Government of the Union of Soviet Socialist Republics

ARTICLE 64. The highest executive and administrative organ of state authority of the Union of Soviet Socialist Republics is the Council of People's Commissars of the USSR.

ARTICLE 65. The Council of People's Commissars of the USSR is responsible to the Supreme Soviet of the USSR and accountable to it; and in the intervals between sessions of the Supreme Soviet

DECLASSIFIED
NND 760090
By NARS, Date

it is responsible and accountable to the Presidium of the Supreme Soviet of the USSR.

ARTICLE 66. The Council of People's Commissars of the USSR issues decisions and orders on the basis and in pursuance of the laws in operation, and supervises their execution.

ARTICLE 67. Decisions and Orders of the Council of People's Commissars of the USSR are binding throughout the territory of the USSR.

ARTICLE 68. The Council of People's Commissars of the USSR:

a) Coordinates and directs the work of the All-Union and Union-Republican People's Commissariats of the USSR and of other institutions, economic and cultural, under its administration;

b) Adopts measures to carry out the national economic plan and the state budget, and to strengthen the credit and monetary system;

c) Adopts measures for the maintenance of public order, for the protection of the interests of the state, and for the safeguarding of the rights of citizens;

d) Exercises general guidance in respect of relations with foreign states;

e) Fixes the annual contingent of citizens to be called up for military service and directs the general organization and development of the armed forces of the country;

f) Sets up, whenever necessary, special committees and Central Administrations under the Council of People's Commissars of the USSR for matters concerning economic, cultural and defense organization and development.

ARTICLE 69. The Council of People's Commissars of the USSR has the right, in respect of those branches of administration and economy which come within the jurisdiction of the USSR, to suspend decisions and orders of the Councils of People's Commissars of the Union Republics and to annul orders and instructions of People's Commissars of the USSR.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 70. The Council of People's Commissars of the USSR is appointed by the Supreme Soviet of the USSR and consists of:

The Chairman of the Council of People's Commissars of the USSR;

The Vice-Chairmen of the Council of People's Commissars of the USSR;

The Chairman of the State Planning Commission of the USSR;

The People's Commissars of the USSR;

The Chairman of the Committee on Arts;

The Chairman of the Committee on Higher Education;

The Chairman of the Board of the State Bank.

ARTICLE 71. The Government of the USSR or a People's Commissar of the USSR to whom a question of a member of the Supreme Soviet of the USSR is addressed must give a verbal or written reply in the respective Chamber within a period not exceeding three days.

ARTICLE 72. The People's Commissars of the USSR direct the branches of state administration which come within the jurisdiction of the USSR.

ARTICLE 73. The People's Commissars of the USSR issue, within the limits of the jurisdiction of the respective People's Commissariats, orders and instructions on the basis and in pursuance of the laws in operation, and also of decisions and orders of the Council of People's Commissars of the USSR, and supervise their execution.

ARTICLE 74. The People's Commissariats of the USSR are either All-Union or Union-Republican Commissariats.

ARTICLE 75. The All-Union People's Commissariats direct the branches of state administration entrusted to them throughout the territory of the USSR either directly or through bodies appointed by them.

ARTICLE 76. The Union-Republican People's Commissariats, as a rule, direct the branches of state administration entrusted to them through the corresponding People's Commissariats of the Union Republics; they administer directly only a definite and limited

DECLASSIFIED
NND 760090
By NARS, Date

number of enterprises according to a list confirmed by the Presidium of the Suprene Soviet of the USSR.

ARTICLE 77. The following People's Commissariats are All-Union People's Commissariats:

Foreign Trade, Railways, Post and Telegraph and Telephones, Maritime Transport, River Transport, Coal Industry, Oil Industry, Power Stations, Electrical Industry, Iron and Steel Industry, Non-Ferrous Metallurgy, Chemical Industry, Aviation Industry, Ship-building Industry, Munitions, Armaments, Heavy Machine-Building, Tank Industry, Mortar Armament, Navy, Agricultural Procurement, Construction, Paper and Cellulose Industry, Machine-Tool Industry and Rubber Industry.

ARTICLE 78. The following People's Commissariats are Union-Republican People's Commissariats:

Defense, Foreign Affairs, Food Industry, Fish Industry, Meat and Dairy Industry, Light Industry, Textile Industry, Timber Industry, Agriculture, State Grain and Livestock Farms, Finance, Trade, Internal Affairs, Justice, Public Health, Building Materials Industry, State Control.

Chapter VI. The Organs of Government of the Union Republics

ARTICLE 79. The highest executive and administrative organ of state authority of a Union Republic is the Council of People's Commissars of the Union Republic.

ARTICLE 80. The Council of People's Commissars of a Union Republic is responsible to the Supreme Soviet of the Union Republic and accountable to it; and in the intervals between sessions of the Supreme Soviet of the Union Republic it is responsible and accountable to the Presidium of the Supreme Soviet of the respective Union Republic.

ARTICLE 81. The Council of People's Commissars of a Union Republic issues decisions and orders on the basis and in pursuance of the laws in operation of the USSR and of the Union Republic, and of the decisions and orders of the Council of People's Commissars of the USSR, and supervises their execution.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 82. The Council of People's Commissars of a Union Republic has the right to suspend decisions and orders of Councils of People's Commissars of Autonomous Republics, and to annul decisions and orders of Executive Committees of Soviets of Working People's Deputies of Territories, Regions and Autonomous Regions.

ARTICLE 83. The Council of People's Commissars of a Union Republic is appointed by the Supreme Soviet of the Union Republic and consists of:

The Chairman of the Council of People's Commissars of the Union Republic;

The Vice-Chairmen;

The Chairman of the State Planning Commission;

The People's Commissars of:

Defense, Foreign Affairs, Food Industry, Fish Industry, Meat and Dairy Industry, Light Industry, Textile Industry, Timber Industry, Building Materials Industry, Agriculture, State Grain and Livestock Farms, Finance, Trade, Internal Affairs, Justice, Public Health, State Control, Education, Local Industry, Municipal Economy, Social Maintenance, Automobile Transport, The Chief of the Arts Administration, The Representatives of the All-Union People's Commissariats.

ARTICLE 84. The People's Commissars of a Union Republic direct the branches of state administration which come within the jurisdiction of the Union Republic.

ARTICLE 85. The People's Commissars of a Union Republic issue, within the limits of the jurisdiction of their respective People's Commissariats, orders and instructions on the basis and in pursuance of the laws of the USSR and of the Union Republic, of the decisions and orders of the Council of People's Commissars of the USSR and that of the Union Republic, and of the orders and instructions of the Union Republican People's Commissariats of the USSR.

ARTICLE 86. The People's Commissariats of a Union Republic are either Union-Republican or Republican Commissariats.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 87. The Union-Republican People's Commissariats direct the branches of state administration entrusted to them, and are subordinate both to the Council of People's Commissars of the Union Republic and to the corresponding Union-Republican People's Commissariats of the USSR.

ARTICLE 88. The Republican People's Commissariats direct the branches of state administration entrusted to them and are directly subordinate to the Council of People's Commissars of the Union Republic.

Chapter VII. The Highest Organs of State Authority of the Autonomous Soviet Socialist Republics

ARTICLE 89. The highest organ of state authority of an Autonomous Republic is the Supreme Soviet of the respective Autonomous Soviet Socialist Republic.

ARTICLE 90. The Supreme Soviet of an Autonomous Republic is elected by the citizens of the Republic for a term of four years on the basis of representation established by the Constitution of the Autonomous Republic.

ARTICLE 91. The Supreme Soviet of an Autonomous Republic is the sole legislative organ of the Autonomous Soviet Socialist Republic.

ARTICLE 92. Each Autonomous Republic has its own Constitution, which takes account of the specific features of the Autonomous Republic and is drawn up in full conformity with the Constitution of the Union Republic.

ARTICLE 93. The Supreme Soviet of an Autonomous Republic elects the Presidium of the Supreme Soviet of the Autonomous Republic and appoints the Council of People's Commissars of the Autonomous Republic, in accordance with its Constitution.

DECLASSIFIED
NND 760090
By NARS, Date

Chapter VIII. The Local Organs of State Authority

ARTICLE 94. The organs of state authority in territories, regions, autonomous regions, areas, districts, cities and rural localities (stanitsas, villages, hamlets, kishlaks, auls) are the Soviets of Working People's Deputies.

ARTICLE 95. The Soviets of Working People's Deputies of territories, regions, autonomous regions, areas, districts, cities and rural localities (stanitsas, villages, hamlets, kishlaks, auls) are elected by the working people of the respective territories, regions, autonomous regions, areas, districts, cities or rural localities for a term of two years.

ARTICLE 96. The basis of representation for Soviets of Working People's Deputies is defined by the Constitutions of the Union Republics.

ARTICLE 97. The Soviets of Working People's Deputies direct the work of the organs of administration subordinate to them, ensure the maintenance of public order, the observance of the laws and the protection of the rights of citizens, direct local economic and cultural organization and development and draw up the local budgets.

ARTICLE 98. The Soviets of Working People's Deputies adopt decisions and issue orders within the limits of the powers vested in them by the laws of the USSR and of the Union Republic.

ARTICLE 99. The executive and administrative organs of the Soviets of Working People's Deputies of territories, regions, autonomous regions, areas, districts, cities and rural localities are the Executive Committees elected by them, consisting of a Chairman, Vice-Chairmen, a Secretary and members.

ARTICLE 100. The executive and administrative organ of rural Soviets of Working People's Deputies in small localities, in accordance with the Constitutions of the Union Republics, is the Chairman, the Vice-Chairman, and the Secretary elected by them.

ARTICLE 101. The executive organs of the Soviets of Working People's Deputies are directly accountable both to the Soviets of Working People's Deputies which elected them and to the Executive

DECLASSIFIED
NND 760090
By NARS, Date

organ of the superior Soviet of Working People's Deputies.

Chapter IX. The Courts and the Procurator's Office

ARTICLE 102. In the USSR justice is administered by the Supreme Court of the USSR, the Supreme Courts of the Union Republics, the Territorial and the Regional courts, the courts of the Autonomous Republics and the Autonomous Regions, the Area courts, the special courts of the USSR established by decision of the Supreme Soviet of the USSR, and the People's Courts.

ARTICLE 103. In all courts cases are tried with the participation of people's assessors, except in cases specially provided for by law.

ARTICLE 104. The Supreme Court of the USSR is the highest judicial organ. The Supreme Court of the USSR is charged with the supervision of the judicial activities of all the judicial organs of the USSR and of the Union Republics.

ARTICLE 105. The Supreme Court of the USSR and the special courts of the USSR are elected by the Supreme Soviet of the USSR for a term of five years.

ARTICLE 106. The Supreme Courts of the Union Republics are elected by the Supreme Soviets of the Union Republics for a term of five years.

ARTICLE 107. The Supreme Courts of the Autonomous Republics are elected by the Supreme Soviets of the Autonomous Republics for a term of five years.

ARTICLE 108. The Territorial and the Regional courts, the courts of the Autonomous Regions and the Area courts are elected by the Territorial, Regional or Area Soviets of Working People's Deputies or by the Soviets of Working People's Deputies of the Autonomous Regions for a term of five years.

ARTICLE 109. People's Courts are elected by the citizens of the district on the basis of universal, direct and equal suffrage by secret ballot for a term of three years.

ARTICLE 110. Judicial proceedings are conducted in the language of the Union Republic, Autonomous Republic or Autonomous Region, persons not knowing this language being guaranteed every

DECLASSIFIED
NND 760090
By NARS, Date

opportunity of fully acquainting themselves with the material of the case through an interpreter and likewise the right to use their own language in court.

ARTICLE 111. In all courts of the USSR cases are heard in public, unless otherwise provided for by law, and the accused is guaranteed the right to be defended by Counsel.

ARTICLE 112. Judges are independent and subject only to the law.

ARTICLE 113. Supreme supervisory power over the strict execution of the laws by all People's Commissariats and institutions subordinated to them, as well as by public servants and citizens of the USSR, is vested in the Procurator of the USSR.

ARTICLE 114. The Procurator of the USSR is appointed by the Supreme Soviet of the USSR for a term of seven years.

ARTICLE 115. Procurators of Republics, Territories and Regions, as well as Procurators of Autonomous Republics and Autonomous Regions, are appointed by the Procurator of the USSR for a term of five years.

ARTICLE 116. Area, district and city procurators are appointed for a term of five years by the Procurators of the Union Republics, subject to the approval of the Procurator of the USSR.

ARTICLE 117. The organs of the Procurator's Office perform their functions independently of any local organs whatsoever, being subordinate solely to the Procurator of the USSR.

Chapter X. Fundamental Rights and Duties of Citizens

ARTICLE 118. Citizens of the USSR have the right to work, that is, are guaranteed the right to employment and payment for their work in accordance with its quantity and quality.

The right to work is ensured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises, and the abolition of unemployment.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 119. Citizens of the USSR have the right to rest and leisure.

The right to rest and leisure is ensured by the reduction of the working day to seven hours for the overwhelming majority of the workers, the institution of annual vacations with full pay for workers and employees and the provision of a wide network of sanatoria, rest homes and clubs for the accommodation of the working people.

ARTICLE 120. Citizens of the USSR have the right to maintenance in old age and also in case of sickness or loss of capacity to work.

This right is ensured by the extensive development of social insurance of workers and employees at state expense, free medical service for the working people and the provision of a wide network of health resorts for the use of the working people.

ARTICLE 121. Citizens of the USSR have the right to education.

This right is ensured by universal, compulsory elementary education; by education, including higher education, being free of charge; by the system of state stipends for the overwhelming majority of students in the universities and colleges; by instruction in schools being conducted in the native language, and by the organization in the factories, state farms, machine and tractor stations and collective farms of free vocational, technical and agronomic training for the working people.

ARTICLE 122. Women in the USSR are accorded equal rights with men in all spheres of economic, state, cultural, social and political life.

The possibility of exercising these rights is ensured to women by granting them an equal right with men to work, payment for work, rest and leisure, social insurance and education, and by state protection of the interests of mother and child, pre-maternity and maternity leave with full pay, and the provision of a wide network of maternity homes, nurseries and kindergartens.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 123. Equality of rights of citizens of the USSR, irrespective of their nationality or race, in all spheres of economic, state, cultural, social and political life, is an indefeasible law.

Any direct or indirect restriction of the rights of, or conversely, any establishment of direct or indirect privileges for, citizens on account of their race or nationality, as well as any advocacy of racial or national exclusiveness or hatred and contempt, is punishable by law.

ARTICLE 124. In order to ensure to citizens freedom of conscience, the church in the USSR is separated from the state, and the school from the church. Freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens.

ARTICLE 125. In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the USSR are guaranteed by law:

a) freedom of speech;

b) freedom of the press;

c) freedom of assembly, including the holding of mass meetings;

d) freedom of street processions and demonstrations.

These civil rights are ensured by placing at the disposal of the working people and their organizations printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisites for the exercise of these rights.

ARTICLE 126. In conformity with the interests of the working people, and in order to develop the organizational initiative and political activity of the masses of the people, citizens of the USSR are ensured the right to unite in public organizations--trade unions, cooperative associations, youth organizations, sport and defense organizations, cultural, technical and scientific societies; and the most active and politically most conscious citizens in the ranks of the working class and other sections of the working

DECLASSIFIED
NND 760090
By NARS, Date

people unite in the Communist Party of the Soviet Union (Bolsheviks) which is the vanguard of the working people in their struggle to strengthen and develop the socialist system and is the leading core of all organizations of the working people, both public and state.

ARTICLE 127. Citizens of the USSR are guaranteed inviolability of the person. No person may be placed under arrest except by decision of a court or with the sanction of a procurator.

ARTICLE 128. The inviolability of the homes of citizens and privacy of correspondence are protected by law.

ARTICLE 129. The USSR affords the right of asylum to foreign citizens persecuted for defending the interests of the working people, or for their scientific activities, or for their struggle for national liberation.

ARTICLE 130. It is the duty of every citizen of the USSR to abide by the Constitution of the Union of Soviet Socialist Republics, to observe the laws, to maintain labor discipline, honestly to perform public duties, and to respect the rules of socialist intercourse.

ARTICLE 131. It is the duty of every citizen of the USSR to safeguard and strengthen public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might of the country, as the source of the prosperous and cultured life of all the working people.

Persons committing offenses against public, socialist property are enemies of the people.

ARTICLE 132. Universal military service is law.

Military service in the Workers' and Peasants' Red Army is an honorable duty of the citizens of the USSR.

ARTICLE 133. To defend the fatherland is the sacred duty of every citizen of the USSR. Treason to the country--violation of the oath of allegiance, desertion to the enemy, impairing the military power of the state, espionage--is punishable with all the severity of the law as the most heinous of crimes.

DECLASSIFIED
NND 760090
By NARS, Date

Chapter XI. The Electoral System

ARTICLE 134. Members of all Soviets of Working People's Deputies--of the Supreme Soviet of the USSR, the Supreme Soviets of the Union Republics, the Soviets of Working People's Deputies of the Territories and Regions, the Supreme Soviets of the Autonomous Republics, and Soviets of Working People's Deputies of Autonomous Regions, area, district, city and rural (stanitsa, village, hamlet, kishlak, aul) Soviets of Working People's Deputies--are chosen by the electors on the basis of universal, direct and equal suffrage by secret ballot.

ARTICLE 135. Elections of deputies are universal: all citizens of the USSR who have reached the age of eighteen, irrespective of race or nationality, religion, educational and residential qualifications, social origin, property status or past activities, have the right to vote in the election of deputies and to be elected, with the exception of insane persons and persons who have been convicted by a court of law and whose sentences include deprivation of electoral rights.

ARTICLE 136. Elections of deputies are equal: each citizen has one vote; all citizens participate in elections on an equal footing.

ARTICLE 137. Women have the right to elect and be elected on equal terms with men.

ARTICLE 138. Citizens serving in the Red Army have the right to elect and be elected on equal terms with all other citizens.

ARTICLE 139. Elections of deputies are direct: all Soviets of Working People's Deputies, from rural and city Soviets of Working People's Deputies to the Supreme Soviet of the USSR, inclusive, are elected by the citizens by direct vote.

ARTICLE 140. Voting at elections of deputies is secret.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 141. Candidates for election are nominated according to electoral areas.

The right to nominate candidates is secured to public organizations and societies of the working people: Communist Party organizations, trade unions, cooperatives, youth organizations and cultural societies.

ARTICLE 142. It is the duty of every deputy to report to his electors on his work and on the work of the Soviet of Working People's Deputies, and he is liable to be recalled at any time in the manner established by law upon decision of a majority of the electors.

Chapter XII. Arms, Flag, Capital

ARTICLE 143. The arms of the Union of Soviet Socialist Republics consist of a sickle and hammer against a globe depicted in the rays of the sun and surrounded by ears of grain with the inscription "Workers of All Countries, Unite!" in the languages of the Union Republics. At the top of the arms is a five-pointed star.

ARTICLE 144. The state flag of the Union of Soviet Socialist Republics is of red cloth with the sickle and hammer depicted in gold in the upper corner near the staff and above them a five-pointed red star bordered in gold. The ratio of the width to the length is 1:2.

ARTICLE 145. The capital of the Union of Soviet Socialist Republics is the City of Moscow.

Chapter XIII. Procedure for Amending the Constitution

ARTICLE 146. The Constitution of the USSR may be amended only by decision of the Supreme Soviet of the USSR adopted by a majority of not less than two-thirds of the votes cast in each of its Chambers.

DECLASSIFIED
NND 760090
By NARS, Date

THE CONSTITUTION OF THE REPUBLIC OF CHINA

(Adopted by the National Assembly on December 25, 1946 and promulgated by the National Government on January 1, 1947, to become effective on December 25, 1947)

P R E A M B L E

The National Assembly of the Republic of China, by virtue of the mandate received from the whole body of citizens, in accordance with the teachings of Dr. Sun Yat-sen, Founder of the Republic of China, and in order to consolidate the power of the State, safeguard the rights of the people, ensure social security and promote the welfare of the people, hereby adopts this Constitution to be promulgated and enforced throughout the land for faithful and perpetual observance by all.

CHAPTER I.--General Provisions

ARTICLE 1. The Republic of China, founded on the San Min Chu I (Three People's Principles), is a democratic republic of the people, governed for the people and by the people.

ARTICLE 2. The sovereignty of the Republic of China resides in the whole body of citizens.

ARTICLE 3. Persons possessing the nationality of the Republic of China are citizens of the Republic of China.

ARTICLE 4. The territory of the Republic of China comprises its original areas. It shall not be altered except by resolution of the National Assembly.

ARTICLE 5. All racial groups of the Republic of China shall enjoy equality.

ARTICLE 6. The National Flag of the Republic of China shall have a red background with a blue sky and a white sun in the upper left corner.

DECLASSIFIED
NND 760090
By NARS, Date

CHAPTER II.-- Rights and Duties of the People

ARTICLE 7. All citizens of the Republic of China, irrespective of sex, religion, race, class or party affiliation, shall be equal before the law.

ARTICLE 8. Freedom of person shall be guaranteed to the people. No person may, except in case of flagrante delicto as otherwise provided for by law, be arrested or detained except through a judicial or a police organ in accordance with legal procedure. No person may be tried or punished except by a law court in accordance with legal procedure. Any arrest, detention, trial or punishment, if not in accordance with legal procedure, may be refused.

When a person is arrested or detained on suspicion of having committed a crime, the organ responsible therefor shall in writing inform the said person and his designated relative or friend of the reason for his arrest or detention, and shall, within twenty-four hours, turn him over to a competent court for trial. The said person, or any other person, may petition the competent court to demand from the organ concerned the surrender, within twenty-four hours, of the said person to the court for trial.

The court may not reject the petition mentioned in the preceding Section, nor may it order the organ concerned to make an investigation and report first. The organ concerned may not refuse to execute or delay in executing the writ of the court for surrender of the said person for trial.

When a person is arrested or detained illegally, he, or any other person, may petition the court for an investigation. The court may not reject such a petition, and shall, within twenty-four hours, make the investigation with the organ concerned, and proceed with the case in accordance with law.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 9. No person may, except those in active military service, be subject to trial by a military court.

ARTICLE 10. The people shall have freedom of domicile and of change of domicile.

ARTICLE 11. The people shall have freedom of speech, academic instruction, writing and publication.

ARTICLE 12. The people shall have freedom of secrecy of correspondence.

ARTICLE 13. The people shall have freedom of religious belief.

ARTICLE 14. The people shall have freedom of assembly and of association.

ARTICLE 15. The right to exist, the right to work and the right of property shall be guaranteed to the people.

ARTICLE 16. The people shall have the right to present petitions, file complaints or institute legal proceedings.

ARTICLE 17. The people shall have the rights of election, recall, initiative and referendum.

ARTICLE 18. The people shall have the right to take public examinations and to hold public offices.

ARTICLE 19. The people shall have the duty of paying taxes in accordance with law.

ARTICLE 20. The people shall have the duty of performing military service in accordance with law.

ARTICLE 21. The people shall have the right and duty of receiving citizen's education.

ARTICLE 22. All other liberties and rights of the people that are not inimical to social order or public interest shall be guaranteed under the Constitution.

ARTICLE 23. No one of the liberties and rights enumerated in the preceding Articles may be restricted by law, except as warranted by reasons of preventing infringement of the liberties of other persons, averting an imminent crisis,

DECLASSIFIED
NND 760090
By NARS, Date

maintaining social order or advancing public interest.

ARTICLE 24. Any public functionary who, in violation of law, infringes upon the liberties or rights of any person shall, besides being subject to disciplinary measures in accordance with law, be responsible under criminal and civil laws. The injured person may, in accordance with law, claim indemnity from the State for damage sustained.

CHAPTER III.-- The National Assembly

ARTICLE 25. The National Assembly shall, in accordance with the provisions of the Constitution, exercise political powers on behalf of the whole body of citizens.

ARTICLE 26. The National Assembly shall be composed of the following Representatives:

(1) One Representative to be elected by every Hsien, Municipality or Area of an equivalent status. In case the population exceeds 500,000, one additional Representative shall be elected for every additional 500,000. What constitutes an Area equivalent to a Hsien or a Municipality shall be determined by law.

(2) Representatives to be elected by Mongolia: four from every League and one from every Special Banner.

(3) The number of Representatives to be elected by Tibet shall be determined by law.

(4) The number of Representatives to be elected by various racial groups in the border regions shall be determined by law.

(5) The number of Representatives to be elected by Chinese Nationals residing abroad shall be determined by law.

DECLASSIFIED
NND 760090
By NARS, Date

(6) The number of Representatives to be elected by occupational groups shall be determined by law.

(7) The number of Representatives to be elected by women's organizations shall be determined by law.

ARTICLE 27. The functions and powers of the National Assembly shall be as follows:

(1) Election of the President and the Vice-President.

(2) Recall of the President or the Vice-President.

(3) Amendment of the Constitution.

(4) Ratification of amendments to the Constitution proposed by the Legislative Yuan.

With respect to the exercise of the powers of initiative and referendum, besides what is stipulated in the preceding Third and Fourth Sections, the National Assembly shall institute measures pertaining thereto and enforce them, after the said two powers shall have been exercised in one-half of the Hsien and Municipalities of the whole country.

ARTICLE 28. Representatives to the National Assembly shall be elected every six years.

The term of office of the Representatives to each National Assembly shall terminate on the day of convocation of the next National Assembly.

Incumbent Government officials may not be elected Representatives to the National Assembly in constituencies where they hold office.

ARTICLE 29. The National Assembly shall be summoned by the President to meet ninety days prior to the date of expiration of the term of each Presidency.

ARTICLE 30. The National Assembly may, in any of the following circumstances, convene in extraordinary session:

(1) When, in accordance with the provisions of Article 49 of the Constitution, it is necessary to hold a supplementary election of the President and the Vice-President.

DECLASSIFIED
NND 760090
By NARS, Date

(2) When, in accordance with a resolution of the Control Yuan, an impeachment of the President or the Vice-President is instituted.

(3) When, in accordance with a resolution of the Legislative Yuan, an amendment to the Constitution is proposed.

(4) When it is convened upon the petition of over two-fifths of the Representatives to the National Assembly.

When an extraordinary session is called in accordance with the preceding First or Second Section, the President of the Legislative Yuan shall issue the notice for convocation; when called in accordance with the preceding Third or Fourth Section, such session shall be summoned by the President (of the Republic).

ARTICLE 31. The National Assembly shall meet at the seat of the Central Government.

ARTICLE 32. No Representative to the National Assembly shall be held responsible outside the Assembly for opinions he may have expressed or for votes he may have cast in sessions of the Assembly.

ARTICLE 33. While the Assembly is in session, no Representative to the National Assembly shall, except in case of flagrante delicto, be arrested or detained without the permission of the National Assembly.

ARTICLE 34. The organization of the National Assembly, the election and the recall of Representatives to the National Assembly, and the procedure of the exercise of the functions and powers of the National Assembly shall be prescribed by law.

CHAPTER IV. The President

ARTICLE 35. The President is the Head of the State and represents the Republic of China in official foreign relations.

ARTICLE 36. The President shall command the land, sea and air forces of the whole country.

ARTICLE 37. The President shall, in accordance with law promulgate laws and issue mandates with the countersignature of the President of the Executive Yuan, or of both

DECLASSIFIED
NND 760090
By NARS, Date

the President of the Executive Yuan and of the Heads of Ministries or Commissions concerned.

ARTICLE 38. The President shall, in accordance with the provisions of the Constitution, exercise the powers of conclusion of treaties, declaration of war, and making of peace.

ARTICLE 39. The President may, in accordance with law, declare martial law with the approval or confirmation of the Legislative Yuan. When the Legislative Yuan deems it necessary, it may, by resolution request the President to rescind such law.

ARTICLE 40. The President shall, in accordance with law, exercise the power of granting general amnesties, pardons, remission of sentences and restitution of civil rights.

ARTICLE 41. The President shall in accordance with law, appoint and remove civil and military officers.

ARTICLE 42. The President may, in accordance with law, confer honors and award decorations.

ARTICLE 43. In case a natural calamity, an epideric or a serious National financial or economic change should necessitate emergency measures that be taken, the President, during the recess of the Legislative Yuan, may, by resolution of the Executive Yuan Council, and in accordance with the Emergency Decrees Law, issue an emergency decree expedient and necessary to cope with the situation. Such decree shall, within one month after issuance, be presented to the Legislative Yuan for confirmation; in case the Legislative Yuan dissents, the said decree shall immediately become null and void.

ARTICLE 44. In case of any difference of opinion arising among the different Yuan that is not covered by the Constitution, the President may summon a meeting of the Presidents of the Yuan concerned for consultation to settle the difference.

ARTICLE 45. Any citizen of the Republic of China having attained to the age of forty years is eligible to the office of the President or Vice-President.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 46. The election of the President and the Vice-President shall be prescribed by law.

ARTICLE 47. The term of office of the President and of the Vice-President shall be six years. They may be elected for a second term.

ARTICLE 48. The President shall, at the time of his inauguration, take an oath as follows:

"I do solemnly and sincerely swear before the people of the whole country that I will observe the Constitution, faithfully perform my duties, promote the welfare of the people, safeguard the security of the State and will not betray the trust of the people. Should I break my oath, I shall be willing to subrit myself to severe punishment from the State.

ARTICLE 49. In event of the President's office becoming vacant, the Vice-President shall succeed to the Presidency until the expiration of the Presidential term. In case both the President's and the Vice-President's office should become vacant, the President of the Executive Yuan shall discharge the duties of the President's office. In accordance with the provisions of Article 30 of the Constitution, an extraordinary session of the National Assembly shall be convened for the purpose of holding a supplementary election of the President and the Vice-President who shall hold office until the completion of the unfinished term of the former President.

In case the President should become unable to attend to office due to any cause, the Vice-President shall discharge the duties of his office. In case both the President and the Vice-President should become unable to attend to office, the President of the Executive Yuan shall discharge the duties of the President's office.

ARTICLE 50. The President shall retire from office on the day his term expires. If by that time the succeeding President shall not have yet been elected, or, if already elected, both

DECLASSIFIED
NND 760090
By NARS, Date

the President and the Vice President shall not have yet been inaugurated, the President of the Executive Yuan shall discharge the duties of the President's office.

ARTICLE 51. The period for the President of the Executive Yuan to discharge the duties of the President's office shall not exceed three months.

ARTICLE 52. The President, except in case of commitment of rebellion or treason, shall not, without having been recalled or released from office, be liable to criminal prosecution.

CHAPTER V. Administration

ARTICLE 53. The Executive Yuan is the highest administrative organ of the State.

ARTICLE 54. The Executive Yuan shall have a President, a Vice-President, a number of Heads of various Ministries and Commissions and a number of Executive Members without portfolio.

ARTICLE 55. The President of the Executive Yuan shall be appointed by the President (of the Republic) with the consent of the Legislative Yuan. During the recess of the Legislative Yuan, if the President of the Executive Yuan resigns or if his office becomes vacant, the Vice-President of the Yuan shall discharge the duties of the office of the President of the Executive Yuan. The President (of the Republic) shall, within forty days, request the Legislative Yuan to summon a meeting for consent to his nominee to the Presidency of the Executive Yuan.

Pending the consent of the Legislative Yuan to the said nominee, the Vice-President of the Executive Yuan shall discharge the duties of the office of the President of the Yuan.

ARTICLE 56. The Vice-President, the Heads of the various Ministries and Commissions and the Executive Members without portfolio of the Executive Yuan shall be appointed by the

DECLASSIFIED
NND 760090
By NARS, Date

President (of the Republic) upon the recommendation of the President of the Executive Yuan.

ARTICLE 57. The Executive Yuan shall be responsible to the Legislative Yuan in accordance with the following provisions:

(1) The Executive Yuan has the responsibility to present to the Legislative Yuan its administrative policies and its administrative reports. Members of the Legislative Yuan have, in the sessions of the Legislative Yuan, the right to interpellate the President and the heads of the various Ministries and Commissions of the Executive Yuan.

(2) If the Legislative Yuan dissents to any important policy of the Executive Yuan, it may, by resolution ask the Executive Yuan to alter such policy. With respect to such resolution, the Executive Yuan may, with the approval of the President (of the Republic), request the Legislative Yuan for reconsideration. If, in reconsideration, two-thirds of the attending Members of the Legislative Yuan uphold the original resolution, the President of the Executive Yuan shall either abide by the same or resign from office.

(3) If the Executive Yuan deems a resolution passed by the Legislative Yuan on a statutory, budgetary or treaty bill inexpedient and difficult to execute, it may, with the approval of the President (of the Republic), request, within ten days after the delivery of the said resolution to the Executive Yuan, the Legislative Yuan for reconsideration. If, in reconsideration, two-thirds of the attending Members of the Legislative Yuan uphold the original resolution, the President of the Executive Yuan shall either abide by the same or resign from office.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 58. The Executive Yuan shall have an Executive Yuan Council to be composed of its President and Vice-President and the Heads of the various Ministries and Commissions and the Executive Members without portfolio of the Executive Yuan, with the Yuan President as Chairman.

Prior to the submission to the Legislative Yuan of any statutory or budgetary bill or any bill concerning declaration of martial law, granting of general amnesty, declaration of war, conclusion of peace, treaties or other important affairs, or concerning matters of common concern to the various Ministries and Commissions, the President and the Heads of the various Ministries and Commissions of the Executive Yuan shall present the said bill to the Executive Yuan Council for discussion and decision.

ARTICLE 59. The Executive Yuan shall, three months before the beginning of every fiscal year, present to the Legislative Yuan the budget for the following fiscal year.

ARTICLE 60. The Executive Yuan shall, within four months after the end of every fiscal year, present the Budget Statement to the Control Yuan.

ARTICLE 61. The organization of the Executive Yuan shall be prescribed by law.

CHAPTER VI. Legislation

ARTICLE 62. The Legislative Yuan is the highest legislative organ of the State to be composed of Members of the Legislative Yuan elected by the people. It shall exercise the legislative power on behalf of the people.

ARTICLE 63. The Legislative Yuan shall have the power to decide upon any statutory or budgetary bill or any bill concerning martial law, general amnesty, declaration of war, conclusion of peace, treaties and other important affairs of the State.

ARTICLE 64. Members of the Legislative Yuan shall be

DECLASSIFIED
NND 760090
By NARS, Date

elected in accordance with the following provisions:

(1) Those elected by Provinces and by Municipalities under the direct jurisdiction of the National Government: five from each Province or Municipality with a population of less than 3,000,000; and, in case of a population exceeding 3,000,000, one additional Member for every additional 1,000,000 persons.

(2) Those elected by Mongolian Leagues.

(3) Those elected by Tibet.

(4) Those elected by various racial groups in the border regions.

(5) Those elected by Chinese Nationals residing abroad.

(6) Those elected by occupational groups.

The election of the Members of the Legislative Yuan and the allotment of their number in the preceding Second to Sixth Sections shall be determined by law.

The number of Women Members in the various Items of the First Section shall be determined by law.

ARTICLE 65. Members of the Legislative Yuan shall serve a term of three years, and are re-eligible. The general election shall be completed within three months prior to the expiration of each term of office.

ARTICLE 66. The Legislative Yuan shall have a President and a Vice President to be elected by and from among the Members of the Legislative Yuan.

ARTICLE 67. The Legislative Yuan may organize various Committees.

Such Committees may invite Government officials and private persons concerned to be present at their meetings for consultation.

ARTICLE 68. The Legislative Yuan shall hold two regular sessions every year, to be convened by itself. The first session shall last from February to the end of May, and the

DECLASSIFIED
NND 760090
By NARS, Date

second session from September to the end of December. When necessary, a session may be extended.

ARTICLE 69. In any of the following circumstances, the Legislative Yuan may hold an extraordinary session:

(1) At the request of the President (of the Republic).

(2) Upon the petition of more than one-fourth of the Members of the Legislative Yuan.

ARTICLE 70. The Legislative Yuan shall not make proposals for an increase in the expenditures listed in the budget presented by the Executive Yuan.

ARTICLE 71. At the meetings of the Legislative Yuan, the Presidents of the various Yuan concerned and the Heads of the various Ministries and Commissions concerned may be present to present their opinions.

ARTICLE 72. Statutory bills passed by the Legislative Yuan shall be sent to the President (of the Republic) and to the Executive Yuan. The President shall, within ten days after their receipt, promulgate them. The President may proceed with them in accordance with the provisions of Article 57 of the Constitution.

ARTICLE 73. No Member of the Legislative Yuan shall be held responsible outside the Yuan for opinions he may have expressed and votes he may have cast in sessions of the Yuan.

ARTICLE 74. No Member of the Legislative Yuan may, except in case of flagrante delicto, be arrested or detained without the permission of the Legislative Yuan.

ARTICLE 75. No Member of the Legislative Yuan may concurrently hold a public office.

ARTICLE 76. The organization of the Legislative Yuan shall be prescribed by law.

CHAPTER VII. Judiciary

ARTICLE 77. The Judicial Yuan is the highest judicial

DECLASSIFIED
NND 760090
By NARS, Date

organ of the State and shall have jurisdiction over civil, criminal and administrative cases and over disciplinary cases involving public functionaries.

ARTICLE 78. The Judicial Yuan shall have the power to interpret the Constitution and also the power to unify the interpretation of laws and decrees.

ARTICLE 79. The Judicial Yuan shall have a President and a Vice-President, who shall be appointed by the President (of the Republic) with the consent of the Control Yuan.

The Judicial Yuan shall have a number of Grand Judges to attend to matters stipulated in Article 78 of the Constitution, who shall be appointed by the President with the consent of the Control Yuan.

ARTICLE 80. Judges shall be independent of party affiliation and shall, in accordance with law, have independence in the exercise of their functions, subject to no interference of any kind.

ARTICLE 81. Judges shall hold office for life. No Judge may be removed from office unless he shall have been subject to criminal or disciplinary punishment or shall have been declared to be under interdiction. No Judge may, except in accordance with law, be suspended, transferred or have his salary reduced.

ARTICLE 82. The organization of the Judicial Yuan and of the Law Courts of various grades shall be prescribed by law.

CHAPTER VIII. Examination

ARTICLE 83. The Examination Yuan is the highest examination organ of the State and shall attend to matters relating to examination, appointment, registration and ranking, checking of records, scaling of salaries, promotion and transfer, safeguarding of tenures, commendation, compensation, retirement pension system, etc.

ARTICLE 84. The Examination Yuan shall have a President and a Vice-President and a number of Examination Members who shall be appointed by the President (of the Republic) with the consent of the Control Yuan.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 85. In the selection of public functionaries, the system of examination by open competition shall be enforced, quotas of candidates shall be prescribed severally according to Provinces and Areas, and examinations shall be held in designated districts. No person may be appointed to a public office without having passed an examination.

ARTICLE 86. The following qualifications shall be determined and registered through examination by the Examination Yuan in accordance with law:

(1) Qualifications for appointment as public functionaries.

(2) Qualifications for practice in specialized professions and as technicians.

ARTICLE 87. The Examination Yuan may, with respect to matters under its charge, present statutory bills to the Legislative Yuan.

ARTICLE 88. Examination Members shall be independent of party affiliation and shall, in accordance with law, have independence in the exercise of their functions.

ARTICLE 89. The organization of the Examination Yuan shall be prescribed by law.

CHAPTER IX. Control

ARTICLE 90. The Control Yuan is the highest organ of control of the State and shall exercise the powers of consent, impeachment, rectification and auditing.

ARTICLE 91. The Control Yuan shall be composed of Control Members, to be elected by Provincial and Municipal Councils, the Local District Councils of Mongolia and Tibet, and overseas Chinese Communities. The allotment of their respective numbers shall be made in accordance with the following provisions:

(1) Five Members from every Province.

(2) Two Members from every Municipality under the direct jurisdiction of the National Government.

DECLASSIFIED
NND 760090
By NARS, Date

(3) Eight Members from Mongolian Leagues and Banners.

(4) Eight Members from Tibet.

(5) Eight Members from Chinese Nationals residing abroad.

ARTICLE 92. The Control Yuan shall have a President and a Vice-President, to be elected by and from the Control Members.

ARTICLE 93. Control Members shall serve a term of six years and are re-eligible.

ARTICLE 94. When the Control Yuan exercises the power of consent in accordance with the Constitution, it shall do so by resolution of a majority of the attending Members.

ARTICLE 95. The Control Yuan, in the exercise of its censorial powers, may request the Executive Yuan and its Ministries and Commissions to present to it for perusal orders issued by them and related documents.

ARTICLE 96. The Control Yuan, according to the nature of the work of the Executive Yuan and its Ministries and Commissions, may appoint severally a number of Committees to investigate their administration with the view of finding out whether or not there is any violation of law or any neglect of duty on the part of the Executive Yuan and of its Ministries and Commissions.

ARTICLE 97. The Control Yuan may, on the basis of the investigations and resolutions of its Committees, propose measures of rectification, to be sent to the Executive Yuan and its Ministries and Commissions concerned, with request to effect improvements.

When the Control Yuan deems a public functionary in the Central or a Local Government guilty of neglect of duty or violation of law, it may propose measures of rectification or institute an impeachment. If the criminal law is involved, the case shall be turned over to a law court.

ARTICLE 98. Any impeachment, by the Control Yuan, of a public functionary in the Central or a Local Government shall

DECLASSIFIED
NND 760090
By NARS, Date

be instituted upon the proposal of more than one Control Member and the endorsement, after due consideration, of more than nine Control Members.

ARTICLE 99. In the institution of impeachments of personnel of the Judicial Yuan or of the Examination Yuan for neglect of duty or violation of law, the provisions of Articles 95, 97 and 98 shall be applicable.

ARTICLE 100. Any impeachment of the President or the Vice-President by the Control Yuan shall be instituted upon the proposal of more than one-fourth, and the endorsement, after due consideration, of the majority, of the entire Membership of the Yuan, and the same shall be brought before the National Assembly.

ARTICLE 101. No Control Member shall be held responsible outside the Yuan for opinions he may have expressed or for votes he may have cast in sessions of the Yuan.

ARTICLE 102. No Member of the Control Yuan may, except in case of flagrante delicto, be arrested or detained without the permission of the Control Yuan.

ARTICLE 103. No Member of the Control Yuan may concurrently hold a public office or engage in a professional practice.

ARTICLE 104. In the Control Yuan, there shall be an Auditor-General, who shall be appointed by the President (of the Republic) with the consent of the Legislative Yuan.

ARTICLE 105. The Auditor-General shall, within three months after the presentation of the Budget Statement by the Executive Yuan, complete the auditing thereof in accordance with law, and submit an auditing report to the Legislative Yuan.

ARTICLE 106. The organization of the Control Yuan shall be prescribed by law.

DECLASSIFIED
NND 760090
By NARS, Date

CHAPTER X. Powers of the Central and Local Governments

ARTICLE 107. The following matters shall be legislated upon and executed by the Central Government.

(1) Foreign Affairs.

(2) National defense and military affairs concerning National defense.

(3) Nationality law, and criminal, civil and commercial laws

(4) Judicial system.

(5) Aviation, National highways, State-owned railways, navigation, postal service and telegraph service.

(6) Central Government finance and National revenues.

(7) Demarcation between National and Provincial or Hsien revenues.

(8) State-operated economic enterprises.

(9) Currency system and State banks.

(10) Weights and measures.

(11) Policies on international trade.

(12) Financial and economic matters of an international nature.

(13) Other matters of the Central Government as stipulated in the Constitution.

ARTICLE 108. The following matters shall be legislated upon and executed by the Central Government. Their execution may be delegated to the Provincial and Hsien governments:

(1) General rules governing Provincial and Hsien self-government.

(2) Division of Administrative Areas.

(3) Forestry, mining and commerce.

(4) Educational system.

(5) Banking and exchange systems.

(6) Shipping and coastal fishery.

(7) Public utilities.

DECLASSIFIED
NND 760090
By NARS, Date

(8) Cooperative enterprises.

(9) Water and land communication and transportation covering more than two Provinces.

(10) Water conservancy, waterways and agricultural and pastoral enterprises covering more than two Provinces.

(11) Registration and ranking, appointment, supervision and protection of officials in the Central and Local governments.

(12) Land legislation.

(13) Labor legislation and other social legislation.

(14) Eminent Domain.

(15) Census-taking and compilation of statistics of National population.

(16) Immigration and land reclamation.

(17) Police system.

(18) Public health.

(19) General relief, compensation, and unemployment relief.

(20) Preservation of ancient books, articles and landmarks of cultural value.

With respect to the preceding Sections, the Province may enact separate laws and rules, provided these shall not contravene National laws.

ARTICLE 109. The following matters shall be legislated upon and executed by the Province. Their execution may be delegated to the Hsien:

(1) Provincial education, Provincial public health, Provincial industries and Provincial communications.

(2) Management and disposal of Provincial property.

(3) Provincial and Municipal administration.

(4) Province-operated enterprises.

(5) Provincial cooperative enterprises.

DECLASSIFIED
NND 760090
By NARS, Date

(6) Provincial agriculture and forestry, Provincial water conservancy, Provincial fishery and animal husbandry, and Provincial public works.

(7) Provincial finance and Provincial revenue.

(8) Provincial debts.

(9) Provincial banks.

(10) Enforcement of Provincial police administration.

(11) Provincial charitable and public welfare enterprises.

(12) Other matters delegated in accordance with National legislation.

Any of the Items in the preceding Section covering more than two Provinces may, except as otherwise provided for by law, be undertaken jointly by the Provinces concerned.

When any Province, in undertaking the Items in the first Section, finds its funds insufficient, it may, by resolution of the Legislative Yuan, receive a subsidy from the National Treasury.

ARTICLE 110. The following matters shall be legislated upon and executed by the Hsien:

(1) Hsien education, Hsien public health, Hsien industries and Hsien communications.

(2) Management and disposal of Hsien property.

(3) Hsien-operated enterprises.

(4) Hsien co-operative enterprises.

(5) Hsien agriculture and forestry, Hsien water conservancy, Hsien fishery and animal husbandry, and Hsien public works.

(6) Hsien finance and Hsien revenue.

(7) Hsien debts.

(8) Hsien bank.

(9) Administration of Hsien policing and defense.

(10) Hsien charitable and public welfare enterprises.

DECLASSIFIED
NND 760090
By NARS, Date

(11) Other matters delegated in accordance with National legislation and the Provincial Self-Government Law.

Any of the Items in the preceding Section covering more than two Hsien may, except as otherwise provided for by law, be undertaken jointly by the Hsien concerned.

ARTICLE 111. Should there occur any matter not enumerated in Article 107, 108, 109 and 110, the same shall fall within the jurisdiction of the Central Government if it is of National nature, of the Province if it is of Provincial nature, and of the Hsien if it is of Hsien nature. Any dispute over jurisdiction shall be settled by the Legislative Yuan.

CHAPTER XI. Local Government System

Part 1. The Province.

ARTICLE 112. A Province may convene a Provincial Assembly to enact, in accordance with the General Rules of Provincial and Hsien Self-Government, a Provincial Self-Government Law, provided the same shall not contravene the Constitution.

The organization of the Provincial Assembly and the election of the Representatives shall be prescribed by law.

ARTICLE 113. The Provincial self-Government Law shall contain the following provisions:

(1) In the Province, there shall be a Provincial Council. Members of the Provincial Council shall be elected by the people of the Province.

(2) In the Province, there shall be a Provincial Government with a Provincial Governor, to be elected by the people of the Province.

(3) Relationship between the Province and the Hsien.

The legislative power of the Province shall be exercised by the Provincial Council.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 114. The Provincial Self-Government Law, after enactment, shall be immediately submitted to the Judicial Yuan. The Judicial Yuan, if it deems any part thereof unconstitutional, shall declare null and void the Article or Articles repugnant to the Constitution.

ARTICLE 115. If, in its enforcement, the Provincial Self-Government Law encounters serious obstacles on account of any of the Articles therein, the Judicial Yuan shall first summon the parties concerned to present their views. Then the Presidents of the Executive Yuan, Legislative Yuan, Judicial Yuan, Examination Yuan and Control Yuan shall form a Committee, with the President of the Judicial Yuan as Chairman, to propose formulas for settlement.

ARTICLE 116. Provincial laws and regulations that are in contravention of National laws shall be null and void.

ARTICLE 117. In case doubt arises as to whether or not a Provincial law or regulation contravenes a National law, interpretation thereon shall be made by the Judicial Yuan.

ARTICLE 118. The self-government of Municipalities under the direct jurisdiction of the National Government shall be stipulated by law.

ARTICLE 119. The Local Self-Government System of the Mongolian Leagues and Banners shall be stipulated by law.

ARTICLE 120. The Self-Government System of Tibet shall be guaranteed.

Part 2. The Hsien

ARTICLE 121. The Hsien shall enforce Hsien self-government.

ARTICLE 122. The Hsien may convene a Hsien Assembly and enact, in accordance with the General Rules of Provincial and Hsien Self-Government, a Hsien Self-Government Law, provided the same shall not contravene the Constitution or the Provincial Self-Government Law.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

ARTICLE 123. The people of the Hsien, with respect to matters concerning Hsien self-government, shall exercise the rights of initiative and referendum in accordance with law, and, in regard to the Magistrate and other Hsien Self-Government Officers, shall exercise the rights of election and recall in accordance with law.

ARTICLE 124. In the Hsien, there shall be a Hsien Council. Members of the Hsien Council shall be elected by the people of the Hsien.

The legislative power of the Hsien shall be exercised by the Hsien Council.

ARTICLE 125. Hsien laws and regulations that are in contravention of National laws or Provincial laws and regulations shall be null and void.

ARTICLE 126. In the Hsien, there shall be a Hsien Government with a Hsien Magistrate, to be elected by the people of the Hsien.

ARTICLE 127. The Hsien Magistrate shall attend to the enforcement of Hsien self-government and to the execution of matters delegated by the Central and Provincial Governments.

ARTICLE 128. The provisions governing the Hsien shall apply mutatis mutandis to the Municipality.

CHAPTER XII. Election, Recall, Initiative and Referendum

ARTICLE 129. The elections stipulated in the Constitution, except as otherwise provided for by the Constitution shall be by universal, equal, and direct suffrage and by secret ballot.

ARTICLE 130. Any citizen of the Republic of China having attained to the age of twenty years shall have the right of election in accordance with law. Except as otherwise provided for by the Constitution and laws, any citizen having attained to the age of twenty-three years shall have the right to be elected in accordance with law.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 131. All candidates in the elections stipulated in the Constitution shall openly campaign for election.

ARTICLE 132. Coercion or inducement shall be strictly forbidden in elections. Suits arising in connection with election shall be tried by the Court.

ARTICLE 133. A person elected may, in accordance with law, be recalled by the Constituency.

ARTICLE 134. In the elections, the minimum number of women to be elected shall be fixed, and measures pertaining thereto shall be prescribed by law.

ARTICLE 135. Measures with respect to the number and election of Representatives of citizens in interior areas whose conditions of living and habits are peculiar shall be prescribed by law.

ARTICLE 136. The people's exercise of their two rights of initiative and referendum shall be stipulated by law.

CHAPTER XIII. Fundamental National Policies

Part 1. - National Defense

ARTICLE 137. The National defense of the Republic of China shall have as its aim the safe-guarding of National security and the preservation of world peace.

The organization of National defense shall be prescribed by law.

ARTICLE 138. The land, sea and air forces of the whole land shall, independent of individual, regional or party affiliation, be loyal to the State and shall protect the people.

ARTICLE 139. No political party or faction or individual may make use of armed force as an instrument in the political struggle for power.

ARTICLE 140. No military man in active service may concurrently hold a civil office.

DECLASSIFIED
NND 760090
By NARS, Date

Part 2. - Foreign Policy

ARTICLE 141. The foreign policy of the Republic of China shall, in a spirit of independence and initiative and on the basis of the principles of equality and reciprocity, cultivate good neighborliness with other nations and respect treaties and the United Nations Charter in order to protect the rights and interests of overseas Chinese Nationals, promote international co-operation, advance international justice and ensure world peace.

Part 3. - National Economy

ARTICLE 142. National economy shall be based on the Principle of People's Livelihood for Equitable Distribution of Land Ownership and Control of Capital in order to attain a well-balanced development of public economy and private livelihood.

ARTICLE 143. All land within the territory of the Republic of China shall in principle belong to the whole body of citizens. Private ownership of land, acquired by the people in accordance with law, shall be protected and restricted by law. Privately owned land should be liable to taxation according to its value and the Government may buy such land according to its value.

Mines imbedded in the land and natural power which may be economically utilized for public benefit shall belong to the State and shall in no wise be affected by the people's acquisition of the right of ownership over such land.

If any land shall have an increase in its value not through the exertion of labor and the employment of capital, the State shall levy thereon an increment tax, the proceeds of which shall be enjoyed by the people in common.

In the distribution and adjustment of land, the State shall, as a principle, assist self-farming land owners and persons who make use of the land by themselves, and shall also regulate their appropriate areas of operation.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 144. Public utilities and other enterprises of monopolistic nature shall, as a principle, be under public operation. The same may, if permitted by law, be operated by citizens.

ARTICLE 145. With respect to private wealth and privately-operated enterprises, the State shall restrict them by law if they are deemed obstructive to the balanced development of public economy and private livelihood.

Co-operative enterprises shall receive encouragement and assistance by the State.

Citizens' productive enterprises and foreign trade shall receive encouragement, guidance and protection by the State.

ARTICLE 146. The State shall, through the employment of scientific technique, develop water conservancy, increase the productivity of the land, improve agricultural conditions, plan for the utilization of land, and exploit agricultural resources in order to bring about the industrialization of agriculture.

ARTICLE 147. The Central Government, in order to attain a balanced economic development among the Provinces, shall extend appropriate aid to undeveloped Provinces.

The Province, in order to attain a balanced economic development among the Hsien, shall extend appropriate aid to undeveloped Hsien.

ARTICLE 148. Within the territorial bounds of the Republic of China, all goods shall be permitted to flow freely.

ARTICLE 149. Private financial institutions shall, in accordance with law, be subject to State control.

ARTICLE 150. The State shall extensively establish financial institutions for the people to relieve unemployment.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 151. With respect to Chinese Nationals residing abroad, the State shall foster and ensure the development of their economic enterprises.

Part 4. Social Security

ARTICLE 152. The State shall provide opportunity of employment to people who are capable of work.

ARTICLE 153. The State, in order to improve the livelihood of laborers and farmers and to increase their productive technical skill, shall enact laws and carry out policies for their protection.

Women and children engaged in labor shall according to their age and physical condition, be accorded special protection.

ARTICLE 154. Capital and Labor shall, on the principle of harmony and co-operation, promote productive enterprises. Mediation and arbitration of disputes between Capital and Labor shall be stipulated by law.

ARTICLE 155. The State, in order to promote social welfare, shall enforce a Social Insurance System. To the aged, the infirm and the crippled among the people who are unable to earn a living, and to victims of unusual calamities, the State shall extend appropriate assistance and relief.

ARTICLE 156. The State, in order to secure the foundation of National existence and development, shall protect Motherhood and carry out the policy of promoting the welfare of women and children.

ARTICLE 157. The State, in order to improve National health, shall extensively establish sanitation and infant health protection enterprises and a System of Socialized Medical Service.

Section 5. Education and Culture

ARTICLE 158. Education and Culture shall have as its aim the development among citizens of a National spirit, a democratic spirit, National morality, sound and healthy physique, sciences and the knowledge and ability to earn a living.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 159. Citizens shall have equal opportunity to receive education.

ARTICLE 160. All children of the school age from six to twelve years shall receive primary education free. Those who are poor shall be supplied with text books by the Government.

All citizens beyond school age who have not received primary education shall receive supplementary education free, and shall also be supplied with text books by the Government.

ARTICLE 161. Governments of various grades shall extensively establish scholarships to assist students who, possessing a good record in scholarship and conduct, are financially unable to pursue advanced studies.

ARTICLE 162. All public and private educational and cultural institutions in the country shall, in accordance with law, be subject to State supervision.

ARTICLE 163. The State shall pay due attention to the balanced development of education in various Areas and shall promote social education in order to raise the cultural standard of the citizens in general. Educational and cultural expenses of border regions and undeveloped regions shall be subsidized by the National Treasury. The more important local educational and cultural enterprises may be undertaken or subsidized by the Central Government.

ARTICLE 164. Expenditure for educational, scientific and cultural purposes shall be, in case of the Central Government, not less than 15 per cent of the total National budget, in case of the Province, not less than 25 per cent of the total Provincial budget, and in case of the Hsien, not less than 35 per cent of the total Hsien budget. Educational and cultural foundations established in accordance with law shall, together with their property, be protected.

ARTICLE 165. The State shall safeguard the livelihood of

DECLASSIFIED
NND 760090
By NARS, Date

those who work in the fields of education, sciences and arts, and shall, in accord with the development of National economy, raise their standard of treatment from time to time.

ARTICLE 166. The State shall encourage scientific discoveries and inventions and shall protect ancient landmarks and articles of historical, cultural or artistic value.

ARTICLE 167. The State shall extend encouragement or subsidies to the following enterprises or individuals:

(1) Educational enterprises in the country which have been operated with good record by private individuals.

(2) Educational enterprises of Chinese Nationals residing abroad which have been operated with good record.

(3) Persons who have made discoveries in learning or in techniques.

(4) Persons who have long been engaged in education and with good record.

Part 6. - Border Regions

ARTICLE 168. The State shall accord legal protection to the status of the racial groups in the border regions, and shall render special assistance to their undertakings of local self-government.

ARTICLE 169. The State shall positively undertake and foster the development of education, culture, communications, water conservancy, public health and other economic and social enterprises of the racial groups in the border regions. With respect to the utilization of land, the State shall, according to the climate and the nature of the soil and in the light of what is deemed suitable to the life and habits of the people, protect the land and assist its development.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

CHAPTER XIV. - Enforcement and Amendment of the Constitution

ARTICLE 170. The term "Law," as used in the Constitution, denotes a law that shall have been passed by the Legislative Yuan and promulgated by the President.

ARTICLE 171. Laws that are in contravention of the Constitution shall be null and void.

When doubt arises as to whether or not a law is in contravention of the Constitution, interpretation thereon shall be made by the Judicial Yuan.

ARTICLE 172. Ordinances that are in contravention of the Constitution or laws shall be null and void.

ARTICLE 173. The power to interpret the Constitution resides in the Judicial Yuan.

ARTICLE 174. Amendments to the Constitution shall be made in accordance with one of the following procedures:

(1) Upon the proposal of one-fifth of the total number of the Representatives to the National Assembly and by a resolution of three-fourths of the Representatives present at a meeting having a quorum of two-thirds of the entire Assembly, an amendment may be made.

(2) Upon the proposal of one-fourth of the Members of the Legislative Yuan and by a resolution of three-fourths of the Members present at a meeting having a quorum of three-fourths of the Members of the entire Yuan, an amendment may be drawn up and submitted to the National Assembly for ratification.

Such a proposed amendment to the Constitution shall, six months before the coming into session of the National Assembly, be publicly published.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE 175. Matters provided by the Constitution which require procedures of enforcement shall be prescribed by law.

The preparatory procedure for the enforcement of the Constitution shall be decided upon by the National Assembly which shall have instituted the Constitution.

DECLASSIFIED
NND 760090
By NARS, Date

THE CONSTITUTION OF JAPAN

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith.

We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.

We believe that no nation is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations.

We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.

DECLASSIFIED
NND 760090
By NARS, Date

CHAPTER I. THE EMPEROR

Article 1. The Emperor shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power.

Article 2. The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

Article 3. The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor.

Article 4. The Emperor shall perform only such acts in matters of state as are provided for in this Constitution and he shall not have powers related to government.

The Emperor may delegate the performance of his acts in matters of state as may be provided by law.

Article 5. When, in accordance with the Imperial House Law, a Regency is established, the Regent shall perform his acts in matters of state in the Emperor's name. In this case, paragraph one of the preceding article will be applicable.

Article 6. The Emperor shall appoint the Prime Minister as designated by the Diet.

The Emperor shall appoint the Chief Judge of the Supreme Court as designated by the Cabinet.

Article 7. The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people:

Promulgation of amendments of the constitution, laws, cabinet orders and treaties.

Convocation of the Diet.

Dissolution of the House of Representatives.

Proclamation of general election of members of the Diet.

Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law,

DECLASSIFIED
NND 760090
By NARS, Date

and of full powers and credentials of Ambassadors and Ministers.

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.

Awarding of honors.

Attestation of instruments of ratification and other diplomatic documents as provided for by law.

Receiving foreign ambassadors and ministers.

Performance of ceremonial functions.

Article 8. No property can be given to, or received by, the Imperial House, nor can any gifts be made therefrom, without the authorization of the Diet.

CHAPTER II. RENUNCIATION OF WAR

Article 9. 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.

CHAPTER III. RIGHTS AND DUTIES OF THE PEOPLE

Article 10. The conditions necessary for being a Japanese national shall be determined by law.

Article 11. The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

Article 12. The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor

DECLASSIFIED
NND 760090
By NARS, Date

of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Article 13. All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

Article 14. All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.

Peers and peerage shall not be recognized.

No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

Article 15. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any group thereof.

Universal adult suffrage is guaranteed with regard to the election of public officials.

In all elections, secrecy of the ballot shall not be violated. A voter shall not be answerable, publicly or privately, for the choice he has made.

Article 16. Every person shall have the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations and for other matters; nor shall any person be in any way discriminated against for sponsoring such a petition.

Article 17. Every person may sue for redress as provided by law from the State or a public entity, in case he has suffered

DECLASSIFIED
NND 760090
By NARS, Date

damage through illegal act of any public official.

Article 18. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article 19. Freedom of thought and conscience shall not be violated.

Article 20. Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice.

The State and its organs shall refrain from religious education or any other religious activity.

Article 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.

No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Article 22. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

Article 23. Academic freedom is guaranteed.

Article 24. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis.

With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

Article 25. All people shall have the right to maintain the minimum standards of wholesome and cultured living.

In all spheres of life, the State shall use its endeavors for

DECLASSIFIED
NND 760090
By NARS, Date

the promotion and extension of social welfare and security, and of public health.

Article 26. All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free.

Article 27. All people shall have the right and the obligation to work.

Standards for wages, hours, rest and other working conditions shall be fixed by law.

Children shall not be exploited.

Article 28. The right of workers to organize and to bargain and act collectively is guaranteed.

Article 29. The right to own or to hold property is inviolable.

Property rights shall be defined by law, in conformity with the public welfare.

Private property may be taken for public use upon just compensation therefor.

Article 30. The people shall be liable to taxation as provided by law.

Article 31. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

Article 32. No person shall be denied the right of access to the courts.

Article 33. No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offense with which the person is charged, unless he is apprehended, the offense being committed.

Article 34. No person shall be arrested or detained without being at once informed of the charges against him or without the

DECLASSIFIED
NND 760090
By NARS, Date

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 presences of his counsel.

Article 35. The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued for adequate cause and particularly describing the place to be searched and things to be seized, or except as provided by Article 33.

Each search or seizure shall be made upon separate warrant issued by a competent judicial officer.

Article 36. The infliction of torture by any public officer and cruel punishments are absolutely forbidden.

Article 37. In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.

He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense.

At all times the accused shall have the assistance of competent counsel who shall, if the accused is unable to secure the same by his own efforts, be assigned to his use by the State.

Article 38. No person shall be compelled to testify against himself.

Confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence.

No person shall be convicted or punished in cases where the only proof against him is his own confession.

Article 39. No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he be placed in double jeopardy.

Article 40. Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law.

DECLASSIFIED
NND 760090
By NARS, Date

CHAPTER IV. THE DIET

Article 41. The Diet shall be the highest organ of state power, and shall be the sole law-making organ of the State.

Article 42. The Diet shall consist of two Houses, namely the House of Representatives and the House of Councillors.

Article 43. Both Houses shall consist of elected members, representative of all the people.

The number of the members of each House shall be fixed by law.

Article 44. The qualifications of members of both Houses and their electors shall be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income.

Article 45. The term of office of members of the House of Representatives shall be four years. However, the term shall be terminated before the full term is up in case the House of Representatives is dissolved.

Article 46. The term of office of members of the House of Councillors shall be six years, and election for half the members shall take place every three years.

Article 47. Electoral districts, method of voting and other matters pertaining to the method of election of members of both Houses shall be fixed by law.

Article 48. No person shall be permitted to be a member of both Houses simultaneously.

Article 49. Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with law.

Article 50. Except in cases provided by law, members of both Houses shall be exempt from apprehension while the Diet is in session, and any members apprehended before the opening of the session shall be freed during the term of the session upon demand of the House.

Article 51. Members of both Houses shall not be held liable

DECLASSIFIED
NND 760090
By NARS, Date

outside the House for speeches, debates or votes cast inside the House.

Article 52. An ordinary session of the Diet shall be convoked once per year.

Article 53. The Cabinet may determine to convoke extraordinary sessions of the Diet. When a quarter or more of the total members of either House makes the demand, the Cabinet must determine on such convocation.

Article 54. When the House of Representatives is dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election.

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

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

Article 55. Each House shall judge disputes related to qualifications of its members. However, in order to deny a seat to any member, it is necessary to pass a resolution by a majority of two-thirds or more of the members present.

Article 56. Business cannot be transacted in either House unless one-third or more of total membership is present.

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution, and in case of a tie, the presiding officer shall decide the issue.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Article 57. Deliberation in each House shall be public. However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefor.

Each House shall keep a record of proceedings. This record shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy.

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be recorded in the minutes.

Article 58. Each House shall select its own president and other officials.

Each House shall establish its rules pertaining to meetings, proceedings and internal discipline, and may punish members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more of those members present must pass a resolution thereon.

Article 59. A bill becomes a law on passage by both Houses, except as otherwise provided by the Constitution.

A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

The provision of the preceding paragraph does not preclude the House of Representatives from calling for the meeting of a joint committee of both Houses, provided for by law.

Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection of the said bill by the House of Councillors.

Article 60. The budget must first be submitted to the House

DECLASSIFIED
NND 760090
By NARS, Date

of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when no agreement can be reached even through a joint committee of both Houses, provided for by law, or in the case of failure by the House of Councillors to take final action within thirty (30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives shall be the decision of the Diet.

Article 61. The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties.

Article 62. Each House may conduct investigations in relation to government, and may demand the presence and testimony of witnesses and the production of records.

Article 63. The Prime Minister and other Ministers of State may, at any time, appear in either House for the purpose of speaking on bills, regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

Article 64. The Diet shall set up an impeachment court from among the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted.

Matters relating to impeachment shall be provided by law.

CHAPTER V. THE CABINET

Article 65. Executive power shall be vested in the Cabinet.

Article 66. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State, as provided for by law.

The Prime Minister and other Ministers of State must be civilians.

DECLASSIFIED
NND 760090
By NARS, Date

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

Article 67. The Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Councillors disagree and if no agreement can be reached even through a joint committee of both Houses, provided for by law, or the House of Councillors fails to make designation within ten (10) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives shall be the decision of the Diet.

Article 68. The Prime Minister shall appoint the Ministers of State. However, a majority of their number must be chosen from among the members of the Diet.

The Prime Minister may remove the Ministers of State as he chooses.

Article 69. If the House of Representatives passes a non-confidence resolution, or rejects a confidence resolution, the Cabinet shall resign en masse, unless the House of Representatives is dissolved within ten (10) days.

Article 70. When there is a vacancy in the post of Prime Minister, or upon the first convocation of the Diet after a general election of members of the House of Representatives, the Cabinet shall resign en masse.

Article 71. In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

Article 72. The Prime Minister, representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet and exercises control and supervision over various administrative branches.

DECLASSIFIED
NND 760090
By NARS, Date

Article 73. The Cabinet, in addition to other general administrative functions, shall perform the following functions:

Administer the law faithfully; conduct affairs of state.

Manage foreign affairs.

Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

Administer the civil service, in accordance with standards established by law.

Prepare the budget, and present it to the Diet.

Enact cabinet orders in order to execute the provisions of this Constitution and of the law. However, it cannot include penal provisions in such cabinet orders unless authorized by such law.

Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

Article 74. All laws and cabinet orders shall be signed by the competent Minister of State and countersigned by the Prime Minister.

Article 75. The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister. However, the right to take that action is not impaired hereby.

CHAPTER VI. JUDICIARY

Article 76. The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.

No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power.

All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws.

Article 77. The Supreme Court is vested with the rule-making

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NND 760090
By _____ NARS, Date _____

power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs.

Public procurators shall be subject to the rule-making power of the Supreme Court.

The Supreme Court may delegate the power to make rules for inferior courts to such courts.

Article 78. Judges shall not be removed except by public impeachment unless judicially declared mentally or physically imcompetent to perform official duties. No disciplinary action against judges shall be administered by any executive organ or agency.

Article 79. The Supreme Court shall consist of a Chief Judge and such number of judges as may be determined by law; all such judges excepting the Chief Judge shall be appointed by the Cabinet.

The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of members of the House of Representatives following their appointment, and shall be reviewed again at the first general election of members of the House of Representatives after a lapse of ten (10) years, and in the same manner thereafter.

In cases mentioned in the foregoing paragraph, when the majority of the voters favors the dismissal of a judge, he shall be dismissed.

Matters pertaining to review shall be prescribed by law.

The judges of the Supreme Court shall be retired upon the attainment of the age as fixed by law.

All such judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article 80. The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court. All such judges shall hold office for a term of ten (10) years with privilege of reappointment, provided that they

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

shall be retired upon the attainment of the age as fixed by law.

The judges of the inferior courts shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article 81. The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act.

Article 82. Trials shall be conducted and judgment declared publicly.

Where a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press or cases wherein the rights of people as guaranteed in Chapter III of this Constitution are in question shall always be conducted publicly.

CHAPTER VII. FINANCE

Article 83. The power to administer national finances shall be exercised as the Diet shall determine.

Article 84. No new taxes shall be imposed or existing ones modified except by law or under such conditions as law may prescribe.

Article 85. No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

Article 86. The Cabinet shall prepare and submit to the Diet for its consideration and decision a budget for each fiscal year.

Article 87. In order to provide for unforeseen deficiencies in the budget, a reserve fund may be authorized by the Diet to be expended upon the responsibility of the Cabinet.

The Cabinet must get subsequent approval of the Diet for all payments from the reserve fund.

Article 88. All property of the Imperial Household shall belong to the State. All expenses of the Imperial Household shall be appropriated by the Diet in the budget.

DECLASSIFIED
NND 760090
By NARS, Date

Article 89. No public money or other property shall be expended or appropriated for the use, benefit or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprises not under the control of public authority.

Article 90. Final accounts of the expenditures and revenues of the State shall be audited annually by a Board of Audit and submitted by the Cabinet to the Diet, together with the statement of audit, during the fiscal year immediately following the period covered.

The organization and competency of the Board of Audit shall be determined by law.

Article 91. At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.

CHAPTER VIII. LOCAL SELF-GOVERNMENT

Article 92. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

Article 93. The local public entities shall establish assemblies as their deliberative organs, in accordance with law.

The chief executive officers of all local public entities, the members of their assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

Article 94. Local public entities shall have the right to manage their property, affairs and administration and to enact their own regulations within law.

Article 95. A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

CHAPTER IX. AMENDMENTS

Article 96. Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds or more of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.

Amendments when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution.

CHAPTER X. SUPREME LAW

Article 97. The fundamental human rights by this Constitution guaranteed to the people of Japan are fruits of the age-old struggle of man to be free; they have survived the many exacting tests for durability and are conferred upon this and future generations in trust, to be held for all time inviolate.

Article 98. This Constitution shall be the supreme law of the nation and no law, ordinance, imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

The treaties concluded by Japan and established laws of nations shall be faithfully observed.

Article 99. The Emperor or the Regent as well as Ministers of State, members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

CHAPTER XI. SUPPLEMENTARY PROVISIONS

Article 100. This Constitution shall be enforced as from the day when the period of six months will have elapsed counting from the day of its promulgation.

DECLASSIFIED
NND 760090
By NARS, Date

The enactment of laws necessary for the enforcement of this Constitution, the election of members of the House of Councillors and the procedure for the convocation of the Diet and other preparatory procedures necessary for the enforcement of this Constitution may be executed before the day prescribed in the preceding paragraph.

Article 101. If the House of Councillors is not constituted before the effective date of this Constitution, the House of Representatives shall function as the Diet until such time as the House of Councillors shall be constituted.

Article 102. The term of office for half the members of the House of Councillors serving in the first term under this Constitution shall be three years. Members falling under this category shall be determined in accordance with law.

Article 103. The Ministers of State, members of the House of Representatives and judges in office on the effective date of this Constitution, and all other public officials who occupy positions corresponding to such positions as are recognized by this Constitution shall not forfeit their positions automatically on account of the enforcement of this Constitution unless otherwise specified by law. When, however, successors are elected or appointed under the provisions of this Constitution, they shall forfeit their positions as a matter of course.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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27 June 1947

U. S. SUBCOMMISSION NUMBER II
US-USSR JOINT COMMISSION
SEOUL, KOREA

PROPOSED CHARTER OF THE
PROVISIONAL KOREAN DEMOCRATIC GOVERNMENT

Note by the Secretary

1. The inclosure, a draft of a proposed Charter for the Provisional Korean Democratic Government, prepared by Subcommission II, incorporates the recommendations of the American Commissioners made at the 118th and 119th meetings.

2. It is requested that holders destroy all prior drafts of this Charter.

MORTON S. JAFFE
Captain, AGD
Secretary

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DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

PROPOSED CHARTER OF THE PROVISIONAL KOREAN DEMOCRATIC GOVERNMENT

Preamble

In order to further the objectives of the Moscow Agreement of 1945 and with a view to the re-establishment of Korea as an independent state, the creation of conditions for developing the country on democratic principles and the earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea, the United States of America and the Union of Soviet Socialist Republics hereby ordain and establish this Charter for the Korean Provisional Government, which shall take all necessary steps for developing the industry, transport and agriculture of Korea and the national culture of the Korean people.

Article I

ESTABLISHMENT OF GOVERNMENT

The Korean Provisional Democratic Government as established in this Charter shall be the sole government of a united Korea. An attempt to continue any previously existing government or to establish any government other than that provided in this Charter shall constitute a treasonable act.

Article II

RETENTION OF LAWS

Upon the promulgation of this Charter all provisions of law inconsistent with the provisions of this Charter are repealed. All other laws and portions of laws shall continue

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NND 760090
By _____ NARS, Date _____

in full force and effect unless changed in accordance with the provisions of this Charter.

Article III

POWERS SPECIFICALLY DELEGATED

Section 1. Subject only to the restrictions of this Charter the Korean Provisional Democratic Government shall exercise executive, legislative, and judicial powers on all levels of government.

Section 2. In the exercise of its legislative power under this Charter the Korean Provisional Democratic Government shall enact a nationality law, laws providing for a national army and a coast guard, a civil service law, a revenue law and all legislative acts necessary to implement this Charter, including laws providing for the integration and revision of the existing legal and administrative systems of Korea.

Section 3. In the exercise of its executive power under this Charter the Korean Provisional Democratic Government shall establish diplomatic and consular representation abroad and receive diplomatic and consular representatives of foreign powers. In executing the laws in force in Korea the Korean Provisional Democratic Government shall be responsible for the maintenance of public order and safety, the promotion of the national economy, the fostering of education and a national culture, and the advancement of the general welfare of the Korean people.

Section 4. In the exercise of the judicial power under this Charter the courts shall be independent and have juris-

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

diction to decide cases of private, criminal, and public law. The acts of the legislative and executive branches of the Korean Provisional Democratic Government are explicitly declared subject to review by the courts of Korea to determine their conformity to the provisions of this Charter

Article IV

POWERS SPECIFICALLY RESERVED

Section 1. Notwithstanding the authority of the Korean Provisional Democratic Government to conduct foreign relations in the exercise of its executive powers, the negotiation and conclusion of treaties and other international agreements of any nature are subject to the approval of the establishing powers.

Section 2. Until directives concerning the disposal of former Japanese owned property in Korea, both public and private, are received from the Allied Powers the Korean Provisional Democratic Government shall take no action affecting such property except as may be authorized by the establishing powers generally or specifically and such authority as is granted to the Korean Provisional Democratic Government to administer and dispose of such property shall be subject to close scrutiny by the establishing powers respectively.

Section 3. The establishing powers retain jurisdiction over their respective nationals engaged in duties connected with the functions of such powers in Korea and the control of all matters affecting the armed forces or persons attached to the armed forces of either establishing power is reserved to the establishing powers respectively.

DECLASSIFIED
NND 760090
By NARS, Date

Section 4. The establishing powers reserve the right of review over all acts of the Korean Provisional Democratic Government which may endanger the public security or interfere with the exercise of the functions reserved in this Charter to the establishing powers.

Section 5. All powers reserved herein by the two establishing powers shall be shared in equal measure by any other power or powers which may participate in the exercise of the functions of the establishing powers.

Section 6. The power of amendment of this Charter is exclusively reserved to the establishing powers.

Section 7. All powers not specifically delegated to the Korean Provisional Democratic Government are reserved to the establishing powers.

Article V

BILL OF RIGHTS

Section 1. All Koreans shall enjoy full equality before the law and equal treatment in all respects by the Korean Provisional Democratic Government. In particular there shall be no discrimination on account of religion, race, sex or political creed. Aliens shall likewise be entitled to equal protection under the law.

Section 2. Freedom of assembly and association as well as freedom of speech, press, the right of petition and all other forms of expression are guaranteed.

Section 3. Freedom of religion is guaranteed to all persons and the Korean Pro isional Democratic Government shall pass no law abridging this right.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Section 4. No person shall be deprived of life or liberty or shall have any other criminal penalty imposed upon him without lawful trial in accordance with procedure established by law. The power of the police or other executive agencies to inflict punishments is abolished.

Section 5. No person shall be apprehended or detained except in accordance with law.

Section 6. No person shall be apprehended or detained without being at once informed of the charges against him and without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand such cause must be immediately shown in open court, in his presence and in the presence of his counsel.

Section 7. The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon a warrant issued by a competent judicial officer for adequate cause, except a search pursuant to and simultaneous with an arrest.

Section 8. No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he be tried twice for the same offense.

Section 9. The infliction of torture or cruel punishment by any public official is hereby absolutely prohited.

Section 10. All persons shall have freedom of domicile and changing domicile.

Article VI

SEPARATION OF POWERS

The Korean Provisional Democratic Government shall

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NND 760090
By _____ NARS, Date _____

consist of three separate branches: executive, legislative and judicial.

The seat of the Government shall be Seoul.

Article VII

EXECUTIVE BRANCH

Section 1. The executive branch of the Korean Provisional Democratic Government shall consist of a Chief of State, a Deputy Chief of State and 12 ministers and such subordinate officials as may be appointed by them. There shall be established in the executive branch a Bureau of the Budget and an Office of Civil Service which shall function under the Chief of State. The Office of Civil Service shall publish regulations concerning the employment of such subordinate officials as are necessary to carry out the functions of the Korean Provisional Democratic Government.

Section 2. The ministers shall have the following titles and corresponding functions:

Minister of Agriculture
Minister of Commerce
Minister of Communications and Transportation
Minister of Coordination and Planning
Minister of Education
Minister of Finance
Minister of Foreign Affairs
Minister of Home Affairs
Minister of Justice
Minister of Labor
Minister of National Defense
Minister of Public Health and Welfare

Section 3. The Chief of State and the Deputy Chief of State shall be elected by the National Assembly by a majority vote. The Chief of State shall have the power to appoint and dismiss ministers. The Chief of State shall

DECLASSIFIED
NND 760090
By NARS, Date

submit to the National Assembly his nominations of persons for the posts of the 12 ministers for approval by majority vote. Unless rejected by veto of the establishing powers within 10 days, the Chief of State, the Deputy Chief of State and the ministers shall take office. In the event of the death, resignation, removal or incapacity of the Chief of State the Deputy Chief of State shall succeed to that office. The legislature shall thereupon by majority vote elect a Deputy Chief of State.

Section 4. The Chief of State shall take all measures necessary for planning and carrying into effect the financial policies of the government, for implementing all its policies insofar as they require the expenditure of public monies and shall prepare, in consultation with the establishing powers and the Bureau of the Budget, an annual budget. The budget will be enacted into law by the National Assembly subject however to a veto by the establishing powers of those items of expenditure deemed inappropriate to the objectives of this Charter or inconsistent with sound governmental fiscal policy.

Section 5. All military or quasi military forces are hereby dissolved. The Korean Provisional Democratic Government is authorized to organize and establish a National Army not in excess of 25,000 men and a National Coast Guard not in excess of 7,500 men. In carrying out its functions the National Army shall render assistance whenever necessary to provincial and local police as hereinafter established in the enforcement of law and in the maintenance of public safety and order. The National Coast Guard shall be employed

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

to prevent violations of Korean law in the territorial waters of Korea.

Section 6. The organization of police throughout Korea shall be on a provincial and local basis. There shall, however, be established in the Ministry of Home Affairs a Bureau of Police Affairs which shall prescribe standards of recruitment, training, and police practices, and co-ordinate the activities of the provincial and local police forces. There shall be advanced by the National Government to each governmental unit having a police force which meets the standards established by the Bureau of Police Affairs not more than 50 per centum of the annual expenditures for such police forces, all other expenditures for provincial and local police to be defrayed by provincial and local taxes.

Article VIII

LEGISLATIVE BRANCH

Section 1. A National Assembly, elected by the people of Korea under universal suffrage, multiple nomination and a secret written ballot, shall be the highest legislative organ of the Korean Provisional Democratic Government. The National Assembly shall be elected in accordance with provisions for its elections made and published by the establishing powers.

Section 2. Within 10 days after the National Assembly has passed a legislative bill the Chief of State may veto such bill and return it to the National Assembly. The National Assembly may override the veto of the Chief of State by a

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

two-third majority vote. If a bill has not been vetoed by the Chief of State within 10 days or if the veto has been overridden by the National Assembly the bill shall become law unless within an additional 10 days a request for reconsideration by the National Assembly has been submitted by the establishing powers to the Chief of State.

Section 3. A two-thirds majority of the National Assembly shall, subject to the approval of the establishing powers, have the power to impeach, try, and dismiss the Chief of State, the Deputy Chief of State, and the Ministers of State for violation of law or misfeasance in office.

Section 4. Unless sooner dissolved by the establishing powers the term of the National Assembly shall be one year.

Article IX

JUDICIAL BRANCH

Section 1. The Judicial Branch of the Korean Provisional Democratic Government shall consist of a High Court of Justice at Seoul and such intermediate courts of appeal and district courts, including branches of district courts, as may be established under the provisions of this Charter.

Section 2. The High Court of Justice shall be composed of a Chief Justice and six Associate Justices, who shall be more than 35 years of age and learned in the law and experienced in its administration, who shall be nominated by the Chief of State of the Korean Provisional Democratic Government, subject to confirmation by the

DECLASSIFIED
NND 760090
By NARS, Date

National Assembly. Replacement for such justices shall be made in the same manner.

Section 3. The Chief Justice and the Justices of the High Court of Justice shall hold office during the life of this Charter. Violation of law or misfeasance in office on the part of any Justice shall be grounds for removal. In such instance, the Chief of State shall address a petition for the removal of a Justice to the National Assembly which shall try and, in a proper case, remove such Justice.

Section 4. The High Court of Justice shall be the supreme appellate court of Korea in all cases. It may take, in its discretion, original jurisdiction in any case involving the infringement of the rights guaranteed in Article V of this Charter. The High Court of Justice may order cases of this class tried before it or may remand such a case to any lower court for procedure in accordance with its opinion.

Section 5. Judges of such intermediate courts of appeal as may be established under this Charter shall be appointed by the Chief of State with the approval of the National Assembly.

Section 6. Branches of District Courts shall be established in smaller communities with civil and criminal jurisdiction in minor cases.

Section 7. Judges of District Courts and branches of District Courts as may be established under this Charter shall be nominated by the Provincial Governor from among residents of the district who shall either be learned in

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

the law or shall have distinguished themselves in the service of the communities in which they reside subject to confirmation by the Provincial Assemblies. Branches of District Courts may be established in small communities with civil and criminal jurisdiction in minor cases. Judges of the District Court of the City of Seoul shall be appointed in like manner by the Mayor and City Council of Seoul.

Section 8. The jurisdiction of the military tribunals of the establishing powers over members of their armed forces and persons attached to such forces remains unaffected. Crimes committed by Koreans against either of the establishing powers or their nations shall nominally be tried in courts existing under the Korean Provisional Democratic Government except where the interests of either establishing power require that such cases be tried before their respective military tribunals.

Article X

LOCAL GOVERNMENT

Section 1. The following units are established as provinces of Korea:

Cheju-Do
Cholla-Nam Do
Cholla-Puk Do
Chung Chong-Nam Do
Chung Chong-Puk To
City of Seoul
Hamyang Nam-Do
Hamyang Puk-To
Hwanghae-Do
Kangwon-Do
Kyonggi-Do
Kyongsang Nam Do
Kyongsang Puk To
Pyongan Nam Do
Pyongan Puk To

Section 2. The following governmental units are constituted as administrative units of the Korean Provisional Democratic Government: GUN, MYUN (EUP) and

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

independent city, and such administrative units lower than a MYUN (EUP) as determined by provincial law.

Section 3. The Provisional Government shall provide by-laws for representative government in administrative units lower than a MYUN (EUP)

Section 4. Each MYUN (EUP) shall elect by popular vote under universal suffrage, multiple nomination and secret balloting a MYUN (EUP) Council consisting of one council member for each 1,000 inhabitants of such MYUN (EUP) or major fraction thereof. The MYUN (EUP) Council shall elect a MYUN (EUP) chief who shall be the Chief Executive of the MYUN (EUP) and who shall appoint, with the approval of the MYUN (EUP) Council such local officials as are necessary.

Section 5. A MYUN (EUP) shall elect by popular vote under universal sufirage multiple nomination and secret ballot two representatives for each 5,000 population, or major fraction thereof, to a Gun Council. A Gun Council shall elect a gun chief who shall appoint, with the approval of the Gun Council, such gun administrative officials as are necessary. Each independent city, with the exception of the City of Seoul, shall elect under universal sufferage multiple nomination and secret ballot, one representative for each 5,000 of population, or major fraction thereof, to a City Council. The City Council shall elect a Mayor, who shall, with the approval of the City Council appoint such administrative officials as are necessary, including a Chief of Police.

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

independent city, and such administrative units lower than a MYUN (EUP) as determined by provincial law.

Section 3. The Provisional Government shall provide by-laws for representative government in administrative units lower than a MYUN (EUP)

Section 4. Each MYUN (EUP) shall elect by popular vote under universal suffrage, multiple nomination and secret balloting a MYUN (EUP) Council consisting of one council member for each 1,000 inhabitants of such MYUN (EUP) or major fraction thereof. The MYUN (EUP) Council shall elect a MYUN (EUP) chief who shall be the Chief Executive of the MYUN (EUP) and who shall appoint, with the approval of the MYUN (EUP) Council such local officials as are necessary.

Section 5. A MYUN (EUP) shall elect by popular vote under universal suffrage multiple nomination and secret ballot two representatives for each 5,000 population, or major fraction thereof, to a Gun Council. A Gun Council shall elect a gun chief who shall appoint, with the approval of the Gun Council, such gun administrative officials as are necessary. Each independent city, with the exception of the City of Seoul, shall elect under universal sufferage multiple nomination and secret ballot, one representative for each 5,000 of population, or major fraction thereof, to a City Council. The City Council shall elect a Mayor, who shall, with the approval of the City Council appoint such administrative officials as are necessary, including a Chief of Police.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Section 6. Each gun and independent city shall elect under universal suffrage multiple nomination and secret ballot, one representative for each 40,000 of population, or major fraction thereof, to a Provincial Council. The Provincial Council shall elect a Governor of the province who shall with the approval of the Provincial Council, appoint such administrative officials as are necessary, including the chief of the provincial police. The same provisions, in equal measure, shall apply to the City of Seoul.

Section 7. The functions of the provinces, guns, independent cities, myuns (eup), and other administrative units shall be determined by laws to be enacted by the establishing powers. These laws shall provide for the decentralization of the police and for those changes in taxation which are necessary to enable local governments to perform the functions of democratic self-administrative units.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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21 May 1947
Pages 1 to 5 incl.
DRAFT: 2 May 1946
Mr. Prostov

U.S. Subcommission Number II
US - USSR JOINT COMMISSION
Seoul, Korea

STATEMENT OF GENERAL SHTIKOV - 2 May 1946 - 1000

(General Shtikov presented the following diagram of stages of work of the Joint Commission).

Beginning of work of the Joint Commission.

1.

Elaboration on recommendations.

2.

Approval by our governments.

3.

We have elaborated the questionnaire and are short of half way in Stage 1. What is the next step? We haven't yet made the list of parties. When these are completed, we shall hold the meeting and hand over the questions in order that parties and social organizations may begin work on elaborating the recommendations. (We shall need about 15 days). We shall then put together all proposals and recommendations from parties and social organizations. Following this the Sub-Commissions shall begin processing the proposals and recommendations on the following questions:

Provisional Charter

Organic Structure of the Government

Political Platform

(This shall occupy between two or three weeks).

The work will include the big problem of elaboration of questions of government structure, including details on each ministry (number of people of high, medium and technical grades needed). This stage, however, shall be included in the two or three weeks mentioned above.

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

We feel that details will not be received from Koreans who do not know them. The work will proceed in the Joint Commission which will draft the Koreans into this work. This is a complex work and we shall need many advisors after working out the Provisional Charter, political platform and the structure of the government.

The Joint Commission shall examine these in a preliminary manner and then shall report to the Koreans the draft documents which will have been elaborated on the basis of their proposals. This will constitute the complete structure of government. Following the amendments, if any, a Draft Sub-Committee shall be appointed. The aim of the draft Sub-Committee shall be to edit the document for submission to our governments. This document shall be finally approved by us and sent on.

At this stage we shall begin selecting personnel for various government jobs. At this stage we shall have to take into consideration the interested parties and social organizations and we shall select not only the ministers but also vice ministers so as to represent as many parties and social organizations as possible in the provisional government.

After selection and approval by the Joint Commission the proposed personnel is submitted to our governments for approval along with the Provisional Charter, political platform and governmental structure.

This ends the first period (See Chart).

Second Period:

During this period we begin to select the entire personnel jointly with the ministers*. We shall need approximately 5,000 Korean employees.

*Though not yet approved.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

The apparatus will have to be created completely anew; it shall be selected with the participation of the government; each minister shall participate in the selection.

In order, best to organize the work, there should be created a Chief Commission and several Sub-Commissions. (One for each ministry.)

The Chief Commission shall consist of the Joint Commission members, the head of the future government (Prime Minister) and of his assistants. In each Sub-Commission there shall be a Joint Commission member, the minister and additional individuals as the Joint Commission sees fit.

STAFFING:

Individual members of the government apparatus will be selected from among the Koreans working in the Military Government and the People's Committee in the North as well as from various other agencies. This period shall end when we receive the approval of our governments. As soon as approval is received, we shall declare that the decision had been made, then we shall convene a solemn session at which the Decision is handed to the ministers.

Having received its "mandate" the Korean government shall take the oath of office and shall proclaim its declaration of aims and objectives. This ceremony shall be attended by delegates from all of the Provinces.

The government shall sign the appointments of personnel which had been previously worked out by the Joint Commission and Sub-Commissions. A general meeting of the personnel shall then take place and at that time the oath of office shall be administered.

At this point the government shall take over the economy and culture of both North and South. The order of taking over is as follows:

1. All ministries shall receive all records, statistics and report:

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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from Military Government in the South and the People's Committee in the North. Materials shall be handed over by the Chiefs of various departments.

2. After receiving the records the Provisional Government shall prepare a joint report on the economic and cultural conditions of entire Korea. This is submitted to the government for approval.

3. After receiving the joint report, the provisional government and Joint Commission shall make the plan of work, determining the priority of measures on the basis of the national needs (and consistently with the political platform). (2 or 3 weeks shall be needed to complete this work.)

Having determined the priority of measures; the government apparatus should begin its work. The Joint Commission should begin elaborating the measures of aid for economic, political and cultural developments of the Korean people (same as second stage of the work of the Commission).

For this work we shall create several Sub-Commissions:

A. Economical
   - Industry
   - Transportation
   - Agriculture

B. Internal and External Trade

C. Financial

D. Training Korean Personnel

E. National Culture
   - Economics
   - Culture
   - Health

F. Political
   - Constitution
   - Government Structure

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NND 760090
By NARS, Date

S E C R E T

G. Justice

Court System, Legal Codes, etc.

Simultaneously, a code on the elections of local organs of authority shall be worked out. We feel that the Koreans should begin to feel their rights through carrying out local elections, up to and including the provincial level. The structure of the local government will have been determined during the first stage of work.

We shall then work out our proposals and shall submit them to our respective governments.

DECLASSIFIED
NND 760090
By NARS, Date

2 June

JOINT BULLETIN NO. 1

In accordance with the decision of the 28th meeting announced in Joint Communique No. 10, this is the first Joint Bulletin of the Joint Commission.

The 29th meeting of the Joint Commission was held at the Duk Soo Palace at 1330, June 2. Major General Brown was chairman.

Subcommission No. 2 reported on the questionnaire relating to the political platform of the Provisional Korean Government. The Joint Commission will continue discussion of the proposed questionnaire at the next meeting.

Subcommission No. 1 reported that details regarding method of consultation were being worked out, but were not yet ready for presentation to the Commission. They will be presented for consideration at the next meeting of the Joint Commission.

Because of the rapid progress of work on the matter of consultation, it is estimated that the questionnaires and instructions pertaining thereto will be released in a few days.

Next meeting will be Wednesday June 4.

ALBERT E. BROWN
Major General, U. S. A.
Chief of U.S. Delegation

T. F. SHTIKOV
Colonel General
Chief of Soviet Delegation

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NARS Date

US-SOVIET JOINT COMMISSION
Seoul, Korea

4 June 1947

JOINT BULLETIN NO. 2

The Joint Commission met at 1330, 4 June, General Brown Acting Chairman.

The first subject of discussion concerned documents containing instructions and conditions for consultation. As a result of the discussion, Subcommission No. 1 will present at the next meeting a draft of the document reconciling the principles expressed in the discussion.

The second subject of discussion concerned two questions on the political platform which are not yet fully agreed.

The next meeting will be 1330 Friday, June 6th.

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U.S. - SOVIET JOINT COMMISSION
Seoul, Korea

7 June 1947

JOINT BULLETIN #3

At the 32nd meeting of the US-Soviet Joint Commission final agreement was reached on the methods of Consultation with Korean Democratic parties and social organizations. The final decisions are contained in a document entitled "On the Order of Consultation with Korean Democratic Parties and Social Organizations in Northern and Southern Korea;" a questionnaire on the Structure and Principles of a Provisional Korean Democratic Government (agreement was reached on this questionnaire at the Meeting on the 29th of May and announced in Communique No. 10); and a questionnaire on the Political Platform of the future Provisional Korean Democratic Government.

The full text of these documents will be published as soon as they can be translated into English, Russian and Korean texts.

ALBERT E. BROWN
Major General, U.S.A.
Chief of U.S. Delegation

T. F. SHTIKOV
Colonel General
Chief of Soviet Delegation

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NND 760090
NARS Date

US - USSR JOINT COMMISSION
Seoul, Korea

11 June 1947

JOINT BULLETIN NO. 4

On June 11, 1947 the U.S. - U.S.S.R. Joint Commission held its 33rd meeting under the Chairmanship of the Chief of Soviet Delegation, Colonel-General T. F. Shtikov.

At this meeting the Joint Commission reached the decision regarding details of the method of distribution of the questionnaire and the declaration, set forth in Communique No. 5, among Derocratic parties and social organizations and regarding the submission of their answers and recommendations.

The second item on the Agenda was the report of the Chairman of Subcommission No. 3, Mr. G. M. Belasanov, that the Subcommission had prepared an agreed decision regarding the exchange of data on the structure, functions and administrative personnel of the executive, legislative and judiciary organs of authority existing in North and South Korea.

This is preliminary to study on assumption of powers by the provisional government and on method of selecting personnel, to include administrative personnel.

The Joint Commission approved this decision.

The meeting was adjourned at 1100 hours.

T. F. SHTIKOV
Colonel General
Chief of Soviet Delegation

ALBERT E. BROWN
Major General, U.S. Army
Chief of U.S. Delegation

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US-USSR JOINT COMMISSION
SEOUL, KOREA

18 June 1947

JOINT BULLETIN #5

The 34th Meeting of the US-USSR Joint Commission, presided over by Major General Albert E. Brown, was held at 1330, 18 June 1947.

General Brown introduced Mr. Owen T. Jones who has replaced Mr. Calvin N. Joyner as American Chairman of Sub-Commission #3. General Brown also introduced Minister Joseph E. Jacobs who has replaced Mr. Langdon on the American Delegation.

The first matter to come before the Commission was the final arrangements for the initial meeting of representatives of the Korean Democratic Parties and Social Organizations on 25 June 1947. The meeting will be held in the Legislative Hall of the Korean Interim Legislative Assembly under the chairmanship of Colonel General T. F. Shtikov. Major General Albert E. Brown will address the assembled representatives on behalf of the Joint Commission. The purpose of the meeting will be to acquaint the representatives of the Democratic Parties and Social Organizations with the members of the Joint Commission and to outline to them the purpose and procedures for oral consultation.

A similar meeting will be held in Pyongyang on 30 June 1947. General Brown will be the chairman, and General Shtikov will address the representatives of the Democratic Parties and Social Organizations of North Korea on behalf of the Joint Commission.

ALBERT E. BROWN
Major General, U. S. Army
Chief of U. S. Delegation

T. F. SHTIKOV
Colonel General
Chief of Soviet Delegation

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U.S. - SOVIET JOINT COMMISSION
Seoul, Korea

JOINT COMMISSION DECISION NO. 5.

The Joint Commission established 20 March 1946 at Seoul, Korea, in accordance with Section III (Korea) of the Decision of the Communique of the Moscow Conference of the Three Ministers of Foreign Affairs, agreed upon the following points:

Questionnaire to be submitted to democratic parties and social organizations of North and South Korea regarding the Provisional Charter for the Provisional Korean Democratic Government.

Request your point of view concerning the structure and principles of the organization of a Provisional Korean Democratic Government and local organs of authority (Provisional Charter) to be given to the Joint Commission (...date...). It is desired that your reply state your views on the following subjects in sufficient detail that these replies can be used in compiling the Provisional Charter:

1. Rights of the people. (Bill of Rights. For example, freedom of speech, press, universal suffrage, religion, assembly; inviolability of personal freedom; equality of sexes, and others)

2. The general type or character of provisional government to be established.

3. The organ or organs of authority of the central government to perform the executive and legislative functions.

   (a) Is it necessary to give the Provisional Korean Government the right to make laws before the creation of a legislative organ founded upon general elections?

   (b) Composition and structure of the organ or organs to perform these functions (For example: Organization, designation and function of the ministries; designation of the chief executive or body to perform the chief executive functions; organization, designation and functions of any organ to perform the legislative functions).

   (c) Powers and duties of the various ministers and officials.

   (d) Election or appointment and replacement of ministers and other principal members of the organ or organs to perform the legislative and executive functions (For example: Terms of office, succession to office; removal from office).

   (e) Method of discharging executive and legislative functions.

4. Local organs of authority, their formation, structure, powers and duties.

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NND 760090
NARS Date

(a) Method of selection of local authorities. (Should the local authorities of provinces, counties, cities, townships, towns and villages be elected? If elected, then on what principles should the elections be conducted? If appointed, then by whom?)

(b) Composition and structure of the local organs of authority of provinces, counties, cities, townships, towns and villages, to include the designation, duties, and rights of local authorities.

(c) Jurisdiction, powers and duties of the local organs of authority (provinces, counties, cities, townships, towns and villages.)

5. Judicial Organs.

(a) Composition (For example: Type, size, and number of courts, establishment of any other judicial organizations.)

(b) Powers and duties of courts and other judicial bodies.

(c) Selection and replacement of judicial personnel.

(For example: Election or appointment of members, term of office, removal from office.)

6. Method of changing and amending Provisional Charter.

Subjects not listed above which appear appropriate for inclusion in the Provisional Charter may be included in your reply.

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U.S.- SOVIET JOINT COMMISSION
Seoul, Korea

26 May 1947

REVISED + PUBLISHED AS JOINT DECISION NO. 13 = 7 JUNE 1947.

JOINT COMMISSION DECISION NO. 6.

LIST OF QUESTIONS FOR THE KOREAN DEMOCRATIC PARTIES AND SOCIAL ORGANIZATIONS REGARDING THE POLITICAL PLATFORM OF THE PROVISIONAL KOREAN DEMOCRATIC GOVERNMENT.

A. Political Policies of the Provisional Korean Democratic Government.

1. Rights of citizens - What rights and duties of Korean citizens, male and female, must be proclaimed in the political platform of the Provisional Korean Democratic Government?

2. Elimination of Japanese influence - What measures should be undertaken for the elimination of the evil consequences of the prlonged Japanese domination in Korea and of the pro-Japanese elements?

3. How should excessive private concentration of economic or political power, and the activity of reactionary, anti-democratic elements and elements attempting to undermine the Provisional Korean Government, be prevented?

4. Law and Justice.

a. What policy should be followed in establishing a Korean code of law?

b. How shall the courts judiciary and legal procedures in the Korean language be established?

c. How is the democraticization of the judiciary to be carried out?

5. What should be the policy relative to minorities and non-citizens?

B. Economic Policies of the Provisional Korean Democratic Government.

1. What measures should be taken with respect to the development of agriculture, industry and transportation, in order to increase production and to raise the living standards of the Korean people?

2. Agricultural Land Tenure.

a. What should be the policy with respect to the system of landlordism and tenancy prevailing under the Japanese?

b. What policies should be followed with respect to land tenure?

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NND 760090
NARS Date

(1) Private ownership of land with the farmer having a completely free title.

(2) Private ownership of land but, in the case of land obtained from the government, the right to sell or mortgage would be restricted by the State.

(3) Nationalization of land belonging to landlords and its transference to farmers for permanent and free use.

(4) Any other methods of solution of the question of land tenure you may suggest.

c. What special policies should be followed with respect to land formerly owned by the Japanese?

d. If land owned by Korean landlords is to be distributed to tenants, should these landlords be compensated for their land?

e. Should land distributed to tenant farmers be sold or distributed free?

f. What should be the policies with respect to irrigation facilities and their use?

3. ~~Organization of~~ Industry.

a. What should be the policy with respect to industrial production and distribution?

b. What kind of ownership (public, private or cooperative) should be adopted for each of the following:

Large industries (for example, steel and chemicals)
Medium industries (for example, textiles and shoes)
Small industries (for example, furniture and farm tools)
Banks
Wholesalers
Retailers
Mineral resources
Forests
Railroads
Shipping companies
Insurance
Fishing industries
Public utilities (for example, electric power, water, communications)
Household industries.

4. Labor, Wages and Social Security. Policy

a. What should be the policy with respect to minimum wages, maximum hours, and working conditions?

b. What should be the policy with respect to labor of children and women?

c. What should be the policy with respect to labor organizations?

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NND 760090
NARS Date

d. What should be the policy with respect to social insurance.

e. What should be the policy with respect to increasing the efficiency of labor.

5. Trade and Prices.

a. Should a program of rationing the necessities of life be established. If so, how should this program be administered.

b. What should be the policy with respect to the collection of essential foodstuffs.

c. What type of program of price stabilization and control, if any, should be undertaken.

d. What measures should be taken to cope with speculation and hoarding.

e. What should the policy be with respect to the foreign trade of Korea.

6. Finance.

a. What should be the policy with respect to:

(1) Income taxes
(2) Taxes on real property
(3) Sales taxes
(4) Taxes on imports and exports
(5) Receipts from government monopolies
(6) Inheritance taxes
(7) Any other taxes

b. What measures should be undertaken to establish a uniform and sound system of currency throughout Korea.

c. What should the policy be in respect to balancing the budget.

d. What measures should be taken to cope with excessively high interest charges (usury).

C. Educational and Cultural Policies of the Provisional Korean Democratic Government.

1. Education - What educational system should be introduced in Korea in the following fields:

(a) Liquidation of illiteracy among adults.
(b) Compulsory lower school attendance.
(c) Middle school.
(d) Higher levels of education.

2. Training - What program should be established to train Korean specialists and technicians to fill all necessary positions in economic and governmental activities.

3. National Culture - What measures should be undertaken to promote the development of national culture, art, and also of science.

4. Public Health - How should health protection be organized

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NND 760090
By _____ NARS, Date _____

[redacted]

Roll 16

Target 3

Subcommission No. III
Schedule of Work
Policies
Minutes of Meetings
American Delegation - Preliminary Studies of the Structure, Functions, and Directing Personnel of the Organs of Authority
Transcripts of Meetings
Numbered Papers
Departments of Government

[redacted]

Subcommission # III

Schedule of Work

74

DECLASSIFIED
NND 760090
By
NARS, Date

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Exhibit Johnson - 2nd Sub 3 file

American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea.

13 August 1947

Memorandum to: General Brown,
General Weckerling,
Dr. Bunce,
Colonel Watlington,
Mr. Jacobs,
Mr. Sargent.

The attached paper has been prepared by Dr. Sturm of Subcommission No. 3.

It sets forth a compromise basis for selecting the executive branch in the event we fail to get a nationally elected legislative assembly that will appoint the chief executive who will in turn appoint the principal ministers.

The recommendations of this paper may be summarized briefly as follows:

(a) A collegiate executive with rotating chairmanship.

(b) Decentralization of key ministries, like home affairs.

(c) Other ministries. The establishment of committee directorates with rotating chairmanship.

OWEN T. JONES.

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Secret

MEMORANDUM

Problems of constituting the executive branch of the Korean Provisional Democratic Government

[illegible] conditions of the [illegible]

[illegible] of the USA

Analysis of [illegible] Korean [illegible] questionnaires and pertinent [illegible] by [illegible] indicate [illegible] seeking [illegible] of [illegible] subordinate [illegible] of [illegible] on the position of the [illegible] election of persons of [illegible] the Soviets would [illegible] establish [illegible] a genuine democratic [illegible] on behalf of [illegible].

[illegible] of [illegible] [illegible] [illegible]

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NND 760090
By _____ NARS, Date _____

further analysis reveals that a majority of the members of the executive branch of the government would constitute a quorum for any type of administrative act, and that a majority vote of those present would give the effect of law to any procedure adopted by the number, and under whatever circumstances, stipulated by the members of the government could exhibit [illegible] powers on specific occasions. In contrast [illegible] the President, [illegible] action of the government [illegible].

[illegible]

[illegible]

[illegible]

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NND 760090
By NARS, Date

fl[illegible]ch[illegible] outlined here would establish a KPDG free [illegible] very small core of [illegible] or 21 soon active [illegible]. [illegible]

[illegible]

[illegible]

[illegible]

[illegible] Joint Commission holds [illegible] Joint [illegible] [illegible] [illegible]

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NND 760090
By _____ NARS, Date _____

Chief of State
Deputy Chief of State
Ministers of:
Agriculture
Commerce
Communications and Transportation
Coordination and Planning
Education
Finance
Foreign Affairs
Home Affairs
Justice
Labor
National Defense

[illegible]

[illegible]

[illegible]

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NND 760090
By NARS, Date

c. Significance of the conflict between US and USSR positions.

The present impasse reached by the Joint Commission over the issue of oral consultation stems directly from the conflict of basic positions involved here. The Soviet objection is adamant in its desire to exclude anti-trusteeship elements from consultation because it knows these elements to be anti-Soviet or not amenable to Soviet control, and their inclusion might tip the balance too far against the USSR. Its intent is to have chosen from groups right for its consultation, the General Assembly be conciliative not critical and will tolerate the leading powers of the USSR. should be free to limit groups granted consultation to exclude those whose position on trusteeship failure to endorse the principle of a role in the manner objectively desirable could be a valuable addition to assure [illegible] or within the interest sphere of the Soviet world. Should we, on the other hand, yield to Soviet demand and agree to the proposals of the Soviet Union, the evolution of the free world as envisaged, would be fatally compromised. The issues of concern and [illegible] are therefore extremely important.

d. The [illegible] order

[illegible] the Soviet position [illegible] more reprehensible [illegible] more clearly and overtly [illegible] the Soviet Union, [illegible] would be disposed [illegible] the world [illegible] attempt [illegible] the USSR or Soviet, the USSR would [illegible] structural revolution. The question remains whether or not the USSR could have a reasonable hope of accomplishing their purpose by the adoption of some other less drastic and obvious means. Without such a hope they would undoubtedly decline to withdraw from their present position.

The US Delegation at the proper time will insist upon participation of the Korean people as a whole in the formation of the KPDG through nation-wide election of local representatives to

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NND 760090
By _____ NARS, Date _____

national assembly. The Soviet Delegation will steadfastly oppose [illegible] on one or another subterfuge until a KPDG to its liking has been appointed and has had time to establish conditions which will insure the continuance in power [illegible] the electoral process.

[illegible] however, it is conceivable that the Soviet Delegation might be induced to [illegible] control subject [illegible] in Korea [illegible] position that they will [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [

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NND 760090
By NARS, Date

which cannot be proved to have applied fraudulently for consultation, or which have not refused to sign Joint Decision No. 5. Exceptions to this principle may be made by mutual agreement in the case of insignificant local, or otherwise frivolous, organizations. It is indispensable that no consultative or quasi-consultative body be set up in which the membership has been so adjusted that a majority could advance views acceptable to the USSR, but unacceptable to basic U.S. objectives.

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NND 760090
By _____ NARS, Date _____

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NND 760090
By NARS, Date

falling into totalitarian hands of the right or the left. The tradition of centralized power is so strong in Korea that precautions must be taken here which would be unnecessary in areas having [illegible]. On the other hand, it is vital [illegible] be not so complete that it is unable to [illegible]

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NND 760090
By NARS, Date

prevent the use, and swift seizure or control by a determined minority.

In effect, the proposal made here is not dissimilar to an earlier suggestion that a board of coordination should be established and carry out much of the preliminary reorganization of the country prior to formal installation and initiation of powers of the A.C.C. Discussions held between subcommission I and the Soviet members of said ACC demonstrated unmistakably [illegible] agreement will have to be provided before the ACC can exist in fact for any time. The American position is that these instruments should be provided by the joint commission. The Soviets, on the other hand, have made it plain that the ACC will itself create the instruments by which it rules, and have been disinclined to discuss any possible preparatory steps. The creation of executive directorates which in fact give Soviet politicians practical domination in the vital [illegible] by themselves procedures to deal, on the spot, with [illegible] only cause and increase its hostility. [illegible]

[illegible] evolution to desires for Korean unification [illegible] groups to consultation nor their exclusion, to [illegible] timing of temporary American withdrawal, in any [illegible] lished, nor the obtaining of particular administrative posts for [illegible] candidates, could do more than predispose the country's political orientation. The US must insist upon incorporating [illegible] balances similar to those described here in any ACC established, and must insist flatwise upon the most rigorous international control, to be exercised either by the joint commission or by a four-power supervisory council, over all basic political [illegible] of the ACC. This control must be wielded with tact and understanding,

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NND 760090
By _____ NARS, Date _____

but must be ruthless against plays for power by any minority or attempts to subvert the principle of international control.

It is to be anticipated that such a system as this would be highly exasperating to all parties concerned in it. Any advance would be won only with excruciating pains and delay. To counter the adverse psychological effects of inevitable deadlock upon the Korean people, the US should take the propaganda offensive and expose every debated issue to public knowledge as soon as compromise appears impossible. Steady and unremitting pressure should be brought against the USSR to relax its grasp at one point after another. Too much reliance has thus far been placed upon the possibility of genuine compromise. If any had been possible, a KPDG would have grown out of the 1946 sessions of the Joint Commission. The best the US can hope for in Korea is to stiffen this sector in the worldwide holding action against Soviet expansion, perhaps to win small local victories, and to prevent consolidation of political power in Korea before the people themselves are able to exercise any freedom of choice.

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By _____ NARS, Date _____

ENCLOSURE II

Exh Comm III

SECRET

PROCEDURE FOR THE ASSUMPTION OF POWERS BY THE

KOREAN PROVISIONAL DEMOCRATIC GOVERNMENT

SUBCOMMISSION NO. 3

1. A plan of action is set forth here which upon approval shall govern the United States members of Subcommission No. 3 in their negotiations on this problem with the Russian members of Subcommission No.3.

2. This plan of action has been prepared under the following assumptions:

   a. To avert utter chaos and confusion certain preliminary steps TOWARD INTEGRATION must be taken prior to the date the Korean Provisional Democratic Government takes over.

   b. That only those preliminary steps should be made that are essential to minimize the chaos and confusion attendant to the take over. All other problems of integration should be left to the Korean Provisional Democratic Government to work out in collaboration with the Joint Commission.

   c. That the [illegible] will oppose any preliminary steps toward integration.

   d. That this [illegible] (i.e. fulfillment of para 2 of the Moscow [illegible]) of the Joint Commission's [illegible] calls only for an agreement on the "Procedure for the Assumption of Powers". No steps shall be taken, therefore, during this phase toward the implementation of the plan of action set forth herein. All we shall try to do is to get it accepted.

3. There is [illegible] for reference the Minutes of Meetings with Military Government operating [illegible] constitute a basis of this document.

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ACCOUNTS FOR THE ASSUMPTION OF POWERS BY THE
KOREAN PROVISIONAL DEMOCRATIC GOVERNMENT

Function	Minimum Preliminary Steps to be taken before Korean Provisional Government takes over	Committees to be created to effect Preliminary Agreements
PUBLIC AND PRIVATE FINANCE		
Currency	1. Establish Bank of Chosen notes as legal tender.	
	2. Agreement with Russians on basis of conversion of Red Yen	
	a. If before unification - future currency requirements of Russian and American troops.	
	b. If after unification - agreement on Red Yen outstanding and probable rate of expansion prior to conversion.	
Central Banking	1. Establish Bank of Chosen as central bank.	
Commercial Banks	1. Agreement on free clearance of bank drafts.	
	2. Establish a single clearing house.	Name: Finance Committee
	3. Agreement on moratorium on all inter bank balances existing as of 15 August 1945.	Membership:
Postal Savings	1. Agreement that inter zone claims on deposit balances as of 15 August 1945 will be honored; inter zone claims on deposits since that date not to be honored until Korean Provisional Democratic Government has integrated Postal Savings system.	From North Korea: 1 Russian, 1 Korean From South Korea: 1 American, 1 Korean
National Budget	1. The budgets of South Korea Interim Government and North Korea Provisional Government shall be consolidated to make the budget of the Korean Provisional Democratic Government. The consolidated budget shall remain in effect for remainder of fiscal year.	
	2. South Korea Interim Government and North Korea Provisional Government appropriations shall be provisionally assigned to Korean Provisional Democratic Government departments prior to unification.	
	3. Agreement on which of the national taxes in the two zones	

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NND 760090
By _____ NARS, Date _____

SERVICE	Minimum Preliminary Steps to be taken before Korean Provisional Democratic Government takes over	Committees to be created to effect Preliminary Agreements
National Budget (continued)	shall be continued and what rates will apply.	
DOMESTIC AND F[illegible]		
Price and Wage [illegible]trols	1. Establishment of temporary price and distribution controls on: Rice Other Cereals Fertilizer Fuels Cotton textiles	Name: Price Control and Rationing Committee Membership: From North Korea: 1 Russian, 1 Korean From South Kor : 1 American, 1 Korean
Foreign Exchan[illegible] [illegible]ntrols	1. Agreement to exchange information on foreign exchange assets of South Korea Interim Government (Foreign Commercial Bank A/C Balances) and North Korea [illegible]visional Government. 2. Agreement on use of for[illegible] [illegible] (see Foreign Trade Controls).	Name: Foreign Trade and Exchange Controls Committee Membership: From North Korea: 1 Russian, 1 Korean From South Kor ; 1 American, 1 Korean
Foreign Trade [illegible]rols	1. Agreement on preliminary list [illegible] ex[illegible]rt/im[illegible]ort items. 2. Agreement for continuous [illegible] inspection of all [illegible]ts [illegible] border st[illegible]tions. 3. Preliminary unification of [illegible] Service.	
Foreign Loans	1. Agreement with Russians co[illegible] all types of economic aid. a. Types and amounts needed. b. [illegible] share of Russians [illegible]ricans. c. Method of financing aid.	Name: Committees on Foreign Aid and Assistance Membership: From North Korea: 2 Russian, 2 Korean From South Korea: 2 American, 2 Korean

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NND 760090
By _____ NARS, Date _____

Service	Minimum Preliminary Steps to be taken before Korean Provisional Democratic Government takes over	Committees to be created to effect Preliminary Agreements
PUBLIC UTILITIES		
Rail Transportation	1. Unification of railroad communications systems. 2. Preparation of operating schedules for unified system. 3. Regrouping of operating districts under a National Headquarters.	Name: Transportation Committee Membership: From North Korea: 1 Russian, 1 Korean From South Korea: 1 American, 1 Korean
Telephone and Telegraph	1. Re-establish Pusan - Seoul - Kyongsong - Wonsan subterranean cable.	Name: Communications Committee Membership: From North Korea: 1 Russian, 1 Korean From South Korea: 1 American, 1 Korean
Public Information	1. Consolidation of radio broadcasting facilities under JCOK with equal radio time to political parties. 2. Uniform licensing system for newspapers with no pre-censorship. 3. Uniform licensing system for movies.	Name: Public Information Committee Membership: From North Korea: 1 Russian, 1 Korean From South Korea: 1 American, 1 Korean

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Service	Minimum Preliminary Steps to be taken before Korean Provisional Democratic Government takes over	Committees to be created to effect Preliminary Agreements
LAW AND ORDER		
Police	1. Agreement on purpose, size, organization, and degree of decentralization under Korean Provisional Democratic Government. 2. Establish a Police Board to supervise South Korea Interim Government and North Korea Provisional Government police systems pending their integration by Korean Provisional Democratic Government. Board to have following powers a. Integrate and reorganize police systems in compliance with basic policy agreements. b. Order Mobilization. c. Appoint, replace, and transfer personnel	Name: Police Board Membership: From North Korea: 1 Russian, 1 Korean From South Korea: 1 American, 1 Korean
Constabulary	1. Agreement on purpose, size, organization, and degree of decentralization under Korean Provisional Democratic Government. 2. Establish a Constabulary Board to supervise South Korea Interim Government Constabulary and North Korea Provisional Government Army pending their integration by Korean Provisional Democratic Government. Board to have following powers a. Integrate and reorganize constabulary in compliance with basic policy agreements. b. Order Mobilization. c. Appoint, replace, and transfer personnel.	Name: Constabulary Board Membership: From North Korea: 1 Russian, 1 Korean From South Korea: 1 American, 1 Korean
Coast Guard	1. Agreement on purpose and reorganization under Korean Provisional Democratic Government. 2. Establish a Coast Guard Board to supervise South Korea Interim Government and North Korea Provisional Government Coast Guard pending their integration by Korean Provisional Democratic Government. Board to have following powers a. Integrate and reorganize Coast Guard in compliance with basic policy agreements. b. Appoint, replace, and transfer personnel.	Name: Coast Guard Board Membership: From North Korea: 1 Russian, 1 Korean From South Korea: 1 American, 1 Korean

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NND 760090
By _____ NARS, Date _____

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SERVICE	Minimum Preliminary Steps to be taken before Korean Provisional Democratic Government takes over	COMMITTEE TO BE CREATED TO [illegible] AGREEMENTS
ADMINISTRATIVE [illegible]		
Governmental Organization at Operating Level	1. Exchange information on South Korea Interim Government and North Korea Provisional Government structures. 2. Establish a Co-ordinating Committee which upon establishment of Korean Provisional Democratic Government will become a Ministry of Co-ordination. 3. Allocate government functions provided for in political platforms to executive departments established by Charter.	Name: Committee on Organs of Authority Membership: From North Korea: 1 Russian, 1 Korean From South Korea: 1 American, 1 Korean
Civil Service	1. All Civil Service employees to remain in jobs for three months after unification. 2. Establish Civil Service Board of Review and Co-ordination (which shall become Civil Service Commission when Korean Provisional Democratic Government is established), with powers to: a. Review [illegible] levels and transfers necessitated by government reorganization and consolidation. b. Establish prior to unification uniform pay scales for [illegible] and departments employees.	Name: Civil Service Board of Review and Co-ordination Membership: From North Korea: 1 Russian, 1 Korean From South Korea: 1 American, 1 Korean
Distribution of Russian and American Advisors	1. Agreement that all Russian - American Advisors to South Korean Interim Government and North Korea Provisional Government shall be attached to Joint Commission when Korean Provisional Democratic Government is established. 2. Agreement on number and types of advisors to be retained and which are [illegible] and which are American. 3. Agreement on [illegible] distribution of both Russian and American advisors.	Name: Committee on Russian - American Personnel Membership: 2 Russians 2 Americans

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NND 760090
By _____ NARS, Date _____

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SUBCOMMISSION NO. 3

I. MISSION

A. As defined by American Delegation

B. As defined by Joint Commission

II. STATUS OF WORK

A. Methods of Selecting Personnel

1. Program of Work

2. Action Taken

3. Action Required

B. Procedure of the Assumption of Powers.

1. Program of Work

2. Action Taken

3. Action Required

DECLASSIFIED
NND 760090
By NARS, Date

I. MISSION

A. As defined by American Delegation
(Ref. 106th Mtg Item 2c Amer. Delg., AMD 4 Sec. C)

"Plan for Transfer of Authority to Provisional Government"

1. Integration of the existing government of North-South Korea.

   a. Study of government of North Korea.

   b. Study of government of South Korea.

   c. Determination of contribution of North-South Korea government to Provisional Government.

   d. Method to be followed in combining appropriate elements of North-South Korean Government to Provisional Government.

   e. Time when new integrated element takes over responsibility of government.

   f. Time when Provisional Government takes over responsibility of government.

   g. Responsibility of each existing element of North-South Korea government for governing until corresponding element of Provisional Government takes over.

   h. Responsibility for supervision and control of

      1. North Korean Government.

      2. South Korean Government.

      3. Provisional Government

B. As defined by Joint Commission
(Ref. Para "B" Joint Commission Decision #8)

1. "Elaboration of recommendations for the personnel of the Korean Provisional Democratic Government."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

2. "The procedure of the assumption of powers by the Provisional Korean Democratic Government".

3. "and the procedure of the selection of the personnel for the Provisional Korean Democratic Government".

II. STATUS OF WORK

A. Methods of Selecting Personnel

1. Program of Work

   a. Formulate a basis for the election of a National Legislature which will appoint a Chief of State who will in turn appoint the ministers and "guiding personnel".

   b. Formulate a basis for the selection and appointment of the permanent body of civil service personnel from present personnel of SKIG and the People's Government of North Korea.

2. Action Taken

   a. Russian ideas on the methods for selection of "guiding" personnel has been ascertained. (See Meacham's memo dated 11 June 1947)

   b. An American position (See Meacham's memo dated 21 June 1947) has been established, and made a part of the American draft of charter, favoring the election of a National Legislature which will appoint a Chief of State who will in turn appoint the ministers.

   c. The issue has not been joined yet with the Russians over the conflicting methods for the selection of personnel.

3. Action Required

   a. Formulate a United States plan for the election of the National Legislature. (It has been requested that Dean Pergler be immediately called back from the United

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

States to head up the work on this project.) It is recommended that we not discuss this further with the Russians until consultations have been completed.

b. Formulate a United States plan for the selection and appointment of the Provisional Korean Democratic Government's permanent civil service body from existing personnel of SKIG and the People's Government of North Korea. (It has been requested that Lt. Col. Hugo Bledsoe be detailed from SKIG to head up the work on this project.) It is recommended that we not discuss this with the Russians until after consultation.

. Procedure for the Assumption of Powers by the Provisional Korean Democratic Government.

1. Program of Work

a. Merging of the SKIG and PG executive departmental organizations.

i.e., Putting the Departments of Agriculture, Commerce, etc. together organizationally.

. Liquidate and/or combine special agencies in SKIG and PG.

i.e., SKIG's KAA, MCC, USOCS, Office of Property Custodian, Nat. Price Administration, NEB, etc.

c. Reconciliation of administrative law.

i.e. SKIG ordinances on price regulations, foreign exchange controls, taxes, national budget, import-export controls, etc.

d. Integration of physical services at technical level.

i.e., Communications (toll lines), postal services, currency, central and commercial banking systems, police systems, etc.

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DECLASSIFIED
NND 760090
By NARS, Date

e. Policy reconciliation.

i.e., Ideological conflicts in mission of Departments of Education, Foreign Affairs, etc., credit policy of banks, taxation policy, nationalization of industry, land reform, socialized medicine, etc.

f. Settlement of claims.

i.e., Disposition of assets of banks and vested properties and the claims of their depositors and creditors, assumption of obligations by Provisional Government, etc.

2. Action Taken.

a. A memo dated 22 May 1947 on "Request for Information on Present Governmental Structure and Function" was addressed to all American Departmental Advisors. Replies have been received but not analyzed and returned for missing data.

b. Steps have been taken for an exchange of information with the Soviets on "Preliminary Study of Existing Organs of Authority". This is now being assembled and will be exchanged on 1 July.

c. Based on Sturm's memo dated 10 June 1947 on the necessity for initiating discussion of problems incident to integration at the technical level, a request dated 13 June 1947 was addressed to the Soviets that such discussions be initiated at once. A negative reply dated 17 June 1947 was received.

3. Action Required.

a. Analysis of replies received from American Departmental Advisors; return replies for fuller information when required.

b. Analysis of material received from the Russians on 1 July.

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

c. In terms of "a" and "b" above, formulate a specific plan of action for each of the items appearing under "Program of Work" under B1 above, with special reference to

(1) Phasing. What has to be done before the Provisional Government is established? What can be done by the Provisional Government itself? What will have to be done jointly by the Joint Commission and the Provisional Government.

(2) Establishment of SKIG working committees at the technical levels to which Russian counterparts will be added.

(3) The policy to be followed by the American Delegation on each item listed under "Program of Work" under B1 above. (To participate in this work, it has been requested that both Dean Pergler and Hugo Bledsoe be detailed to Subcommission #3.

d. It is recommended that we do not discuss further with the Russians the "theory" of integration. Instead, it is recommended that we tackle the problem with them piecemeal by concentrating on specific technical problems, one at a time. These specific problems can be taken up individually by us within the framework of our own program of work, without disclosing to the Russians that we are gaining our ends piecemeal rather than tackling the problem as a whole.

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NND 760090
By _____ NARS, Date _____

Subcommission No. 3
American Delegation
U.S.-U.S.S.R. JOINT COMMISSION
WPC 235

14 August 1947

To: General [illegible]

Subject: Subcommission No. 3 Personnel Requirements

1. This is in compliance with General Brown's verbal direction of 13 August.

2. Present position.

The American membership of Subcommission No. 3 now consists of Dr. E. J. Sturm, a part of whose time is devoted to State Department duties, and myself. This is a contraction from an original complement of five.

3. Actual requirements.

(a) Administrative

It is essential that proper minutes be ~~completed~~ MAINTAINED of all Subcommission No. 3 meetings, whether of the American members alone in their work with Military Government officials, or with the Russian members; it is also essential that the growing mass of material that is accumulating be properly digested and filed for immediate reference; this is not now being done. To these ends it is requested that Captain Miller be returned to Subcommission No. 3 at once. He was detailed on special duty on 10 June with the understanding that he would be returned in two weeks. He has never returned.

(b) A person familiar with Korean political parties and political personalities

Subcommission No. 3 is responsible for the selection of personnel for the Korean Provisional Democratic Government. This will have to be done in terms of North and South Korean political parties and social organizations and the personalities identified with them. One of the American members of Subcommission No. 3 should be fully informed on these subjects. To provide such a person, it is requested that any one of the following be assigned to Subcommission No. 3:

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Mr. Murphy (G-2, USAF Corps),
Mr. Kirby (Subcommission No. 1),
Mr. Long (Subcommission No. 1), or
Mr. [illegible] (Political Advisory Group).

(c) [illegible] organizational organization

[illegible] is responsible for the "trans-
[illegible] of power" to the Korean Democratic
[illegible] building up the ORGANIZATION OF THE
Korean Democratic Government, liquidating
[illegible] Korean Government and the North Korea
[illegible] the business end
of the [illegible]. Two types of men are required.

[illegible] concerning, min-
[illegible] problems. It is re-
[illegible] (Civil Service -
[illegible] Secretary - MMB)
[illegible]. for this pur-
[illegible] be
[illegible].

( ) [illegible] criteria in
[illegible] work in
[illegible]. [illegible] may be
[illegible] Army Field Division, Washington, D. C.
[illegible] trained radio
[illegible].

[illegible] to working
[illegible] of the two
[illegible]. It is planned to
[illegible] set up -
[illegible] trade controls,
[illegible] will
[illegible]. This problem
[illegible]
[illegible] may be solved.

WM T. JONES
[illegible]
Subcommission No. 3

1 Incl. - Table of TA

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NND 760090
By _____ NARS, Date _____

R A D I O

[redacted] - - CONFIDENTIAL

TO: WAI

[redacted] ADMINISTRATIVE
[redacted] DETAILED TO THIS
[redacted] SECURITY COMMISSION NOT TO
EXCEED [redacted] MONTHS. [redacted] WILL BE CHARGED TO [redacted] CHIEF
[redacted] GOVERNMENT
[redacted] 'S
[redacted] SUPERVISING
[redacted] AND
IN [redacted] SOUTH
K[redacted] PEOPLES GOVERNMENT.
[redacted] FAIRFAX, VAD,
MR. [redacted] LELAND BURROWS
IN DELHI [redacted].
[redacted] OF
[redacted] PAYABLE
[redacted] WITHOUT
FURTHER [redacted] TO [redacted].

POSITION IS P[redacted] GRADE CAN BE [redacted] AT [redacted] THOUSAND PER
[redacted] BOX [redacted] ALSO SENT.

AIR [redacted] ONLY REQUESTED.

[redacted]

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NND 760090
By _____ NARS, Date _____

[redacted]

Subcommission No. 3
American Delegation
U.S. - U.S.S.R. JOINT COMMISSION
[illegible] 935

11 September 1947

Subject: Methods of selecting personnel.

To : General Brown
General Hodgerlin
Mr. Bruce
Mr. Jacobs
Colonel Watlington
Mr. Sargent

1. Item 4b(3) of the Minutes of the 38th Meeting of the U.S.-U.S.S.R. Joint Commission, 22 May 1947, assigned the following tasks to Subcommission No. 3:

a. Elaboration of recommendations for the personnel of the Provisional Democratic Government in Korea.

b. The procedure of the selection of personnel for the Provisional Democratic Government in Korea.

2. The American Delegation has interpreted this directive to Subcommission No. 3 as follows:

a. It embraces both "guiding personnel" and the larger body of administrative personnel, for example, as covered in the U. S. by Civil Service.

b. Subcommission No. 1 is responsible for the method of selecting "appointed" personnel, and Subcommission No. 3 is responsible for the method of selecting "elected" (as determined by the election laws) personnel.

3. U. S. Subcommission No. 3 has formulated its plans in the following manner, and upon the following assumptions:

a. Joint Subcommission No. 3 will be governed in its selection of appointed personnel by the Charter prepared by Joint Subcommission No. 2. So that end, U. S. Subcommission No. 3 has prepared Alternative plans (see inclosures 1, 2, and 3) to cover each of the alternative drafts of Charters prepared by U. S. Subcommission No. 2.

b. The U. S. members of Subcommission No. 3 propose to take the position in Joint Subcommission No. 3 meetings that it is necessary for Joint Subcommission No. 2 to agree upon a draft of Charter before Joint Subcommission No. 3 can proceed to the problem of formulating a method for selecting appointed personnel.

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

c. During this phase (i. e., the fulfillment of paragraph 2 of the Moscow Decision) of the Joint Commission's work, Joint Subcommission No. 3 is to arrive only at an agreement on a "plan" for selecting personnel. It is not to concern itself with the implementation of a plan in terms of specific names for specific positions.

4. Comments and further instructions are requested.

Clyde D. Jones
Chairman

2 Incls:

1. Method of Selecting Appointive Personnel of the Provisional Korean Democratic Government under U. S. Position "A".

2. Method of Selecting Appointive Personnel of the Provisional Korean Democratic Government under U. S. Position "B".

3. Method of Selecting Appointive Personnel of the Provisional Korean Democratic Government under U. S. Position "C".

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III US
11 Sep 47

SECRET

American Delegation
Subcommission No. 3
U.S.-U.S.S.R. JOINT COMMISSION
AIC 235

METHOD OF ELECTING A PROVISIONAL PERMANENT OF THE PROVISIONAL KOREAN DEMOCRATIC GOVERNMENT UNDER U. S. POSITION "A"

1. The following was drafted by U. S. Subcommission No. 3 for submission to the Delegations within the provisions of the Joint Declaration covering U. S. Position "A".

2. The Chief of State.

a. Article III, Section 4, of the Joint Declaration provides that "The Chief of State and Deputy Chief of State shall be elected by the National Assembly by a majority vote. . . . . ."

b. The Joint Commission may exercise control over these elections through the veto power over "certain" of the acts of the Provisional Government. Article III, Section 4, provides that

". . . . Unless rejected by joint vote of the establishing powers within 10 days the Chief of State, (and) the Deputy Chief of State . . . . . shall take office. . . . ."

This, however, requires "joint" action; permits neither Delegation to undertake unilateral action; and imposes on the U. S. Delegation the problem of establishing a position vis-a-vis the Soviets on the exercise of the joint veto. The U. S. Delegation may not be successful in getting the Soviets to adopt its position as a basis for exercising the joint veto, but it should, at least, go on record as to what its position is.

c. Regardless of whether the election produces a National legislature dominated by the Democratic People's Front, or by a group more friendly to the U. S., it is recommended that the U. S. Delegation take the following position with respect to the qualifications of the Chief of State:

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III US
11 Sep 47

(1) A non-political figure should be chosen.

(2) He should be a man of some eminence in the fields of social and physical sciences.

(3) He should be a man who does not have the taint of [illegible].

(4) He should be a man who can devote himself sufficiently [illegible] to the [illegible].

b. The Ministers.

a. [illegible], section 1, of the Draft of Charter provides that:

". . . a Chief of the Staff subject to the [illegible] of persons [illegible] by [illegible] . . . ."

b. [illegible] article [illegible] of the Draft Charter [illegible]:

". . . unless rejected by joint veto of the [illegible] within 1 days . . . . the [illegible] shall take office . . . ."

This, in view of the "joint" action, unfavorable to the U. S. Delegation the more [illegible] as it [illegible] selection of the Chief of State, that of establishing a position vis-a-vis the Soviets on the exercise of the joint veto.

c. It is recommended that the U. S. Delegation take the appropriate position outlined below with respect to the choice of the ministers.

(1) In the event a national legislature is elected that is dominated by the Democratic People's Front,

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Inclosure #1

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III US
11 Sept 47

the U. S. Delegation must be prepared to accept Leftist appointments throughout. It should take the position, however, that the ministers shall be chosen from the northern and southern parts of Korea on a proportional population basis, and in proportion to the strength of the respective parties as demonstrated in the election. This will, of course, accomplish little except to retard the movement into the Soviet orbit.

(3) In the event a national legislature is elected in which the Democratic People's Front does not have a majority, the U. S. Delegation should take the position that the balance of power in the ministry shall be in hands not unfriendly to it. To that end, each ministry should be weighed according to its importance. Tentatively, the following assessments are proposed:

Ministry	Weight
Home Affairs	5
Justice	5
Finance	5
Foreign Affairs	5
Commerce	3
Coordination and Planning	3
National Defense	3
Labor	3
Education	2
Communications and Transportation	2
Agriculture	1
Public Health and Welfare	1
Total	38

Inclosure #1

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

The actual weights to be assigned could be determined in the light of decentralization of certain ministries, and other factors that would bear on the problem. The values used here are for the purpose of illustration only. The total weighted value in the above list, for example, is 38. On the basis of the population ratio, the U.S. Delegation should insist that not less than 25 of these points be under U. S. influence. It will be noted that the 13 points remaining for Soviet influence would not extend to more than two of the four ministries given the highest rating.

4. The Judiciary.

a. Article V, Section 2, of the draft of Charter provides that:

> ". . . . (a) Chief Justice and six Associate Justices . . . . shall be nominated by the Chief of State of the Provisional Korean Democratic Government, subject to confirmation by the National Assembly . . . . "

b. The Joint Commission may exercise control over these appointments through the veto power provided in the same Article and Section:

> ". . . . Unless rejected by joint veto of the establishing powers within 10 days after such confirmation, the Chief Justice and Associate Justices shall take office . . . . "

This, however, requires "joint" action, and imposes on the U. S. Delegation the same problem as applies to the selection of the Chief of State and of the ministers, as mentioned above.

c. It is recommended that the U. S. Delegation take this position with respect to the nominations for the Supreme Court: A

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

Supreme Court shall be chosen on a proportional population basis, and in proportion to the strength of the strength of the respective parties as demonstrated in the election.

5. Civil Service.

a. Article VII, Section 1, provides that

". . . . The Office of Civil Service shall publish regulations concerning the employment of such subordinate officials as are necessary to carry out the functions of the Provisional Korean Democratic Government."

Article VII, Section 7 a, provides further, in this connection

". . . . Selection of employees shall be exclusively on merit and on a competitive basis and no political favor shall influence the appointment of officials."

b. The Joint Commission may exercise control over these regulations and appointments through the right of review and implementation provided in Article IV, Section 4:

"The establishing powers reserve the right of review over all acts of the Provisional Korean Democratic Government which may endanger the public security or interfere with the exercise of the functions reserved in this Charter to the establishing powers. In case of failure of the Provisional Korean Democratic Government, upon notice and demand jointly made by the establishing powers, to perform any function deemed by the establishing powers essential to the objectives stated in this Charter, the establishing powers reserve the right to implement by joint action any provision of this Charter.

c. It is recommended that the U. S. Delegation periodically review appointments and dismissals to insure that the regulations are

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

being complied with, and that there are not wholesale appointments of Communist sympathizers in certain departments.

6. Local Government. The foregoing has concerned itself with appointments at the national level. Under U. S. Plan "A", the Joint Commission will be unable to exercise any control over appointments of local government officials, other than through the Civil Service Regulations. It is the opinion of Subcommission No. 3 that the safeguards set up in Article V are adequate, however, and no further provisions are required.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III M
11 Sep 47

SECRET

American Delegation
Subcommission no. 3
U.S.-USSR JOINT COMMISSION
APO 235

[redacted] APPOINTIVE PERSONNEL
[redacted] PROVISIONAL KOREAN DEMOCRATIC
[redacted] UNDER U. S. POSITION "B"

1. The [redacted] the motion proposed by U.S. Subcommission no. [redacted] for selecting appointive personnel within the provisions of the draft charter covering U. S. position "B".

2. [redacted] State.

a. [redacted] VII section 1 of the draft of charter provides that [redacted] Chief of State and the Deputy Chief of State shall be elected by the Provisional Legislative Assembly by a majority vote .....'

b. [redacted] Commission may exercise control over these appointments through the veto power provided in the same article and section:

".....Unless rejected by joint veto of the establishing powers within 10 days, the Chief of State, (and) the Deputy Chief of State.....shall take office....."

This, however, requires "joint" action; permits neither Delegation to undertake unilateral action; and imposes on the U. S. Delegation the problem of establishing a position vis-a-vis the Soviets on the exercise of the joint veto. The U. S. Delegation may not be successful in getting the Soviets to adopt its position as a basis for exercising the joint veto, but it should, at least, go on record as to what its position is.

c. It is recommended that the U. S. Delegation take the following position with respect to the qualifications of the Chief of State:

(1) A non-political figure should be chosen.

(2) He should be a man of some eminence in the fields of social and physical sciences.

(3) He should be a man who does not have the taint of Japanese collaboration.

Inclosure 2.

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

(4) He should be a man who has kept himself sufficiently aloof from both the U.S. and the Soviet occupation as to be acceptable to both sides.

3. The Ministers.

a. Article 3, section 3 of the draft of Charter provides that "...the Chief of State shall submit to the Provisional Council nominations of persons for the posts of the Ministers for approval by majority vote....."

b. The Soviet Commissioner may exercise control over the appointments [illegible] to be provided in the same Article and section: "...Ministers rejected by joint veto of the establishing [illegible] the Ministers shall take office..." This proposed, unilateral joint action, and veto power of the U.S. [illegible] of the same problem as applies to the selection of the Chief of State, that of establishing a position vis-a-vis the Soviets on the exercise of the joint veto.

c. It is recommended the U.S. delegation take the position that the Ministers shall be chosen in such a manner that the balance of power remains with the U.S. To that end, each ministry should be weighted according to its importance. Tentatively the following assessments are proposed:

Ministry	Weight
Home Affairs	5
Justice	5
Finance	5
Foreign Affairs	5
Commerce	3
Coordination and Planning	3
National Defense	3
Labor	3
Education	2
Communications and Transportation	2
Agriculture	1

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III US
11 Sep 47

Ministry	Weight
Public Health and Welfare	1
TOTAL	38

The actual weights to be assigned could be determined in the [illegible] decentralization of certain [illegible] and other factors that would bear on the problem. The values used here are for the purpose of illustration only. The total weighted [illegible] above list, for example, is 38. On the basis of the population ratio, the U. S. delegation should insist that [illegible] than 25 of these points be under U. S. influence. It will be noted that of the 13 points remaining for the Soviet influence [illegible] not extend to more than two of the four ministries [illegible] the highest rating.

4. [illegible].

a. Article IV, section 2, of the draft of Charter provides that

"(.....(a) Chief Justice and six Associate Justices..... will be nominated by the Chief of State of the provisional [illegible] democratic Government, subject to confirmation by the legislative assembly....."

b. The most particular way [illegible] control over these appointments through the veto power provided in the same article and section:

"..... Unless rejected by joint vote of the establishing powers within 10 days after such confirmation, the Chief Justice and Associate Justices shall take office....."

This, however, requires "joint" action, and imposes on the U.S. delegation the same problem as applies to the selection of the Chief of State and of the ministers, and as mentioned above.

c. It is recommended that the U. S. delegation take the position these appointments shall be such that the control of the Supreme Court shall be friendly to the U. S.

5. Civil Service.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III
11 Sep 47

b. Article VII, Section 1 provides that

"..... the Office of Civil Service shall publish regulations governing the employment of such subordinate officials as may be necessary to carry out the functions of the provisional government."

Article VII, Section 2 provides further, in this connection

"..... selection of employees shall be exclusively on merit and competitive basis and no political favor shall influence the appointment of office etc."

k. [illegible] exercise control over such regulations or appointments through the right of review and implementation provided in Article V, Section 4:

"..... shall reserve the right of review over all acts of the provisional Korean democratic government which may affect the public security or interfere with the exercise of the functions reserved in this Charter to the establishing powers. In case of failure of the provisional Korean Democratic Government, upon notice and demand joint, made by the establishing powers, to perform any function deemed by the establishing powers essential to the objectives stated in this Charter, the establishing powers reserve the right to implement, by joint action, any provision of this Charter.

c. It is recommended that the U.S. Delegation periodically review appointments and dismissals to insure that the regulations are being complied with, and that there are not wholesale appointments of communist sympathizers in certain departments.

6. Local Government.

The foregoing has concerned itself with the appointments at the national level. Under U.S. Plan "A", the Joint Commission will be unable to exercise any control over appointments of local government officials, other than through the Civil Service Regulations. It is the opinion of subcommission G-3 that the safeguards set up in

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Article X are adequate, however, and no further provisions are required.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III US
11 Sept 47

SECRET

American Delegation
Enclosure No. 3
US - [illegible] Joint Commission
[illegible] 225

[illegible]

1. [illegible] agreement of an interim [illegible] for the period of approximately six months [illegible] following the [illegible] election. [illegible] will go into effect. [illegible] the method of selecting [illegible] only after the [illegible] will be considered.

2. [illegible]

[illegible] will [illegible] that [illegible] date . . . should be [illegible] established [illegible] within . . . .'

[illegible] that the . . . Korean insist [illegible] political [illegible] be selected for this post. [illegible] call for [illegible] the social [illegible] physical [illegible], [illegible] of the point of view [illegible] collaborate[illegible], [illegible] man who has kept himself [illegible] aloof from both the U. S. and the Soviet occupa[illegible] to be acceptable to both sides. About the only [illegible] for such an ideal type that appears practicable is to have each delegation propose a slate of three candidates, and from those slates to arrive at an acceptable man.

[illegible]

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

. Ministers

a. Article [illegible], Section 3, provides that

". . . . the ministers shall be appointed by agreement of the establishing powers . . ."

b. Since the ministries proposed in the draft of the Charter are of quite unequal political importance, at least in the early stages of the Korean Provisional Democratic Government's existence, it will be possible to control the most vital functions of government through the control of three or four ministers. It is suggested, therefore, that each ministry be weighted according to its importance. Tentatively, the following assessments are proposed:

Ministry	Weight
Home Affairs	5
Justice	5
Finance	5
Foreign Affairs	5
Commerce	3
Coordination and Planning	3
National Defense	3
Labor	3
Education	2
Communications and Transportation	2
Agriculture	1
Public Health and Welfare	1
Total	38

The actual weights to be assigned could be determined in the light of decentralization of certain ministries and other factors that would bear on the problem. The values used here are for the purpose of illustration only. The total weighted

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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value in the above list, for example, is 36. On the basis of the population ratio, the U. S. Delegation should claim not less than 25 of these points for its candidates. It will be noted that the 13 points remaining to the Soviet Delegation would not allow them to nominate candidates for more than two of the other industries given the highest rating. Such a split as this should effectively prevent concentration of power almost entirely in the hands of the Soviet appointees, while at the same time offering the added advantage of making it possible to control the nominating power of the two delegations in such a way that each could act freely within the limits assigned.

4. Judiciary.

a. Article III, Section 4, provides that

> "Until the election of a National Assembly the Executive Council shall, in consultation with the establishing powers, coordinate the main functions of government now existing, retaining by agreement all those existing administrative and judicial agencies and institutions necessary to constitute a government on all levels . . . "

b. Since this proposal will continue the existing judicial systems in North and South Korea, no problem of judicial appointments arises under U. S. position "C".

5. Civil Service

a. Article III, Section 4, provides that

> ". . . . The Executive Council shall appoint under regulations approved by the establishing powers such administrative personnel as may be required to perform properly its responsibilities."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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III (3)
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b. It is recommended in implementing the foregoing, that U.S. Delegation take the following action with respect to U.S. administrative personnel: periodically review appointments made or disposals to insure that the regulations are being complied with, and that there are not wholesale appointments of convenient sympathizers in certain departments.

c. Local Government.

[illegible] has concerned itself with appointments at the national level. Under the provisions of article III, section 4, noted in paragraph 4a above, i.e. Plan "C", there is provided consultation [illegible] existing agencies at local governmental levels. The problem of appointments, therefore, [illegible] period.

Inclosure 3

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Subcommission # III

Policies

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DECLASSIFIED
NND 760090
By
NARS, Date

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Secret

PLAN OF OPERATION OF SUB-COMMISSION ON POLICY

1. When meeting with the U.S.S.R. delegate, the U.S.A. delegate will have the following advisors:-

Comdr. Jones	- Military Government representative
Mr. Strong	- Chairman of Sub-Committee on Controls
Mr. Cassidy	- Chairman of Sub-Committee on Currency
Mr. Moore	- Liaison between Military Government and the Commission.

2. In addition to the above advisors, Lt. Col. Woodall, Lt. Col. Gordon and other specialists will be asked to meet with the U.S.A. delegate as an advisory council to plan strategy and review the proposals of Sub-Committees before these are presented to the U.S.A. Commissioners.

3. The U.S.A. delegate will present the proposals and strategy developed by the Sub-Committees and reviewed by the advisory council to the U.S.A. Commissioners for their approval prior to presentation to the U.S.S.R. specialists.

4. The Sub-Committee chairmen and members shall be appointed by Comdr. Jones subject to approval by the U.S.A. delegate.

5. The U.S.A. members of the Sub-Committees and Sub-Commission will avoid any final agreement with the U.S.S.R. members until their position has been approved by the U.S.A. Commissioners. This is to avoid any possibility of the U.S.A. delegation being put in the position of not accepting a proposal at the Joint Commission level after agreement was reached in the earlier negotiations.

6. All proceedings of the Sub-Commission and Sub-Committees shall be secret.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Secret

PROGRAM OF WORK
FOR THE JOINT U.S.-SOVIET SUB-COMMISSION ON POLICIES

A. Preliminary elaboration of appropriate measures to assist the formation of a Provisional Korean Government.

1. Travel of persons within Korea.

2. Circulation of information by radio, newspapers and public speeches.

3. Movement of goods throughout Korea.

4. Transfer of currency, credit instruments and other evidences of value.

5. National economic controls.

B. Preliminary elaboration of the political platform for the future Provisional Korean Democratic Government.

1. Basic rights and duties of citizens.

2. Economic policies and plans.

3. Development of national culture.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Программа Работы
Совместной Американско-Русской Подкомиссии о
Предварительных Мероприятиях и Политической
Платформе

А. Предварительная разработка соответствующих мероприятий для оказания содействия образованию Временного Корейского Правительства.

1. Передвижение лиц по всей Корее.

2. Распространение информации по радио, в газетах и в публичных выступлениях.

3. Перевозка товаров по всей Корее.

4. Перевод денег, кредитных документов и других ценных бумаг.

5. Предварительные мероприятия в связи с контролированием национального хозяйства.

Б. Предварительная разработка политической платформы будущего Временного Корейского Демократического Правительства.

1. Основные права и обязанности граждан.

2. Экономическая политика и планирование.

3. Развитие национальной культуры.

Russ Text
Sub-Comm Paper 3-2

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Secret

PRESENTATION OF PROGRAM OF WORK
FOR THE SUB-COMMISSION ON POLICIES.

1. The Moscow Decision on Korea, paragraph 2, specifically states that the Joint Commission shall undertake the "preliminary elaboration of the appropriate measure."

2. The U.S. point of view was clearly expressed by General Arnold in his opening address at the first meeting of the Joint Commission. We believe that no national government can function until the points outlined in A. are achieved. It is essential that plans to achieve the objectives set forth in the second U.S. paper be developed now, and that these be put into operation as early as possible before the provisional government takes up its responsibilities and duties.

3. In addition to the necessity of undertaking this work under paragraph 2 of the Moscow Decision on Korea, there are sound economic reasons why these measures outlined in A. should be undertaken immediately. These may be briefly stated as:-

a. Elimination of barriers will permit the early restoration of trade and production that is essential to produce more goods and food for consumers and to reduce the dangers of inflation.

b. A program to bring in essential imports to help to re-establish the industry of the South has been initiated, and the products of this increased production can flow to the whole of Korea once trade is restored.

c. The increased production of consumers' goods and their distribution on a national basis will make rice collections more simple and also stimulate farm production.

d. A second program of essential imports is being prepared, and the requirements of the North should be considered so that the program may apply to the country as a whole and apply to an economy functioning on a national basis.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

e. The United States has no other objective than to assist the Korean people to develop their economy and national independence. We do not intend to use our position in Korea to obtain any special economic privileges.

f. If there is delay in clearing a provisional government, an economic union could be established through the action of the Commanding Generals of the two areas under paragraph 4 of the Moscow Decision on Korea, and a more rapid development of the economy would be possible. Continued delay brings further hardships to the Korean people and makes it appear that we are not thinking in terms of their national welfare.

Following agreement on Section A., work should be initiated on Section B. This phase of the work of the Sub-Commission, however, can best be undertaken in consultation with the Korean democratic parties and social organizations after the method of achieving this end has been determined by the Commission.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

STATEMENT OF GENERAL ARNOLD ON THE
REPORT OF SUBCOMMISSION 3

The position of the American Delegation on the necessity of taking immediate steps to re-integrate the two zones is stated explicitly in my opening remarks at the first meeting of the Joint Commission. I do not believe that it is necessary to repeat this statement at length.

Mr. Balasanov has excluded this whole program from the work of the subcommission on the basis that it is not included in either point 3 of the Program of Work or authorized by the Moscow Decision on Korea. I cannot agree to his position for the following reasons:

(1) The program of work that was developed and accepted under point 3 included the proposals of both the Soviet delegation and the U.S. delegation. Our proposals were explicitly stated in the second paper we presented on the first day of our conference. Mr. Balasanov has interpreted this point of our joint program of work to exclude any discussion of the American proposal. The U.S. delegation cannot accept this interpretation.

(2) The Moscow Decision on Korea states clearly that there shall be a preliminary elaboration of appropriate measures to assist the formation of a Provisional Government. The American delegation interprets these words to include all steps (measures) which can only be taken by the representatives of the U.S.A. and the U.S.S.R. to eliminate the barriers and controls which were put into effect by them.

Unless such preliminary measures are elaborated, the Provisional Government will find that no provisions have been made for its representatives to move freely throughout the country; that

Secret

DECLASSIFIED
NND 760090
By NARS, Date

barriers to the movement of goods and currency create serious handicaps to its effective development of national policies, and that no preliminary analysis of how to integrate two separate administrative systems has been made. Such conditions would be most unfair to the provisional government and there is no reason why we should allow this to happen.

Apart from the need to elaborate these preliminary measures to assist the provisional government there are sound economic reasons why these measures should be developed as early as possible. These may be briefly summarized as follows:

1. Elimination of barriers will permit the early restoration of trade and production that is essential to produce more goods and food for consumers and to reduce the dangers of inflation.
2. A program to bring in essential imports to help to re-establish the industry of the South has been initiated, and the products of this increased production can flow to the whole of Korea once trade is restored.
3. The increased production of consumers' goods and their distribution on a national basis will make rice collections more simple and also stimulate farm production.
4. Further, programs of essential imports will be prepared, and the requirements of the North should be considered so that the program may apply to the country as a whole and apply to an economy functioning on a national basis.
5. If there is delay in clearing a provisional government, an economic union could be established through the action of the Commanding Generals of the two areas under paragraph 4 of the Moscow Decision on Korea, and a more rapid development of the economy would be possible. Continued delay brings further hardships to the Korean people and makes it appear that we are not thinking in terms of their national welfare.

Secret

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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I see no sound arguments why subcommittee 3 should not go ahead with its work, including part A of the proposed program of work, and I suggest that the Joint Commission again authorize them to do so.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Secret

SCHEME OF THE SOVIET CONSTITUTION

Chapter I: Social Organization

1. U.S.S.R. a socialist state.
2. Political basis (deputies of workers)
3. All power belongs to workers.
4. Economic basis of U.S.S.R. (socialist property)
5. Types of socialist property: state and cooperative
6. State ownership (land and resources)
7. Cooperative ownership.
8. Land titles of cooperatives.
9. Admissibility of private ownership.
10. Personal property.
11. Economic planning.
12. Work as duty of citizens.

Chapter II: State Organization

13. Component republics.
14. Sovereign rights of the U.S.S.R.
15. Sovereign right of component republics.
16. Constitutions of component republics.
17. Right of secession of component republics.
18. Territorial integrity of component republics.
19. Obligatory nature of U.S.S.R. in component republics.
20. Preference, in case of conflict, of U.S.S.R. laws.
21. Citizenship.
22 - 29. Territorial subdivisions of component republics.

Chapter III: Supreme Organs of State Authority of the U.S.S.R.

30. Supreme Soviet
31. Its rights.
32. Its sole legislative power.
33. Its two chambers.
34 - 35. Electoral norums.
36. Tenure.
37. Equal rights of chambers.
38. Legislative initiative.
39. Ratification of laws.
40. Publication of laws.
41, 46. Sessions.
42 - 45. Officers and their functions.
47. Conflicts between chambers.
48. Presidium (interim body) of the Supreme Soviet.
49. Its rights and functions.
50. Credentials commissions.
51. Control commissions.
52. Immunity of deputies.
53. Interim functions of the Presidium.
54. New elections.
55. Calling of newly elected Supreme Soviet.
56. Formation of cabinet (Soviet of People's Commissars)
57

Chapter IV: Supreme Organs of State Authority of Component Republics.

Chapter V: Executive Organs of the U.S.S.R.

64. Soviet of People's Commissar.

65. Responsibility to Supreme Soviet.
66. Right to issue regulations.
67. Obligatory nature of regulations.
68. - 69. Functions and duties.
70. Composition.

Secret

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Chapter V: (Cont'd)

71 - 76. Duties of Commissars (Cabinet Ministers)
77. Federal Commissars.
78. Commissars of individual republics.

Chapter VI - VII: Executive Organs of Individual Republics

Chapter VIII: Local Organs of Governmental Authority

79. Local Soviets of Deputies
80. Elections
81. Electoral norm
82-84. Functions
85-87. Executive organs (committees)
88. Their responsibilities

Chapter IX: Judiciary and the Institute of Procuracture

89. Types of courts
90. People's jurors
91. Supreme Court

92-93. Election and tenure, higher courts
94. Election and tenure, local courts
95. Language provision
96. Open court; right to defense.
97. Judges, their right
98. Procuracy (Institute of Procuracture)

99-100. Appointment and tenure
101. Rights of procurators

Chapter X: Basic Rights and Duties of Citizens

102. Right to labor
103. Right to rest
104. Right to social security
105. Right to education
106. Right to equality of sexes
107. Right to equality of races
108. Right to religious belief
109. Right to freedoms (speech, press, etc.)
110. Right to organize
111. Right to inviolability of person
112. Right to inviolability of correspondence
113. Right of asylum
114-118. Duties of citizens (laws obeyance, military service, etc.)

Chapter XI: Electoral System

134. Universal suffrage
135. Qualifications (age, etc.)
136. Right to one vote
137. Women's rights
138. Soldiers' rights
139. All elections are direct
140. Secret ballot
141. Candidates' slates
142. Deputies' duties

Chapter XII: Coat of Arms, Flag, Capital

Chapter XIII: Amending Constitution

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

U.S.S.R. CONSTITUTION

Chapter I: Social Organization

. The [illegible] state of workers and peasants.

. The political foundation of the U.S.S.R. consists of the councils (soviets) of toilers' deputies which have arisen as a result of the overthrow of the power of landlords and capitalists, and the establishment of the dictatorship of the proletariat.

. The only political power in the U.S.S.R. belongs to the working people of cities and villages represented by the soviets of toilers' deputies.

. The economic foundation of the U.S.S.R. consists of the socialistic system of economy and the socialist ownership of tools and means of production, which has become established as a result of the liquidation of the capitalist system of economy, abolition of private ownership of the means of production, and the suppression of the exploitation of man by another.

. Socialistic property in the U.S.S.R. is either the property of the whole community (national property), or the property of cooperative-collective property of individual collective farms; property of each collective farm, every cooperative association has its own cattle, implements, seeds, collieries, etc., as well as dwelling houses, cattle, means of production, necessary agricultural enterprises and implements (state farms, machinery and tractor stations, etc.) and the communal undertakings necessary for the existence of the cities and industrial areas are owned by the state(are national property).

. Each collective farm and cooperative organization, all their livestock and inventories, their produce, as well as their communal buildings are the social, socialistic property of collective farms and cooperative organizations.

Every collective farm household, in addition to the basic income deriving from the communal, collective farm economy, has for its individual use a small lot of land connected with the dwelling, and, as private property, the auxiliary farming on such lot, dwelling, productive cattle, fowl, and minor farming inventory, as provided for by the charter for agricultural cooperative organizations.

. The land, occupied by the collective farms, is vested in them for free and interminate use, that is to say, in perpetuity.

. Along with the socialistic system of economy, which is the dominant form of economy in the U.S.S.R., the law allows small scale private economy of individuals peasants and craftsmen, based on their personal labor and excluding the exploitation of the labor of others.

. The right of personal ownership of citizens to their earned incomes and savings, to their dwellings and auxiliary household economy (gardens, etc.) to

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

household effects, to objects of personal use and convenience, as well as the right to inherit personal property of citizens are preserved by law.

11. The economic life of the U.S.S.R. is determined and directed by the governmental plan of national economy in the interests of increasing the social wealth, steady rise of material and cultural level of the toilers, strengthening of independence of the U.S.S.R. and increasing of its ability to defend itself.

12. In the U.S.S.R. work is the duty and the honorable deed of every able bodied citizen according to the principle, "He who does not work, neither shall he eat". In the U.S.S.R. is being put into effect the principle of socialism - "from each according to his ability, to each according to

DECLASSIFIED
NND 760090
By NARS, Date

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STATEMENT BY GENERAL SHTIKOV

"So, under political platform we understand the work of the future Provisional Government. It is this political platform will be a document which has already been mentioned here--will include political aims of this government--economic aims and culture. What will be the political aims of this Provisional Government? This will be, for instance, freedom of speech, of press, questions of education, equality, etc. What will be included under the economic or what will the economic problem include? This will include the economic problems--will include the industrial, transportation, agriculture and other economical questions. Then there will be programs of cultural. Now this document will be the basis for the work of the Provisional Government so the people when reading this document will know what is the Provisional Government going to do in this or that field of life. So it will be tasks which will be standing before the Provisional Government. It will be kind of a declaration of the Provisional Government in the field of political, economical and cultural life. Now this document will be composed on the basis of the proposals which will be submitted by the Democratic parties and social organizations and on the basis of those of your suggestions--which will be elaborated by the Joint Commission."

The preliminary elaboration of the political platform and other appropriate measures for the future Provisional Korean Democratic Government.

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NND 760090
By _____ NARS, Date _____

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HEADQUARTERS
...- SOVIET JOINT COMMISSION
Seoul, Korea

[illegible] DECISION ON CONDITIONS FOR FORM-
[illegible] PROVISIONAL GOVERNMENT

1. With a view to the creation of conditions for develop-
ing [illegible] on democratic principles and in order to facilitate the
[illegible] elaboration of appropriate measures for the formet-
ion of a provisional Korean government, the Joint Commission
[illegible] unanimously to remove all existing restrictions on the
[illegible] level of Koreans between zones and on the free circulation of
[illegible] newspapers, magazines, and public speeches.

2. [illegible] to take up subjects for urgent measures, and
to [illegible] the work of all Korean democratic parties and social organizations in the
[illegible] Korean national economy and culture to adopt by the Provis-
[illegible] Government, [illegible] it to be necessary to
[illegible] ;
[illegible] joint commissions, each consist-
[illegible] of the [illegible] of sub- com-
[illegible] which, shall study and recommend to the
[illegible] measures which [illegible] achieve the objectives
[illegible] above.

Commission to report to the Joint Commission within:

(1) [illegible]

(a) [illegible] to be placed [illegible]
[illegible] of Koreans to be ap-
[illegible] of the Provisional
Government..... 30 days

(b) [illegible] of:
(1) [illegible] service..... 15 days
(2) [illegible] of transportation..... 15 days
(3) Electric power industries..... 7 days
(4) Coal mines and bulk fuel..... 7 days
(5) The whole field of [illegible]..... 21 days
(6) All other [illegible] problems 30 days

(2) ECONOMIC COMMISSION.

(a) The establishment of Bank of Chosen notes as the legal currency of the Provisional Government, with the Bank of Chosen having the sole right to issue notes..... 15 days

(2) The establishment of uniform accounting practices for all Korean currencies and local supplies obtained by the U.S. and Soviet forces in Korea 15 days

(3) The removal of all restrictions on the movement of goods and money within Korea subject to such controls as may be agreed upon by the Commission 21 days

(4) The establishment of joint control over all exports and imports 21 days

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Secret

A State Department broadcast on 19 January on Korea made this statement:

"The Korean section of the Moscow Decision was drafted by the Soviets with minor changes by the United States. The Soviets and British indicated at Moscow concurrence with the United States objective in Korea which is complete economic integration, closely followed by political unification, self-government and independence at the earliest moment."

The three powers agreed that the economic integration of Korea should precede the political and they regarded it so urgent that paragraph 4 was added to the Moscow Decision in Korea. The joint conference which met in January and February to carry out paragraph 4 failed to ~~carry out the agreement of~~ accomplish the ends desired by the Three Ministers.

The matter of economic integration is still an urgent problem. The economy of the country has been split for several months and the split continues. The economic development has been arrested by the unnatural division of economic facilities and materials.

The Joint Commission is responsible for carrying out the provisions of paragraphs 1, 2 and 3 of the Moscow Decision, and at this moment with paragraph 2 particularly. Its directive makes the Commission responsible for taking appropriate measures for the formation of the provisional government. Our agreed program of work for which Subcommission No. 3 was organized includes appropriate action to assist the provisional government. In all our official documents we read of the need to carry out integration as agreed on by the Three Ministers in Moscow. The directive and its meaning is clear. It is equally clear that this directive is not being carried out. ~~The Soviet delegation~~ We of the Joint Conference failed to do ~~anything on~~ accomplish a economic integra-

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Secret

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

tion. The Soviet delegation of this Joint Commission has objected even to a discussion of the items of Part "A" of the U. S. proposal of work of Subcommission No. 3 which covers some items of immense economic importance. The economy of Korea is important to the Koreans and it is important to the Soviets and to the Americans. This country must be rehabilitated as soon as possible in order to abolish completely the vestige of former Japanese domination of the economic life of Korea. It takes time to build an economy. e have wasted six months so far and sit here calmly ready to waste two or three months more when every day counts in rebuilding. The North and South are complimentary in economic resources. Each needs materials and commodities from the other. With a free interchange of materials, the sound foundation of the new Korean economy can be begun. It is most harmful to delay because the Koreans need the necessities of life, and these cannot be produced in adequate numbers without economic cooperation of North and South. If we are sincere in our protestation that the welfare of the Korean people is close to our hearts, then now is the time to show it in a concrete manner. The U. S. delegation has proposed the free movement of goods north and south. The Soviet delegation has refused to consider it prior to establishment of KPG. The U. S. delegation would like to know how the Soviets can take this position when representatives of the U. S., U.S.S.R. and U.K. in Moscow concurred in the urgency of the economic integration before the political unification. How can the Soviet delegation justify this stand? How can the Joint Commission fulfill its responsibility for preparing the country for the provisional government?

~~(Korea is at this moment in a critical [illegible] history, the period leading up to its first free government. Every Korean~~

DECLASSIFIED
NND 760090
By NARS, Date

Korea is at this moment in a critical period of its history, the period leading up to its first free government. Every Korean should be interested because his future happiness is at stake. Democratic parties and social organizations will be consulted so that they can express for the people of Korea their suggestions and desires in the formation of their government. These suggestions made to the Joint Commission will carry weight in its councils and affect Korea for a long period of time. It is important that their suggestions represent their best thoughts. In order that this be possible, the problems of government should be explained to them, and they should be free THE MOSCOW DECISION IS SUBJECT TO FOREIGN INTERVENTION NOT TWO.
to discuss the problems of a unified Korea. Their suggestions must not be limited in scope but must be national, not ~~sectional~~ ZONAL. In order that there be a national viewpoint, North and South must know what the other is thinking. Only in this manner can the suggestions of parties and organizations be national. There must be a breaking down of the barrier between northern and southern thinking, and this is important now while the people are forming their proposals which, when carried out, will be included in a government of a unified Korea. Therefore, if we regard the consultation as something more than a hollow form, we will permit the people of the North and South TO TRAVEL AND TO consult freely with each other, to exchange views with each other, to present these views to each other by radio, press, or speech. These are all Koreans, all vitally interested in the formation of their own government. These have a common spirit, a common interest, and a common desire which is promised them in the objectives of the Moscow Decision. I point out specifically to the Soviet Delegation the necessity of permitting the free interchange of thought throughout Korea, now when parties are preparing their recommendations for the Joint Commission. The U.S. Delegation stands ready to give this right to the Koreans now.

Secret

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

S E C R E T

The Joint Commission invites all democratic parties and social organizations in Korea which fulfill the conditions outlined in the Joint Commission Communique #5 to submit, in sufficient detail, their views on the following matters, in duplicate, to the Headquarters, Joint Commission, Tuk Soo Palace at Seoul, or to the Commission's Headquarters at Pyongyang while the Commission is there.

These views should be submitted ~~not later than~~ in accordance with instructions to be issued thru the press. on a date to be announced later.

(a) Concerning the structure and principles of organization of the Provisional Korean Democratic Government and local organs of authority (Provisional Charter). (The following subjects should be treated in sufficient detail so that the reply can be used in compiling a Provisional Charter).

* * * * *

(b) On political platform of the Provisional Korean Democratic Government.

* * * * *

Parties submitting their views should attach thereto, signed declarations as contained in the Joint Commission Communique #5A, (or a statement that the declaration has already been submitted) a brief statement of the parties or organizations program and the total number of its members.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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[illegible]
[illegible] - SOVIET JOINT COMMISSION
Seoul, Korea

[illegible] INTRODUCTION [illegible] PROPOSAL ON AGENDA
[illegible] 4(a) & (b)

Our immediate task under the Moscow Communique is to assist in the formation of a provisional Korean Democratic Government. In the use of its urgency I have felt that we should tackle this problem at our very first meeting. Obviously there are a number of ways of approaching the task. I have considered several methods ourselves and am prepared to propose one which represents what we consider the best under existing conditions to achieve, with fairness to all, our principal aims. Doubtless our Soviet colleagues have devoted similar time and care to find the best solution - possibly you have a proposal of your own. I trust that our ideas are not too divergent -- if they are initially, I am confident that we can reach agreement after thrashing out our difficulties.

Our task carries great responsibilities not only to the allied governments but also to the Korean people. The formation of a Korean Government is a matter of enormous importance to the Koreans--after forty years of slavery their first administration is bound to set precedents, establish customs, and institute plans which will probably have a more profound effect on their development than those of any subsequent government. Consequently - we, my colleagues and our government - feel it is imperative that the Koreans themselves participate to the maximum extent in our task. The Moscow Communique, in fact instructs us to consult all democratic parties and social organizations. However this in itself is no easy job. Obviously we cannot interview as a commission every individual organization in Korea. In the south alone there are more than 500 such organizations listed by our authorities. Even if we could devote sufficient time to such an undertaking

DECLASSIFIED
NND 760090
By NARS, Date

I confess that I for one am not adequately equipped either by language qualifications or training to be able to assess the views of the Koreans with suf icient precision. Perhaps our Soviet Colleagues are better schooled in these matters but the element of time is a sufficient obstacle to prevent the Commission's attempting, without Korean assistance, to determine the views and feelings of 29 million Koreans.

Consequently it is the American point of view that the Commission should immediately form some sort of Korean advisory group composed of trustworthy, experienced political leaders who can aid and advise us in our efforts to have a government which truly confirms to the will of the Korean people.

In our efforts during the past six months to administer southern Korea, General Hodge has found it essential to have Korean advisors to give advice and help make important decisions. The representative Korean Public Council of southern Korea was formed for this purpose. It is composed of representatives of numerous political and social groups and organizations and represents all major political parties in South Korea which have been willing to co-operate with our efforts, to participate in the difficult tasks of rehabilitating their country and to assume any share of responsibility during this critical period, In the group are a number of the ablest and most experienced leaders of the country such as one would expect to find in the largest and most important city, the capital of Korea. This council therefore, appears to us to be the best available mechanism with which to start our efforts. I say "start our efforts" because I realize that the council is by no means adequate as it now stands for our purposes. It does not represent nor does it pretend to represent the people of North Korea.

In order to overcome this defect we feel the council should be broadened to include northern leaders. With that end in view, I would suggest that it be invited to consult with such northern

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NND 760090
By _____ NARS, Date _____

[illegible] may be appropriate and in accordance with their recommendations a representative advisory group for all Korea in sufficient numbers to help us in our efforts.

In order that the combined group should justly and accurately represent all parts of the country, I suggest that we adopt the historic and traditional principle which is used in the selection of representatives in all recognized democratic constitutions including, if I am not mistaken, the Stalinist Constitution of 1936--which is that the number of representatives from the two areas be proportionate to the populations of the two areas on a basis that can easily be determined by existing official statistics which the Japanese in their haste doubtlessly left in the government general archives.

It should be noted that in their choice of a consultative group the leaders of the north and south are not confined to members of their own groups or to political party leaders. They may select any persons in Korea they desire, subject only to approval by the Commission, but for this purpose they should be free to visit any part of the country. The advisory group or as it is called in the Moscow decision - the consultative Union-commission, by the way, has the unique advantage of not being confused with the many organizations that have been formed all over Korea) will have two important objectives, - one first and most important, to nominate candidates for the provisional government, and the second, to prepare the sort of provisional constitution under which the Korean provisional government can function during its temporary lifetime. The Union before making its choice should consult not only its own membership but other groups as well and should travel throughout the country to talk with people in all localities and endeavor thus to make its choice as broadly representative as possible.

That in brief is the American idea of the best way to form a Korean provisional government and I recommend it to careful

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

[illegible]ly our [illegible]. I believe it has the dual virtue of being [illegible] and at the same time capable of [illegible] which is [illegible] of the Koreans, for the [illegible]erns and by the Koreans.

[illegible]n connection with the second part of item 4 of the agenda, it is the Soviet view that simply by [illegible] a group of ten, fifteen or twenty [illegible] we have only accomplished half the task entailed in [illegible], in the words of the Moscow Communique, it is also the formation of a provisional [illegible] government which will [illegible] of the Koreans" to [illegible]. It would [illegible] that we could simply turn [illegible] over to the present [illegible] and run the country". We feel, I am confident, that a [illegible] government in Washington [illegible] up in machinery for that government by which it can obtain [illegible] like, make decrees, enforce them, [illegible] and [illegible]. There exist today [illegible] to the north and in the south, but unfortunately [illegible] there are two. Before we can ask our [illegible] to [illegible] from us we must integrate the two halves in order to construct that [illegible] whole of Korea. I say it is necessary for us to do this for a number of very [illegible] reasons. Firstly, I need all admit that it was our two governments that split Korea in two. We did it for sound military reasons, I admit, but it is we who are held responsible for this division and it is we who must put Korea back together again. Secondly, we in London and Washington unfortunately do not have the experience in the intricate task of administering a country as the Russians and Americans have now. For forty years they have been prohibited from participating in the higher levels of government by the Japanese imperialists. Consequently it would be most unfair and unwise of us to saddle them with the immense technical burden of reuniting the administration and economy.

Finally, perhaps the most compelling reason of all for our under-

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

taking this task at once, is the fact that every day that we post one the reintegration brings greater dislocations in the economy, more confusion in the political development of the country and more severe hardship in the daily lives of the Koreans themselves. In our conference six weeks ago we attempted to solve some of these problems but we must all admit that we failed and I believe that the reason we failed was that we attempted a partial solution without attacking the problem as a whole. The Soviet representative was primarily interested in obtained foodstuffs, such as rice, for the Northern Koreans. We were chiefly interested in certain other specific items for Southern Korea. The result was -- let us confess frankly -- very small indeed. Now I suggest that we tackle the problem as a whole, that we unify the country and distribute its produce in accordance with national -- and not zonal -- considerations. If there is any surplus food let it be shared by all Koreans; if there is a shortage let it likewise be shared -- similarly for other items such as coal, electricity, railroads, ports, and other public utilities. It is with this conception of our task that I submit for your careful consideration our second proposal on the reunification of Korea so that by the time a government has been chosen we can turn over to it an operating machine, a finished, working tool with which the Koreans may undertake their formidable task of building an independent Korea.

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NND 760090
By _____ NARS, Date _____

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List of questions by the Soviet Delegation for the Korean Democratic Parties and Social Organizations regarding the political platform of the Provisional Korean Democratic Government.

1. What rights of Korean citizens must be proclaimed in the political platform of the Provisional Korean Democratic Government.

2. What measures should be undertaken for the elimination of the consequences of the prolonged Japanese Domination in Korea, [and for the struggle against the reactionary and anti-democratic elements.]

3. What should be the policy of the Provisional Korean Democratic Government with respect to the [land] tenure and [the feudal system of land] use.

4. How should the Government undertake with respect to the large industry, banks, mineral resources, forests, and railroads.

5. What measures should be taken with respect to the agriculture, industry, and transport in order to raise the living standard of the Korean people.

6. What should be undertaken in order to assure the industry, agriculture, transportation, governmental personnel, etc., by personnel consisting of Korean specialists and qualified workers.

7. What measures must be effected in order to improve working conditions, establishment of minimum wage, organization of social insurance and labor protection, the introduction of the protection of labor of women and children.

8. What should be the policy of the Government in relation to the public eduction and the development of Korean national culture.

9. What measures are necessary in the fields of finance and taxation.

10. What policy should be pursued with respect to commerce and prices and how should be conducted the struggle against usury and speculation.

11. What should the Government do for the working out of ~~our~~ Korean law code, establishing legal procedures in the Korean language and the democratization of the organs of the Judiciary.

12. How should health protection be organized.

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State Dept. Instr. 12 Apr and 8 July 1976
NARS, Date APR 02 1977

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ADDITIONAL PROPOSALS OF THE SOVIET DELEGATION ON THE ORDER OF CONSULTATION WITH THE DEMOCRATIC PARTIES AND SOCIAL ORGANIZATIONS

1. Proposed lists of democratic parties and social organizations, compiled in accordance with the conditions accepted by the Commission, are submitted for study to the Commission by the representative of the American Command for Southern Korea, and by the representative of the Soviet Command for Northern Korea.

2. The Commission will forward the proposed lists for study by the sub-commission, which must work out coordinated proposals and submit them for approval to the Joint Commission.

3. After the approval of lists of democratic parties and social organizations, the Joint Commission will officially notify by letter the central organs of these parties and social organizations that they are invited by the Joint Commission for consultation and that, for that purpose, they should nominate their representatives.

4. After verifying the credentials of the representatives of parties and social organizations, (in: of a given zone), the Commission will invite them for a conference at an appointed time. The first conference will be attended jointly by all representatives of democratic parties and social organizations which had been invited. The head of the Soviet Delegation will preside over such conference in Seoul. The head of the American Delegation will preside over the corresponding conference in Pyongyang. The agenda for the conferences will be as follows:

(a) Publication of lists of parties and social organizations with which the Commission will consult.

(b) Publication of decisions of the Commission on the order of consultation and on questions for consultation by the Commission (working out of the political platform, elaboration of principles of organization of the government and of the local organs of authority).

The first and the second items of the agenda of the conference will be presented by the head of the Delegation in whose zone the conference is taking place. For the subsequent meetings with the representatives

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of parties and social organizations, the chairmanship and the agenda will be approved by the Commission for each session.

5. After receiving the proposals of the Joint Commission, the democratic parties and social organizations must discuss them during the conferences of their central organs with the representatives of local organizations, and must formulate their suggestions on the questions proposed by the Commission.

6. The suggestions on these questions shall be made in writing, shall be signed by the representatives of the party or social organizations and shall be submitted to the Commission.

7. The suggestions of the democratic parties and social organizations received in that manner are forwarded for study to the appropriate sub-commissions (on the elaboration of the platform and on the working out of the structure of the Provisional Government and local organs of authority). In the process of study of these suggestions each sub-commission may, by mutual agreement, invite to its sessions the authorized representatives of parties and social organizations with which it may deem necessary to consult or to clarify some question. The sub-commission shall work out coordinated projects of decisions and shall submit them for study to the Joint Commission.

8. During the discussion of the suggestions of the democratic parties and social organizations and also of the draft decisions submitted by sub-commissions, the Joint Commission may, by joint agreement, invite the representatives of those parties and social organizations whose suggestions will be discussed in that conference.

9. After the discussion of suggestions of the democratic parties and social organizations of both South and North Korea, and following the acceptance of coordinated decisions on the questions stated in item 4, the Joint Commission shall proceed with the study of the questions related to the formation of a Provisional Government.

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NND 760090
By _____ NARS, Date _____

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STATEMENTS OF GENERAL SHTIKOV IN JOINT COMMISSION MEETING,
6 APRIL 1946.

If this 38 parallel is abolished now there is no possible way of regulating the traffic, etc, but if the government is established there will be a boss to do this job.

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Our problem now is to form a government, and it is the understanding of the Soviet Delegates that as soon as such a government is formed there won't be any barriers and obstacles for the Koreans. It is logical and practical as well.

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The main problem should be solved and the other problems will be solved by themselves. Korea must have a boss, and it is the government of Korea, and once there is a boss there will be somebody to take care of the Koreans so that it will be a real care of the Koreans.

- - - - -

Our main task is the creation of a government. As soon as there is a government for the Koreans, there will be no parallel (spread over) and the government will influence the whole country.

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life insurance for laborers and clerks, and a pro-
for laborers and business localities.
compulsory education system for the public. To
ly built for more schools. To improve the democratic
public.
, science, and technical. To increase
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NND 760090
By _____ NARS, Date _____

18. To aid national organizations and individual economy and establish schools for the cultivation of the public.
19. To promote Korean science and art.
20. To increase the number of national hospitals and check contagious disease. Give medical care to the poor without charge.

Unless the above policies are carried out, the complete independence of [illegible] can not be obtained.

Only a government which carries out the above mentioned policies can become a democratic government and be supported by the public.

This [illegible] Joint Commission is helping the Korean people, and this will be the basis of the Korean Democratic Provisional Government.

I am appealing to the patriots of India to support the struggle for establishment of a free, democratic [illegible].

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8. CHOSUN ILBO (FREE KOREAN DAILY NEWS), 12 April 46 (Korean)

8-B. FARMERS' BANK ESTABLISHED IN NORTH KOREA.

The Free KOREAN WAR Daily News widely reported that the establishment of the Farmers' Bank in Northern KOREA shall settle the farmers' financial problem. This policy has created a great sensation among the North Korean farmers. It is said North Korean Farmers' Bank will open on May 1st.

The establishment of this bank is for the benefit of the poor suffering farmers of North KOREA. It will also aid in the improvement of farming equipment and will help pay for some of the farmers' expenses. The capital of this bank is around 300,000,000 yen; 200,000,000 yen of this total shall be made in the first payment and the other 100,000,000 yen in the second payment. They will sell 3,000,000 shares at the rate of 100 yen per share. The majority of these share buyers will be farmers. However, others, who are not engaged in farming, are allowed to buy shares if they wish to do so.

FOR FARMERS' BANK CREDIT ONLY.

1. North Korean Farmers' Bank is to be established in North KOREA. This includes all of KOREA under Russian jurisdiction.

2. The capital of this bank is 300,000,000 yen. The price of one share is 10 yen. This bank is organized under the share system.

3. It will enable the farmers' to spend more money. The duty of this bank is to develop agriculture.

4. The farmers can and must buy as many shares as possible. However, others, who aren't concerned with agriculture, are allowed to buy some shares in this bank.

5. Every branch office of North KOREA's financial association must make an estimate of its property and contribute accordingly to the Farmers' Bank of North KOREA. In exchange, the branches will get an amount of shares equivalent to their contribution.

6. When this new bank opens, it will mean that the financial association loses its function and any unfinished business will be taken over by the Farmers Bank. However if there is any loss involved in any unfinished business, then, in that case, the Farmers' Bank will not handle that transaction.

7. The Farmers' Bank will completely control all business transaction of the sub branches of the financial association, except where debts are involved.

8. This bank will start its business transaction on the 1st of May, 1946.

9. All duties and rights for the establishment of the Farmers' Bank will be handed over to the chief of the Finance Bureau.

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NND 760090
By _____ NARS, Date _____

B-D. BUDGET OF NORTH KOREAN INTERIM PEOPLE'S COMMITTEE.

According to the report made by "CHA YOU PYANG PAE", it is said that the special committee of the North Korean Interim People's Committee has unanimously passed the new budget.

The estimated expenditures and revenues are as follows:

Large amounts expended are for education, maintenance of sanitary conditions, development of Korean industries, and construction.

The total revenue is 1,168,632,036 yen. The revenue collected by the People's Committee amounts to 624,136,669 yen and the provincial People's Committee collects about 544,495,367 yen.

Total sum of the expenditure is ¥ 1,168,632,036. Out of this sum 544,495,367 yen is used by the Interim People's Committee.

Schedule of revenue and expenditure for this year's budget: (1 April 1946 to 31 December 1946)

REVENUE

Item	Sum
Taxes	471,600,000 yen
Monopoly industries	33,000,000 yen
Transport industries	56,000,000 yen
Others	63,530,000 yen
Total	624,130,000 yen

EXPENDITURES

Item	Sum
Expenses for meetings	1,300,000 yen
Census	970,000 yen
Political affairs	164,130,000 yen
Education	119,550,000 yen
Sanitation	39,530,000 yen
Social enterprises	2,640,000 yen
Communication	10,000,000 yen
National industries	100,000,000 yen
Water supply	50,000,000 yen
Development of industries	36,340,000 yen
Construction	36,980,000 yen
Others	6,900,000 yen
Emergency fund	57,000,000 yen
Total	624,130,000 yen

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REPORT OF SUB-COMMISSION 3 ON POLICIES

Mr. Bunce presented the attached proposed program of work for this Sub-Commission. Mr. Balasanov rejected the first part of this proposal (A) onthe basis that it was not included in the Moscow Decision on Korea under paragraphs 2 and 3.

The essence of the disagreement lay in the interpretation of Point 3 of the Program of Work of the Joint Commission and the interpretation of the phrase "and with a view to the preliminary elaboration of the appropriate measures there shall be established a Joint Commission" in paragraph 2 of the Moscow Decision on Korea.

Since no agreement could be reached on Section A of the attached program of work, it was agreed that this question should be referred back to the Joint Commission for settlement.

The Sub-Commission agreed to Part B of the Program of Work, which should be developed in consultation with democratic parties and social organizations in accordance with the procedures developed by Sub-Commission 1. Mr. Balasanov agreed to prepare a more detailed Program of Work for Section B in order that the Sub-Commission could develop an outline of the information it should obtain from the parties and organizations to be consulted.

G. M. BALASANOV
Commissioner, USSR Delegation

A. C. BUNCE
Commissioner, USA Delegation

April 15, 1946.

PREPARED BY BUNCE

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ДОКЛАД ПОДКОМИССИИ № 3

Г-н БАНС представил предложенную им программу работы Подкомиссии № 3, которая прилагается к данному докладу. Г-н БАЛАСАНОВ отверг первую часть этого предложения /А/ на основании того, что она не включена в Московское решение о Корее, в частности 2 а) это решением Советско-Американского совещания, происходившего в Сеуле с 16 января по 5 февраля 1946 г., упомянутые в разделе "А" вопросы экономического порядка частично разрешены, а оставшиеся неразрешенными вопросы должны разрешаться между Советским Военным Командованием в Северной Корее и Американским Военным Командованием в Южной Корее.

Сущность разногласия содержится в интерпретации пункта 3 программы работы Совместной Комиссии и интерпретации фразы "для проведения дальнейшей разработки соответствующих мероприятий, создать Совместную Комиссию" в параграфе 2 Московского решения о Корее.

Так как никакого соглашения не было достигнуто по разделу А приложенной программы работы, было решено внести этот вопрос на рассмотрение Совместной Комиссии.

Подкомиссия согласилась с разделом I программы работы, который должен быть разван в консультации с демократическими

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NND 760090
By NARS, Date

партиями и общественными организациями, в согласии с процедурой, выработанной подкомиссией № 1. Г-н ГАЛАСАНОВ согласился подготовить более детальную программу работы по разделу Г, чтобы Подкомиссия могла определить ту информацию, которую ей нужно получить от консультируемых партий и организаций.

Г.М. ВАЛАСАНОВ
Член Комиссии, Делегация СССР

А.С. ПАНС
Член Комиссии, Делегация США

15 апреля 1946 г.

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15 April 1946.

ANNEX A to SUBCOMMISSION No. 3

Mr. Baruch presented his proposed program of work for SubCommission No. 3, which is appended to this report. Mr. Malik objected the first part of this proposal (a) on the basis that it is not included in the agenda of the Moscow Declaration of Powers, and that according to the decision of the Moscow Conference which took place in December, 1945, through February 1946, the economic questions should be dealt with only after it had been decided by the Soviet Military Staff and the Anglo-American Military Command in Washington.

[illegible] the interpretation of point [illegible] program [illegible] is interpretable [illegible] for the preliminary allocation of appropriate [illegible] of the program [illegible].

[illegible] part "A" of the [illegible] question for [illegible].

[illegible] part "B" of the program of work [illegible] in consultation with democratic parties and [illegible] in accordance with the procedure as worked out by [illegible] No. 1.

Mr. Malik agreed to [illegible] more detailed program of work [illegible] to enable the Subcommittee to determine such information which it must receive from the consultant parties and [illegible].

U. M. BALASANOV

... S. ...

Member of the Commission
U.S.S.R. Delegation

Member of the Commission
U.S.A. Delegation

MODIFIED BY BALASANOV.

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By [illegible] NARS, Date APR 04 1977

SUBCommission #3
Soviet Paper #1

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PLAN OF WORK

SOVIET - AMERICAN SUB-COMMISSION NO. 3

I. Approval of the questionnaire for Korean democratic parties and social organizations in reference to political platform of the Provisional Korean Democratic Government.

II. Preliminary elaboration of the political platform of the future Provisional Korean Democratic Government.

1. In the field of politics.
2. In the field of agriculture.
3. In the field of industry and transport.
4. In the field of labor, wages and social security.
5. In the field of education and national culture.
6. In the field of finance and taxes.
7. In the field of trade and prices.
8. In the field of legislation and justice.
9. In the field of training of cadres.
10. In the field of public health.

18 April 1946

Sub-Commission #3
Soviet Paper #2

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ПЛАН РАБОТЫ

СОВЕТСКО-АМЕРИКАНСКОЙ СОВМЕСТНОЙ ПОДКОМИССИИ № 3

I. Утверждение вопросника для корейских демократических партий и общественных организаций относительно политической платформы Временного Корейского Демократического Правительства.

II. Предварительная разработка политической платформы будущего Временного Корейского Демократического Правительства.

1. В области политической.
2. " сельского хозяйства.
3. " промышленности и транспорта.
4. " труда, зарплаты и социального страхования.
5. " образования и национальной культуры.
6. " финансовой и налоговой.
7. " торговли и цен.
8. " законодательства и судопроизводства.
9. " подготовки кадров.
10. " здравоохранения.

18 апреля 1946 г.

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State Dept. Instr. 12 Amended 8 July 1976
FWB/BAm Date APR 04 1977

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NND 760090
By NARS, Date

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RE: SUB COMMISSION #3

Sub-Commission #3 must work out paragraph 3 of the program of work of the Joint Commission as given in U.S. #19 and Soviet #13, which is:

"The preliminary elaboration of a political platform and other appropriate measures for a future Provisional Korean Democratic Government."

This comes from paragraph 2 of the Moscow Decision.

The U. S. Delegation submitted a program of work for Sub-Commission #3 in parts A and B.

Part A is Preliminary Elaboration of appropriate measures to assist the formation of a Provisional Korean Government.

1. Travel of persons within Korea.

a. Circulation of information by radio, newspaper and public speeches.

3. Movement of goods throughout Korea.

4. Transfer of currency, credit instruments and other evidences of value.

5. National economic controls.

Mr. Balasanov rejected Part A on the basis that it was not included in paragraph 2 of the Moscow Decision on Korea and that according to the decision of the Soviet-American Conference, which took place in Seoul, from 16 January through 5 February 1946, the economic questions mentioned in Section A were partly solved and that the remaining questions which have not been solved, would be decided by the Soviet Military Command in North Korea and the American Military Command in South Korea.

After an investigation of the records of the Joint Conference, I am unable to find any decision such as Mr. Balasanov mentioned above. The Joint Conference did make provision for the travel of persons within Korea but this was disapproved by the Soviet Command in North Korea. The subject of goods and financial

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State Dept Instr. 12 Apr and 8 July 1976
FWBlBaw NARS, Date APR 04 1977

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

matters was withdrawn from the Joint Conference by the Soviet Delegation and no decision was reached on them. I can find no mention that remaining unsolved economical questions would be decided by the two commands.

I will quote General Shtikov on the subject of newspapers. This statement was made in the 3rd session of Joint US-USSR Conference on 18 January 1946.

The discussion was on item #15 of the U. S. proposed agenda "Exchange of Newspapers Throughout Korea". General Shtikov stated: "The question of newspapers refers to Point 2 of the Moscow Conference which deals with the unity of Korea. We are now discussing the administrative-economic unity of Korea."

In the 4th session of the Joint Conference on 23 January 1946, in a discussion of the scope of the words of paragraph 4 of the Moscow Decision concerning measures establishing permanent coordination of administrative-economic matters, General Shtikov made this statement: "The political and economic unification will be discussed by a Joint Commission which will be summoned by paragraph 2".

Here we are, a Joint Commission carrying out the provisions of paragraph 2 of the Moscow Decision on Korea. We are working on the formation of a government and in this particular sub-commission #3 we are planning the preliminary elaboration of a political platform and other appropriate measures for the future government.

When the three foreign ministers in Moscow wrote this Section III on Korea they realized that something else was needed besides a platform, a charter and 10 or 15 Korean leaders to form a functioning government. That is why they gave the Joint Commission the all inclusive directive expressed by the

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NND 760090
By NARS, Date

words, "with a view to the preliminary elaboration of the appropriate measures". The XXXX Joint Commission has the responsibility of preparing the country for the provisional government. The Joint Commission has a membership and it has available to it, experts and technicians, all experienced in government. It is best qualified to do the preparatory work, the integration, the constructive measures to assist the Koreans who are selected as the government.

For 40 years these Koreans have been prohibited from participation in the higher levels of government. It is unfair and unwise to saddle them with the immense technical burden of reuniting the administration and economy of the country.

If we want this provisional government to succeed then we, the Joint Commission, must give them all the aid that we can. If we, ourselves, avoid the problem of integrating the machinery of government now existing in North and South Korea, if we refuse to help them by ~~repairing the damage which the~~ U. S. and Soviet Military Commands have done to Korea, then we are negligent in our duty as commissioners in carrying out the intent and spirit of the Moscow Decision on Korea. If we deny them the right to the maximum success when they are put in charge of their country, then we are guilty of neglect. If we do not prepare this country for the provisional government as fully and as completely as is within our power, then we are not honest in our assertions that the problem of the Joint Commission is to help the Korean people create a government capable of accomplishing the problems of democratization and rebirth of the country.

Preliminary elaboration requires careful pre-planning and will take considerable time for execution. There is no time to lose. Let us get on with the planning.

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DRAFT: S E C R E T

1. Design new currency and make plates. This should be on national basis.
2. Printing new currency.
   (Total time to put out a new currency would be 6 months to 1 year).
3. New Central Bank to be established.
   (Seperation from all Commercial Bank functions) Powers should include:
   (a) Issue of notes.
   (b) Credit Centrals - re-discounts - interest rates - eligibility of paper - margin requirements - reserve requirements - bank inspection.
4. National Commercial Banking System
   Commercial Bank Code - Other Credit Agencies
5. Issuing new currency and exchange for old (one month).
6. Blocking all bank deposits over a certain amount and establishment of uniform system of allowances that may be withdrawn.
7. Detailed screening of all blocked accounts.
8. Determination of rates of foreign exchange and establishment of a system of exchange ~~controls~~ and import and export licensing.
9. Establishment of a national system of financial statistics as a basis for formulating policies.
10. Establishing a basis for application for a foreign loan for the reconstruction of the economy.

23 April 1946
1 copy

S E C R E T

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С Е К Р Е Т Н О

ПРОЕКТ

1. Приготовить рисунок денежных знаков и приготовить клише. Это делается на Все-Корейском масштабе.

2. Отпечатать новые денежные знаки /Время требующееся на выпуск новых денежных знаков, от 6 месяцев до 1-го года/.

3. Создание нового Центрального Банка. /отделение от всех функций торгового банка/. Полномочия должны включитт:

/а/ Выпуск банкнот

/б/ Кредитные централи -

Переучёт векселей - интерес-

приемлимость [illegible]-

минимальный [illegible] -

требования [illegible] фонда - инспекция.

4. Все Корейская система

Коммерческих банков-

Закон о коммерческих банках-

Другие кредитные организации.

5. Выпуск новых денег и обмен старых дензнаков на новые /один месяц/

6. Бронировка вкладов сверх данного максимума и установление единообразной системы из'ятия дозволяемых сумм на содержание.

7. Детальное отсекание всех забронированных счетов.

8. Определение иностраной валюты и установление ~~[illegible]~~ контроль обменой системы и разрешение импорта и экспорта.

9. Установление национальной системы и финансовых статистик как основание для формулирование политики.

10. Установление основание для прошений для иностранного взаймы для возстановления экономики.

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By NARS, Date

~~Secret~~

PROGRAM OF WORK
FOR THE JOINT U.S. - SOVIET SUB-COMMISSION ON POLICIES

A. Preliminary elaboration of appropriate measures to assist the formation of a Provisional Korean Government.

1. Travel of persons within Korea.

2. Circulation of information by radio, newspapers and public speeches.

3. Movement of goods throughout Korea.

4. Transfer of currency, credit instruments and other evidences of value.

5. National economic controls.

B. Approval of the questionnaire for Korean Democratic parties and social organizations in reference to political platform of the Provisional Korean Democratic Government.

C. Preliminary elaboration of the political platform of the future Provisional Korean Democratic Government.

1. In the field of politics.

(1) Rights of citizens

(2) Elimination of Japanese influence

(3) Law and justice

2. In the field of economics.

(1) Agricultural land tenure

(2) Organization of industry

(3) Labor, wages and social security

(4) Trade and prices

(5) Finance

3. In the field of education and culture.

(1) Education

(2) Training of specialists

(3) National culture

(4) Public health

21 April 1946
Sub- Commission #3
Replaces
U.S. Paper #2

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8 July 1976
APR 21 1977

~~Secret~~

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Secret

ITJ

SUB-COMMISSION - 3

LIST OF QUESTIONS BY THE U.S. DELEGATION FOR THE KOREAN DEMOCRATIC PARTIES AND ORGANIZATIONS REGARDING THE POLITICAL PLATFORM OF THE PROVISIONAL KOREAN DEMOCRATIC GOVERNMENT.

A. Political Policies.

1. Rights of citizens - What rights and duties of Korean citizens, male and female, must be proclaimed in the political platform of the Provisional Korean Democratic Government.

2. Elimination of Japanese Influence - What measures should be undertaken for the elimination of the evil consequences of the prolonged Japanese domination in Korea.

3. How should excessive concentration of economic or political power be prevented.

4. Law and Justice.

a. What policy should be followed in establishing a Korean code of law.

b. How shall the courts judiciary and legal procedures in the Korean language be established.

5. What should be the policy of the Provisional Government relative to minorities and non-citizens.

B. Economic Policies

1. Agricultural Land Tenure.

a. What policies should the Provisional Government follow with respect to land tenure.

(1) Nationalization of the land with the farmer becoming a tenant or worker of the State.

(2) Private ownership of land with the farmer having a completely free title.

(3) In distributing land to the farmers should private ownership of land, but with the rights to sell or mortgage be restricted by the State.

(4) Other alternatives.

b. What special policies should be followed with respect to land formerly owned by the Japanese.

c. If land owned by Korean landlords is to be distributed to tenants, should these landlords be compensated for their land?

d. Should land distributed to tenant farmer be sold or given away.

2. Organization of Industry.

a. What should be the policy of the Provisional Government with respect to industrial production and distribution.

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NND 760090
By NARS, Date

b. What kind of ownership (public, private or cooperative) should be adopted for each of the following:

Large industries (for example steel and chemicals)
Medium industries (for example textiles and shoes)
Small industries (for example furniture and farm tools)

Banks
Wholesalers
Retailers
Mineral resources
Forests
Shipping companies
Insurance
Fishing industries
Public utilities
Household industries

3. Labor Laws and Social Security

a. What should be the policy with respect to minimum wages, maximum hours, and working conditions.

b. What should be the policy with respect to labor of children and women.

c. What should be the policy with respect to labor organizations.

d. What should be the policy with respect to social insurance.

e. What should be the policy with respect to increasing the efficiency of labor.

4. Trade and Prices.

a. Should the Provisional Government establish a program of rationing the necessities of life. If so, how should this program be administered.

b. What should be the policy with respect to the collection of essential foodstuffs.

c. What type of program of price stabilization and control, if any, should be undertaken.

d. What should the policy be with respect to the foreign trade of Korea.

5. Finance.

a. What should be the policy of the Provisional Government with respect to:

(1) Income taxes

(2) Taxes on real property

(3) Sales taxes

(4) Taxes on imports and exports

(5) Receipts from government monopolies

(6) Inheritance taxes

(7) Any other taxes

3-E/

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NND 760090
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b. [illegible] shall the provisional government achieve the establishment of a uniform and sound system of currency throughout area.

c. What should the policy of the provisional government be towards balancing the budget.

[illegible] cultural affairs.

1. Education - What can the provisional government [illegible] universal education for Eritrea.

2. Training - What program should be established to train Eritrean specialists and technicians to fill all necessary positions in economic and governmental activities.

3. National Culture - What measures should be undertaken to promote the development of national culture.

4. Public Health - What should be the policy in regard to

Sub-Commission #3
[illegible] Paper #3-B7
21 April 1946

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NND 760090
By _____ NARS, Date _____

Secret

[illegible] - 3

[illegible] FOR THE KOREAN DEMOCRATIC [illegible] BOTH THE POLITICAL PLATFORM OF THE [illegible] SHOULD BE NEW BLOOD.

[illegible]

[illegible] citizens - [illegible] rights and duties of Korean citizens, male and female, must be proclaimed in the [illegible] declaration of the Provisional Korean Democratic [illegible] Government.

[illegible] sphere of economic influence - What measures should be undertaken for the elimination of the evil consequences of the prolonged Japanese domination in Korea.

[illegible] should consider the desirability of [illegible] of political [illegible].

[illegible]

[illegible] - What is the

[illegible] - How should [illegible] be established.

[illegible] - How should the rights & duties and legal procedures in the Korean Democratic [illegible] be established.

[illegible] - What should be the [illegible] of the Provisional Government [illegible] to aliens and non-citizens.

[illegible] citizens

[illegible] - Agricultural and rural.

[illegible] - What policies should the Provisional Government follow with respect to land tenure.

(1) Nationalization of the land with the farmer becoming a tenant or worker of the State.

(2) Private ownership of land with the farmer [illegible] free title.

(3) ~~[illegible]~~ Private ownership of land, but with the rights to sell or mortgage ~~[illegible]~~ restricted by the State.

(4) Other alternatives.

[illegible] - What special policies should be followed with respect to land formerly owned by the Japanese.

[illegible] - If land owned by Korean landlords is to be distributed to tenants, should these landlords be compensated for their land?

[illegible] - Should land distributed to tenant farmer be sold or given away.

[illegible] - Organization of industry.

[illegible] - What should be the policy of the Provisional Government/to industrial production and distribution. with respect

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NND 760090
By NARS, Date

[illegible] of ownership, (public, private or cooperative) [illegible] adopted for each of the following:

[illegible] industries (for example steel and chemicals)
[illegible] industries (for example textiles and shoes)
[illegible] industries (for example furniture and farm tools)

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

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By _____ NARS, Date _____

- [illegible] the provisional government achieve the establishment of a uniform and sound system of currency throughout Korea.

- What should the policy of the Provisional Government be towards balancing the budget.

- [illegible] cultural policies.

- Education - How can the Provisional Government best ~~educate~~ train more universal ~~education~~ training for Koreans.

- Training - What program should be established to train Korean specialists and technicians to fill all necessary positions in economic and governmental activities.

- Cultural Culture - What measures should be under-taken to promote the development of national culture.

- Public Health - How should public protection be organized.

Sub-Committee 3
U.S. Paper #3
21 April 1946

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~~Secret~~

LIST OF QUESTIONS FOR THE KOREAN DEMOCRATIC PARTIES AND SOCIAL ORGANIZATIONS REGARDING THE POLITICAL PLATFORM OF THE PROVISIONAL KOREAN DEMOCRATIC GOVERNMENT.

A. Political Policies of the Provisional Korean Democratic Government.

1. Rights of citizens - What rights and duties of Korean citizens, male and female, must be proclaimed in the political platform of the Provisional Korean Democratic Government.

2. Elimination of Japanese influence - What measures should be undertaken for the elimination of the evil consequences of the prolonged Japanese domination in Korea and of the pro-Japanese elements.

3. How should excessive private concentration of economic or political power, and the activity of reactionary, anti-democratic elements and elements attempting to undermine the Provisional Korean Democratic Government, be prevented?

4. [illegible] and Justice.

a. What policy should be followed in establishing a Korean code of law?

b. How shall the courts judiciary and legal procedures in the Korean language be established?

c. How is the democraticization of the judiciary to be carried out?

5. What should be the policy relative to minorities and non-citizens.

B. [illegible] of the Provisional Korean Democratic Government.

1. What measures should be taken with respect to the development of agriculture, industry and transportation, in order to increase production and to raise the living standards of the Korean people?

2. Agricultural Land Tenure.

a. What should be the policy with respect to the system of landlordism and tenancy prevailing under the Japanese?

b. What policies should be followed with respect to land tenure?

(1) Private ownership of land with the farmer having a completely free title.

(2) Private ownership of land but, in the case of land obtained from the government, the right to sell or mortgage would be restricted by the State.

(3) Nationalization of land belonging to landlords and its transference to farmers for permanent and free use.

(4) Any other methods of solution of the question of land tenure you may suggest.

4/23/46
U.S. #32.

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State Dept. Instr. 12 Apr and 8 July 1976
[illegible] NARS, Date APR 04 1977

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NND 760090
By _____ NARS, Date _____

c. What special policies should be followed with respect to land formerly owned by the Japanese?

d. If land owned by Korean landlords is to be distributed to tenants, should these landlords be compensated for their land?

e. Should land distributed to tenant farmers be sold or distributed free.

f. What should be the policies with respect to irrigation facilities and their use?

3. Organization of Industry.

a. What should be the policy with respect to industrial production and distribution.

b. What kind of ownership (public, private or cooperative) should be adopted for each of the following:

Large industries (for example, steel and chemicals)
Medium industries (for example, textiles and shoes)
Small industries (for example, furniture and farm tools)
Banks
Wholesalers
Retailers
Mineral resources
Forests
Railroads
Shipping companies
Insurance
Fishing industries
Public utilities (for example, electric power, water, communications)
Household industries

4. Labor, Wages and Social Security.

a. What should be the policy with respect to minimum wages, maximum hours, and working conditions.

b. What should be the policy with respect to labor of children and women.

c. What should be the policy with respect to labor organizations.

d. What should be the policy with respect to social insurance.

e. What should be the policy with respect to increasing the efficiency of labor.

5. Trade and Prices.

a. Should a program of rationing the necessities of life be established. If so, how should this program be administered.

b. What should be the policy with respect to the collection of essential foodstuffs.

c. What type of program of price stabilization and control, if any, should be undertaken.

d. What measures should be taken to cope with speculation and hoarding.

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By NARS, Date

e. What should the policy be with respect to the foreign trade of Korea.

6. Finance.

a. What should be the policy with respect to:

(1) Income taxes

(2) Taxes on real property

(3) Sales taxes

(4) Taxes on imports and exports

(5) Receipts from government monopolies

(6) Inheritance taxes

(7) Any other taxes

b. What measures should be undertaken to establish a uniform and sound system of currency throughout Korea.

c. What should the policy be in respect to balancing the budget.

d. What measures should be taken to cope with excessively high interest charges (usury).

C. Educational and Cultural Policies of the Provisional Korean Democratic Government.

1. Education - What educational system should be introduced in Korea in the following fields:

(a) Liquidation of illiteracy among adults.

(b) Compulsory lower school attendance.

(c) Middle school

(d) Higher levels of education.

2. Training - What program should be established to train Korean specialists and technicians to fill all necessary positions in economic and governmental activities.

3. National Culture - What measures should be undertaken to promote the development of national culture, art, and also of science.

4. Public Health - How should health protection be organized.

G. M. BALASANOV
Commissioner of USSR Delegation

A. C. BUNCE
Commissioner of US Delegation

23 April 46
32

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NND 760090
By _____ NARS, Date _____

DRAFT:
25 April 1946

S E C R E T

ECONOMIC CONTROLS

In the field of economic controls there are many problems that the US and USSR representatives need to study in order to have a smooth transition from separate controls, existing in each zone, to uniform controls, which will operate over the country as a whole. For example, we need a uniform national system of rice collection; we need a uniform system for distributing the necessities of life to all consumers; we need a uniform system of allocating incentive goods to farmers and workers; and we need a uniform system of price controls.

If we are to assist the Provisional Korean Democratic Government attain these ends, then a great deal of preliminary work must be done. The controls now in force in the North and in the South must be understood by both the Soviet and US delegates so that a sound method of integration can be developed without a further disorganization of economy.

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DRAFT:
27 April 1946
C. Bunce

SECRET

When the Soviet Delegation accepted our compromise offer on consultation on April 17th, and the Joint Commission agreed to and published the declaration regarding role of democratic parties and social organizations in consultation, the U. S. delegation believed that the final word had been written on eligibility for consultation. When a party or organization signed the declaration it was qualified to give the Joint Commission its recommendations on subjects covered by the Moscow ~~XXXXXXXXXX~~ Decision on Korea.

In preparing the method of consultation, the Soviet Delegation proposed an additional condition on the party or organization which if imposed will alter the agreement of April 17th.

The U. S. position is quite clear. The wording of the Moscow decision on trusteeship indicates that ~~it is optional and that~~ its form and length of operation is to be determined by recommendations of the Joint Commission, the Provisional Korean Democratic Government and the political parties. Any person or party, therefore, may advocate or oppose the concepts of trusteeship as they see fit. Secretary Byrnes and General Hodge have made the U. S. position quite clear.

In regard to opposition to the Soviet Government, two concepts must be made clear; any political party or person may verbally attack the program and ideas of another party; this is a basic concept inherent in political democracy and the concept of freedom of speech.

This is quite different from an attack on the government of one of the allies which could be made a basis for excluding the person or organization from consultation by the country attacked. We do not intend to make use of this privilege.

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The U. S. Delegation stands firm in support of the April 17 agreement, without amendment, and the conditions of consultation in the declaration. The U. S. Delegation stands ready to consult with the duly accredited representatives nominated by any democratic party or social organization which becomes eligible for consultation by meeting the require declaration.

The Soviet Delegation foresees the nomination of a representative objectionable to it. In order to permit the Soviet Delegation to initiate an investigation of the qualifications of such a representative, the U. S. Delegation has offered a compromise substitute for the clause objected to in the Soviet text of paragraph 2 of method of consultation. This substitute constitutes the full compromise and it offers the means to the Soviet Delegation to voice its objection to the representative of any party.

(See Para 2) Since it is not acceptable to the Soviet Delegation the U. S. Delegation withdraws it and returns to its stand in full support of the U. S. text of para #2 or of the Soviet text of the same paragraph with the ommission of the following: "From the membership of the party or organization, who have not compromised themselves by actively voicing their opposition against the Moscow decision and against the Allies".

Sub commission #111

Minutes of Meetings

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By NARS, Date

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By _____ NARS, Date _____

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SECRET
III US
20 May 1947

COPY NO. 1

U. S. Subcommission III
American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

1st Meeting

Duk Soo Palace

20 May 1947

Present:

Mr. Calvin Joyner
Mr. Stewart Meacham
Dr. P. J. Sturm

Also Present:

Mr. C. Soloviev

Secretariat:

Capt. E. E. Miller

Stenographer: Virginia Quigley

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By _____ NARS, Date _____

SECRET
III US
20 May 1947

A G E N D A

1st Meeting

1400 Hours, 20 May 1947

Room 7 Duk Soo Palace

1. Scope of Responsibility of Subcommission 3.

References: a. Paragraph 2c, Minutes,
106th Meeting, US - USSR Joint Commission.

b. Section C, AMD 4.

2. Discussion of Initial Steps for Implementation of Mission.

3. Consideration of SM-6, American Delegation, US - USSR Joint Commission.

Subject: Working Procedures within the American Delegation, dated 18 May 1947.

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SECRET
III US
20 May 1947

1. Scope of Responsibility of Subcommission 3.

The Members studied the Mission of the Subcommission as set forth in Section C, AMD 4.

2. Discussion of Initial Steps for Implementation of Mission.

The Members agreed:

a. Report will be procured from Colonel Choinski, Mr. Prostov, and Mr. Rowe to include as much information as possible on the existing government in North Korea.

b. Report will be obtained from Lieutenant Colonel Bledsoe on present structure of the South Korea Government, and the historical background where he thinks it is significant, and why it is as it is.

c. Mr. Meacham and Dr. Sturm will meet with Dr. Johnson, for the purpose of arranging a meeting with the American Advisers of the significant Departments and Offices of USAMGIK, to secure a brief outline by 27 May, and a complete plan by 4 June, for integrating South and North Korea Governments.

3. Consideration of SM-6, American Delegation, US-USSR Joint Commission, Subject: Working Procedures within the American Delegation, dated 18 May 1947.

The members agreed to defer action on this matter.

4. The Secretary was instructed to circulate "Draft Charter of Provisional Government", prepared by Subcommission 2, among the members for information.

5. Regular Meetings of the Subcommission.

It was agreed to defer matter of designating regular meeting dates.

6. Membership.

The matter of requesting an additional member for the Subcommission was deferred.

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By _____ NARS, Date _____

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SECRET
III US
27 May 1947

COPY NO. 1

U. S. Subcommission 3
American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

2d Meeting

Duk Soo Palace

27 May 1947

Present:

Mr. Calvin Joyner
Mr. Stewart Meacham
Dr. P. J. Sturm

Also Present:

Dr. Ernest Fraenkel, US Subcommission 2
Mr. Walter E. Monagan, US Subcommission 2
Capt. Morton S. Jaffe, US Subcommission 2
for Item 1 only.

Secretariat:

Capt. E. E. Miller

SECRET

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SECRET
III US
27 May 1947

A G E N D A

2d Meeting

0900 Hours, 27 May 1947

Room 7 Duk Soo Palace

1. Consideration of Joint Commission Decision No. 6, jointly with U. S. Subcommission 2.

   Reference: Joint Commission Decision No. 6.

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SECRET
III US
27 May 1947

1. Consideration of Joint Commission Decision No. 6, jointly with U. S. Subcommission 2.

Subcommission 3 convened, then recessed to meet with Subcommission 2 for consideration of Joint Commission Decision No. 6. Mr. Joyner announced to the Chairman of Subcommission 2 that the members of Subcommission 3 approved Joint Commission Decision No. 6 in principle; and that due to very pressing business delegated by the Chief Commissioner of the American Delegation Subcommission 3 would be unable to go more deeply into the matter at this time.

2. Study of Measures Preparatory to an Early Elimination of the Boundary between North and South Korea.

Subcommission 3 Members reconvened and Mr. Joyner requested Mr. Meacham and Dr. Sturm to prepare a study of the administrative problems and preparatory steps in connection with an early elimination of the present boundary at the 38th Degree, North Latitude, for transmittal to the Chief Commissioner of the American Delegation.

3. Study of Existing Government in North Korea.

Mr. Meacham announced that a complete file of Intelligence Summaries on Northern Korea had been furnished by Colonel Choinski; and they contained considerable information on the existing government there.

4. Study of Existing Government in South Korea.

Mr. Meacham and Dr. Sturm reported that a meeting with American Advisers of significant Departments and Offices of USAMGIK had been held on 23 May 1947. Request had been made on them to furnish not later than 5 June certain information on Governmental Structure and Function. (Request was circulated as III US 2, 23 May 1947).

5. Meeting of Joint Subcommission 3.

Mr. Joyner announced that a meeting of Joint Subcommission 3 had been called by Mr. G. M. Balasanov, Soviet Chairman, for 1300, 27 May 1947.

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III US
27 May 1947

SECRET

COPY NO. 1

U. S. Subcommission 3
American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

3d Meeting

Duk Soo Palace

27 May 1947

Present:

Mr. Calvin Joyner
Mr. Stewart Meacham
Dr. P. J. Sturm

Secretariat:

Capt. E. E. Miller

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By _____ NARS, Date _____

SECRET

SECRET
III US
27 May 1947

1. Study of existing governments North - South Korea with the view to the transfer to and assumption by the Provisional Government of the responsibilities exercised by these existing governments and recommendations for the method of procurement of personnel for the Provisional Government.

In view of the discussion in the meeting of Joint Subcommission 3, and further discussion here, the members agreed that the trend of the American presentation at the meeting of Joint Subcommission 3 on 28 May 1947 would be generally as follows:

a. The selection of personnel, and the assignment of personnel to posts within the Provisional Government are not within the mission of Joint Subcommission 3.

b. Solving the problems of the method of selecting the members of the Provisional Government and its administrative personnel are not the most pressing problems before the Joint Subcommission 3.

c. The most pressing problem is the study of the technical problems involved in transferring authority to the Provisional Government.

d. That these problems, broad in scope, involve the integration of the currency, the financial structure, the system of transportation, the telephone, telegraph, and postal administrations, agriculture, collection and distribution of rice, and many other problems, that require immediate study by subcommittees if we are to be ready to make sound proposals to the Joint Commission.

e. That the methods of selecting personnel for the Provisional Government and its administrative functions be deferred until its type and structure, the form of the Provisional Charter, and the elaboration of a political platform, have been determined by the Joint Commission.

a)

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SECRET

SECRET
III US
29 May 1947

COPY NO. 1

U. S. Subcommission 3
American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

4th Meeting

Duk Soo Palace

29 May 1947

Present:

Mr. Calvin Joyner
Dr. P. J. Sturm

Secretariat:

Capt. E. E. Miller

SECRET
SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III US
29 May 1947

1. Study of Measures Preparatory to an Early Elimination of the Boundary between North and South Korea.

Report prepared and presented by Dr. P. J. Sturm was considered and approved. The Secretary was directed to forward it to the Chief Commissioner of the American Delegation. (The report was subsequently circulated as III US 3.)

2. Study of existing governments North - South Korea.

Draft of a request to be transmitted to existing governments and commands in North and South Korea concerning structures and functions, and recommendations in connection with problems of integration and assumption of power by a Provisional Government, was presented by Dr. Sturm. After consideration the Secretary was directed to:

a. Prepare the draft as American Proposal No. 1 to be submitted to Joint Subcommission 3 in the meeting of 2 June 1947.

b. Transmit English and Russian texts of the Proposal to Mr. G. M. Balasanov, Soviet Delegate, prior to 1200 Hours, 31 May 1947.

(The Proposal was subsequently circulated as III US 2/1.)

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Secret
III US
2 June 1947

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COPY NO 1

U.S. SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the
5th Meeting
Duk Soo Palace
2 June 1947

Present

Mr. Calvin Joyner
Mr. Stewart Meacham
Dr. F. J. Sturm
Mr. T. C. Angebretson

Secretariat

Capt. L. L. Miller

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By _____ NARS, Date _____

S E C R E T

2. Mr. [illegible] assigned to the Subcommission.

Mr. [illegible], assigned to Subcommission 3, reported for duty and was introduced by the Chairman. The secretary was instructed to familiarize him with the work done to date.

3. Study of Measures Appropriate to Elimination of the Boundary Between North and South Korea.

a. The report circulated as III US 3 was ordered withdrawn from circulation.

b. The Chairman instructed Dr. Sturm to revise the report in the light of additional information received from the Chief Commissioner of the [illegible] Delegation. It should be assumed that abolition of the boundary at 38 degrees, North Latitude will occur simultaneously with the establishment of the Provisional Korean Government.

4. Study of Existing Organs of Authority in North and South Korea.

a. The secretary reported that English and Russian texts of proposal pertaining to the study of existing organs of authority in North and South Korea (III US 3/1) had been handed to the Soviet Delegation 4 days hours, 21 Apr 1947. A similar Soviet proposal had not been received.

b. [illegible] informal conversation with Mr. [illegible] Deputy Chief of the Soviet Delegation explained that the delay in submission of the Soviet proposal was occasioned by a shortage of administrative personnel. No definite date was given as to when the proposal could be expected.

c. [illegible], the members agreed that a meeting of Joint Subcommission 3 should be called not later than 5 June, unless the Soviet proposal was received earlier.

III US
Minutes, 5th Meeting

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III US
9 June 1947

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U. S. Subcommission 3
American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

7th Meeting

Duk Soo Palace

9 June 1947

PRESENT

Mr. Calvin Joyner
Mr. Stewart Meacham
Dr. P. J. Sturm
Mr. T. O. Engebretson

SECRETARIAT

Captain F. F. Miller

17 1951

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By NARS, Date

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1. Study of Existing Organs of Authority in North and South Korea.

The members reviewed the revised Soviet proposal for study of existing organs of authority in North and South Korea as presented in meeting of Joint Subcommission 3 on 7 June 1947.

After discussion the members agreed the American Delegation would accept the Soviet proposal amended along the following lines:

a. Delete the address.

b. Delete the first paragraph.

c. Delete the second paragraph.

d. Delete the last paragraph.

e. The third paragraph to become the first paragraph of the document, and be worded to indicate a decision of the Delegations wherein they agree to exchange information according to the outline comprising the main body of the Soviet proposal; a distinction should be made between the duties of Korean Officials and Soviet or American advisors; and the deadline for this exchange to be 1 July 1947. The exact wording would be as agreed between Mr. Joyner and M. Malasanov in Joint Commission meeting at 1030 hours, this date.

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III US
5 June 1947

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U.S. SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of The
6th Meeting
Duk Soo Palace
5 June 1947

Present

Mr. Calvin Joyner
Mr. Stewart Meacham
Dr. F. J. Sturm
Mr. T. C. Engebretson

Secretariat

Capt. L. E. Miller

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III US
Minutes, 6th Meeting

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NND 760090
By _____ NARS, Date _____

1. Study of Existing Organs of Authority in North and South Korea.

a. The proposal of the Soviet Delegation pertaining to study of existing organs of authority in North and South Korea which was handed to Mr. Joyner in the meeting of Joint Subcommission 3 was discussed in detail.

1. The members agreed to amend the American proposal by deletion of subparagraphs "A a and b", and to add as subparagraphs "A a and b" the following, taken from the Soviet proposal:

"a. Central bodies of authority.

(1) The Executive Branch.

(a) Designation of central body of executive authority.

(b) Structure of the central executive body (departments, sections, subsections, etc; with charts).

(c) Functions of departments (describe in detail).

(d) Guiding personnel of the central bodies. (In each case show the name, place of birth, age, education, and where he has worked prior to 15 August 1945).

(e) When, and by whom the guiding personnel were elected or appointed.

(2) The legislative Branch.

(a) What body performs the legislative authority (show name).

(b) When, and by whom this body is elected or appointed.

(c) How the political parties existing in the respective zones are represented in the legislative body.

(d) The structure of the legislative body.

(e) The functions and the work performed in the course of the existence of this body. (Describe in detail.)

DECLASSIFIED
NND 760090
By NARS, Date

(f) Guiding personnel. (In each case show the name, place of birth, age, education, and where he has worked prior to 15 August 1945.)

(3) The Judiciary.

(a) When, by whom, and in what manner the Judiciary bodies are created.

(b) The structure of the central judiciary bodies.

(c) The statute regarding the judiciary bodies.

(d) Guiding personnel. (In each case show the name, place of birth, age, education, and where he has worked prior to 15 August 1945.)

(4) The Procurature.

(a) The statute regarding the procurature.

(b) Guiding personnel. (In each case show the name, place of birth, age, education, and where he has worked prior to 15 August 1945.)

b. Local bodies of authority.

(1) Designation of the bodies of authority in the Shi, Do, Pu, Kun, Up, Myun, and Ri.

(2) When, and by whom elected or appointed.

(3) Structure and functions of local bodies.

(4) Functions of the local bodies of the judiciary."

c. After discussion it was further agreed that:

(1) The revised American proposal, in English and Russian texts, will be presented to the Soviet Delegation in a meeting of Joint Subcommission 3 scheduled for 1030 hours, 6 June.

(2) Paragraphs 1, 2, and 3 of the revised proposal may be amended in some detail if acceptable proposals are presented by the Soviet Delegation.

(3) The information to be furnished in compliance with paragraph 4, substantially as now prepared is essential to

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NND 760090
By NARS, Date

the satisfactory completion of the mission of Sub-commission 3.

(The new proposal was subsequently circulated as III US 2/1, Revised, 5 June 1947).

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III US
11 June 1947

U.S. Subcommission 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

8th Meeting

Duk Soo Palace

12 June 1947

PRESENT

Mr. Calvin Joyner
Mr. Stewart Meacham
Mr. F. J. Sturm
Mr. T. J. Ingebretson

SECRETARIAT

Capt. J. E. Miller

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NND 760090
By _____ NARS, Date _____

1. Study of Existing Organs of Authority in North and South Korea.

a. The members reviewed Joint Commission Decision No. 15, pertaining to exchange between Delegations of information regarding existing organs of authority in North and South Korea.

b. After discussion it was agreed that Mr. Ingebretson would be responsible for the preparation of the appropriate material, and that Mr. Meacham and Mr. Ingebretson would arrange an appointment with the Chief Advisor, South Korea Interim Government, in order to present a request for the information required.

2. Methods of Selection of personnel for the Provisional Government.

The Chairman instructed Mr. Meacham to begin a preliminary study of methods of selection of personnel for the Provisional Government.

3. Tasks of Subcommissions No. 2 and No. 3.

The Chairman read Item 3, Minutes of the 116th Meeting of the American Delegation, 5 June 1947, for incorporation into the record of U.S. Subcommission 3:

"3. Tasks of Subcommissions No. 2 and No. 3

General Brown reviewed the tasks of the subcommissions as assigned in the 25th Meeting of the Joint Commission. He stated that it seemed clear that there is no conflict although there must be appropriate parallel coordination between the two subcommissions. The first task of Subcommission No. 3 is to familiarize itself with the structure of the governments in North

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NND 760090
By _____ NARS, Date _____

SECRET

and South Korea and with all the problems pertinent to the elimination of the 38th parallel. Subcommission No. 3 cannot await action of Subcommission No. 2. General Eckerling and Mr. Joyner stated that this has from the start been their concept of the task to be done. Difficulty is to convince the Soviet Delegation."

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NND 760090
By _____ NARS, Date _____

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III US
16 June 1947

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U. S. Subcommission 3
American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

9th Meeting

Duk Soo Palace

16 June 1947

Present:

Mr. Calvin Joyner
Mr. Owen T. Jones
Mr. Stewart Meacham
Dr. P. J. Sturm
Mr. T. C. Engebretson

Secretariat:

Capt. E. E. Miller

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By _____ NARS, Date _____

1. Assignment and Relief of Members.

a. The Chairman introduced Mr. Owen T. Jones who has been assigned as U. S. Alternate Member of the Joint Commission and Chairman of U. S. Subcommission 3, vice Mr. Joyner who has been directed to return to Military Government due to essential and pressing duties there in connection with his position as Advisor to the Director of the Department of Commerce.

b. It was announced that effective at once Mr. T. C. Engebretson is relieved from duty with the Subcommission and until further notice shall perform duty with the Analysis Committee in connection with the consultation of Korean Political Parties and Social Organizations.

2. Mission of Subcommission 3.

The missions of U. S. Subcommission 3 and of Joint Subcommission 3 were reviewed. (References: Item 2 c, Minutes of the 106th Meeting, American Delegation, and Section C, AMD 4, dated 16 May 1947; Item 4 b (3), Minutes of the 25th Meeting, US-USSR Joint Commission; and paragraphs B (4) and (5) of Joint Commission Decision No. 8.) Plans for the implementation thereof were briefly discussed. Meetings to date of Joint Subcommission 3 were reviewed in this connection.

3. Study of Existing Organs of Authority in North and South Korea.

Mr. Meacham gave the following report of work done in connection with the implementation of Joint Commission Decision No. 15.

a. Mr. Meacham and Mr. Engebretson met with Mr. Edgar A. J. Johnson, Chief Advisor, South Korea Interim Government, and Brigadier General C. G. Helmick, Deputy Military Governor, in Mr. Johnson's office at 1100 hours, 13 June 1947. The Joint Commission Decision No. 15 and Mr. Joyner's letter of 12 June to the Chief Advisor (see III US 2/1) were discussed. It was agreed to reassemble at 1400 hours for further discussion with a committee of Military Government personnel to be designated by Mr. Johnson.

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NND 760090
By _____ NARS, Date _____

SECRET

b. Mr. Meacham and Mr. Engebretsen met at 1400 hours with Mr. Johnson and the committee composed of Major J. W. Connelly, Dept. of Justice; Major Clarence H. Weems, Office of the Military Governor; Lieutenant Colonel Hugo Bledsoe, and Captain R. M. Kemp, Office of Korea Civil Service; and Mr. M. L. Alter, National Economic Board. It was agreed that,

(1) Lieutenant Colonel Bledsoe would assemble and report the information required by Paragraph 1, Section A, of Joint Commission Decision 15.

(2) Major Weems would assemble and report the information required by Paragraph 2, Section A.

(3) Major Connelly would assemble and report the information required by Paragraphs 3 and 4, Section A.

(4) Lieutenant Colonel William H. Anderson, Chief Civil Affairs Officer, Kyonggi-Do, would be instructed by Mr. Johnson to assemble and report the information required by Section B.

(5) The reports would be delivered to Mr. Alter not later than 1200 hours, 20 June 1947. He will correlate the information and render a report to U. S. Subcommission 3 not later than 1000 hours, 23 June 1947.

4. Work of the Joint Commission.

The Chairman read a Memorandum from General Brown to General Shtikov, subject: "Work of the Joint Commission", dated 13 June 1947, and directed it be entered verbatim into the minutes of the Subcommission. A brief discussion of the subject matter followed. It was agreed that the subject matter is indeed timely, and further study of the problems would be made.

The Memorandum:

American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea

13 June 1947.

Memorandum to: Colonel General T. F. Shtikov,
Chief Commissioner, Soviet Delegation,
US-USSR Joint Commission, Seoul, Korea.

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NND 760090
By _____ NARS, Date _____

SECRET
III US
16 June 1947

SUBJECT: Work of the Joint Commission.

1. There are certain problems which must be solved by the Joint Commission irrespective of the type and composition of the provisional government established. These problems should be solved, at least in principle, at the earliest possible date. They include problems on which common agreement must be reached in order that the work of government now being performed by existing governments, North - South Korea, may be carried by the provisional government without loss of efficiency. Included are such problems as transportation, communications, finance, food collection and distribution, communications, etc. (See Enclosure 1 for clarification.)

2. In order that early and thorough consideration may be given to evolving plans pointing to solution of these problems, it is suggested that the Russian members of Subcommission No. 3 meet with the American members and perfect an organization for and a method of proceeding to proper solutions of the problems listed and similar problems which may be involved in the overall consideration of the assumption by the provisional government of the work responsibility of the existing governments, North - South Korea.

3. It may be considered advantageous by you that these problems be discussed in a general manner by the Joint Commission prior to reference to Subcommission No. 3 for consideration. The American Delegation is prepared to assume the responsibility for proper performance of this task in such manner as you may suggest.

s/ Albert E. Brown
ALBERT E. BROWN,
Major General, U. S. Army,
Chief Commissioner.

Enclosure
(1) Suggested problems of government.

The Enclosure:

I. Transportation.

1. Railways.

2. Merchant Marine.

3. Bus Lines.

II. Communications.

1. Telephone System.

2. Telegraph.

3. Postal Service.

III. Finance.

1. Currency.

2. Financial Institutions.

3. Foreign Exchange.

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NND 760090
By _____ NARS, Date _____

SECRET

IV. Food Collection and Distribution.

V. Commerce.

1. Price Levels.

a. Price Controls.

b. Relative supply levels in North and South.

2. Customs Regulations.

3. Import and Export Controls.

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III US
17 June 1947

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U. S. Subcommission 3
American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

10th Meeting

Duk Soo Palace

17 June 1947

Present:

Mr. Owen T. Jones
Mr. Stewart Meacham
Dr. P. J. Sturm

Secretariat:

Capt. E. T. Miller

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By NARS, Date

SECRET
III US
17 June 1947

1. Study of Existing Organs of Authority in North and South Korea.

The members reviewed generally the procedures which had been initiated for obtaining data on existing organs of authority in South Korea and the method of exchanging this data with the Soviet Delegation. After discussion it was agreed that,

a. Prior to 1 July a meeting of Joint Subcommission 3 would be called for the purpose of informally discussing procedure for the exchange.

b. Tentatively, the American Delegation would work to the end that both the Russian and the English texts of the information furnished the Soviet Delegation would be delivered simultaneously.

2. Study of Measures Preparatory to Elimination of the Existing Boundary between North and South Korea.

Study of problems in connection with the elimination of the existing boundary between North and South Korea prepared by Dr. Sturm was reviewed. The Secretary was directed to prepare additional drafts for circulation and further study.

3. Methods for Selection of Personnel for the Provisional Korean Democratic Government.

Study on methods for selection of personnel for the Provisional Korean Democratic Government prepared by Mr. Meacham was reviewed and adopted. (Mr. Jones subsequently discussed the study with General Brown who approved it in principle. The study has been published as III US 4.)

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III US
18 June 1947

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US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of The
11th Meeting
Duk Soo Palace
18 June 1947

Present

Mr. Owen T. Jones
Mr. Stewart Meacham
Dr. F. J. Sturm

Secretariat

Captain E. E. Miller

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By _____ NARS, Date _____

1. Study of Measures Preparatory to the Elimination of Existing Boundary between North and South Korea.

The members reviewed study prepared by Dr. Sturm, and Sub-commission papers II US 2 and III US 2/1. After discussion it was agreed the following course would be pursued in this connection:

a. Reports relating to existing governmental structure and functions in South Korea that had been received on or about 5 June 1947 from American Advisors in USAMGIK (Reference III US 2) would be carefully studied by all members prior to 23 June 1947.

b. An outline would be prepared to show committees required to study problems of integration, recommend solutions, and complete actual process of the integration of authority in North and South Korea.

c. Prepare a tentative assignment of American personnel to said committees.

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NND 760090
By _____ NARS, Date _____

SECRET
III US
26 June 1947

SECRET

US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

12th Meeting

Duk Soo Palace

26 June 1947

Present

Mr. Owen T. Jones, Chairman
Mr. Stewart Meacham
Dr. P. J. Sturm

Also Present:

Mr. Allen Loren, USAMGIK
Mr. R. D. Smith, USAMGIK

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U.S.-Soviet Joint Commission
DEPARTMENT OF STATE

MEMO FOR RECORD June 26, 1947

Subject: PROBLEMS OF UNIFICATION: CURRENCY

RD

Attendance: Loren, Smith, Sturm, Meacham, Jones

1. Prior to establishment of the Provisional Government, the Joint Commission will have to determine the legal tender in order that the Provisional Government may receive and make payments.
2. The legal tender may be:
   a. Bank of Chosun notes, old and new series.
   b. Bank of Chosun notes and "red yen."
   c. A new currency.
3. A dual currency can persist only for a very short period and must be replaced, if adopted, by the Provisional Government as early as possible. The position that should be adopted by the American Delegation is that the currency of Korea should be Bank of Chosun notes. In the north, legal tender is old series Bank of Chosun notes and "red yen" printed in Russia. The Bank of Chosun has in reserve sufficient notes to permit a conversion of the estimated 8 billion won in circulation in the north. This currency is Korean, as the "red yen" is not, and it is now being printed on Korean presses. The danger of accepting, even on an interim basis, the "red yen" is that the plates are presumably in the Soviet Union, and the Russians may have in reserve a large stock of these notes that could be surreptitiously put in circulation for their own purposes.
4. In the interests of efficiency, it would be desirable to complete a currency conversion before the Provisional Government is installed and hence avoid that much of the confusion necessarily attendant upon unification. The mechanics of

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

CURRENCY

conversion should be approximately as follows:

a. At the moment a conversion is agreed to with the Russians, information should be exchanged as to the quantity of "red yen" outstanding and an estimate of additional amounts which might be added to the circulation before a conversion was completed, on the one hand, and on the other, the circulation of the Bank of Chosun notes and the amount of the overdraft of USAFIK.

b. If it is agreed that Bank of Chosun notes, old and new series, will be the legal tender of Korea, and that conversion shall take place before unification, the conversion, at par, can be effected entirely in the north. Otherwise, it will be necessary to allow both currencies to circulate for a time and eventually have conversion in both of the present zones.

c. "Red yen" withdrawn from circulation should be returned to the Soviets, if we can reach such an agreement, in order to liquidate their holding of Central Bank of North Korea stock. At the same time the American Delegation should be informed of the Soviet forces' monthly needs of Korean currency, and an attempt should be made to secure agreement that the Soviets will establish a cost of occupation account similar to that maintained by USAFIK. To date the North Korean economy has supported Soviet Forces as a part of the "cost of liberation." It is unlikely that the Soviets would agree to entertain any Korean claim for what the Soviets had extracted from the economy prior to unification. It is equally unlikely that the Soviets will assume any responsibility for "red yen." The most

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NND 760090
By NARS, Date

CURRENCY

favorable settlement the American Delegation can hope for is that the Soviets will agree to relinquish their interest in the Central Bank of North Korea, and to establish a cost of occupation account for current and future expenditures which would be subject to eventual negotiation with the Korean Government.

d. Conversion should be effected by the banks, with a sufficient margin of time to insure that all legitimate exchanges may be made; thereafter the converted currency would cease to be legal tender and would no longer be subject to conversion except by special authority.

6. The question of adopting a new currency for conversion is hardly worth raising in view of the technical difficulties of printing it. The only currency which can be made available in sufficient quantity at this time is Bank of Chosun notes. The Korean currency being printed in the U.S. can hardly be ready before early 1948; when this is ready, a second conversion should be undertaken, together with other economic measures aiming at stabilization. This question may be deferred for later consideration. In the event, however, that establishment of the Provisional Government is delayed until the U.S.-printed currency is ready for issue, it may be desirable to urge its use as the currency of the Provisional Government, provided that it is possible at the same time to put into effect the other measures planned to accompany this particular conversion.

SUMMARY OF THE AMERICAN POSITION

1. A legal tender must be provided for the Provisional Government in the form of a single currency for all Korea.

2. The legal tender should be Bank of Chosun notes.

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NND 760090
By _____ NARS, Date _____

SECRET

3. Conversion should by preference take place before unification, and must, at the latest, take place immediately thereafter. In the former event, an agreement with the Russians on their currency requirements will be necessary. In the latter event, an agreement on notes outstanding, as of the date the Provisional Government is established, and the probable rate of currency expansion will be necessary.

4. Conversion will withdraw "red yen" and make it necessary for the Soviets to obtain Bank of Chosun notes to meet their occupation expenditures. A cost of occupation account with the Provisional Government should be established by both Soviet and American forces. Agreement should be secured that both forces acknowledge their responsibility to reach an eventual settlement with the Korean Government covering obligations incurred on either side.

FURTHER ACTION REQUIRED:

c.c. Mr. Loren
American Delegation of the Joint Commission
Sub-Committee #3

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NND 760090
By _____ NARS, Date _____

SECRET
III US
26 June 1947

SECRET

US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the
13th Meeting
Duk Soo Palace
26 June 1947

Present

Mr. Owen T. Jones, Chairman
Mr. Stewart Meacham
Dr. P. J. Sturm

Also Present:

Mr. Allen Loren, USAMGIK
Mr. R. D. Smith, USAMGIK

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NND 760090
By _____ NARS, Date _____

SECRET

U.S.-Soviet Joint Commission
DEPARTMENT OF STATE

MEMO FOR RECORD

June 26, 1947

Subject: PROBLEMS OF UNIFICATION: CENTRAL BANK

Attendance: Loren, Smith, Sturm, Meacham, Jones

1. The Central Bank of South Korea is the Bank of Chosun. In addition to its functions as a bank of issue, it performs commercial banking services as well.
2. The Central Bank of North Korea is a new institution, created by the People's Committee. Half the capital was subscribed by Koreans and half by the Soviet Forces in the form of "red yen," which together with old series Bank of Chosun notes constitute the legal tender of North Korea.
3. It will be essential that there be only one central bank after unification. Acceptance by the Soviet Delegation of Bank of Chosun notes as the only legal tender of the Provisional Government should include the provision that the Bank of Chosun will be the central bank of the Provisional Government. The Central Bank of North Korea should be reorganized as the northern branch of the Bank of Chosun.
4. In view of the fact that the Bank of Chosun is compromised by its status under the Japanese regime and that its assets consist principally of Japanese Imperial Government bonds and other Japanese securities which are unlikely ever to be honored, and that its obligations include some 18 billion won in currency which is backed only by the Japanese securities referred to and by USAMGIK order, and will be further increased by approximately 8 billion won in converted North Korean currency, the institution should be reorganized as the Bank of Korea and its obligations assumed by the Provisional Government in exchange for bonds which will serve as backing for the currency.

Minutes, 13th Meeting

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

CENTRAL BANK

5. Commercial banking functions, in which both the Central Banks of South and North Korea are engaging, should not be conducted by the unified Central Bank. This divestment could occur after unification, however.

SUMMARY OF THE AMERICAN POSITION

1. Before unification a single central bank should be provided to serve the Provisional Government.
2. The central bank of Korea should be the Bank of Chosun. The Central Bank of North Korea should be established as a branch of the Bank of Chosun.
3. After unification, the Bank of Chosun should be reorganized as the Bank of Korea, its obligations assumed by the Provisional Government, and its commercial banking functions transferred to other institutions.

FURTHER ACTION REQUIRED:

c.c. Mr. Loren
American Delegation of the Joint Commission
Sub-Committee #3

Minutes, 13th Meeting

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NND 760090
By _____ NARS, Date _____

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III US
27 June 1947

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US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

14th Meeting

Duk Soo Palace

27 June 1947

[redacted]

Present

Mr. Owen T. Jones, Chairman
Mr. Stewart Meacham
Dr. P. J. Sturm

Also Present:

Lt. Col. A. J. Cornelson, USAMGIK
Lt. Col. J. M. McLellan, USAMGIK

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NND 760090
By _____ NARS, Date _____

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U.S.-Soviet Joint Commission
DEPARTMENT OF STATE

MEMO FOR RECORD

27 June 1947

Subject: PROBLEMS OF UNIFICATION: RAILWAYS

Attendance: Meacham, Sturm, Lt.Col. Cornelson, Lt.Col. McClellan, Jones

1. In response to the apparent Soviet reluctance to discuss practical measures of unification prior to establishment of the Provisional Government, an attempt has been made to single out transportation services which the American Delegation could defend as essential to the Provisional Government before it could begin to function and which ought to be provided by agreement of the Joint Commission prior to the Provisional Government's establishment.

2. Discussion between Sub-commission 3 and members of the Transportation Department, SKIG, centered about plans for movement of official mail and of official personnel as prerequisite to establishment of the Provisional Government, with the suggestion that possibly plans also should be laid for movement of emergency relief supplies.

3. The technical problems of arranging movement of official mail and personnel may be nearly as great as those of unifying the entire railway system, unless the service consists of no more than an occasional train between the capitals, movement from there to depend entirely upon the present organizations.

4. Any unification of the railways either before or after establishment of the Provisional Government will involve a resorting of locomotives, rolling stock, equipment, supplies and maintenance facilities. On the basis of available information, this will work to the definite

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NND 760090
By _____ NARS, Date _____

disadvantage of South Korea which is at present better off with respect to the condition of its railways than the north. Integration would involve a general leveling off with much equipment moving north.

5. So long as the U.S. exercises supreme authority in South Korea and is responsible for government and for the security of its own forces, it may decline to allow any considerable lowering of operating efficiency of the South Korean railways. Such a lowering would be implicit in complete integration.

6. Although the U.S. may be unwilling to press for integration of the railways prior to establishment of the Provisional Government, it should lay its plans for later integration. It seems advisable to provide in the establishing document or in some separate modus vivendi simultaneously effective, that the military forces of the U.S. and the Soviet Union will have priority claim on railway service up to an agreed percentage of the total service available.

FURTHER ACTION REQUIRED:

Specific problems of integration which should be considered by transportation officials and for which plans should be perfected to the extent possible in the light of present information are the following:

a. Census of operable locomotives and rolling stock.

b. Probable level of efficiency which could be maintained on a nation-wide basis with present equipment.

c. Necessary reorganization of operating districts and establishment of working relations with national headquarters.

d. Unification of communications systems.

e. Supply of coal and lubricants for a unified system.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

f. Reallocation of maintenance and repair parts and equipment.

g. Redesignation of shops to serve unified system.

h. Necessary adjustments to bring rates in line.

i. Adjustments in personnel to meet needs of unified system.

j. Preparation of representative operating schedules for unified system.

c.c.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III US
27 June 1947

SECRET

US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

15th Meeting

Duk Soo Palace

27 June 1947

[redacted]

Present

Mr. Owen T. Jones, Chairman
Mr. Stewart Meacham
Dr. P. J. Sturm

Also Present:

Mr. Carroll V. Hill, USAMGIK
Capt. George Cooper, USAMGIK

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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American Delegation
US - USSR JOINT COMMISSION
Subcommission #3

MEMO FOR RECORD:

27 June 1947

Subject: PROBLEMS OF UNIFICATION - FOOD COLLECTION & DISTRIBUTION

Attendance: Jones, Carroll J. Hill, Capt.Geo.Cooper, Meacham, Sturm.

1. Consolidation of food collection and distribution practices in North and South Korea presents peculiar difficulties that can not be readily solved. The respective systems have evolved in accordance with the policies of the occupying power in each zone. These policies have been so divergent and have resulted in such inequality of supply and standards of rationing that any sudden removal of the barrier between the two zones without prior equalization of stocks and rationing procedures is almost certain to create a chaotic disequilibrium which could have serious consequences for the Provisional Government.

2. South Korea does not now produce enough food to supply the minimum caloric needs of the population. In order to distribute the available food more equally, Military Government attempts to collect from the total indigenous production one-fifth of the summer grains (wheat, rye, barley and naked barley) and one-third of the rice crop. These controlled grains are collected from the producers (approximately sixty percent of the population) and distributed at a low fixed cost under the rationing system to the non-producers. The already short supply situation is further aggravated by the following factors: a constantly swelling population due to the influx of refugees and repatriates into South Korea with a disproportionate increase in the non-producer group, low crop yields, failure to attain collection goals, and inability to gain full control of the rationed grains for lack of accurate production and population statistics. Large quantities of grain are imported from the United States and distributed to the non-self-supplier group through ration channels to supplement the indigenous grains. In general, the self-suppliers are fed by their own production and are not included in the ration lists. Consumption of native foods by occupation personnel has been forbidden, the export of essential foods and the unauthorized movement of grains has been prohibited.

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

3. In North Korea Soviet forces have lived off the land and are reported to have exported rice and other foodstuffs in considerable quantities. Collection quotas are said to be based upon the 1938 crop, relatively a much better year than any since the beginning of the war. No effort is made to distribute available foodstuffs amongst the entire population. Workers whose output is especially desired and others politically favored receive the bulk of rationed foods.

4. In South Korea an attempt has been made to change the traditional Korean pattern of heavy consumption for several months following the rice harvest, and Spring hunger lasting until summer grains are reaped, by distributing the rice collected over the entire year and supplementing it as needed by imported grains. Efforts will be made to meet with imports the additional food requirements imposed by an influx of refugees.

5. In North Korea, according to report, relatively large exports and inadequate planning have reduced stocks to a much lower level than those existing in South Korea. There have been indications that Soviet forces may be encouraged to collaborate in the early formation of a provisional government because of the relatively bad food position of the north.

6. Integration of the two present zones under a Provisional Government will require at some stage the establishment of a uniform food collection and rationing system. Inequalities now existing can be overcome only by a leveling of supply, inevitably to the detriment of South Korea's food position and to the disruption of present rationing and import plans.

7. Assuming that an attempt were to be made to establish a uniform rationing system in the two zones prior to establishment of the Provisional Government, the following steps would have to be taken in both zones:

(a) Secure population figures upon which to base a rationing system.

(b) Secure adequate estimates of food stocks to be available as of the date of integration.

(c) Conclude an agreement between the two occupying powers that export of any essential foodstuff, to be defined, would be prohibited.

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

(d) Provide a uniform rationing regulation, covering all non-self-suppliers.

(e) Arrange for such inter-zonal movement of foodstuffs as would be necessary to permit equivalent rations in North and South Korea.

(f) Arrange for such additional imports as would be necessary to continue rationing in all of Korea on approximately the same basis as that now applicable in South Korea, until the next harvest following unification.

(g) Provide a uniform grain collection regulation to be applicable to the next harvest.

8. If no integration of food collection and distribution programs were attempted by the occupying powers, this would necessarily be one of the first tasks of the Provisional Government after its establishment. Essentially the same steps as those outlined in (7) would be required. Probably special temporary provisions would have to be made to prevent unregulated interzonal flow of foodstuffs with attendant disruption to rationing systems.

9. Since the US is the only important source of foodstuffs imported into Korea, and will almost certainly continue to be so, it is in a position to insist upon the fulfilment of certain conditions as a prerequisite to continued food shipments. These conditions should be:

(a) No exports of grains or other essential foods.

(b) Continuance of rationing until grain imports are no longer required.

(c) Uniform and equitable rationing regulations, providing for all non-self-suppliers on the same basis.

(d) Uniform and equitable grain collection programs.

10. The difficulties to be overcome in consolidating the food collection and distribution systems in North and South Korea are of essentially the same nature and magnitude whether they are met before or after establishment of the Provisional Government. It would be to the interest of the Provisional Government if integration could be accomplished prior to its establishment,

DECLASSIFIED
NND 760090
By NARS, Date

but the Soviet position makes this extremely unlikely. There seems, moreover, to be no single aspect of the problem which could be tackled separately; the entire question will have to be dealt with at the same time.

Summary of the American Position:

1. The problems relating to food collection and distribution discussed above should be brought to the attention of the Soviet Delegation of Subcommission No.3 at the proper time. The Soviets should be questioned as to their proposals for solving these problems, which are essentially international in character because of imports needed to maintain a national subsistence level.
2. Because the food problem cannot be broken down into its component parts, it would be difficult for the American Delegation to insist upon dealing with it piecemeal. It can hardly do more than urge the desirability of integrating the systems before unification.
3. SKIG officials responsible for food administration should be requested to formulate specific plans for integration, to the extent that their knowledge of the probable food position of North Korea permits. Such plans should include supplementary imports likely to be required at various times of the year in relation to the harvest, and detailed food collection and distribution regulations applicable to the entire country, to represent the American proposal when this problem is considered by the Joint Commission.
4. Because of its position as principal foreign food supplier to Korea, the US will be in a position to insist upon the following conditions if its shipments of food are to continue:

   (a) No exports of Korean grains or other essential foods.

   (b) Continuance of rationing until imports of rationed commodities are no longer needed.

   (c) Uniform and equitable rationing regulations throughout Korea, providing for all non-self-suppliers on the same basis.

   (d) Uniform and equitable grain collection programs.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III US
28 June 1947

SECRET

US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

16th Meeting

Duk Soo Palace

28 June 1947

[redacted]

Present

Mr. Owen T. Jones, Chairman
Mr. Stewart Meacham
Dr. P. J. Sturm

Also Present:

Col. Parsons, USAMGIK
Mr. F. H. Harris, USAMGIK

SECRET

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NND 760090
By _____ NARS, Date _____

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American Delegation
US - USSR JOINT COMMISSION
Subcommission #3

SECRET

28 June 1947

MEMO FOR RECORD:

Subject: PROBLEMS OF UNIFICATION - TELEPHONE & TELEGRAPH

Attendance: Col. Parsons, Messrs. F.H. Harris, Jones, Meacham, Sturm.

1. Communications service between North and South Korea is now limited to an exchange of mail every two weeks.

2. The Provisional Government, when it is established, will have certain communications requirements if it is to function as a government. It should be able to communicate by mail and by telephone and telegraph as well with all the provincial capitals of the country. Mail requirements can be met initially by an expansion of the present service.

3. The principal telephone and telegraph line of Korea is the Mukden-Tokyo subterranean and submarine cable which runs vial Pyongyang, Seoul and Fusan, and through feeder lines serves most of the larger cities of the peninsula. A branch northeast from Seoul leads to Wonsan. The portion of the cable south of Seoul serves as the main line of communications with provincial capitals of the south and with Tokyo. It is assumed that the Soviets are using the portion of the cable north of Pyongyang for their own communications. Nothing, however, is known of the state of repair of the installation in its northern sector, apart from the fact that there is limited service for military purposes between Seoul and Pyongyang.

4. Present lines cannot handle greatly increased traffic. If the Provisional Government is to have any considerable telephone or telegraph communication with its northern provincial capitals, considerable advance planning must be done. SKIG is hard pressed now to maintain service in South Korea and could not provide on short notice the repair and maintenance ~~service in South Korea and could not provide~~ parts that are likely to be required for the northern portion of the line. Procurement of needed equipment may require a good deal of time.

5. It would be advisable for the American Delegation to approach the Soviets with an inquiry as to how the long-distance lines between Seoul and Pyongyang could be augmented, first for the use of the Joint Commission

SECRET
SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

and ultimately for the Provisional Government. Surface lines and radio may be satisfactory supplements to the cable.

Summary of the American Position

1. No change in postal service is essential prior to establishment of the Provisional Government.

2. Technical problems of restoring telephone and telegraph service between Seoul and the northern provincial capitals are such that an attempt should be made to deal with them before the Provisional Government is established. The American Delegation should ask the Soviets to agree to a meeting of the Russian and American communications technicians to survey existing equipment and to agree on a limited program of integrating long-distance lines.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III US
30 June 1947

SECRET

US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

17th Meeting

Duk Soo Palace

30 June 1947

Present

Mr. Owen T. Jones, Chairman
Mr. Stewart Meacham
Dr. P. J. Sturm

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

American Delegation
US - USSR JOINT COMMISSION
Subcommission #3

MEMO FOR RECORD: 30 June 1947.

Subject: PROBLEMS OF UNIFICATION - CIVILIAN SUPPLY PROGRAM

~~Attention: Lovett, E.A.J.Johnson, Col.E.J.Lewis.~~

The entire question of the Civilian Supply Program, including petroleum distribution, as well as the other benefits which are currently being conferred on the Korean economy by the US: the FLC credit, imports from Japan for the civilian economy which may be included in the over-all reparations claim against Japan, the proposed transfer to Korea of certain industrial reparations exacted from Japan and the transfer of local Army excesses, will have to be basically rethought before a Korean Provisional Government is established.

At the present time South Korea is a dependent area of the US. The US through its field representatives and its interested national departments determines the nature and volume of material aid which shall be furnished to South Korea. Thus far, there has been no question of charging the future Korean Government, either in its provisional or permanent form, with the obligation to make payment for these benefits apart from the FLC credit of $25,000,000 which was advanced subject to later negotiation. The moral position of the US, consequently, is strong at the present time and can be easily defended against accusations of imperialism. Although US operations in Korea are no more purely disinterested than in Greece, for example, it is presumed that no demands will be made upon Korea which would be unacceptable to an independent government.

However, once the Provisional Government has been formed, the position of the US in Korea will have changed radically and unilateral action in supply as in other matters will no longer be possible. Paragraph 3 of the Moscow Decision reads, in part, "It shall be the task of the Joint Commission with the participation of the Provisional Korean Democratic Government and of the Korean Democratic organizations to work

III US
Minutes, 17th Meeting

DECLASSIFIED
NND 760090
By NARS, Date

out measures for helping and assisting (trusteeship) the political, economic and social progress of the Korean people ..." It must be assumed from this, the only reference in the Moscow Decision to economic aid to be furnished the Provisional Government, that material aid of all sorts will be subject to joint decision, with Korean participation, as to source, type, quantity, distribution, accounting, pricing, and perhaps ultimate settlement. This view is supported by Commissar Molotov's remarks on material aid and assistance made in his letter of 10 May, 1947, to Secretary Marshall.

US plans for the fiscal year 1948 envisage the expenditure for South Korea of approximately $215,000,000. Of this sum approximately $138,000,000 had been calculated to be the amount necessary to allow the Army to discharge its obligation of providing supplies and equipment in sufficient volume to prevent disease and unrest and to realize "the objectives of the occupation." The remainder had been computed as the amount which would be satisfactorily expended in South Korea to inaugurate a rehabilitation program. It has been proposed that the two sums be amalgamated and appropriated to the President for allocation to whatever department of the government may have administrative responsibility for Korea.

After establishment of the Provisional Government, however, obligations of the US in Korea will be fundamentally altered. Under the charter which will be promulgated, the Provisional Government will exercise gradually increasing sovereignty while the Joint Commission and the international supervisory body which succeeds it will simultaneously divest themselves of the initiative in government, retaining in the end only a general supervisory authority over the Provisional Government. It follows, therefore, that not only will US obligations be changed after the Provisional Government is installed, but US authority as well will be sharply curtailed. The US will no longer be able to pour into Korea such supplies and equipment as it deems necessary for its own purposes. In the first days of the Provisional Government it will have to negotiate at least a temporary supply agreement, the terms of which will previously have been sanctioned by the

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Joint Commission. As the Provisional Government attains experience and comes to assume more nearly complete direction of affairs, it will probably wish to amend its agreement and reach a definite understanding as to its financial obligations to the US.

The problem is complicated by the return of supply lines from the Ryukyus. In the ordinary course it is hardly possible to place an order for goods through the usual export channels and receive delivery in less than six months. At the present time the pipeline [illegible] is filled with supplies and equipment which were ordered [illegible] and which presently will be in the process of [illegible]. In view of the uncertainty as to [illegible] will be necessary to the end, and when, and on [illegible] for the time being continue [illegible] the inability even to be [illegible] the Provisional Government.

[illegible] agreed that the following procedure be followed:

1. Subject to SWNCC approval of making available to all of Korea any US-supplied goods [illegible] available in Korea at the time of unification or [illegible] subject to such controls as are agreed on by the Joint Commission.
2. Approach the Soviet Delegation as soon as SWNCC approval of (1) is secured, with a view to reaching a preliminary agreement prior to unification as to the type and quantity of material aid to be furnished by each nation to the Provisional Government, and the degree of supervision to be exercised by the Joint Commission over distribution and utilization of all materials transferred to the Provisional Government.
3. Negotiate with the Provisional Government as soon as it is established a preliminary supply agreement, the general terms of which will previously have been approved by the Joint Commission.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III US
9 July 1947

SECRET

US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

[redacted]

Minutes of the

18th Meeting

Duk Soo Palace

9 July 1947

Present

Mr. Owen T. Jones, Chairman
Dr. P. J. Sturm

Also Present:

Mr. Allen Loren, USAMGIK
Mr. Calvin Joyner, USAMGIK
Mr. D. P. Gill, USAMGIK

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

US-USSR Joint Commission
DEPARTMENT OF STATE

9th July 1947.

MEMO FOR RECORD

Subject: PROBLEMS OF UNIFICATION - Budget of the Korean Provisional Government

Attendance: Loren, Colwin, Joyner, O.P., Gill, Jones, Sturm.

1. If it is assumed that there will be a continuity of governmental services during the transitional period which leads to the assumption of full control by the Provisional Korean Democratic Government, it must also be assumed as a corollary that the KPDG will possess a legal tender in which to make and receive payments and an operating budget. The currency problem has been discussed in a separate memorandum, and the recommendation made that the American Delegation should insist on adoption of Bank of Chosun notes as legal tender of the KPDG.

2. The interim governments of North and South Korea are at present operating with budgets which provide sources of revenue and authority to expend public funds for specific functions of government. As these functions are transferred to the KPDG the budgeted funds provided for the functions, regardless of the department or ministry to which they have been appropriated in the respective zones, should be amalgamated and transferred to the KPDG.

3. While national taxes in both the present zones should become payable to the KPDG as rapidly as possible, this source will not provide sufficient funds to equal the budget. It will be necessary for the KPDG to draw upon the central bank until it has arranged to issue bonds. Tax rates in the two zones will have to be equalized, and the entire tax structure revamped so as to produce revenue more nearly equal to the government's needs. This, however, is a fairly long-range enterprise and must be the responsibility of the KPDG.

4. In order not to disrupt the functions of government, there should be agreement that the consolidated budget will continue in force for the remainder of the fiscal year in which unification occurs, or for a period of not less than six months if unification should take place after 1 October any given year.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

5. Immediately upon its establishment the KPDG should be instructed to prepare its budget for the next ensuing fiscal year. Should a budget not have been approved on the first day of the fiscal year, the previous year's budget should continue in force during the first quarter of the new fiscal year.

SUMMARY OF THE AMERICAN POSITION

1. Appropriations provided for the specific functions of government in the two zones should be transferred to the KPDG as it assumes these functions.
2. National taxes should become payable to the KPDG as soon as possible. Immediate arrangements should be made to issue such bonds as are necessary to meet the KPDG's deficit. Meanwhile, the KPDG will draw upon the central bank.
3. The consolidated budget should remain in force for the remainder of the fiscal year in which unification takes place, and in any case for not less than six months.
4. The KPDG should be instructed to begin preparing its budget for the next ensuing fiscal year as soon as it is established.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III US
9 July 1947

SECRET

US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

19th Meeting

DUK SOO PALACE

9 July 1947

Present

Mr. Owen T. Jones, Chairman
Dr. P. J. Sturm

Also Present:

Mr. Allen Loren, USAMGIK
Mr. Calvin Joyner, USAMGIK
Mr. D. P. Gill, USAMGIK

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NND 760090
By _____ NARS, Date _____

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American Delegation
US - USSR JOINT COMMISSION
Subcommission #3

9 July 1947.

MEMO FOR RECORD:

Subject: PROBLEMS OF UNIFICATION - FINANCIAL PROBLEMS: FOREIGN EXCHANGE CONTROLS, FOREIGN TRADE CONTROLS, CUSTOMS.

Attendance: Loren, Colonel Joyner, DP Gill, Jones, Sturm.

1. At the time the Provisional Korean Government is established it will have certain foreign exchange balances in US dollars, and may have balances as well in Soviet currency. In order to prevent the dissipation of these funds, particularly of dollars, it will be necessary to make suitable arrangements prior to unification.

2. Dollar balances to the credit of USAMGIK will have accrued in US commercial banks as a result of the export of Korean produce by private traders. Normally these balances will be expended as rapidly as possible to finance approved imports. However, at any given moment it must be assumed that the accounts will contain unexpended funds. These accounts have been established to encourage private trade and in no sense represent an actual trade balance. The US will have purchased for the Korean economy with appropriated funds supplies and equipment worth many hundreds of times the value of Korean private, or government-owned, exports. Therefore the US may in justice exercise over the commercial bank accounts such control as it thinks proper. To prevent their dissipation it may take one of the following courses:

(a) Transfer all funds in commercial accounts to the Korean Trust Fund of the War Department to finance in part approved aid and assistance programs.

(b) At once expend or obligate all such funds.

(c) Block all such funds in the US Treasury.

3. A fourth possibility is to reach a prior agreement with the Soviet Delegation to exchange information regarding foreign exchange resources which might be available to the Korean Provisional Government and to establish mutually acceptable measures for their control. The experience of this Subcommission is not such as to encourage optimism that this course would be adopted. Moreover it is likely that North Korean exports to the Soviet Union

DECLASSIFIED
NND 760090
By NARS, Date

have been credited to the "cost of liberation".

4. While the matter of Foreign exchange controls should be brought to the attention of the Soviet Delegation, it appears the wisest course to prepare to expend or obligate dollar credits in commercial banks to the extent possible, and upon establishment of the Provisional Korean Government to transfer all balances to the Korean Trust Fund.

5. Foreign Trade controls and customs are intimately associated with foreign exchange controls and should be discussed with the Soviet Delegation at the same time. The prime consideration in foreign trade is to prevent the export of essential foodstuffs and the import of non-essential materials. This problem has been discussed in the memorandum of Food Collection and Distribution. It is important as well to provide that American supplies imported as part of the Civilian Supply Program remain in Korea and are used for the purpose intended. To insure this it will be necessary to provide for

(a) a preliminary list of prohibited exports and import items

(b) customs controls and

(c) periodic international inspection of all ports and border stations.

Summary of American Position:

1. An agreement must be reached with the Soviet Delegation prior to unification covering all foreign exchange resources which might be made available to the Provisional Korean Government, or the US must take unilateral action to protect dollar balances of USAMGIK in US commercial banks.

2. An agreement must be reached with the Soviet Delegation prior to unification covering foreign trade controls. Ifthis is not possible the US position regarding the imports it is providing from appropriated funds, especially of foodstuffs, must be basically rethought, and the Soviet Delegation informed of the measures the US considers essential as a pre-requisite to continued supply.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III US
14 July 1947

SECRET

US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

20th Meeting

Duk Soo Palace

14 July 1947

Present

Mr. Owen T. Jones, Chairman
Mr. Stewart Meacham
Dr. P. J. Sturm

Also Present:

Col. Parsons, USAMGIK
Mr. Allen Loren, USAMGIK
Capt. C. F. Martin, USAMGIK

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NND 760090
By _____ NARS, Date _____

American Delegation
US - USSR JOINT COMMISSION
Subcommission #3

SECRET

14 July 1947.

MEMO FOR RECORD

Subject: PROBLEMS OF UNIFICATION - POSTAL SAVINGS & NATIONAL LIFE INSURANCE

Attendance: Col. Parsons, Capt. Martin, Loren, Jones, Meacham, Sturm.

1. Under the Japanese regime postal savings and national life insurance (industrial insurance) were under the administrative control of the Department of Communications. In South Korea during the American occupation, both services have continued to operate as divisions of the same department. There is no information available to the Joint Commission concerning the present status of postal savings and national life insurance in North Korea.

2. In April 1947 postal savings deposits in South Korea totaled Won 812,000,000, plus book transfer deposits (small checking accounts) of Won 140,000,000. Separation of Japanese from Korean accounts is complicated by the Japanese policy of forcing Koreans to adopt Japanese names. As of June 1945, ¥281,000,000 was held in postal savings accounts in North Korea. It is estimated that Japanese holdings accounted for from 50% to 60% of all postal savings deposits in Korea. The number of Korean depositors in South Korea as of April 1947 was 6,900,000; in North Korea as of June 1945 the total number of depositors including Japanese was 5,800,000.

3. Against liabilities of approximately Won 1,233,000,000 the postal savings service has no liquid assets except cash deposits made in South Korea since the beginning of the occupation. The bulk of its reserves had been transferred to the Deposit Funds Bureau of the Imperial Japanese Ministry of Finance and are no longer identifiable as specific investments of the Bureau.

4. As of 31 March 1945 the National Life Insurance had in force 3,800,000 policies in North Korea and 7,438,000 in South Korea, a total of 11,238,000 policies having a face value of ¥2,635,000,000.

5. In South Korea the National Life Insurance, which is in effect a form of burial insurance, has been continued by USAMGIK and payments made to claimants in South Korea only. Whereas before the war policies averaged less than ¥1,000, the present minimum for new policies is Won 2,000.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

6. The assets of the National Life Insurance are more nearly identifiable than those of the postal savings, since records are available in Korea of loans made in Japan or to Korean provinces, myuns and guns, as well as investments in Imperial Japanese bonds. The loans made in Korea are now bearing interest; together with current premiums this is the only present source of income of the National Life Insurance.

7. With SCAP approval Japanese depositors in the Korea postal savings have been permitted to withdraw in Japan ¥569,000,000. These withdrawals should constitute a Korean claim against Japan and amy eventually be settled by the Japanese Government as a social rather than a financial measure.

8. Cash on hand in both the postal savings and National Life Insurance in June 1947 was approximately won 90,000,000. In the absence of adequate cash reserves, it has been necessary to use some appropriated funds to carry on these two services.

Summary of the American Position:

1. The principle problem of restoring the postal savings and National Life Insurance to financial soundness is a long-range one of salvaging their assets and otherwise providing adequate reserves. This will probably be solved by the Provisional Government's taking over the assets in Japan and incorporating them with its other claims, while replacing these assets with its own bonds. This is clearly not a preliminary task for the Joint Commission.

2. A more immediate problem of the American Delegation is to attempt to secure agreement with the Soviets that the systems at present operative in the two zones will remain separate until they can be united in an orderly manner by the Provisionsl Government, so that it will not be possible for a Korean from the North to withdraw in the South amounts

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

which were not deposited there and which the postal savings of South Korea could pay only at the expense of its own depositors.

3. As a political expedient it might be advisable to undertake to honor deposits of North Koreans made prior to August 1945, if payment is demanded in the South. It is unlikely that such deposits would amount to more than Won 150,000,000 at the maximum if allowance for Japanese holdings in the total of ¥281,000,000 is made.

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III US
15 July 1947

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US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

21st Meeting

Duk Soo Palace

15 July 1947

Present

Mr. Owen T. Jones, Chairman
Mr. Stewart Meacham
Dr. P. J. Sturm

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

15th July 1947.

INFO FOR RECORD:

SUBJECT: ANNEX B OF CLASSIFICATION - Civil Service

1. In order [illegible] a measure of stability in the [illegible] of the Provisional Government, it is essential that there [illegible] in the joint Commission as to the treatment to be accorded [illegible] of the general area.

2. It [illegible] to the American Delegation concerning the civil Service of South Korea. In South Korea there are approximately [illegible] employees, but of these only 17,000 - 18,000 are [illegible] civil service. Police, coast guard, constabulary [illegible] civil service. The majority [illegible] provinces, the [illegible] 2,000 while Seoul [illegible] civil service is administered by the [illegible].

3. [illegible]

(a) [illegible]

(b) [illegible]

[illegible] (G.F).
[illegible] (G.C)
[illegible] (...I)

1. Excepte[illegible] in this category [illegible] positive [illegible] positive application. [illegible] normally elective, [illegible] provincial governments [illegible].

[illegible] of civil servants will [illegible] for some [illegible] office [illegible]. The Excepted [illegible] affected by the establishment of [illegible], but civil servants [illegible] reshuffling. In the [illegible] of existing governmental functions, [illegible] employment of all civil servants [illegible] Excepted service in the North Korean equivalent, [illegible] of from five to six months following the assumption [illegible], with the usual escape provision prohibiting discharge [illegible]. To insure that such provisions are not misused for political [illegible] civil service board of review and coordination should be set up [illegible] an equal number of personnel administrators from [illegible] zones. Each case could be appealed to the board with a majority vote required to sustain discharge.

4. Under the Japanese no separate reserve was maintained to pay the [illegible] of civil servants and the latter received benefits for [illegible] contributions, which ranged from 2% to 5% of the base pay. [illegible] the war, [illegible] base pay represented a small fraction of total [illegible] employee [illegible] to some extremely small. Wages fell into the following [illegible]:

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

a. Base pay
b. Bonus, [illegible] from 7 to 10 months' base pay.
c. Living allowance.
d. Allowance for dependents.
e. Quarters
f. Subsistence. [illegible] allowance was made only to [illegible]; [illegible] Koreans also.
g. Cost-of-living [illegible]. This was a kind of recognition [illegible] essentials.
h. Hazard pay.

4. [illegible] to be applied to the base pay and a single cost-of-living allowance, the latter being given for all employees. No [illegible]. Both of these objectives have been [illegible]. The responsibility [illegible] appropriate regional agency to advise in this [illegible] with the [illegible]'s freedom of action or [illegible] with the Joint Delegation. If the number of [illegible] necessary to provide uniform scales at least for [illegible] such [illegible]. Such [illegible] could be [illegible] by the use of [illegible] referred to in (4) above.

5. Unification of Civil Services

a. [illegible] of Civil Service [illegible] of Duties and Coordination, made up of Korean civil [illegible] concerned with [illegible] and their Russian or [illegible], should be [illegible].

b. All [illegible] to be [illegible] Service, in both [illegible], should be [illegible] to six months after [illegible]. The [illegible] will [illegible] and [illegible] all [illegible] to be confirmed only by a [illegible] vote. Those [illegible] to draw salary until their [illegible] has been confirmed, although if charged with certain stipulated offenses they might be suspended from office.

c. The Civil Service Board should establish uniform pay scales for civil servants [illegible] the National Headquarters prior to unification and [illegible] should [illegible] throughout the country.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III US
16 July 1947

SECRET

US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

22d Meeting

Duk Soo Palace

16 July 1947

Present

Mr. Stewart Meacham, Acting Chairman
Dr. P. J. Sturm

Also Present:

Dr. Wilhelm Anderson, USAMGIK
Mr. Calvin Joyner, USAMGIK
Mr. Allen Loren, USAMGIK
Mr. C. H. C. Braden, USAMGIK
Mr. C. P. Fossum, USAMGIK
Mr. T. E. Roberts, USAMGIK

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

U S POLICY TOWARD [redacted] SECRET 16th July 1947.

SUBJECT: PROBLEM OF UNIFICATION - Price & Wage Controls

Kitchen Jurgen, Doran, Wilkinson, Anderson, and [redacted] OHC CP T.E. Jessup, Roberts, Sturm.

1. At the present time in South Korea there is a measure of price control exercised over rationed foodstuffs, civilian supply materials, and [redacted] produced in Government-owned or leased factories. The practical effect of these controls is to take a stated ratio of from one to three bags of [redacted] grain available to non-producers at a fair price, and to provide the peasant with certain limited kinds of manufactures which it would be unprofitable for private enterprise to produce. Agricultural products and many kinds of consumer goods are not subject to price control, however, and the general wage stabilization; [redacted] are not effectively controlled for many commodities and services. To specific [redacted] price control in the country but it is [redacted].

2. [redacted] the present [redacted] have led to very [redacted]. Information [redacted] In this is a fact true, the [redacted] would [redacted] the extent that [redacted] Even now in South Korea [redacted] the existence of [redacted] price [redacted] Those sellers could be [redacted].

[redacted]
a. Use
b. [redacted]
c. Production
d. Fuel (coal, oil, electricity, and petroleum)
e. Transportation.

3. [redacted] being imported into South Korea by the [redacted] closely controlled with the Civilian Supply Program, and the [redacted] of the [redacted] such that it could bring pressure to bear upon [redacted] control. In [redacted] supply. Official prices of [redacted] in South Korea are low enough that they could be adopted throughout the country without [redacted]. Fertilizer, locally [redacted] and other cereals, and [redacted] variations in price

III US
Minutes, 22d Meeting

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

[illegible] high ceilings on these key commodities, [illegible] subject to official distribution, if one part of the [illegible] problem.

[illegible] with the Soviet Delegation that a Price and [illegible] under the jurisdiction of the Minister [illegible], to provide uniform wage scales [illegible] Government employees, and to fix prices of [illegible] commodities.

DISTRIBUTION

1. [illegible] to be set by the Joint Distribution Unit, temporary general [illegible] commodities would apply to:

   a. Flour
   b. Other cereals
   c. Fertilizer
   d. Fuels
   e. Cotton textiles

2. Instructions would be issued by [illegible], for establishing a [illegible] uniform wage scales for civil servants and other Government employees, and to fix prices and conditions of distribution [illegible] Government official requisitions.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III US
18 July 1947

SECRET

US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes Of the
23rd Meeting
Duk Soo Palace
18 July 1947

Present

Mr. Owen T. Jones, Chairman
Mr. Stewart Meacham
Dr. P. J. Sturm

Also Present:

Mr. Allen Loren, USAMGIK
Mr. Jensen, USAMGIK
Mr. Lon H. Moss, USAMGIK
Mr. R. D. Smith, USAMGIK
Mr. G. M. Hughes, USAMGIK

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

US-USSR JOINT COMMISSION
Department of State

18 July 1947.

MEMO FOR RECORD:

SUBJECT: PROBLEMS OF UNIFICATION - Private Financial Institutions:
Commercial banks & Insurance companies.

Attendance: Loren, Jensen, Moss, Smith, Hughes, Jones, Meacham, Sturm.

1. All commercial banks known to exist now in North Korea are branches of Korean banks existing before the Japanese surrender, the head office of most of which is in Seoul. Prior to unification of the country it will be necessary to take certain minimum steps in regard to commercial banks to provide for trade relations between the two regions while eliminating the possibility of financial dislocations. The actual reintegration of the banks and the ultimate settling of accounts between them and their branches is properly a function of the KPDG. This will involve the adjudication of claims and counter-claims among the banks themselves and against Japan. Interbank balances between North and South Korea existing as of 9 August 1945 should be temporarily frozen. Provision should be made, however, to handle current business by establishing a clearinghouse to permit free exchange of drafts between the two present zones. Withdrawals from accounts of individuals should be permitted, since it is virtually impossible to prevent them in any case.

2. The Chosun Life Insurance Co. is the only Korean-owned insurance company antedating the war, although three new companies have been organized in South Korea since the occupation. Chosun Life policies held in North Korea have lapsed since the occupation owing to non-payment of premiums. As of August 1945, 14,000 such policies having a face value of ¥17,000,000 were in force in North Korea. The only problem concerning this company that would be considered by the Joint Commission is whether or not provision should be made for reinstatement of policies upon payment of back premiums. This clearly is not a vital issue and the KPDG can very well enter upon its functions without any prior understanding concerning this matter. There appears to be no other issue regarding insurance companies that is likely to give rise to any conflict between the two zones. No Joint Commission action

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

regarding Japanese companies is possible, and no special provisions are necessary to protect the interests of the three new companies.

SUMMARY OF AMERICAN POSITION

1. If commercial exchange is to be permitted between the present U.S. and Soviet zones from the moment the KPDG is established, a clearinghouse will have to be set up by the Joint Commission and provision made for free clearance of bank drafts. There should be a moraterium on all inter-bank balances existing as of August 1945.

2. No special provisions need be made concerning insurance companies.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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SECRET
III US
25 July 1947

US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Minutes of the

24th Meeting

Duk Soo Palace

25 July 1947

Present

Mr. Owen T. Jones, Chairman
Dr. P. J. Sturm

Also Present:

Dr. A. C. Bunce, State Department
Mr. T. O. Engebretson, State Department
Lt. Col. Harry D. Bishop, USAMGIK
Mr. George H. Hopkinson, USAMGIK
Mr. K. F. Frisbie, USAMGIK
Mr. Allen Loren, USAMGIK

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

US-USSR JOINT COMMISSION
Department of State

25 July 1947.

MEMO FOR RECORD:

SUBJECT: PROBLEMS OF UNIFICATION - Vested Property

Attendance: Lt.Col. Bishop, Frisbie, Hopkinson, Loren, Jones, Engebretsen, Sturm.

1. By the terms of MG Ordinance 33 all property within the jurisdiction of USAFIK which on 9 August 1945 had been owned in whole or in part by the governments or nationals of Japan or her allies was vested in USAMGIK. Subsequent Koreanization of the military government has not affected control of vested property, although USAMGIK has been authorized to sell or otherwise dispose of vested farm land, urban residences and small businesses. Consequently, the problems of unification as these concern vested property are quite different from those more narrowly related to the administrative functions of the governments in the respective zones.

2. Since the U.S. has retained effective control of vested property in South Korea, and as USAFIK has not been authorized to dispose of the property except as described in (1), it does not appear indispensable to come to an agreement with the Soviets prior to unification. Indeed, excellent reasons could be adduced for not making such an agreement. The Soviets are reported to have acquired an interest in many properties in North Korea which in South Korea would have been vested. To insure relinquishment of this interest by the Soviets in favor of the KPDG and to bring about such distribution of this property as the U.S. feels will most benefit the Korean people, it would be better for the U.S. to retain control of vested property in South Korea which it does not dispose of prior to unification, and to relax this control only gradually and at approximately the same rate as concessions are made by the Soviets.

3. An exception to this principle may be made in the case of public buildings and such other properties as are required for governmental administration. An agreement prior to unification that these will be

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

turned over to the KPDG is desirable but not indispensable since the KPDG will have the use of such properties in any case.

4. After establishment of the KPDG and at such time as possible reparations interest in vested property in Korea has been determined in negotiations leading to the Japanese peace treaty or otherwise, and as the KPDG evolves in accordance with principles upheld by the U.S., the question of transferring title to this property to the KPDG should be breached with the Soviets on the following terms:

a. All properties transferred by the Soviets to the People's Committee of North Korea shall be turned over to the KPDG.

b. Creditor claims against such property shall be acknowledged by the KPDG.

c. Soviet interest in any North Korean properties shall be voided.

d. All transfers of vested property as defined in MG Ordinance 33 made since liberation shall be reviewed by the KPDG.

5. As a last resort, the U.S. can retain all vested properties in South Korea as Japanese reparations to be disposed of as the U.S. sees fit.

SUMMARY OF THE AMERICAN POSITION

1. It is preferable not to have a general agreement with the Soviets prior to unification covering vested property, as defined in MG Ordinance 33. The U.S. will need this lever for later negotiations with the Soviets.
2. It may be agreed that public buildings and other properties necessary for governmental administration will be turned over to the KPDG, but this should be virtually automatic in any case.
3. At a later date, and according to the evolution of the KPDG, negotiations on vested properties should be undertaken with the Soviets in accordance with principles set forth in (4) above.

American Delegation Subcommission III
(US - USSR Joint Commission)

Preliminary Studies of Structure Functions
+ Directing Personnel of Organs of Authority.

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DECLASSIFIED
NND 760090
By NARS, Date

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NND 760090
By _____ NARS, Date _____

U.S. Subcommission III
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

July 1947

Commissioner G. M. Malasanov
Soviet Delegation
US-USSR Joint Commission
Seoul, Korea

My dear Commissioner:

Pursuant to Joint Commission Decision No. 15, approved 11 June 1947, I am enclosing herewith documents and charts setting forth data for the preliminary studies of the structure, functions, and the directing personnel of the executive, legislative, and judiciary organs of authority existing in South Korea. These documents are divided as follows:

I. A general descriptive statement respecting the relationship between American Military Forces and South Korean Interim Government.

II. Organizational charts depicting South Korean Interim Government as it presently exists as well as the reorganization plan for the executive organs of authority now in process.

III. A statement of functions of the executive branches, how personnel is appointed or elected, and information respecting guiding personnel.

IV. A description of the legislative branch and its guiding personnel.

V. A description of the judiciary and the procurature and the guiding personnel of each.

VI. A description of the organs of local authority.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

You will note that the local judiciary organs are included under IV above.

While I feel that most of the material submitted herewith is self-explanatory, I will be only too glad to make whatever appropriate explanations may assist you in a full understanding of the documents prepared by the American Delegation for this exchange.

Sincerely yours,

OTTO T. JONES
Commissioner
Subcommission III

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

GENERAL DESCRIPTIVE STATEMENT

At the time of liberation of Korea the Commanding General United States Armed Forces in Korea designated as Military Governor an American Army General Officer. The Military Governor assumed command of United States Army Military Government in Korea, which is a major command under the Commanding General. Initially most key positions involving operational responsibility at a policy making level were filled by Americans. All legislative functions were carried out by the Military Governor. All executive departments and offices had as directors, American military personnel. One of the earliest steps involved the appointment of Koreans to function as counter parts to the American directors. Later, Americans were removed as directors of departments and major offices, and Koreans were appointed in their stead. Americans assumed advisory status.

Meanwhile the Korean Interim Legislative Assembly was created. It's first assembly was on 12 December 1946. Law making responsibilities were delegated to it.

In February 1947 the American incumbent of Office of Civil Administrator was designated Chief Advisor to the Government of Korea and a Korean was appointed Civil Administrator by the Military Governor. During the entire period since the elimination of Japanese from the judicial organs following the liberation, Koreans have occupied all positions in the Korean Judiciary Structure.

In May the South Korean Interim Government embracing the legislative, executive and judicial branches and manned throughout with elected and appointed Korean nationals was established. Americans function as advisors to numerous Korean officials on both the national and provincial level.

While the Military Governor reserves ultimate authority to himself under the Commanding General United States Armed Forces in Korea, he has relinquished most of the basic functions

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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DECLASSIFIED
NND 760090
By _____ NARS, Date _____

of government to South Korean Interim Government. These functions are described more fully in the attached papers. Principally they consist of the following:

1. Korea Interim Legislative Assembly enacts legislation, confirms key appointments and reviews proposals for basic organizational revision. All ordinances issued without parliamentoryaction are made contingent upon such action.

2. The Civil Administrator recommends ordinances and appointments to key positions. The entire executive branch of government is responsible to him for the performance of duties.

3. Korean courts hear all cases involving Korean Nationals save where the security of United States Armed Forces in Korea is seriously involved.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

ORGANIZATIONAL STRUCTURE AS RECOMMENDED BY THE JOINT GOVERNMENTAL REORGANIZATION BOARD --- SUB-COMMITTEE AND APPROVED BY THE MILITARY GOVERNOR

Page

Overall 1
Office of Civil Administrator 2
Department of Home Affairs 3
Department of Agriculture 4
Department of Commerce 5
Department of Police 6
Department of Justice 7
Department of Public Health and Welfare 8
Department of Finance 9
Department of Education 10
Department of Labor 11
Department of Internal Security 12
Department of Foreign Affairs 13
Civil Service Commission 14
Department of Transportation 15
Department of Communications 16
National Economic Board 17
Bureau of the Budget 19
Commission of Audits and Inspections 19

DECLASSIFIED
NND 760090
By NARS, Date

EXECUTIVE BRANCH

Reorganized South Korean Interim Government

Office of the Civil Administrator

- Bureau of Budget
- Division of Administration
  - Bureau of Secretariat
  - Bureau of General Affairs
  - Bureau of Records and Statistics
- Division of Legal Affairs
  - Bureau of Legislative Drafting
- Division of Information
  - Bureau of Public Relations
  - Bureau of Public Information

Departments

- Finance
  1. Financial Administration
  2. Accounts
  3. Internal Revenue
  4. Customs
  5. Monopoly
- Justice
  1. Judicial Affairs
  2. Penal Administration
  3. Claims
- Education
  1. Administration
  2. Uniformed Police
  3. Claims
- Agriculture
  1. Agricultural Production
  2. Agricultural Economics
  3. Fisheries
  4. Forestry
  5. Conservation and Engineering
- Commerce
  1. Foreign & Domestic Commerce
  2. Utilities
  3. Mining
  4. Industry
  5. Textiles
- Labor
  1. Labor Administration
- Public Health
  1. Public Health
  2. Public Welfare Services
  3. Immigration Affairs
  4. Preventative Medicine
- Communications
  1. Communications
  2. Marine Transportation
  3. Highway Administration
  4. Air Transportation
- Bureau of Postal Service
  1. Telecommunication
  2. Postal Savings & Insurance
  3. Warehouse & Supplies

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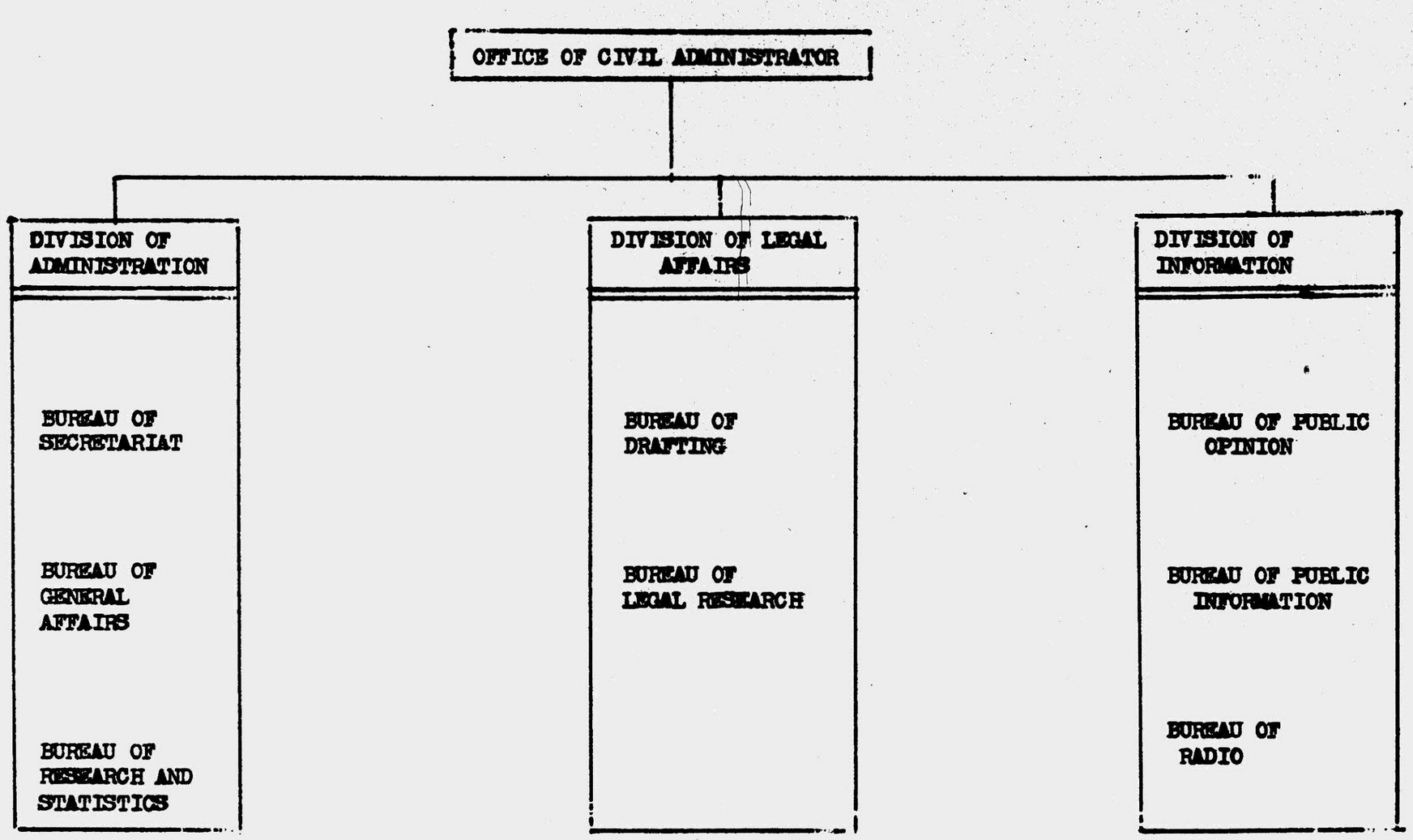

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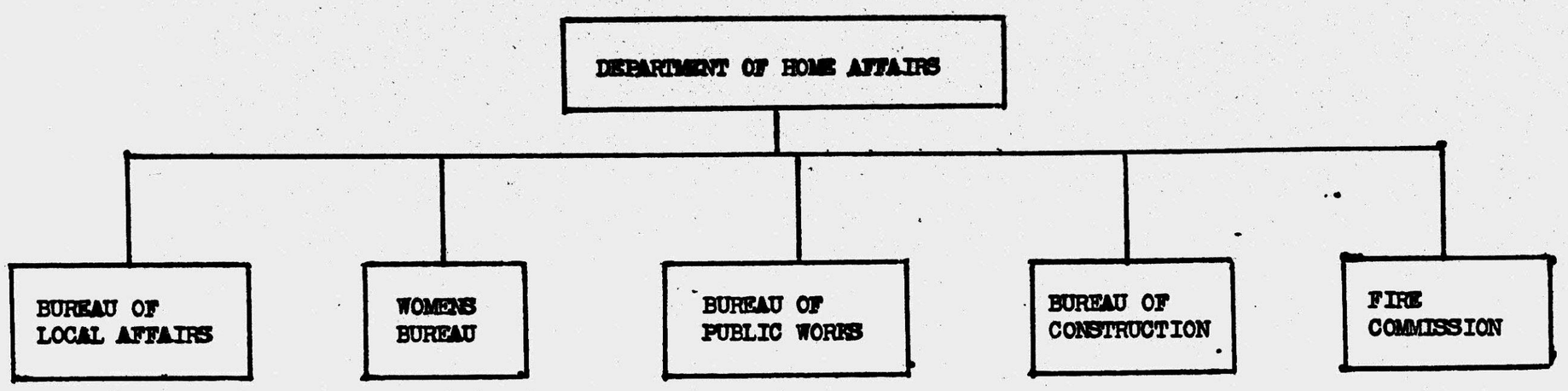

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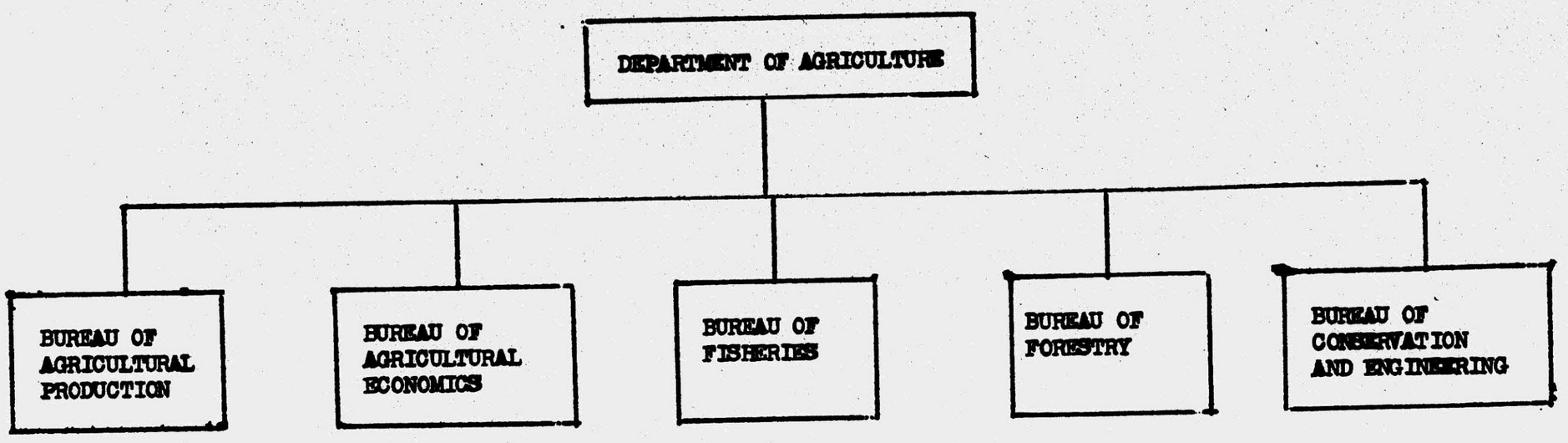

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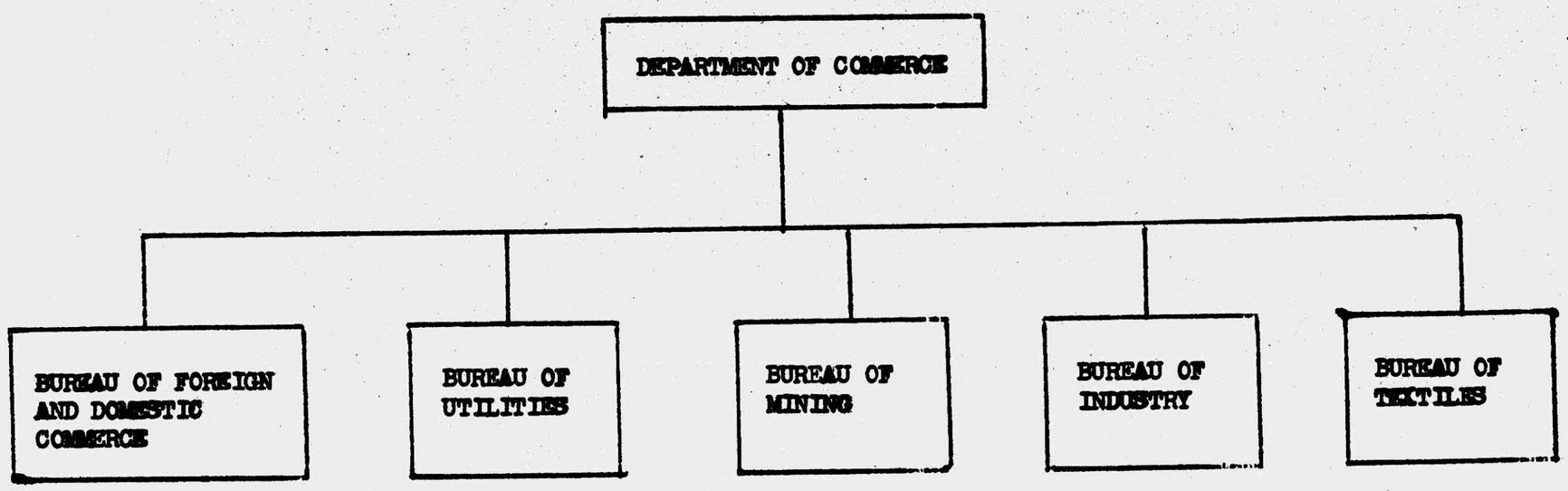

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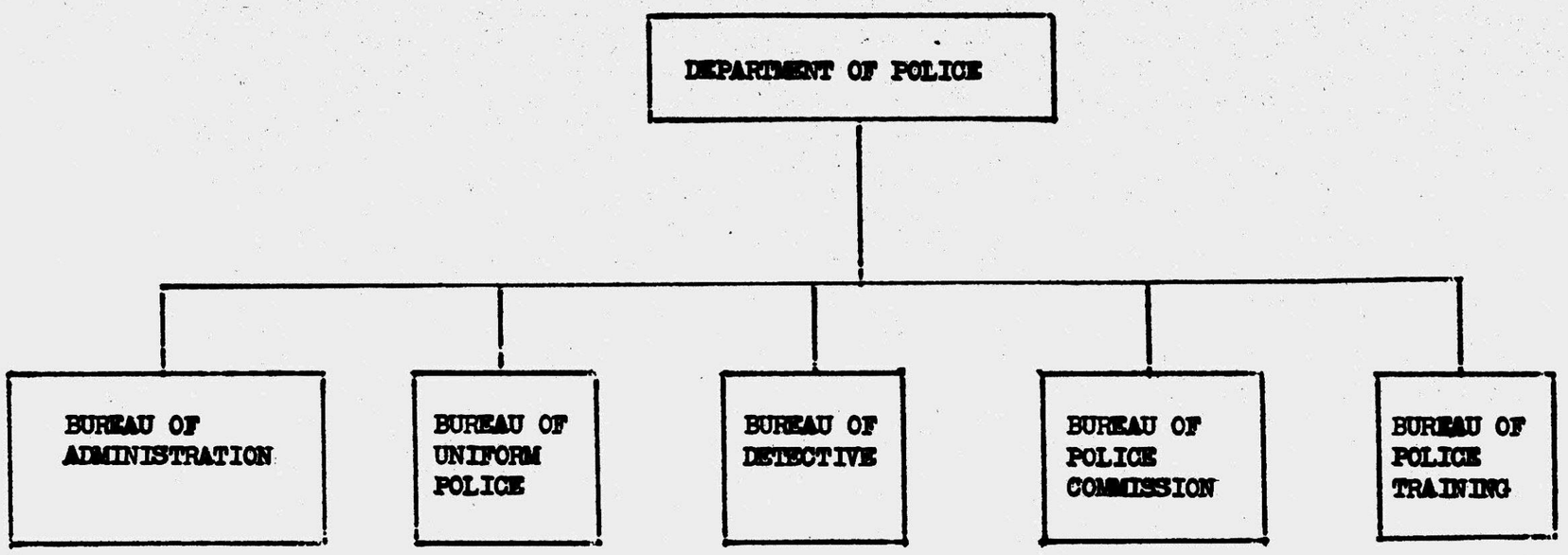

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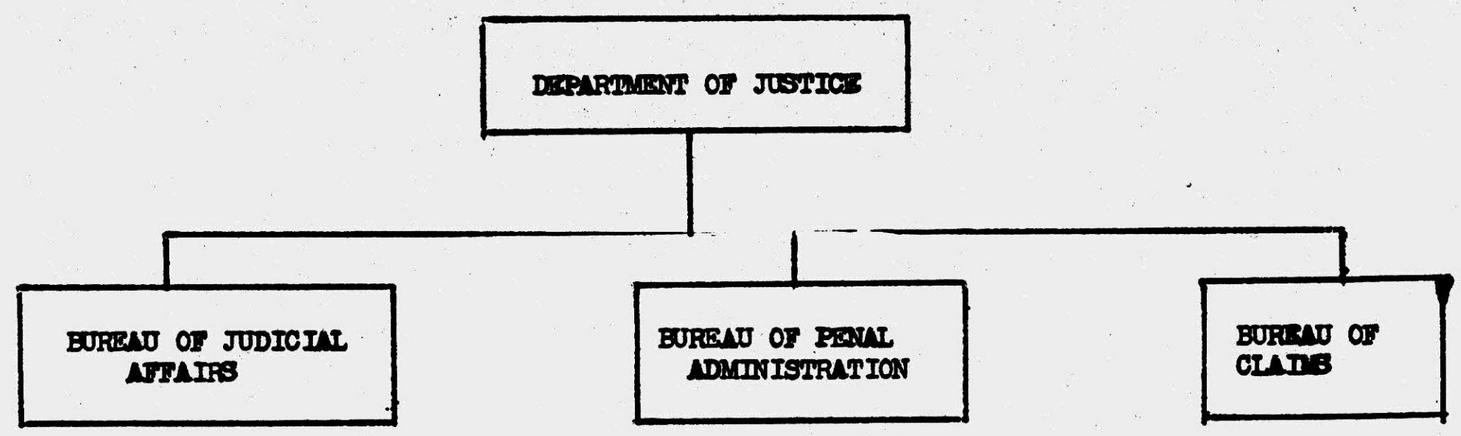

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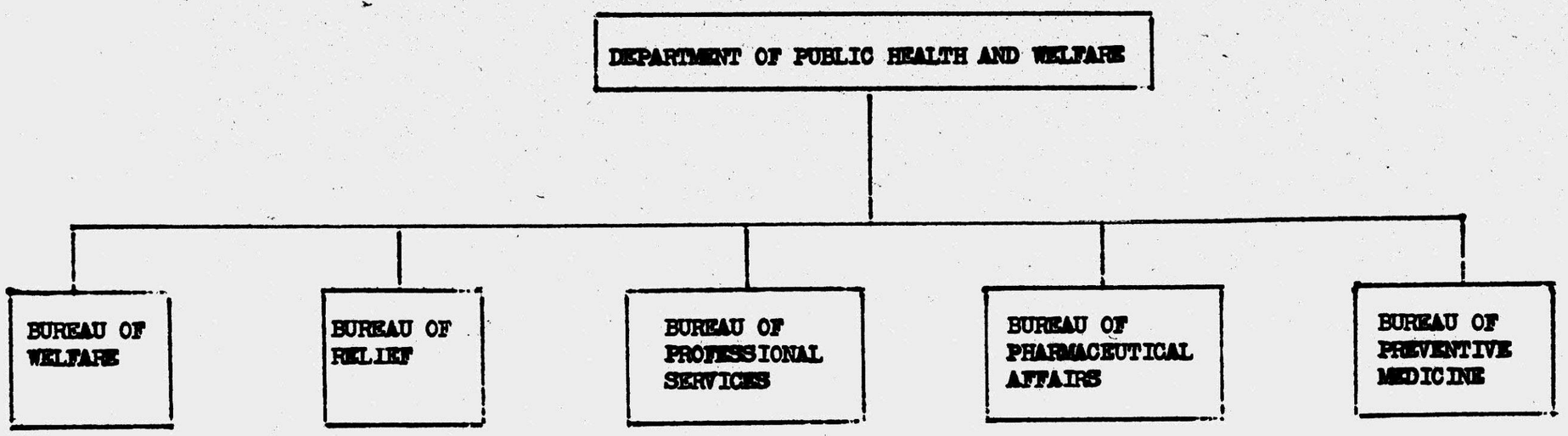

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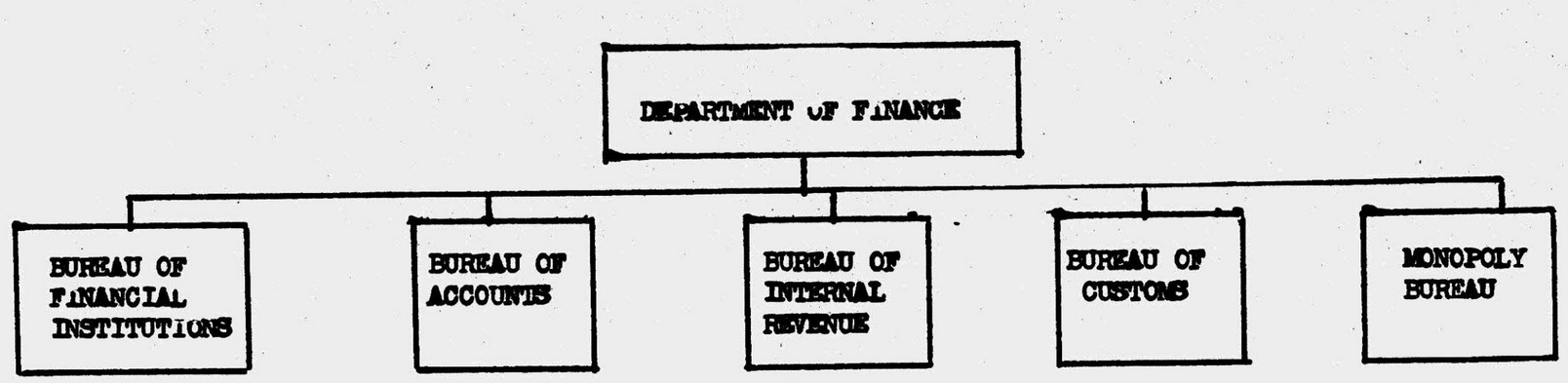

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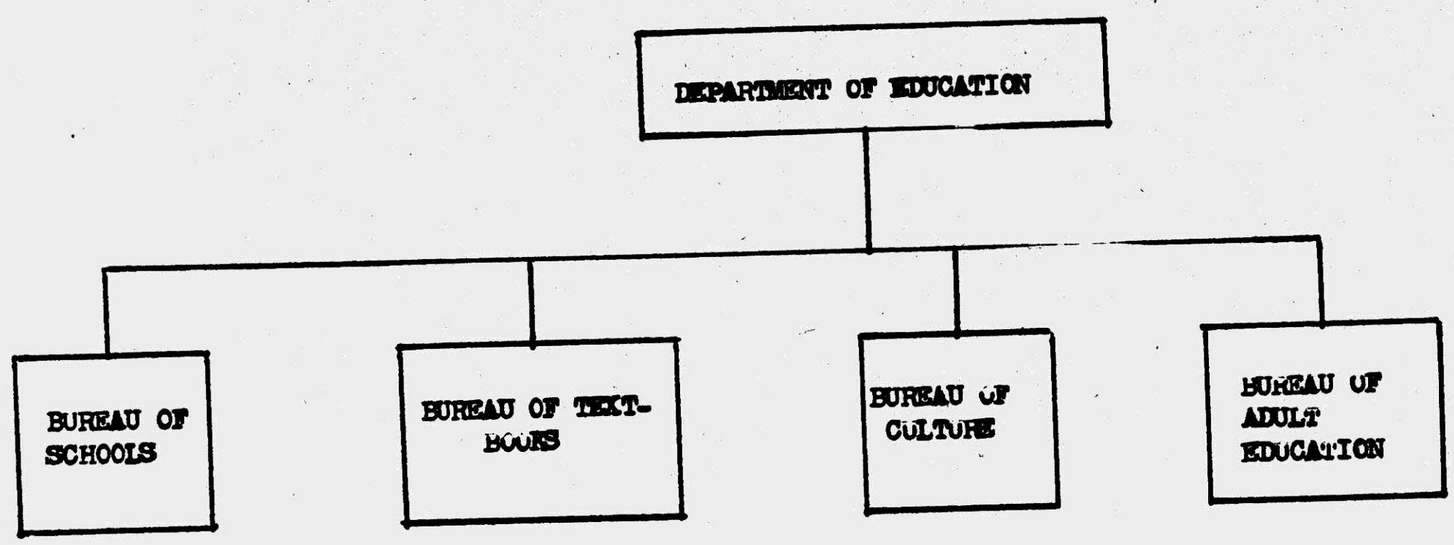

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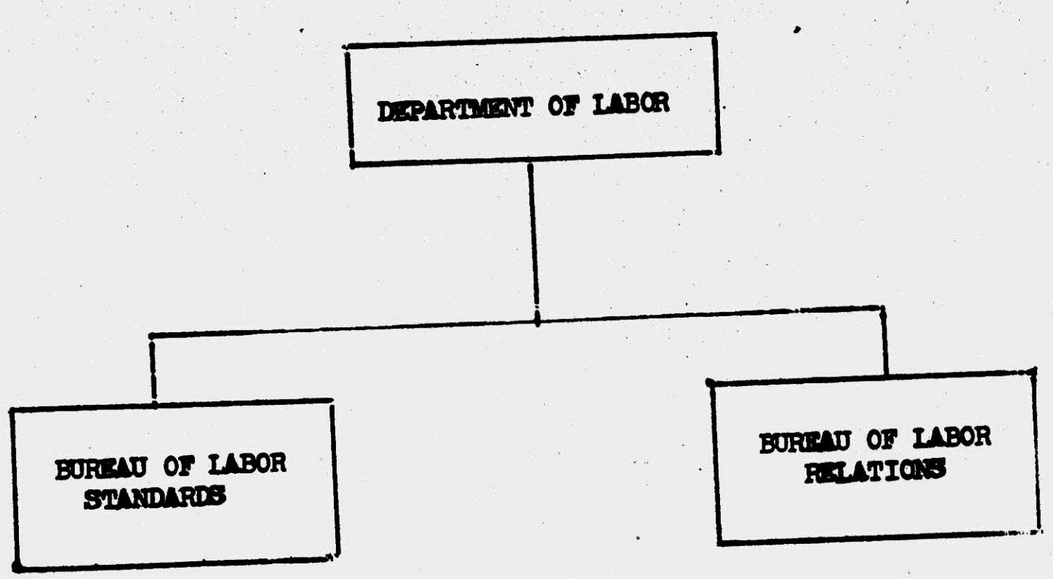

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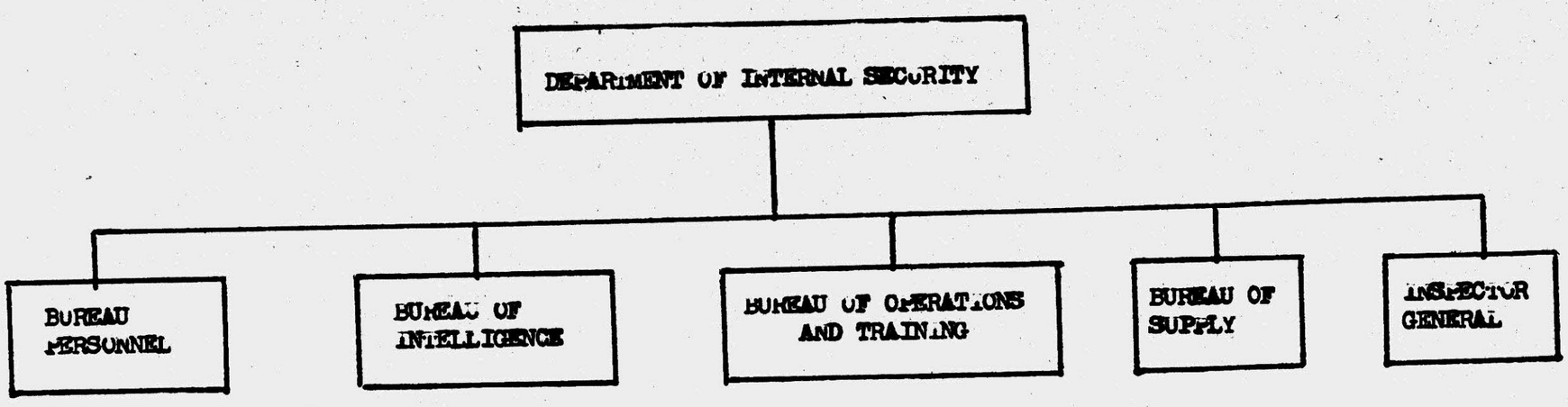

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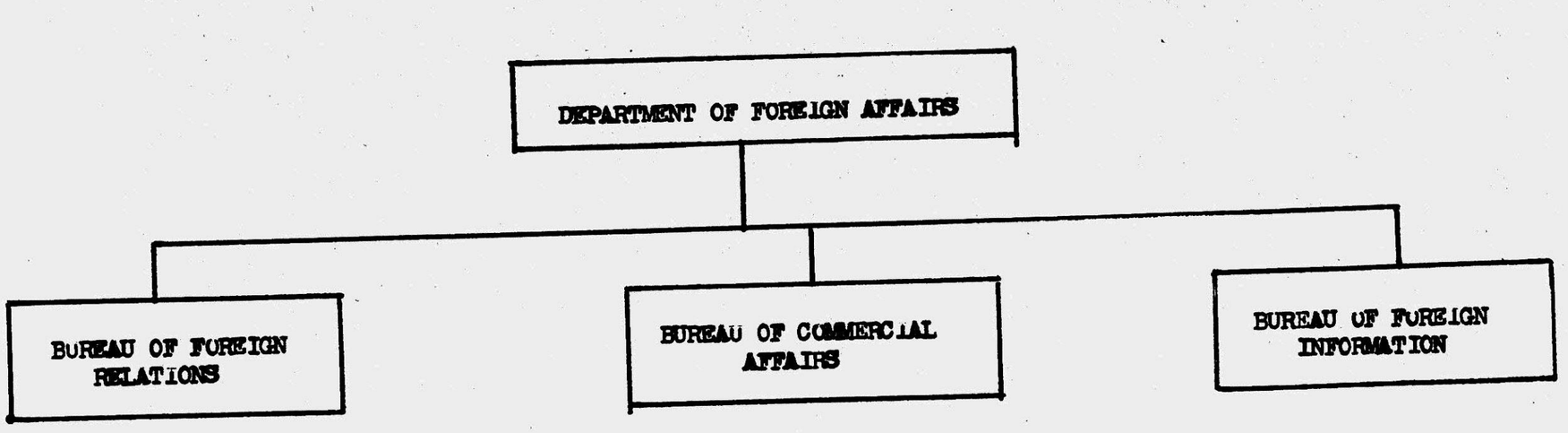

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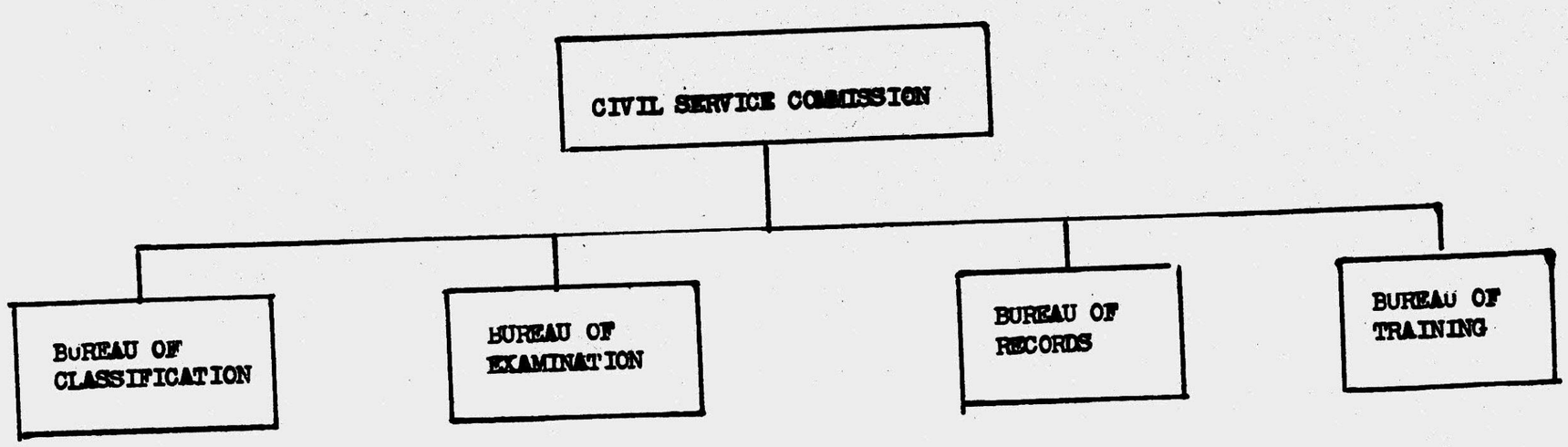
By NARS, Date



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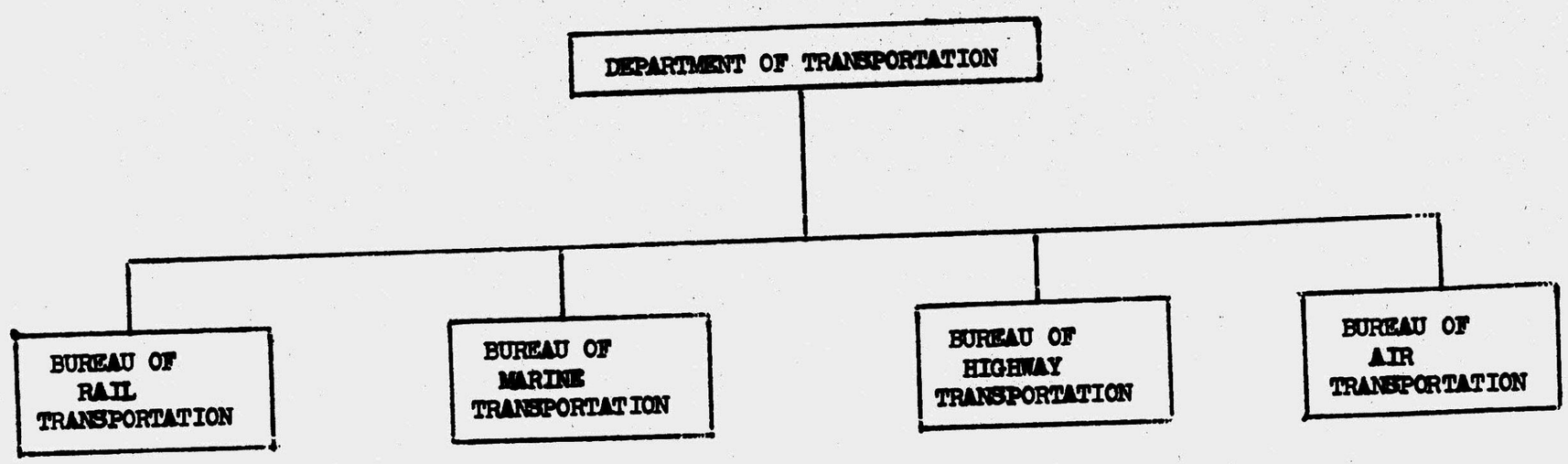

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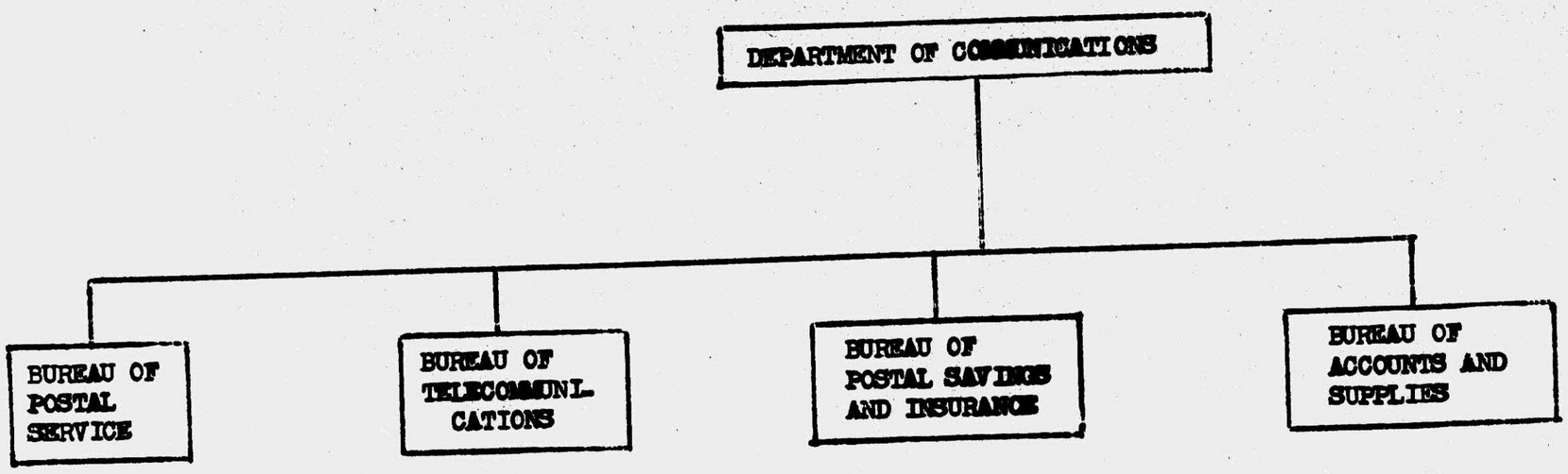

18

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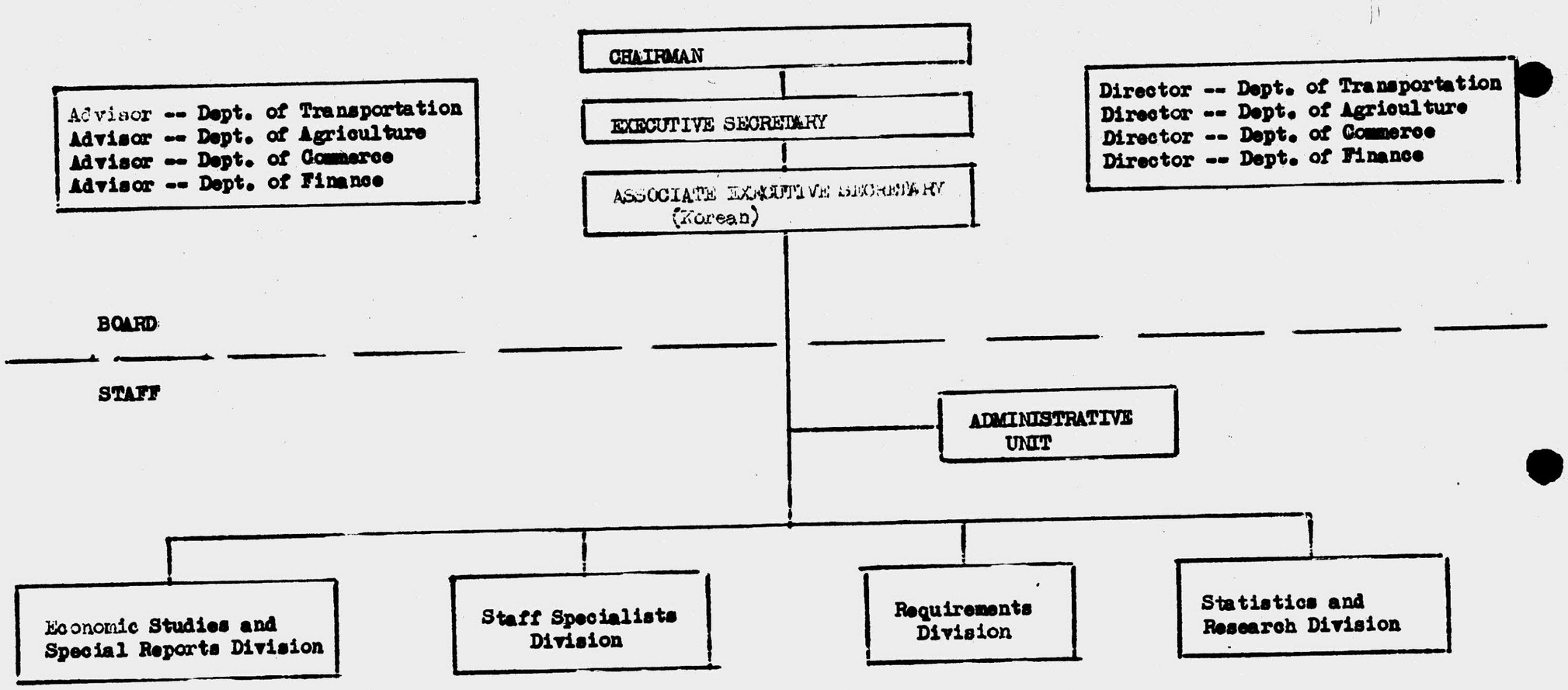
By _____ NARS, Date

NATIONAL ECONOMIC BOARD *



* Includes National Food Administration and National Price Administration under classification of "emergency" organizations which will be dissolved, or absorbed, when the problem is met.

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BUREAU OF THE BUDGET

Previously within the Department of Finance, now to be established as an independent agency.

No internal organization as yet submitted for approval.

8

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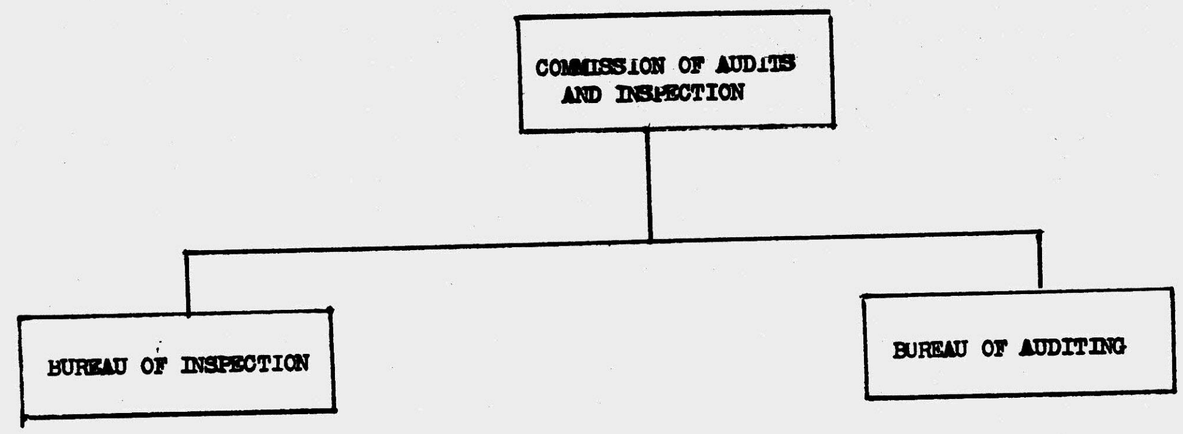

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By _____ NARS, Date _____

ORGANIZATIONAL STRUCTURE AS IT PRESENTLY EXISTS

Page

Overall 1
Office of Civil Administrator 2
Department of Agriculture 3
Department of Commerce 4
Department of Police 5
Department of Justice 6
Department of Public Health and Welfare 7
Department of Finance 8
Department of Education 9
Department of Labor 10
Department of Internal Security 11
Office of Administration 12
Office of Foreign Affairs 13
Office of Korea Civil Service 14
Department of Public Works 15
Department of Transportation 16
Department of Communications 17
Department of Public Information 18

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OFFICE OF THE CIVIL ADMINISTRATOR

(No formal organizational structure at present.)

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ORGANIZATION OF DEPARTMENT OF AGRICULTURE

DIRECTOR

DEPUTY DIRECTOR

ADMINISTRATION

- General Affair
- Personnel
- Finance
- Property & Supplies
- Audit

BUREAU OF AGRICULTURE ECONOMIC

- Sec. 1 Administration
- Sec. 2 Agriculture Policy
- Sec. 3 Statistic
- Sec. 4 Inspection & Grading
- Sec. 5 Cereal Research Laboratory

Korean Agriculture Association

BUREAU OF AGRICULTURE PRODUCTION

- Sec. 1 Administration
- Sec. 2 Production
  - Rice
  - Other Grains
  - Vegetables
  - Fruits
- Sec. 3 Sericulture
- Sec. 4 Fibers
  - Cotton
  - Other Fibers
- Sec. 5 Farm Supplies
  - Insecticides
  - Fungicides
  - Farm Machinery
  - Fertilizers
- Sec. 6 Livestock
  - Korean Horse Association
- Sec. 7 Irrigation and Reclamation

Agriculture Experiment Station
Cattle Quarrantine Station
Silk Condition House

BUREAU OF FORESTRY

- Sec. 1 Administration
- Sec. 2 Administration of National Forests
- Sec. 3 Forest Products Lumbering
- Sec. 4 Forestation & Flood Control

Experiment Station

BUREAU OF FISHERIES

- Sec. 1 Administration
- Sec. 2 Food Products Inspection Station
- Sec. 3 Production Increase Experiment Station
- Sec. 4 Institutions
- Sec. 5 Fishing Control
- Sec.6 Community

Korean Fisheries Corporation
and
321
Allied
Companies
Associations
Unions
Guilds

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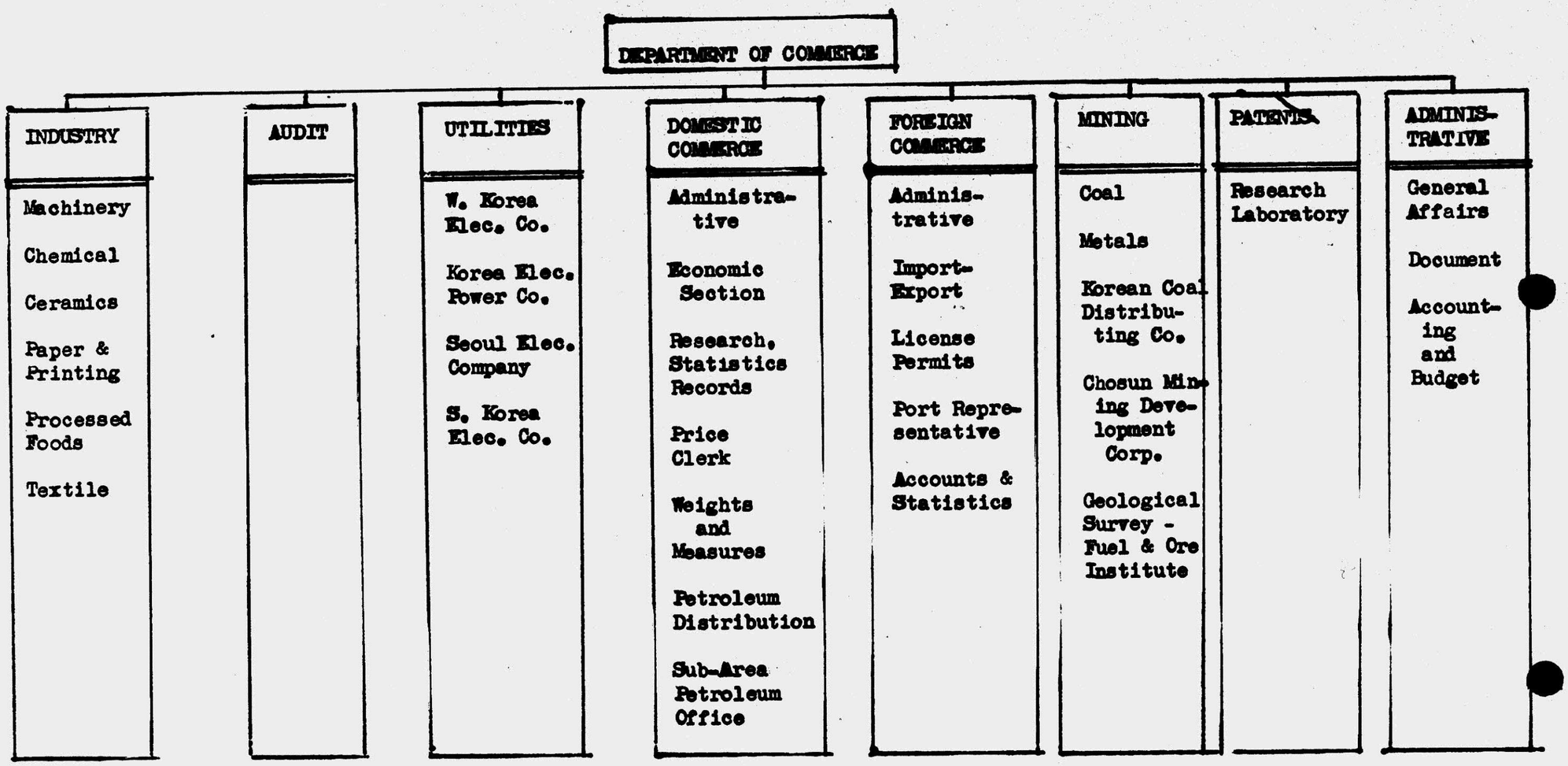

4

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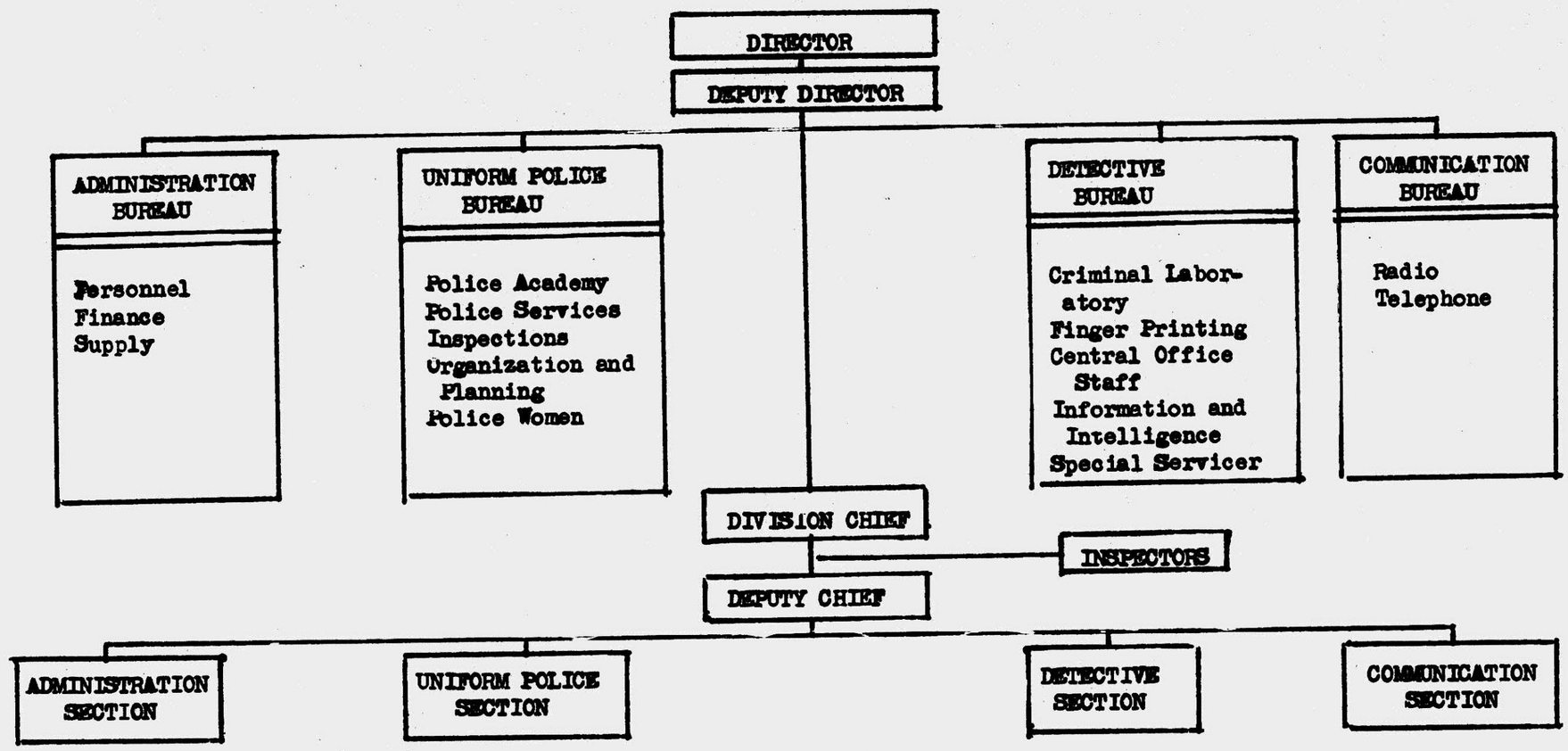
DEPARTMENT OF POLICE



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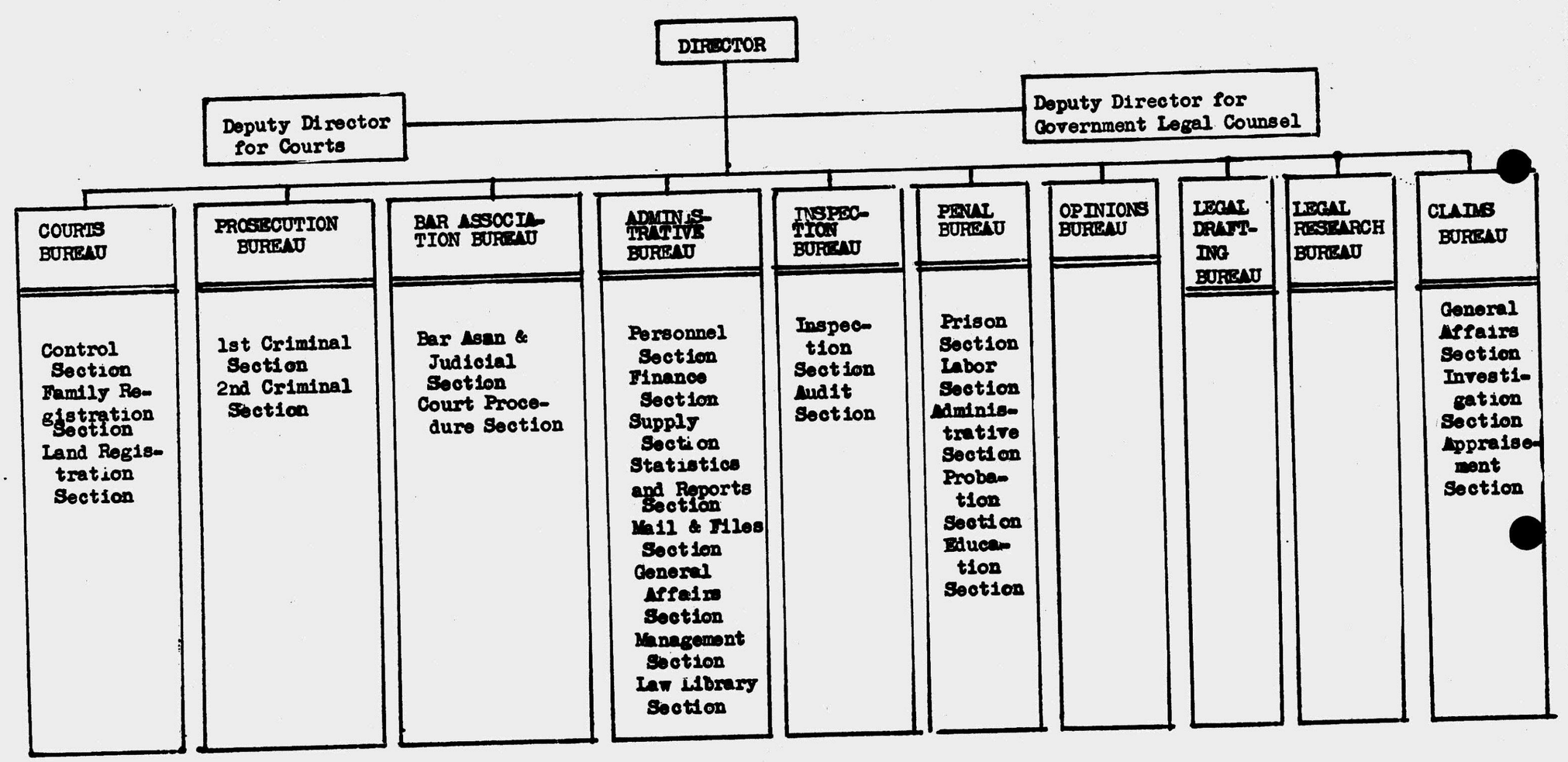
DEPARTMENT OF JUSTICE



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DEPARTMENT OF PUBLIC HEALTH AND WELFARE

BUILDING MAINTENANCE SUPPLY AND TRANS.

DIRECTOR

LEGAL AND FINANCE

BUREAU ADMINISTRATION

DEPUTY DIRECTOR HEALTH

DEPUTY DIRECTOR WELFARE

BUREAU OF DENTAL AFFAIRS
- Administration
- Public Health Education
- Supply

BUREAU OF MEDICAL SERVICES
- Administration
- Institutions
- Allied Institutions
- Supply

BUREAU OF NURSING AFFAIRS
- Administration
- Public Health Nursing
- Institutional Nursing
- Midwifery

BUREAU OF PREVENTIVE MEDICINE
- Maternal and Infant Hygiene
- Nutrition
- Foreign Quarantine
- Port Hygiene
- Public Health Education
- Epidemiology

BUREAU OF VITAL STATISTICS
- Registration
- Administration
- Statistics

BUREAU OF VETERINARY AFFAIRS
- Disease Control
- Administration
- Veterinary

BUREAU OF SANITATION
- Water and Sewage
- Insect and Rodent
- Inspection
- Administration

BUREAU OF PHARMACEUTICAL AFFAIRS
- Manufacturing
- Police Control
- Distribution
- Planning
- Administrative
- Regulation

BUREAU OF LABORATORIES
- Research Institutes

BUREAU OF ADMINISTRATION SUPPLY
- Administration
- Personnel
- Supply
- Fiscal

BUREAU OF GENERAL RELIEF
- General Affairs
- Disaster Relief
- Emergency Relief
- Public Relief
- Unemployment Relief

BUREAU OF EMPLOYEE RELIEF
- Social Insurance
- Health Insurance
- Workmen's Comp.
- Conscript Labor

BUREAU OF RESEARCH AND ANALYSIS
- Clerical
- Research
- Analysis

BUREAU OF WELFARE TRAINING
- Clerical
- Instruction

BUREAU OF AGENCIES
- National Institutions
- Public and Private Inst

BUREAU OF HOUSING
- Administration
- Housing
- Policy

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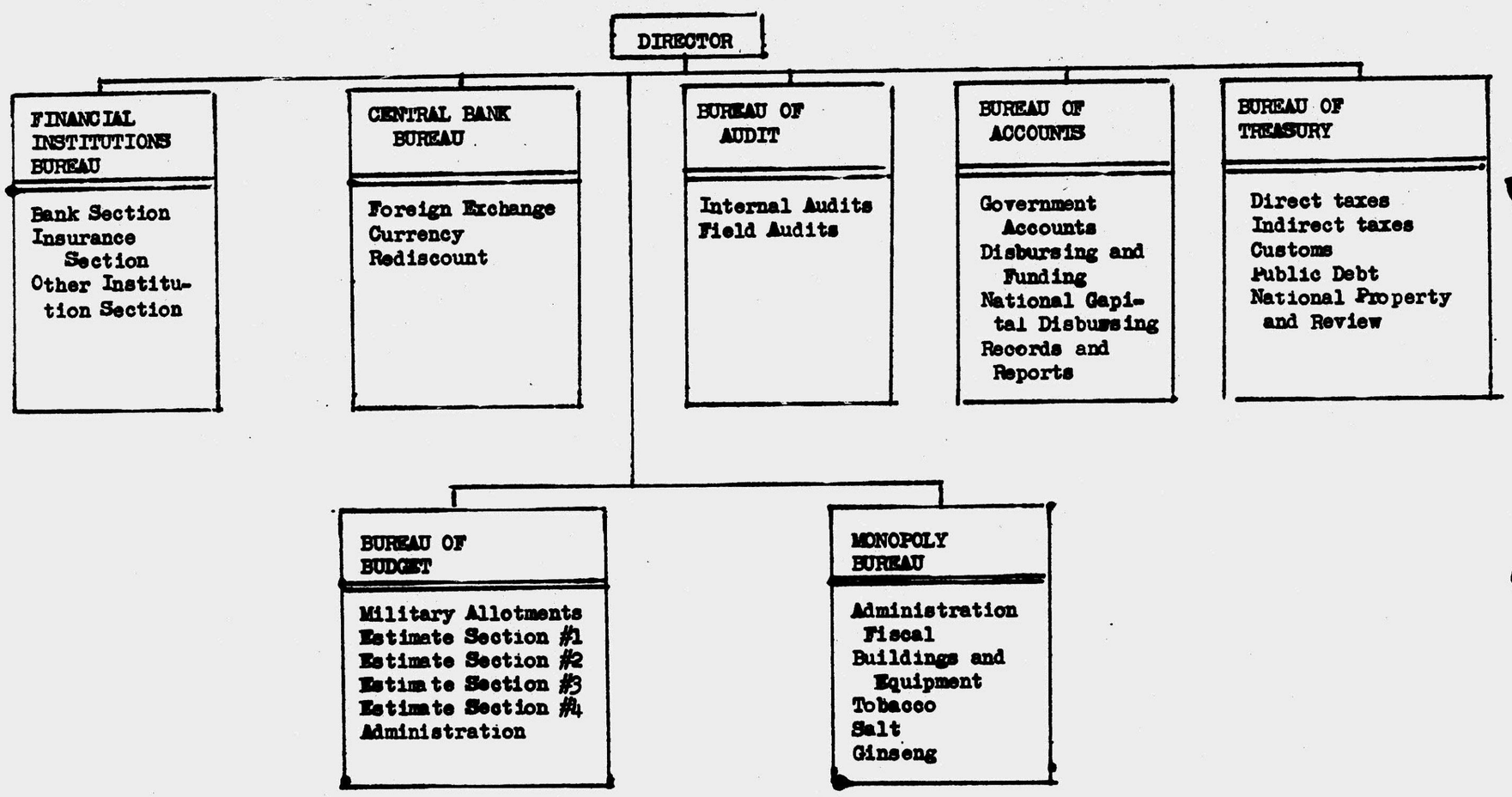
DEPARTMENT OF FINANCE



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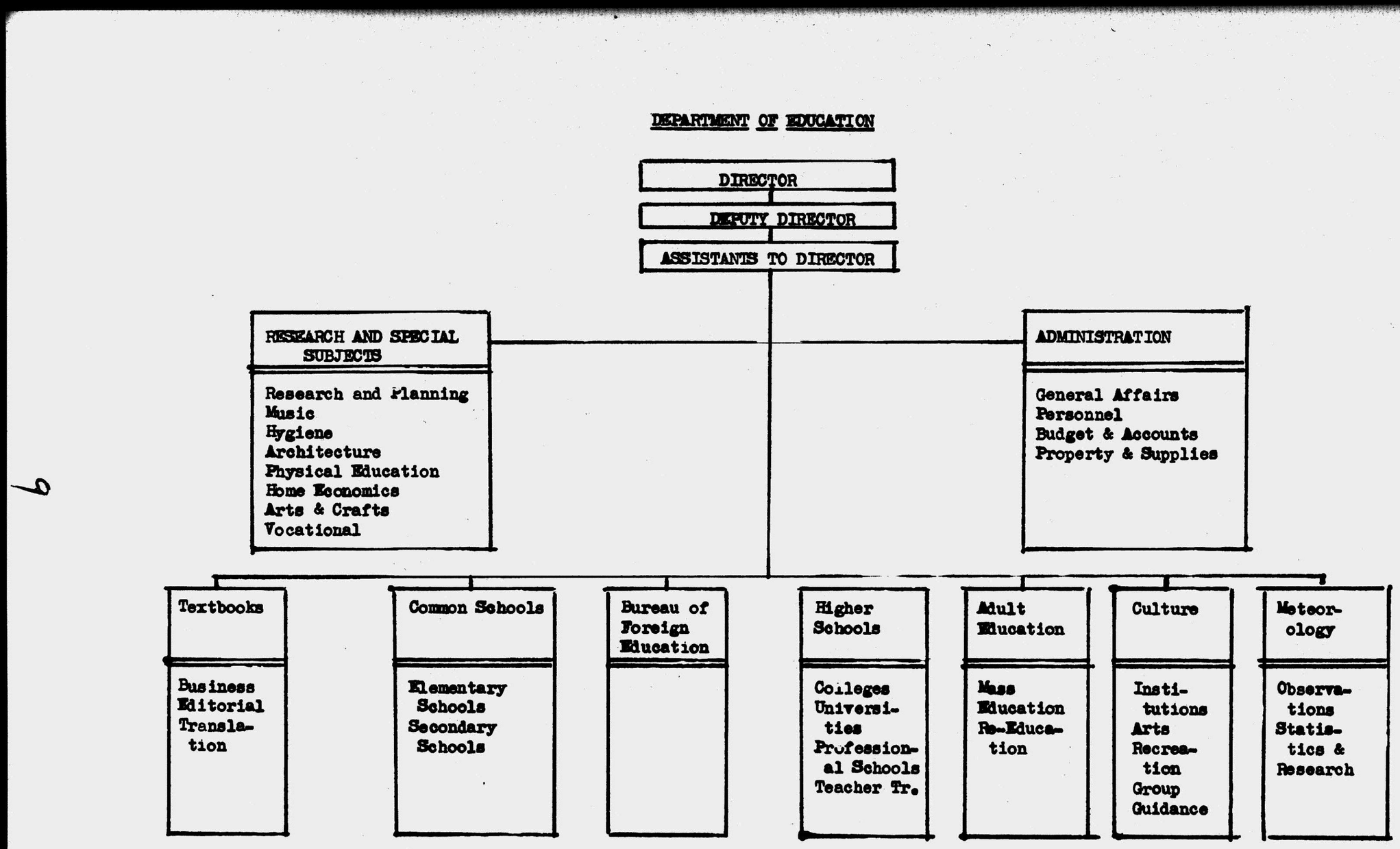

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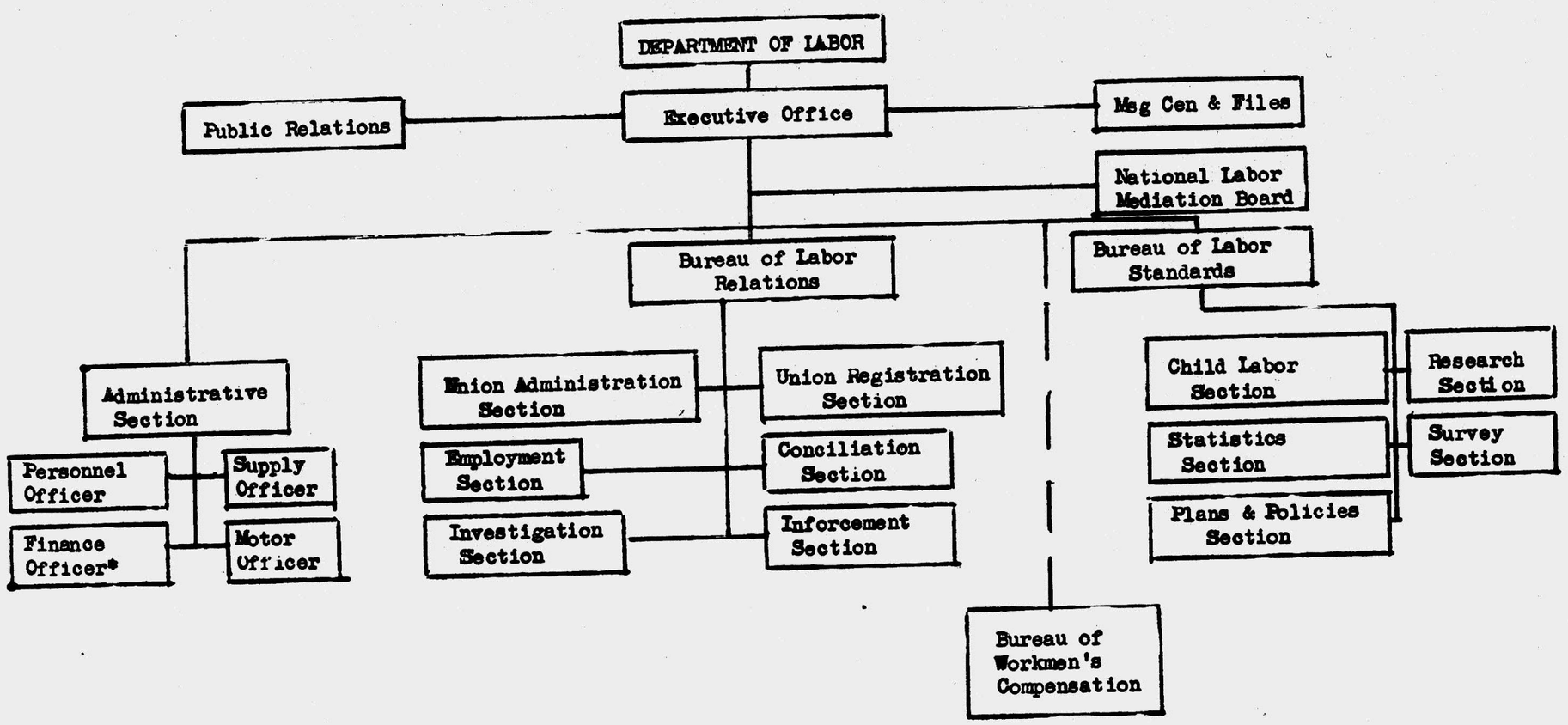
DEPARTMENT OF LABOR



* (Budget, payroll and audit)

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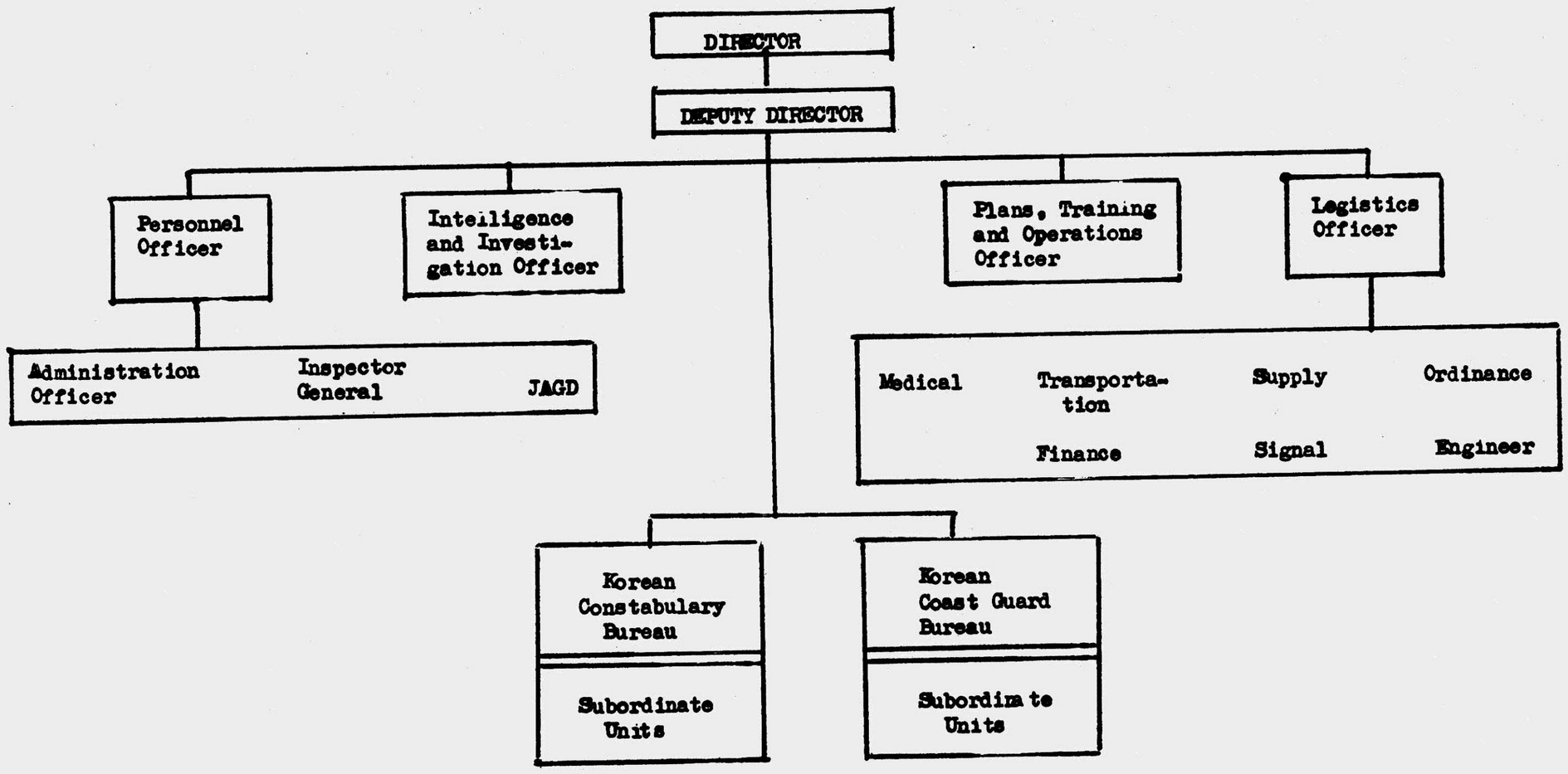
INTERNAL SECURITY



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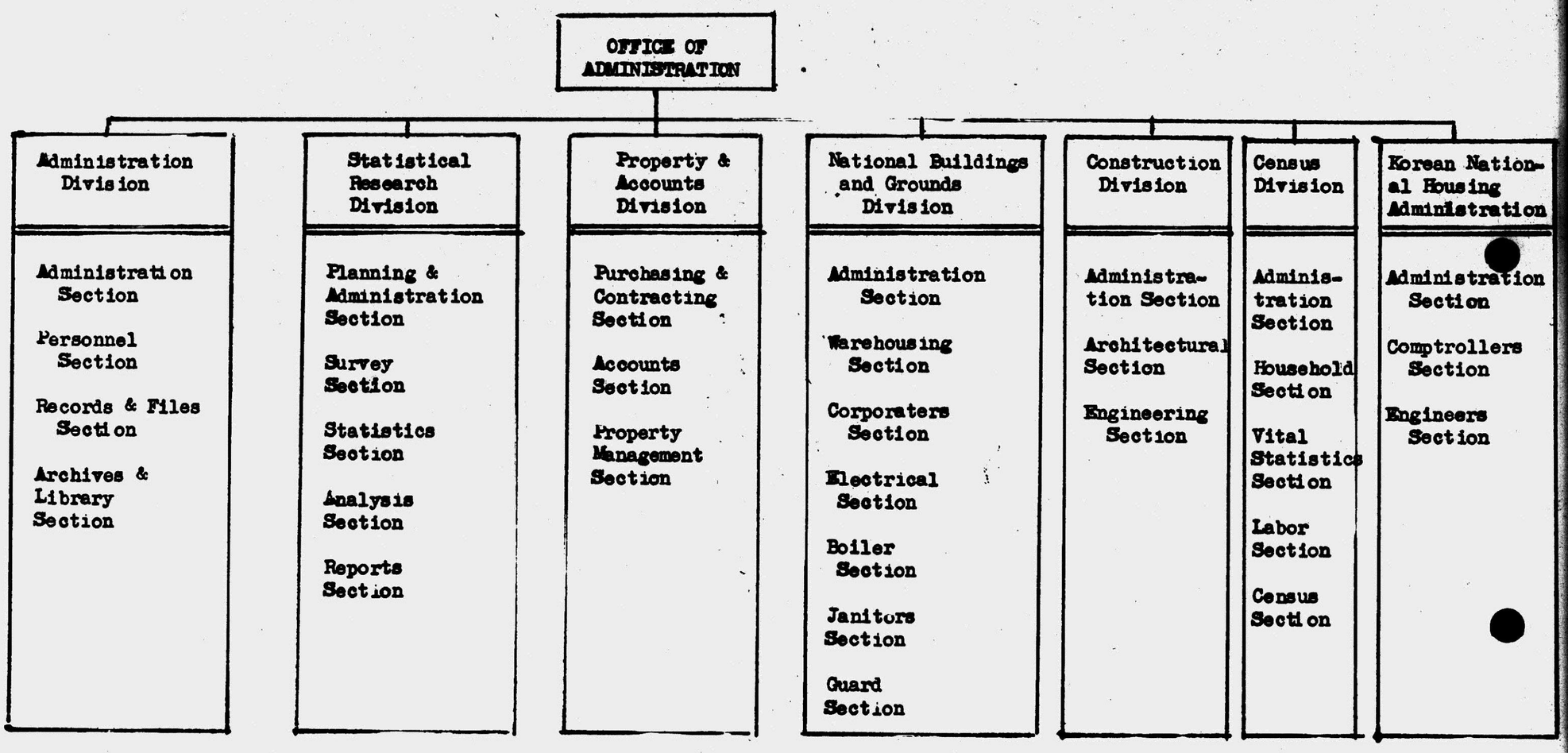

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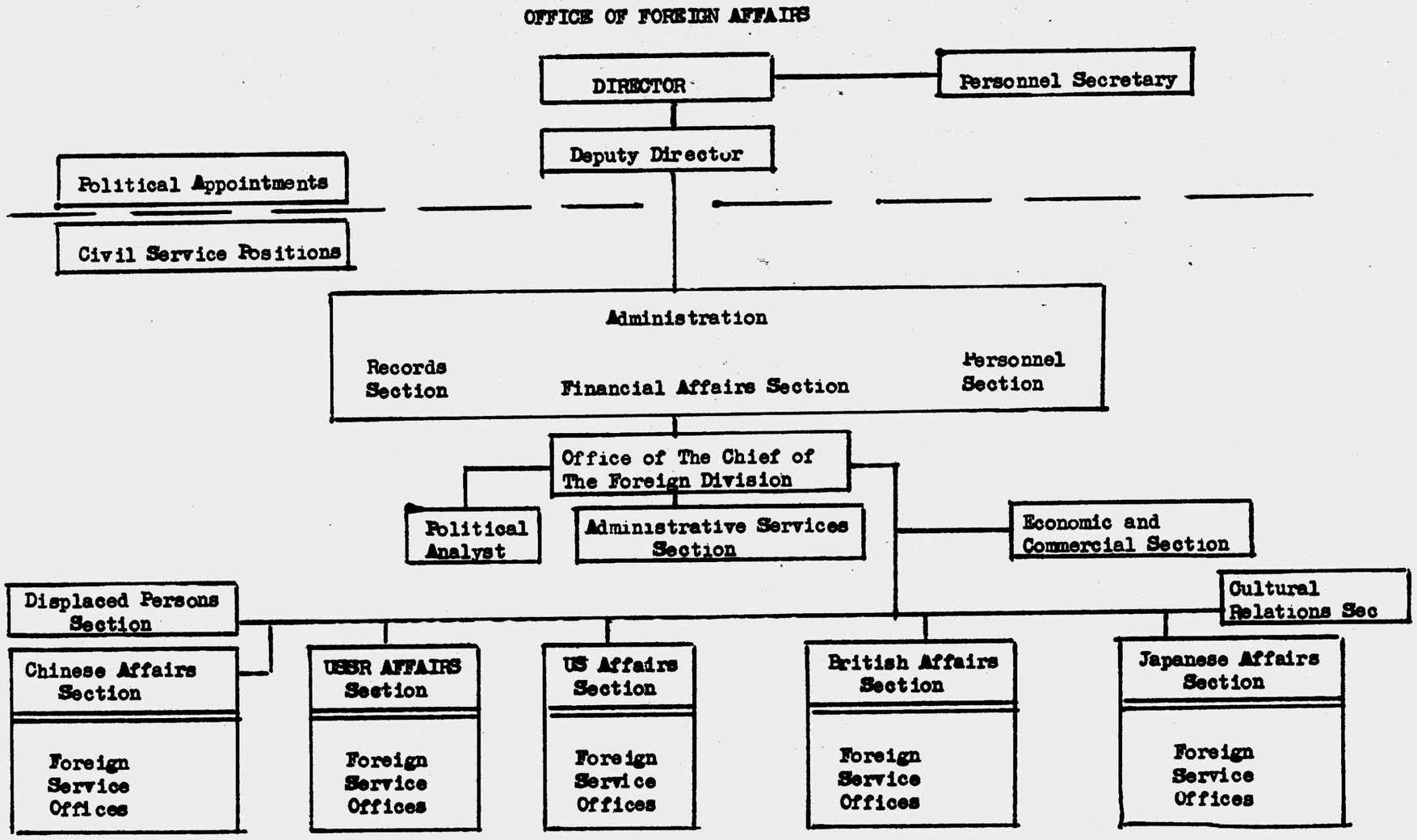

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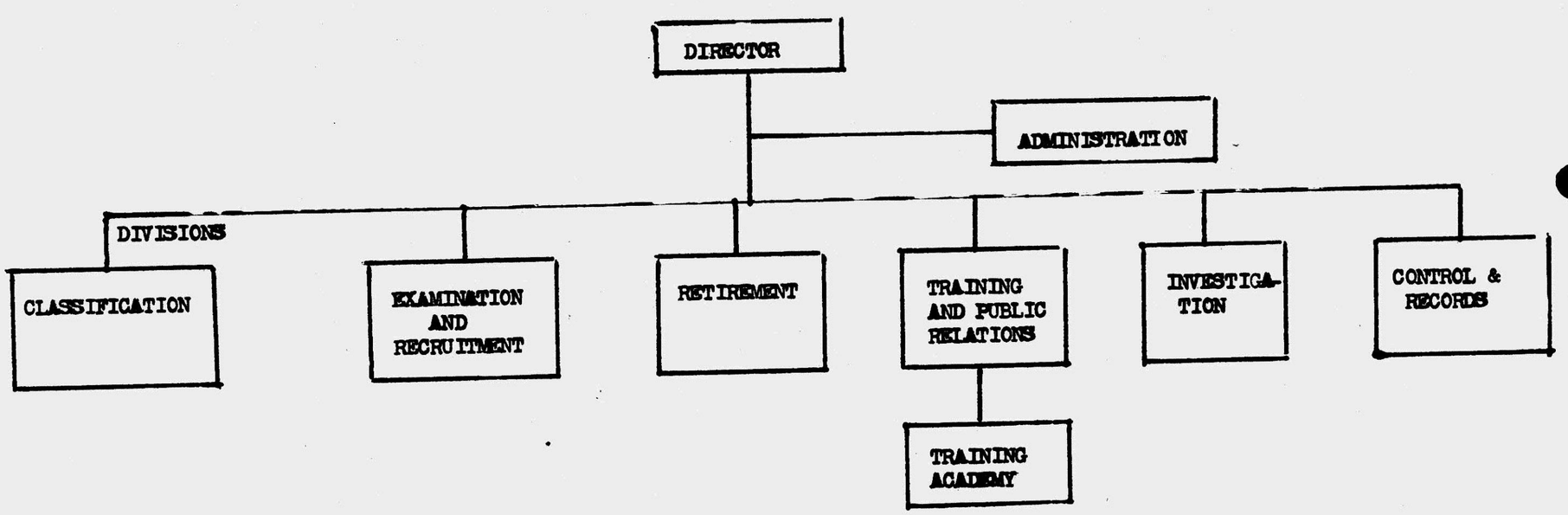
OFFICE OF KOREA CIVIL SERVICE



41

PROVINCES

CHOLLA NAMDO | CHOLLA PUKTO | KYUNGGI DO | KANGWON DO | KONGSANG NAMDO | KYONGSANG PUKTO | CHUNG CHONG NAMDO | CHUNG CHONG PUKTO | CHEJU ISLAND

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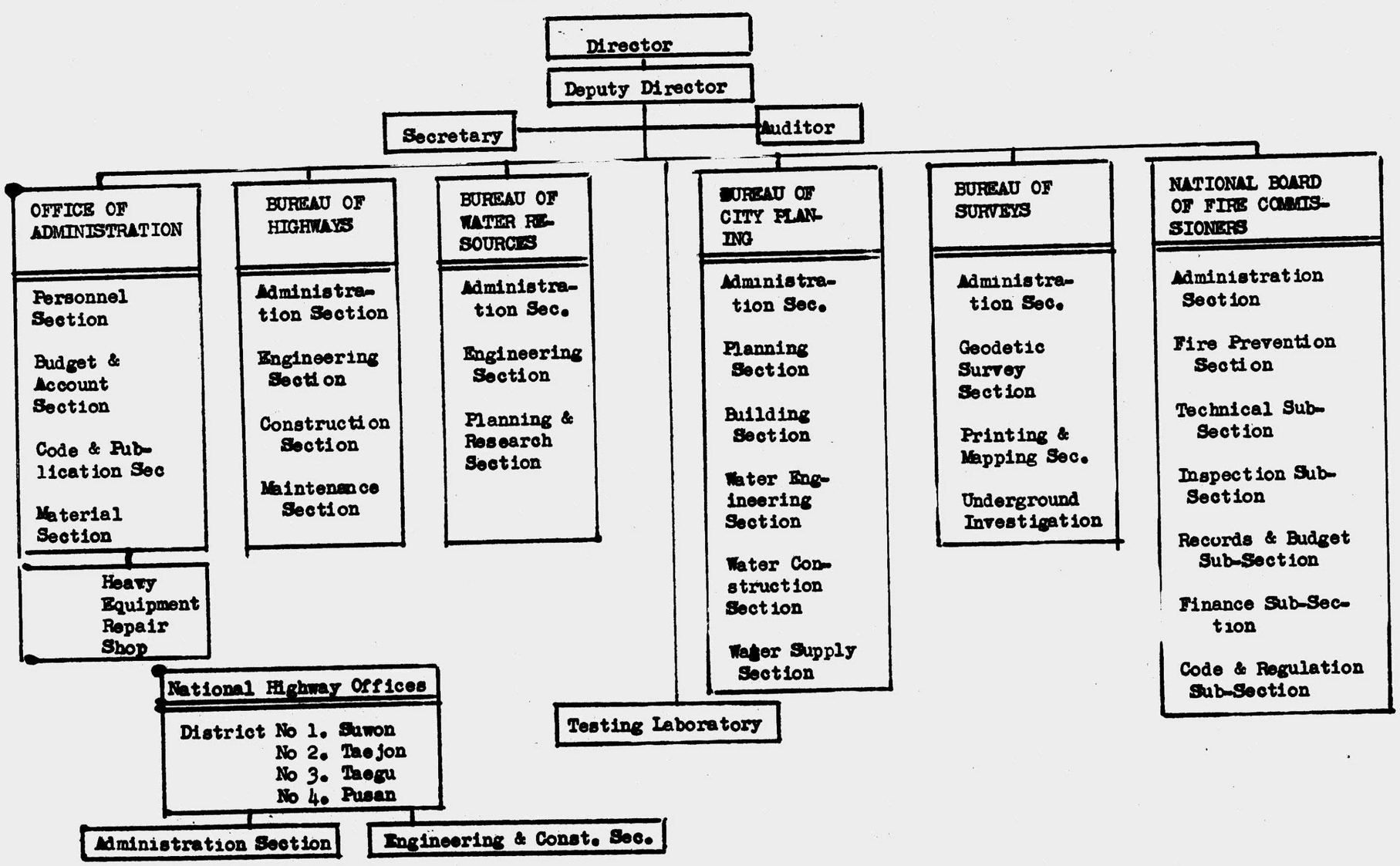
DEPARTMENT OF PUBLIC WORKS



51

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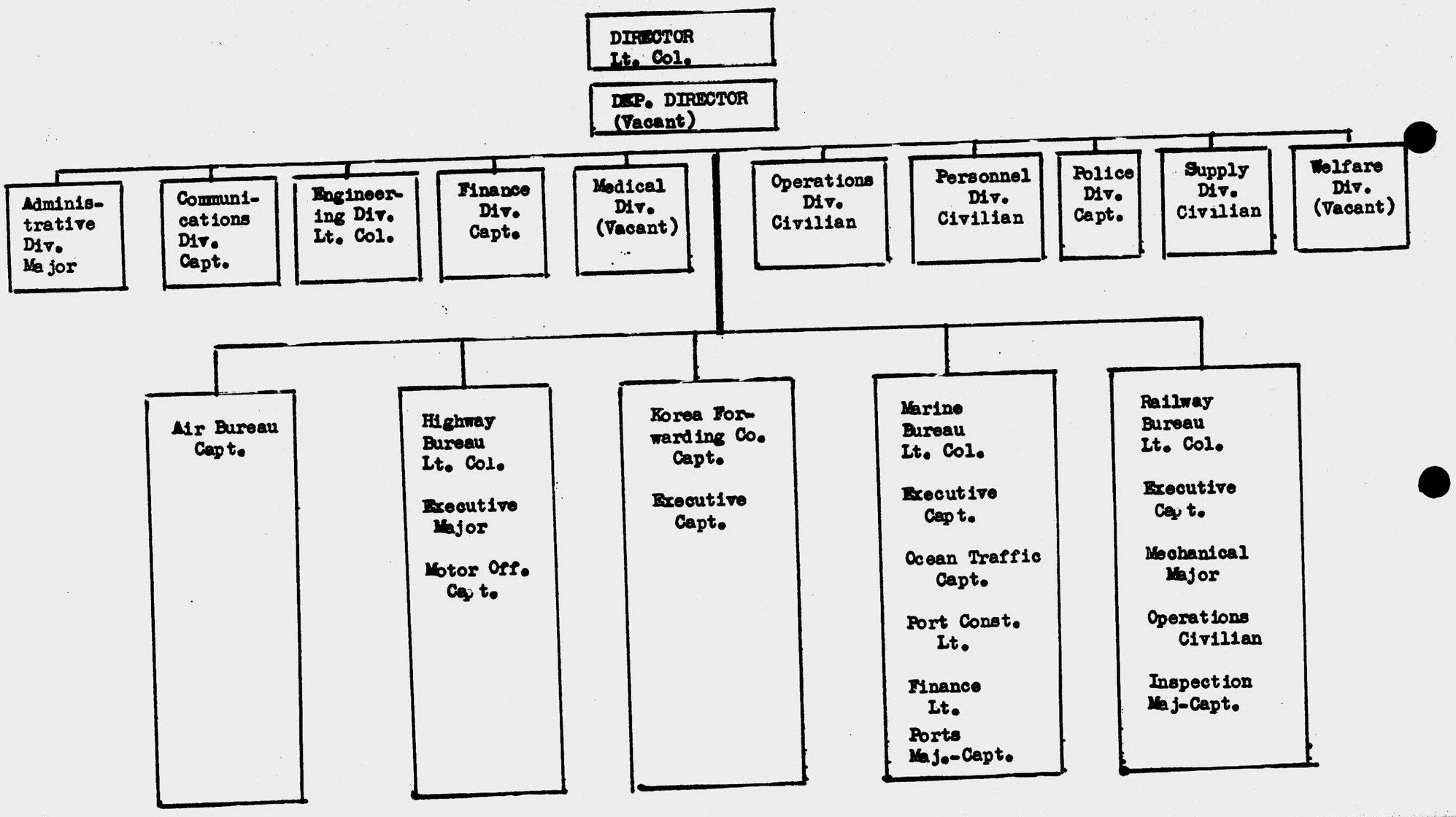
DEPARTMENT OF TRANSPORTATION



91

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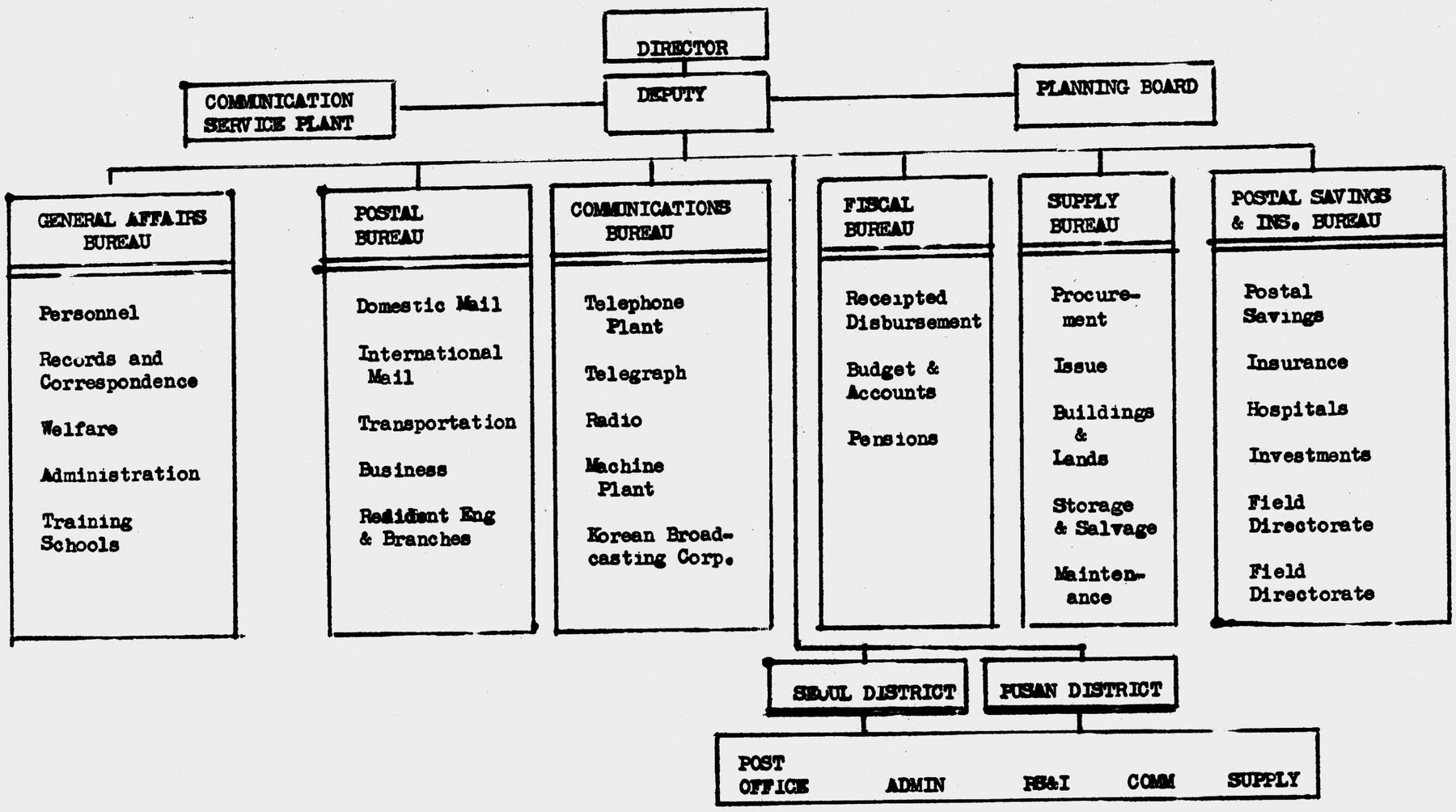
DEPARTMENT OF COMMUNICATIONS



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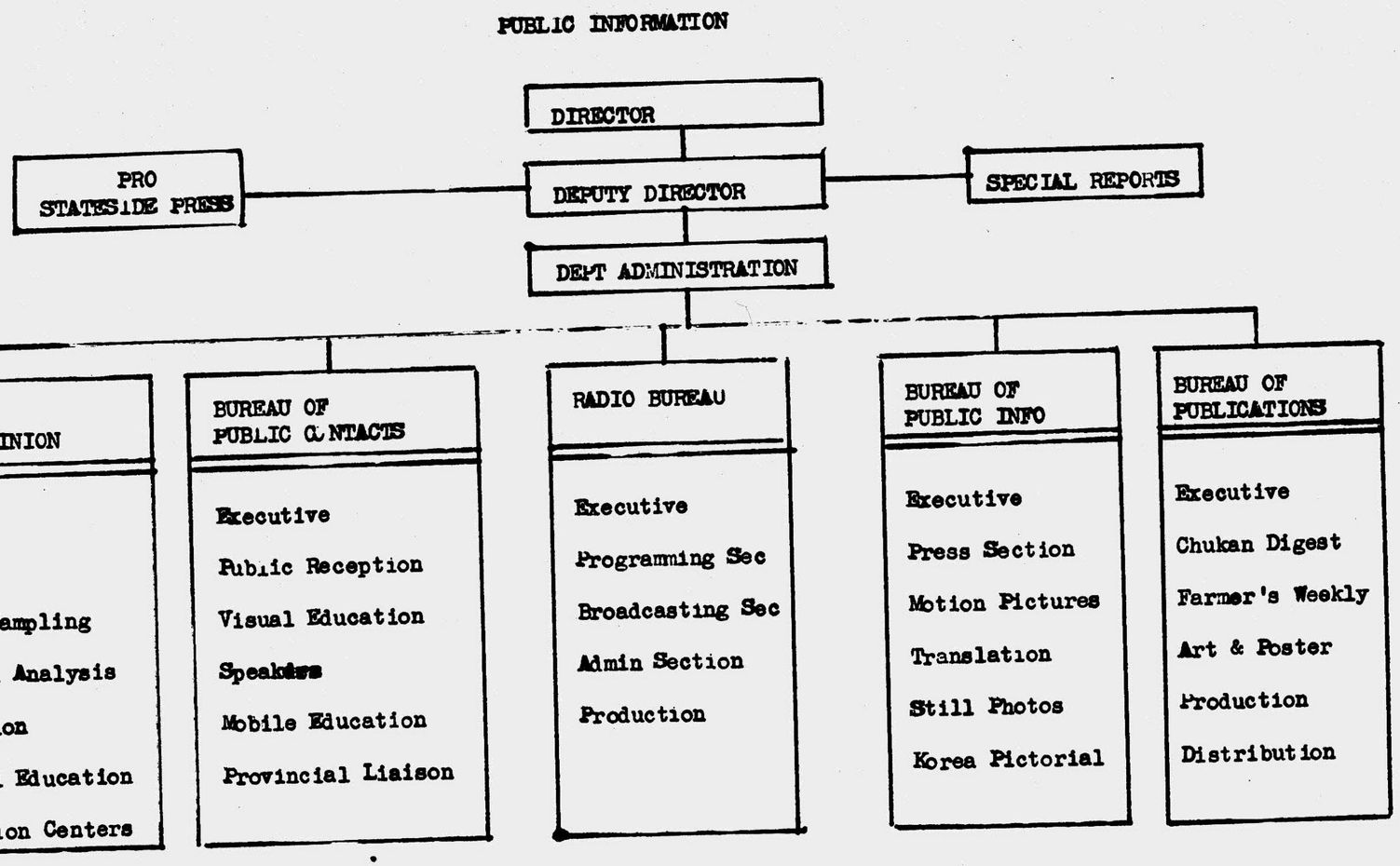

DIRECTING PERSONNEL OF CENTRAL ORGANS

Pages

Directors of Departments.....1 - 3

APPOINTMENT OR ELECTION OF CENTRAL ORGAN

Statement.....4

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NND 760090

NAME	DEPT, OFFICE OR AGENCY	PLACE OF BIRTH	AGE	EDUCATION	WHERE EMPLOYED PRIOR TO 15 AUGUST 1945
YU UCK KYUM	Director, Dept. of Education	Seoul City	52	1912-1916:Middle School,Tong Ji Sha Primary Course;1916-1919:The Third Higher School,First Dept.;1919-1922: Tokyo Imperial Univ.,Law Dept.,Jurisprudence;1923--:Registered as lawyer.	1941-1942:Professor,Chosen Christian College;1942-1945:Pres.,Kwangshin Commercial & Industrial School.
KIM BYONG NO	Director, Dept. of Justice	Seoul City	62	1908-1911:Meiji Univ.,college course, jurisprudence;1911-1914:Meiji Univ., Law Dept., Tokyo;1914--studied civilian law & criminal law.	1914-1940:Instructor, Posung College; 1919-1946:Private practice as lawyer,belonged to Seoul District Court.
LEE HUN KOO	Director, Dept. of Agriculture	Chuncheng Nam Do,Sheehen Gun	52	1916-1919:Suwon Forest School;1920-1925: Tokyo Imperial Univ.,Agriculture Economic Dept.;1926-1927:Kansas Agricultural College,rec.degree;1927-1929:Wisconsin Univ.,rec.Ph.D. Agr.	1937-1941:Vice-Pres.Chosun Il Be & editor; 1941-1945:farming for self.
OH CHUNG SOO	Director, Dept. of Commerce	Shinweju City, Pyengan Pukto	49	1905-1913:Private Chang Shin Primary School;1913-1915:Kyeng Shin Middle School;1917-1919:Sumner Primary School,U.S.A.;1919-1922:ThurberMiddle School,U.S.A.;1922-1924:Boston Univ., Eng.Lit.;1924-1927:Mass. Institute of Tech.	1941-1945:founded Manchuria Corn Technical Co.;1944-1945:Inspector,Pyeng An Iron Technical Co.,Shenchen,PyengAn Pukto.
YUN HO BYUNG	Director, Dept. of Finance	Seoul City	57	1907:Public Hansung English School; 1909:Shonim Commercial School;1911-1915:Tokyo Higher Commercial College.	1942:Section Chief of Inspection,Chongro Branch Office of Chosun Commercial Bank; 1945:Chief,Fiscal & Supply Section of above;Director,Chosun Commercial Bank.
LEE YONG SUL	Director, Dept. of Public Health & Welfare	Pyen Yang City, Pyeng An Nam Do	54	1915-1919:Severance Medical College; 1926-1928:Northwestern Univ.;1937--: Seoul Imperial Univ.,rec. M.D.	1940-1945:Practiced medicine privately in Seoul.
LEE CHUL WON	Director, Dept. of Public Information	Beyeng Gun, Chung Cheng Nam Do	48	1915-1919:Boje Middle School;1922-1925:Mt.Auburn School,U.S.A.;1925-1935:Columbia Univ.	1938-1943:American National Co.,Pyen Yang Branch,Office Chief.
RYU TONG YUL	Director, Dept. of Internal Security	Pakshen Gun, PyengAn Pukto	69	1901-1904:Tokyo Military Officer School.	1921-1947:In China with Korean Interim Government

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NAME	DEPT, OFFICE OR AGENCY	PLACE OF BIRTH	AGE	EDUCATION	WHERE EMPLOYED PRIOR TO 15 AUGUST 1945
KIL WON BONG	Director, Dept. of Communications	Meng San Gun, PyongAn NamDo	44	1917-1921:Seoul Posung Middle School; 1923-1926:Public Yamagata Higher School,Japan; 1926-1929:Kyoto Imperial Univ.,Law Dept.,1945; 1932-:Pass higher exam.of Judicial Dept.; 1934-: Passed higher exam.of Executive Dept.	1940-1943:Chief,Insurance Contract Section, Communication Bureau; 1943-1945:District Communicational Bureau Chief,Pusan; 1945-: Pres.,Communication School.
MIN HI SHIK	Director, Dept. of Transportation	Seoul City	55	1902-1908:Chinese Writing School; 1908-1911:Yen-Te English Law School, China; 1911-1918:Colerado Mining School; 1922-:Univ. of Nevada,Politics; 1924-:Univ. of California.	1925-1928:Employee, Transportation Bureau, Korea.
CHOI KYUNG YUL	Director, Dept. of Public Works	Shin Chon Gun, PyongAn NamDo	43	1918-1923:Pyong Yang Middle School; 1923-1926:Shoga Higher School,Science; 1926-1929:Kyoto Imperial Univ.,Engineering Dept.,Public Works.	1940-:Pyong Yang Public Works Branch Office; Pyong An Namdo Provincial Governor, Provincial Engineer;Berthage of Jinnampo of Navy Fuel Arsenal;1941-:Administrative Bureau;1943-:Engineer, National Government, Transportation;1944-:Chief, Inchon Construction Office;1945-:Harbors & Ports Section.
LEE DAI WI	Director, Dept. of Labor	Seoul City	50	1906-1911:Shen Chen Beshin School; 1911-1915:Shen Chen Shin Sung Middle School;1916-1920:Peking Financial Commercial School;1921-1923:Peking Univ.,Politics;1924-1927:Yale Univ., Theology;1928-1930:Columbia Univ.,	1935-1943:Practice Staff for admission, K.Y.M.C.A.;1943-:Pres. and manager of Central Iron-Technical Factory.
CHYUNG YIL HYUNG	Director, Office of Korea Civil Service	Seoul City	43	1922-1927:Seoul Yenhi College;1930-1931:New York Univ.;1931-1932:Union Theological School;1932-1935:Drew Univ.	1938-1941:Professor of Sociology,Seoul Catholic Theological School.
CHOI TAI WOOK	Director, Office of National Price Administration	Kyung Sang Puk Do,Chung Do Goon	55	1901-1914:Waseda Univ.,Political Economics Dept.,Tokyo.	1932-1940:Operation of rice mill.Product fire brick.
CHI YONG EUN	Director, Office of National Food Administration	Pengyang,Pyung An Nam Do	51	1911-1916:Bae Jae Middle School; 1917-1921:Northwestern Univ.	1941-1945:Operation of the clothing factory.

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NAME	DEPT.OFFICE OR AGENCY	PLACE OF BIRTH	AGE	EDUCATION	WHERE EMPLOYED PRIOR TO 15 AUGUST 1945
[redacted]OON CHANG WOOK	Director, Office of Foreign Affairs	Tang Jin Goon, Chung Choong Nam Do	45	1924-1927:Chosun Christian College;1927-1929:Simpson Univ.;1929-1930:Columbia Univ.	1941-1943:Teacher at KoChang Middle School.
LEE CHONG HARK	Director, Office of Administration	Sun San Goon, Kyung Sang PukDo	47	1911-1914:Kai Sung Middle School;1916-1920:Makinli Middle School;1920-1922:Honolulu Commercial College;1922-1924:LaSalle Ext. Univ.	1943-1945:Director, Marketing Co-operative.
LIM BYUNG HYUK	Director, Office of Property Custody	Seoul City	50	1915-1919:Posung Middle School;1920-1923:Yun Hi College;1925-1927:Mt. Union Univ.;1927-1928:Syracuse Univ.	1932-1944:Professor, Yun Hi College.
CHAUGH BYONG OK	Director, Dept. of Police	Chon-An Gun, Chung Chong NamDo	54	1922-:Columbia Univ.,rec.A.B. in Economics;1923-:Columbia Univ.,rec.A.M. in Economics;1925-:rec.Ph.D.	1937-:Managing Director, Bo-In Mining Co., Seoul City.
AHN CHAI HONG	Civil Administrator	Pyun Taik, Kyunggi Do	55	1914-:Pol.Econ.Waseda Univ.Tokyo.	1940-:in West Gate prison;1942-:detained at police station in Hongwon,Hamkyong;1943-:released from prison.

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By NARS, Date

(e) From the time Military Government was established in Korea until the effective date of Ordinance 175 (13 March 1947), Korean citizens were selected to serve as heads of national departments or "Korean heads" counterparts to "American directors" through appointment made by the Military Governor of Korea upon recommendation of the director of Korean Civil Service and/or the Korean-American advisory staff to the Military Governor. All "Korean heads" of national departments served officially as counterparts to American directors from the beginning of the occupation until 1 February 1947, at which time the Korean heads were appointed directors of their respective departments and the former American directors were relieved and assigned as "advisers to the director" of their respective departments. Ordinance 185, which became effective 13 March 1947, provides that "directors of departments and offices, provincial governors, and the major of the independent City of Seoul, shall be made by the Military Governor upon recommendation of the Civil Administrator, who will submit the recommendation of the majority of the Korean directors". Such appointments are subject to confirmation by the Korean Interim Legislative Assembly.

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NND 760090
By NARS, Date

FUNCTIONS OF DEPARTMENTS

Page

Department of Education 1
Department of Justice 2
Department of Agriculture 3
Department of Commerce 4
Department of Finance 5
Department of Public Health and Welfare 6
Department of Public Information 7
Department of Internal Security 8
Department of Communications 9
Department of Transportation 10
Department of Public Works 11
Department of Labor 12
Office of Korea Civil Service 13
National Price Administration 14
National Food Administration 15
Office of Foreign Affairs 16
Office of Administration 18
Department of Police 19
Office of Civil Administrator 20
National Economic Board 21

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NND 760090
By NARS, Date

Overall Functions of the Department of Education

1. The director is responsible for general organization, operation of the department, administration and determination of policies.

2. Deputy Director acts as director in his absence, acts as assistant and adviser to the director.

3. The director is assisted by seven bureaus and one special section.

4. The Bureau of Administration has four sections. It prepares and administers the budget for the Department of Education. It handles personnel problems of employees including appointment, records, and payrolls.

5. The Bureau of Common Schools has general supervision of elementary and secondary education. It sets up curriculum. Plans for future education. It is responsible for in service training of teachers. It approves establishment of schools, and appoints all public school principals.

6. The Bureau of Higher Schools approves all universities and colleges and establishes all public higher education, including professional and normal schools. Plans the training and retraining of teachers. Sets up curriculum. Controls entrance exams for colleges.

7. The Bureau of Adult Education is responsible for eliminating illiteracy, and all adult training. It is responsible for setting up courses of study, and training of teachers and leaders for conducting the adult program.

8. The Bureau of Culture is directly responsible for the preservation of historical, cultural and religious objects. It also directs the group guidance and recreation programs.

9. The Bureau of Textbooks is responsible for securing, publishing, and distribution of all textbooks in Korea.

10. The Bureau of Meteorology is responsible for the entire weather service. It operates observation stations, and keeps all interested agencies informed of weather forecasts. It trains its full time and volunteer workers.

11. The section on Research and Special Subjects is responsible for all educational research, and filing of all pertinent data. It also directs the course making and supervision for the following special subjects: music, hygiene, architecture, physical education, home economics, arts and crafts, and vocational education.

1

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Overall Functions of the Department of Justice

The Department of Justice now supervises the administration of law and legal institutions in South Korea; renders legal advice to the Military Governor of Korea; administers the affairs of the courts, other than the actual trial of cases; appoints judges to the lower courts and recommends the appointment of judges to the Supreme Court and the Courts of Review, who are appointed by the Military Governor; administers the offices of the public prosecutors and appoints all prosecutors; administers the juvenile courts and juvenile houses of correction; administers the penal institutions; administers the registration of juridical persons and of the transfers of land titles; administers the family registration system; administers the bar association, including examination of applicants for admission to practice law or to office as judges and prosecutors; drafts legal documents of the government and its agencies; gives legal opinions to other departments; conducts legal research; administers the National law library; advises the Military Governor on policies affecting the national law establishment and concerning the legality of governmental policies and proposed laws, ordinances and regulatory measures; represents the government in all cases before the courts; passes upon the language, form, and legal authority for the issuance and legal effectiveness of all official documents of the government, except orders and decisions of the courts. Under the reorganization plan it is contemplated that the following functions will be transferred to the Supreme Court to be administered by an agency under its supervision; administration of the affairs of the courts; recommendation of the appointment of judges; administration of the registration of transfers of land titles and juridical persons; administration of the family registration system.

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By NARS, Date

17 JUN 1947

OVERALL FUNCTIONS OF DEPARTMENT OF AGRICULTURE

1. The Department of Agriculture is composed of the Department Office, Bureau of Agricultural Economics, Bureau of Agricultural Production, Bureau of Forestry, Bureau of Fisheries, and Korea Agriculture Association. Functions are as follows:

a. Bureau of Agricultural Economics

(1) Collects, evaluates, and disseminates crop reports and other statistical information in the field of agriculture.

(2) Makes policy recommendations on all such matters as land rents, land ownership, encouragement and control of agriculture crops.

(3) Furthers agricultural education and rural guidance.

b. Bureau of Agricultural Production

(1) Formulates and initiates measures necessary to further production of food and industrial crops

(2) Establishes policy of the silk industry as concerns all the processes necessary to produce silk yarn.

(3) Initiates measures to promote and administer large scale irrigation and reclamation projects throughout the provinces.

(4) Furthers agricultural experimentation and research.

c. Bureau of Forestry

(1) Formulates policy for the administration of forest lands as it affects conservation, flood control, protection, reforestation, production of seedlings; lumber, fuelwood, charcoal, and other forestry products.

(2) Operates to further forestry experimentation and research.

d. Bureau of Fisheries

(1) Initiates laws and regulations to control fisheries activities throughout the provinces.

(2) Coordinates licensing, assignment of fishing grounds, imports and exports, and distribution of fisheries supplies.

(3) Furthers fisheries research and experimentation.

e. Korea Agriculture Association

(1) Operates as a distributing agency of the Department for all types of farm supplies such as seed, fertilizer, farm tools, insecticides, etc.

(2) Furthers agricultural education at the farmer level in cooperation with the Agricultural Economics Bureau.

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OVERALL FUNCTIONS OF DEPARTMENT OF COMMERCE

The Department of Commerce is concerned generally with the development of industry and mining production, distribution of power, control of foreign and coastwise trade, encouragement and advising of commercial enterprizes, calling forward of essential commodities on Civilian Supply Program and distribution of allocation of supplies and equipment under Government control.

Specifically functions of the Department of Commerce are the following:

a. Allocation and distribution of essential commodities.

b. Allocation of captured and abandoned war materials.

c. Distribution control of alcoholic beverages.

d. Issuance of license and permits for foreign trade.

e. Purchase of locally available commodities for government to government foreign trade transactions.

f. Effecting barter trade with Northern Korea.

g. Supervision and development of domestic and foreign trade.

h. Assisting in procuring local and foreign markets for industrial and commercial goods and mining products.

i. Determination of expertability of manufactured and stockpiled goods, standardization, control and liscensing of commercial weights and measures.

j. Distribution of imported petroleum, oils and lubricants.

k. Control and licensing of patents, copyrights and trade-marks.

l. Encouragement and advising of commercial enterprizes and the supervision and guidance of economic and commercial associations and guilds.

m. Screening of requisitions submitted by all Military Government Agencies for Civilian Supplies.

n. Furnishing of engineering teams for the stimulation and development of priority plants.

o. Supervision, control, operation and distribution of electric power.

p. Supervisory control of vested plants. and mines.

q. Operation of vested textile plants.

r. Furnishing of mining and industrial statistics.

s. Furnishing of information for the establishment and fixing of prices.

t. Auditing of vested plants.

u. Industrial and mining research.

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By NARS, Date

CIVIL-AFFAIRS FUNCTIONS OF THE DEPARTMENT OF FINANCE

The Department of Finance is composed of five bureaus, performing the functions indicated below:

1. Monopoly Bureau. The Monopoly Bureau is responsible for the operation and control of the tobacco, salt and ginseng monopolies.

2. Financial Institutions Bureau. The Financial Institutions Bureau supervises the operation of all banks and insurance companies. The bureau conducts examinations and audits of financial institutions; passes on all applications for large bank loans; and collects and analyzes statistical reports submitted by financial institutions. The bureau has immediate supervision of the Bank of Chosen, the Bank of Japan, and enforces currency and foreign exchange controls.

3. Treasury Bureau. The Treasury Bureau supervises and directs the assessment and collection of customs duties and national, provincial and local taxes. The work of the bureau is carried on through 13 provincial offices, 64 district tax offices and through customs offices at the nine open ports.

4. Bureau of Accounts. The Bureau of Accounts maintains records of all receipts and expenditures of the South Korean Interim Government.

5. Bureau of the Budget. The Bureau of the Budget analyzes all requests for funds for the operation of national departments, offices and agencies, and for grants and subsidies to provincial and local governments. The bureau compiles and recommends the annual budget of the South Korean Interim Government, and supplemental budgets required to cover extraordinary appropriations. Detailed examinations of departmental budgets, and hearings on budget justifications are conducted by the bureau.

DECLASSIFIED
NND 760090
By NARS, Date

OVERALL FUNCTIONS OF DEPARTMENT OF PUBLIC HEALTH AND WELFARE

The functions of this department are carried on in two spheres of activity - health and welfare, with the joint objective of maintaining the present and to provide for the future health of the Korean population through education in personal health and sanitation, immunization, development of medical facilities, raising professional standards, and providing such material needs as food, shelter and clothing to the unfortunate group who cannot provide the same for themselves.

The public health activities cover the following:

1. Preventive Measures for both acute and chronic communicable diseases. This is accomplished through health education for the general public, immunization programs, establishment of sanitary rules and regulations, infant and child care and maternal welfare.

2. Proper care of the sick, by establishing and supervising public hospitals, supervision of private hospitals, raising standards of the professional group allied with public health work through education and licensure control, procurement and distribution and control of medical supplies and drugs, including narcotics.

The welfare activities cover the following:

1. General relief for the destitute and unemployed individuals and families, institutional care for homeless infants and children.

2. Disaster and refugee relief for sufferers from war, floods, fire, famine, hurricanes and other national disasters.

3. Surveying and planning for betterment of the social condition of the Korean people to the end that laws providing social benefits such as old age insurance, unemployment insurance, etc., may be instituted.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

OVERALL FUNCTIONS OF THE DEPARTMENT OF PUBLIC INFORMATION

The Department of Public Information is charged with the responsibility of preparing and disseminating information to the Korean people to keep them informed of the activities and operations of the South Korean Interim Government.

In discharging this responsibility, Department of Public Information employs the media of Press, Pictures, Radio, Publications, Posters and Mobile Education Units. In addition, DPI collects and evaluates information on public opinion, political parties, associations and Korean publications. General and special surveys are conducted on public opinion and reactions to Government policy.

The Press Section prepares and writes stories of the activities of various Departments in the South Korean Interim Government and distributes them to local Korean newspapers.

The Motion Picture Section reviews and issues licenses for all motion pictures to be distributed throughout South Korea. It also takes newsreels and still pictures of outstending events in Korea which would be of general interest and sees that distribution of them is made. This section produces an average of one newsreel per month.

The Radio Section produces and controls all programs emanating from the 50 KW Seoul Central Broadcasting Station, JODK, and supervises the programming of nine affiliated stations throughout the provinces.

The Publication Section is responsible for the preparation and distribution of official Government publications, such as 300,000 copies of Farmer's Weekly, and leaflets and pamphlets which are required from time to time to ensure wider distribution of important news and announcements.

The Poster Section prepares and distributes posters which are suggested and planned by various Departments of the Government. This section also initiates posters which present pictorially important news items and furthers campaigns originated by the Government.

The Mobile Education Section presents educational programs throughout the provinces through the use of public address systems, motion pictures, speakers, posters and leaflets.

In addition to the above functions, DPI is responsible for the allocation of newsprint to Korean newspapers and for the registration of all political parties, organizations, newspapers and publications.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Overall Functions of Department of Internal Security

1. The Department of Internal Security was established to provide necessary aid and assistance to civilian police agencies in the maintenance of civil peace and security and the safeguarding of the rights of the people against civil disorder.

Two Bureaus, the Korean Constabulary Bureau, and the Korean Coast Guard Bureau comprise the organic structure of the Department. Both Bureaus are under the Department Director who exercises cabinet level control and supervision.

a. The Korean Constabulary Bureau provides a reserve force for maintaining internal security. It operates on a fixed Post-Camp-Station basis as support for the Police when directed by the Military Governor and for employment during periods of National Emergency.

b. The Korean Coast Guard Bureau provides the marine unit which operates in-shore and inter-island patrol of Korean Coastal waters for the purpose of enforcing customs laws and preventing smuggling, saving of life and property at sea, and the maintenance of aids to Navigation.

DECLASSIFIED
NND 760090
By NARS, Date

OVERALL FUNCTIONS OF THE DEPARTMENT OF COMMUNICATIONS

1. The Department of Communications directs the national functions of Postal, Communications, Radio Broadcasting, Postal Savings and Insurance services of South Korea through:

a. General Affairs Bureau - Personnel, planning, claims, awards, correspondence and administrative files.

b. Supply Bureau - Procurement, property storage, salvage, issue, property maintenance, leasing and records of buildings and lands.

c. Postal Savings and Insurance - Administrates Postal Savings through two decentralized Directorates, maintains records, loans, savings, investments, investigates claims and determines postoffice fund retention levels.

d. National Life Insurance - Through one Directorate, administers life insurance and annuity applications, processes death and benefit claims, prepares and issues exchange bills, and directs securing new policies.

e. Postal Bureau - Administrates domestic and foreign mails, transportation and delivery of same, prescribes regulations pertaining to Postal Service involving money orders, railroad mail service, stamp procurement and sales service.

f. Communications Bureau - Through local bureaus and six engineering districts, directs and engineers national telephone, telegraph, radio telegraph, and long distance communications systems.

g. Fiscal Bureau - Performs auditing, financial inspection, budgetary receipt and disbursing funds of the Department.

DECLASSIFIED
NND 760090
By NARS, Date

OVERALL FUNCTIONS OF THE DEPARTMENT OF TRANSPORTATION

The Department of Transportation is comprised of four bureaus of transportation, namely, the Bureaus of Rail, Marine, Air, and Highway. The principal function of the Department is to effect a coordinated control of these major forms of transportation in South Korea for the purpose of furnishing freight and passenger service and to assure the expeditious movement of all types of cargoes for the good of the economy of South Korea and the Korean people. In addition, the Department of Transportation controls and administers all transportation freight and passenger rates and regulation in accordance with and based on the national price level.

The Bureau of Rail Transportation exercises control, administration, operation, and maintenance of the Korean National Railroads (comprised of all railroads, both standard and narrow gauge in South Korea), Railroad Communications, and all properties owned or assigned thereto. The Korean National Railroads are a direct responsibility of the Department of Transportation to meet and accommodate the requirements of private enterprise and those of a national character, both inland and coastal.

The Bureau of Marine Transportation controls, maintains, and operates all nationally owned vessels (both passenger and cargo) and controls, maintains, and operates all ports in South Korea. This Bureau exercises control over all marine communications, the licensing to private shipping enterprises to do business, and registry and clearance of all vessels, freight and passenger and of all sizes and tonnages claiming home ports in South Korea.

The Bureau of Highway Transportation controls all licensing and franchising of private bus and trucking transportation companies to do business, the licensing and registry of all vehicles, and the control and administration of the distribution of automotive parts in South Korea.

The Bureau of Air Transportation controls the maintenance and upkeep of all airfields, communication installations, and all properties owned or assigned thereto in South Korea. The Bureau of Air Transportation is a non-operating responsibility of the Department of Transportation and serves primarily in a regulatory capacity to control rates, civil aeronautic regulations, and licensing and franchising of private companies to do business.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

OVERALL FUNCTIONS OF DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, consisting of four (4) Bureaus and the National Board of Fire Commissioners, is responsible for the organization and direction of Public Works activities throughout Southern Korea. Functions of agencies within the Department are as follows:

a. Bureau of Highways:

(1) Responsible, at the policy level, for planning, research, construction, and maintenance of all streets and highways.

(2) Control of Nationally appropriated funds for highway projects.

(3) Direct operational supervision of the design, construction, and maintenance of specified National Highways.

b. Bureau of Water Resources:

(1) Responsible for supervision and policy application dealing with flood control and riparian protection on all rivers and streams.

(2) Direct operational supervisicn of design and construction of larger flood protection works.

c. Bureau of City Planning:

(1) Responsible for planning, research, and overall supervision of design, construction, operation and maintenance of city water supply systems.

(2) Preparation and revision of building codes, street layouts, street improvements, and zoning regulations in the interest of improvement to urban surroundings in terms of public health and safety, efficiency and aesthetics.

d. Bureau of Surveys:

(1) Responsible for the preparation of Coast and Geodetic surveys, general mapping surveys, incorporation of survey results into appropriate maps and the lithographing and printing of such maps for use by Government agencies.

e. National Board of Fire Commissioners: Responsible for the standardization and improvement of fire-fighting methods and equipment throughout South Korea.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Overall Functions of the Department of Labor

(a) To formulate labor policies and programs and to exercise general supervision over conditions of employment, labor relations with employers and with the government, and any other factors affecting the welfare of labor.

(b) To supervise Labor Mediation Boards and all that pertains to the same so as to effectuate the mediation of labor disputes.

(c) To administer the Child Labor Law.

(d) To administer the Maximum Hours Law.

(e) To supervise or administer a national employment service and a labor information service.

(f) To recommend labor laws, to assist the efficient functioning of the economy of Korea, and to promote the welfare of labor.

(g) To supervise and administer elections to determine proper bargaining agents for collective bargaining.

(h) To prepare for issuance in the Official Gazette all necessary regulations for the administration of this ordinance and other labor laws which it may be charged with administering, or for carrying into effect the purposes of the Department.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

OVERALL FUNCTIONS OF THE OFFICE OF KOREA CIVIL SERVICE

A. To provide for, direct, and administer a classified civil service system for the Government of Korea, including:

1. Classification of each position in the government service according to kind and difficulty of work performed;
2. Definition of grades, titles, compensation, hours, duties, responsibilities, and qualifications for each position.

B. To provide for, direct, and administer the recruitment, placement, and training of persons in the government service, including:

1. Investigation of the character, loyalty, record, qualifications and fitness of applicants;
2. Preparation and administration of examinations to determine the qualifications and fitness of applicants;
3. Certification of lists of persons qualified on the basis of merit and fitness, as determined by investigations and examination, to appointing officers authorized by law to appoint such personnel to office from such lists;
4. Training programs for government employees.

C. To design, install, and administer a program of retirement and disability benefits for government employees.

D. To determine the forms of ceremony to be observed by government officials and employees on important public occasions and to supervise their observance.

DECLASSIFIED
NND 760090
By NARS, Date

OVERALL FUNCTIONS OF THE OFFICE OF NATIONAL PRICE ADMINISTRATION

1. The Office of National Price Administration was organized as an instrument of the National Economic Board to function within the overall policy and program of that organization in working toward the establishment and maintenance of a more stable economic structure. In particular the mission of this office has been the development of a price structure at an economically sound and sociably desirable level.

2. At present the work of the Price Administration consists of:

a. Establishing prices in consultation with interested governmental agencies on materials manufactured in vested plants or in privately owned factories utilizing government-owned raw materials.

b. Establishing buying and selling prices on imports received under Civilian Supply Program.

c. Recommending selling prices on goods to be sold by Materials Control Corporation.

d. Investigation of proposed prices to be paid for purchase of locally produced materials to be used for Occupational Personnel to prevent profiteering and undue fluctuations in the price level.

e. Inspection of controlled distribution channels to insure compliance with price regulations, memoranda, and selling agreements and to prevent leak of materials into unauthorized hands.

3. In general a rational price policy has been built up by using the same formula utilized in determining the current price of rationed rice, viz, 56 x the average of the (1937-1939-1943-1945) year prices.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

OVERALL FUNCTIONS OF NATIONAL FOOD ADMINISTRATION

1. Responsible for the overall supervision and direction of all policies and programs relative to the procurement, supply, distribution, allocation and rationing of all food and drink resources in south Korea.

2. Conform its policies, plans and programs to the policies, plans and programs of the National Economic Board.

3. Gather and maintain data pertaining to the collection, supply and distribution of food and drink in south Korea, both indigenous and imported. Maintenance of data on population, self-suppliers and non-suppliers in south Korea; accounting of all food stocks on hand, amount to be allocated and projected data on necessary imports; compile data for dissemination to SCAP and higher authority and also for departments and agencies of the South Korea Interim Government that have an interest in food conditions and food requirements in south Korea.

4. Prepare directives and statements of policy covering the collection and distribution of food.

5. Through its operating agency, O.C.C., establish policies and procedures relating to the movement of food supplies by rail, truck and water transportation facilities.

NND 760090
By NARS, Date

OVERALL FUNCTIONS OF THE OFFICE OF FOREIGN AFFAIRS

The Office of Foreign Affairs performs the following major functions:

A. (1) Maintains liaison with foreign government representatives assigned to Korea, specifically British, American, French and Chinese Counsuls and deals directly with them in all matters of mutual interest.

(2) Acts in behalf of the rightful interest of foreign nationals residing in South Korea which have no official representation.

B. Maintains complete registration of all foreign nationals residing in South Korea.

C. Maintain liaison with overseas Koreans by means of Liaison Offices established in Tokyo and Osaka in Japan and in Shanghai and Tientsin in China. Such Liaison Offices perform functions which could normally be performed by consular officials.

D. Acts as a coordinating agency with the Department of Commerce, Department of Transportation and the Department of Finance in promotion of foreign trade.

E. Acts officially on all requests for personnel travelling abroad or desiring to enter Korea, with the exception of such military personnel assigned to this command.

F. Makes continuous study of all problems of overseas Koreans covering their economic, political and cultural life abroad. Such studies are used as a basis in the determination of policy of this government.

G. Acts as the coordinating agency in matters of a cultural nature between Korea and other countries, including:

(1) Negotiations for Korean students who desire to study abroad.
(2) Exchange of technical experts and professional personnel with other countries.
(3) Processing of Korean nationals for special study, on-the-job training, special missions, and international conferences abroad.
(4) Close coordination with the U.S. Dept. of State in establishing policy and procedure for impartial screening and selection of high caliber Korean students for study in the United States.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

H. Coordinates the functions of several overnment agencies in handling all displaced persons comin into or passing through the American Zone. Such coordination necessitates close liaison ith the National Refugee Board, Dept. of Public Health & Welfare, Dept. of Transportation, and the Dept. of Finance. This offic also assists in the maintenance of Assembly Camps and the processing of personnel passing through them.

I. Selects Korean personnel qualified to act as future diplomatic representatives abroad and provides on-the-job training for these people by assignments to Liaison Offices abroad.

DECLASSIFIED
NND 760090
By NARS, Date

Overall Functions of Office of Administration

The Administrative Division furnishes general administrative service to the National Government, maintain Central Files, the National Archives, supervision of "K" cars for official use of government officials, official mail distribution, and the Capitol library. The Construction Division is charged with the planning, designing, and construction of national level buildings, the repair of government public buildings and other buildings that have been requisitioned for use by National organizations. The Buildings and Grounds Division is charged with building management, minor repairs and maintenance of National Government Buildings, for administration of government buildings in Seoul, warehousing and issuing of office furnishings, equipment and supplies. The Statistical Research Division compiles, analyzes and collects reports, statistics, surveys and other data for use by the National Government. The Property and Accounts Division performs the following functions: contracting for labor and material for maintenance and alterations of the National Government Buildings, grounds and equipment, the purchase of material, equipment and supplies, maintains the budget for the Office of Administration and all miscellaneous accounts for National Government. The Census Division collects and disseminates vital statistics through Home Affairs Sections on a Provincial level; tabulates, indexes, births, deaths, marraiges, divorces, etc., accumulates, indexes and analyzes labor statistics. The Korean National Housing Administration functions as an agency to encourage improvement in housing standards and conditions, and to provide a coordinated National Program of low-cost housing for Koreans of low income.

DECLASSIFIED
NND 760090
By NARS, Date

OVERALL FUNCTION OF THE DEPARTMENT OF POLICE

The function of the Police Department consists of the preservation of public peace and order, the apprehension of offenders, the protection of persons and property, and enforcement of all existing laws.

To perform this task, general administration of the police is vested in the Director with authority over organization, appointments, and discipline of all police personnel.

To efficiently perform these functions the Police is organized on a National basis to:

(1) Facilitate rapid and general mobilization for emergencies and disasters.

(2) Guarantee the impartial enforcement of the law.

(3) Eliminate jurisdictional disputes and petty jealousies.

(4) Eliminate political influence.

(5) Eliminate the possibility of the police joining any group individually or collectively.

To carry out its mission the National Police is organized as follows:

National Headquarters composed of Administration Bureau, Uniform Force Bureau, Detective Force Bureau, Communications Bureau, Womens Bureau, National Police College and Crime Laboratory and Fingerprint Bureau.

There are ten (10) Police Divisions. Eight Divisions are coextensive with Provincial boundaries. The city of Seoul as one division and Chejo Do Island as an Inspection Command.

DECLASSIFIED
NND 760090
By NARS, Date

OVERALL FUNCTIONS OF THE OFFICE

OF THE CIVIL ADMINISTRATOR

The Chief Korean executive officer of the South Korean Interim government is the Civil Administrator. He serves as the Chairman of the directorate which is composed of the directors of the several departments or Offices. The Civil Administrator, therefore, has general supervision over the entire executive branch and coordinates the plans, policies and activities of all elements and instrumentalities of the South Korean Interim Government and reports to the Military Governor with respect thereto. The Civil Administrator is charged with the responsibility of carrying into effect those governmental policies which have been recommended by the directorate and approved by the Military Governor. The several Directors constitute the staff of the Civil Administrator, and to them he allots the actual work of preparing plans and policies, and similarly, the responsibility for carrying into effect those policies which pertain to their several departments. One of the chief responsibilities of the Civil Administrator is to insure that policies and practices of the executive branch are consistent with the customs, traditions and political practices of the Korean people.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

DUTIES AND FUNCTIONS OF THE NATIONAL ECONOMIC BOARD

a. Establishment and Organization. The National Economic Board is hereby established. It shall consist of six members, including a Chairman and an Executive Secretary, and the Directors of the Departments of Agriculture, Commerce, Finance and Transportation. The Chairman and Executive Secretary shall be appointed by the Military Governor. The Chairman is authorized to appoint, compensate, suspend and remove assistants and personnel for the staff of the Board. Paid officials of the government serving on or for the Board shall receive no additional compensation for such service.

b. Duties and Functions. The Board shall:

(1) Assist in harmonizing policies, plans and actions of all elements of the Government pertaining to economic controls;

(2) Conduct national economic planning, determining the potentials and goals of production, the character and volume of imports and exports, allocation of producers' materials, plant, machinery, equipment, power, fuel and labor, the distribution and utilization of imported and locally produced commodities, the stabilization of prices and the rationing of consumers' goods, and the collection or control of goods in short supply;

(3) Develop and supervise at the policy level economic controls affecting prices, production, distribution, labor, and the coordination of such controls throughout South Korean Interim Government;

(4) Collect, analyze and correlate data necessary to the planning it undertakes;

(5) Issue, such regulations, directives and orders as are necessary to establish the policies governing economic action by all agencies of the South Korea Interim Government and to designate means of accomplishing such action.

c. Publication of Regulations. Regulations of the National Economic Board shall be published in the Official Gazette and shall have the force of law.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

LEGISLATURE

Page

Origin of Authority 1

Authorization 1

Representation of Political Parties 3

Roster of Members of Legislature by Party 3

Structure of Assembly 6

Functions 8

Directing Personnel 11

DECLASSIFIED
NND 760090
By NARS, Date

2. The Legislative Authority

(a) Designation

Legislative authority in the South Korea Interim Government is exercised by the Korean Interim Legislative Assembly, established on 12 December, 1946, under the provisions of Ordinance No. 118, Headquarters United States Military Government in Korea, dated 24 August 1946.

(b) Date and nature of authorization

The Assembly was established in order to "increase the participation of democratic elements in the government. . . and thus to foster the development of the country on democratic principles, pending the early establishment of a unified Korean state with a provisional democratic government of all Korea as provided in the Moscow Agreement" (Ordinance No. 118, SectionI). In keeping with this purpose, the ordinance provided that all members would eventually be elected but that, in view of the difficulty of setting up a fully effective representative system in advance, it was determined that the original complement of Assembly members would be half elected and half appointed by the executive branch of the existing government. As a tentative measure, it was determined that it should have a total membership of ninety, in the belief that a body of that size would be sufficiently large to provide a fair sample of the geographical, social, occupational, political, and intellectual sections of the South Korean area and its people and sufficiently compact to insure prompt establishment and convenient administration.

Ordinance No. 118 specified that this Assembly should enact a broader election law under which members "shall be elected by and for the people of each province of Korea, south of the thirty-eighth degree parallel and the independent city of Seoul, by universal suffrage regardless of sex."

Pending such enactment, machinery for the election of the forty-five elective members of the Assembly was set up with a view to providing the maximum degree of localization and direct

DECLASSIFIED
NND 760090
By NARS, Date

exercise of the franchise, consistent with the necessity for speed in setting the representative mechanism in motion.

With this end in view, the election of Assemblymen was localized to the extent of providing that no member should represent an administrative unit larger than a province. (See Ordinance No. 118, Section VIII). In practice, since one elective seat was assigned to each 550,000 population, or a major fraction thereof, each of the provinces and the independent city of Seoul elected from two to six Assemblymen. In many areas a small number of gun (counties) or si (cities), or even a single gun or pu, was able to choose an Assemblyman from among its own citizens, in addition to participating in the election of one representative-at-large from its province.

Each hamlet, village, and district elected two representatives, who, in turn, elected two persons from their respective myun (townships). These myun delegates elected two representatives from their respective gun, who, in turn, elected both those Assemblymen allocated to the province according to population and the single Assemblyman-at-large from each province. All voting was by secret ballot. The tenure of office of these elected members, as well as those appointed, will extend only "until the seating of members elected in the first general election held pursuant to ordinances hereafter enacted" (Ordinance 118, Section IX). The forty-five initial elective members were elected in the various provinces, pursuant to the provisions of the establishing ordinance, during the month of October, 1946.

The Commanding General of United States Army Forces in Korea made the final selection of the remaining forty-five members of the Assembly. His selections were based in large measure on recommendations made by a multi-partisan body known as the Coalition Committee.

DECLASSIFIED
NND 760090
By NARS, Date

(c) Representation of Political Parties

The composite list of ninety original elected and appointed members embraced representatives of every major segment of the existing South Korean political circle and of all the prominent parties within each segment. The present membership of the Assembly is less evenly distributed among parties because of the fact that some of the original appointees declined to accept their seats and asked their parties to refrain from participating in the Assembly.

Virtually all of the provinces and the individual city of Seoul returned Assembly members who are members of the Korean Democratic Party, the Korean Independence Party, and the Association for the Rapid Realization of Korean Independence. In order to compensate as much as possible for this preponderence, the appointing authority selected a number of the nationally known leaders of parties forming the Democratic National Front and non-political bodies associated with it. As indicated above, several of these leaders withdrew their names, and at their suggestion, their parties as such refrained from participating in the Assembly.

The representative character of the group of ninety as a whole was not destroyed, however, by these individual withdrawals. Several prominent men who have long been members of National Front parties accepted their seats and have served throughout the Assembly's existence. This is particularly true of the People's Party.

ROSTER OF THE KOREAN INTERIM LEGISLATIVE ASSEMBLY

CHANG, Cha Il	People's Party	Appointed
HO (HUH), Kyu	Social Democratic Party	Appointed
HWANG, Chin Nam	People's Party	Appointed
KANG, Sun	Labor Masses Party	Appointed
KIM, Hak Pae	People's Party	Appointed
LYUH, Woon Hong (YO,UnHong)	Social Democratic Party	Appointed
PAK, Kun Ung	Emancipation League	Appointed
SIN, Ki On	People's Party	Appointed
TAK, Chang Hyok	Labor Masses Party	Appointed

DECLASSIFIED
NND 760090
By NARS, Date

CHONG, Chu Kyo	No Party	Kangwon Do
KI , Ho	New Progressive Party	Appointed
KIM, Ku Sul	No Party	Appointed
KIM, I Kyong (Mrs.)	No Party (Y CA)	Appointed
KI , Hae Lar	No Party	Kyonggi Do
CHANG, Mon Song	No Party	Appointed
CHO , Tong O(Vice-speaker)	No Party	Appointed
CHOE, Kwang Cho	Chon Do Kyo	Appointed
, Kyong Dok	No Party	Appointed
I , Pung Chun	New Progressive Party	Appointed
KI , Ton	New Progressive Party	Appointed
KIM , Kiusic (KI , Kyu Sik) (Speaker)	No Party	Appointed
KO, Chang Il	No Party	Appointed
(YI), Kwan Ku	No Party	Appointed
(II), Pong Ku	No Party	Appointed
(YI), Un Jin	Chon Do Kyo	Appointed
, Kong Kuk	No Party	Cheju Do
, Suk	No Party(Manchuria)	Appointed
, Ik Kun	No Party	Appointed
LI, Ki Pong(Vice-speaker)	No Party	Appointed
, Un Yon	Democratic Party	Appointed
, Yon	Catholic Church	Appointed
, Chin Un	Assoc. for Hastening Ind.	Kangwon Do
, Kyon Kwan	Independence Party	Kyonggi Do
, Chin Chol	Democratic Party	Cholla Namdo
, Chin Ki	Democratic Party	Cholla Pukto
, I Kyong	Independence Party Leaders' Fed.	Appointed
, Hon Ik	Democratic Party	Kyongsang Namdo
, Sin Kun	Democratic Party	Kyonggi Do
, Kong Ha	Democratic Party	Cholla Namdo
, Sun Chol	Assoc. for Hastening Ind.	Chungchong Namdo
(HO), Kim Hong	Independence Party	Appointed
, Ho Ik	Assoc. for Hastening Ind.	Cholla Namdo
HWANG, Sin Dok (Mrs.)	Women's Assoc. for Hastening Ind.	Appointed
KANG, Ik Kyong	Democratic Party	Kyongsang Pukto
KIM, Chi Kun	Chosun Democratic Party	Appointed
, Il Kong	Independence Party	Appointed
, Ho Nin	Buddhist Church	Appointed
KIM, To Yon	Democratic Party	Seoul
KIM, , Kong (Kong)	Independence Party	Chungchong Namdo
KIM, Yon Kong (Warren Kim)	United Korea Committee	Appointed
KO, Hung Kyo	Democratic Party	Cholla Namdo
KOH, Chong Kuk (HI)	Assoc.for Hastening Ind.	Kyonggi Do
(II), Chu Kyong	Democratic Party	Kyongsang Namdo
(), Kwal	Democratic Party	Kyongsang Pukto
(), Il U	Assoc.for Hastening Ind.	Kyongsang Pukto
(II), Kun Kyo	Assoc.for Hastening Ind.	Cholla Namdo
UI, Chin Kyo	Assoc.for Hastening Ind.	Kyonggi Do
, Ha Kong	Assoc.for Hastening Ind.	Appointed
, I Sang	Democratic Party	Kyongsang Namdo
, Yong	Independence Party	Appointed
, Hyon Sik (Mrs.)	Women's National Party	Appointed
, Son (Mrs.)	Women's Assoc. for Hastening Ind.	Appointed
PAK, Yong Hi	Independence Party	Appointed
PAK, Kwan Su	Democratic Party	Cholla Pukto
PAK, Nam Cho	Democratic Party	Kyongsang Pukto
PAEK, Nak Yong	Democratic Party	Cholla Pukto
, Chun Kok	Assoc.for Hastening Ind.	Kyongsang Namdo
, I Hi	Independence Party	Seoul
SON, Kun Ki	Democratic Party	Kyongsang Namdo

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SONG, Chong Ok	Independence Party	Chungchong Pukto
SUH (SO), Sang Chun	Assoc.for Hastening Ind.	Kangwon Do
SUH (SO), Sang Il	Democratic Party	Kyongsang Pukto
SUH (SO), U Sok	Democratic Party	Cholla Namdo
YANG, Che Pak	Democratic Party	Kyonggi Do
YU, Chong Ho	Assoc.for Hastening Ind.	Chungchong Namdo
YUN, Sok Ku	Independence Party	Cholla Pukto
HWANG, Chol Song	No Party	Chungchong Pukto
KI , Kuk Tae	No Party	Kyongsang Namdo
KI , Kwang Kyon	No Party	Kyongsang Pukto
KI , Sang Dok	No Party	Appointed
KIM, To Hyon	No Party	Cheju Do
KIM, Yong Kyu	No Party	Chungchong Pukto
KIM, Yong No	No Party	Kyongsang Pukto
LEE (YI), Chong Chol	No Party	Chungchong Namdo
LEE (YI), Kap Jong	No Party	Seoul
LEE (YI), Kap Su	No Party	Appointed
LEE (YI), Sun Taek	No Party	Appointed
PYON, Song Ok	No Party (YMCA)	Appointed
YU, Yong Kun	No Party	Chungchong Namdo

DECLASSIFIED
NND 760090
By NARS, Date

(d) Structure of the Legislative Assembly.

(1) Officers and Staff.

The work of the Assembly is directed by a speaker and two vice-speakers. Either of the vice-speakers may assume the chair at any time at the request of the speaker, and the ranking vice-speaker serves as acting speaker during the extended absence of the speaker and any senior vice-speaker. Under the rules of order adopted by the Assembly in February, 1947, the powers of the speaker are limited largely to those appertaining to the presiding officer of any major democratic parliamentary body, but certain specific powers are granted to him. Among these is the authority to direct that the order of consideration of the various parts of any measure on the floor of the Assembly be changed.

The officers are assisted in administrative matters by a Secretary-General and a Director of Business Affairs and their respective clerical staffs. An official verbatim record of proceedings and correspondence is maintained.

(2) Committees.

The detailed work of research and hearings necessary in the preparation of measures for plenary consideration is carried on primarily by the following eight standing committees and six special committees:

Name of Committee	Chairman	Number of Members
Standing		
1. Legislative and Judicial	PAEK, Kwan Su	12
2. Internal Affairs and Police	WON, Se Hun	9
3. Fiscal and Economic	KIM, To Yon	15
4. Industry, Labor, and Agriculture	PAK, Kun Ung	12
5. Foreign Affairs and National Defense.	HWANG, Chin Nam	8
6. Education and Welfare	HWANG, Po Ik	10
7. Transportation and Communications	CHANG, Yon Song	8
8. Petitions and Discipline	KIM, Yong Mo	7

DECLASSIFIED
NND 760090
By NARS, Date

Name of Committee	Chairman	Number of Members
Special		
1. Qualifications	CHOE, Myong Hwan	18
2. Drafting of Provisional Constitution and Election Laws	KIM, Pung Chun	9
3. Drafting of Administrative and Organizational Regulations	SIN, Ik Hi	9
4. Food and Price Control Measures	YANG, Che Pak	9
5. Measures for Dealing with Enemy Property	KIM, Ho	9
6. Drafting of Laws Dealing with Collaborators, Traitors, War Criminals, and Profiteers	CHONG, I Hyong	9

The chairman of each committee is elected by its own members. The majority recommendation of the committee ordinarily constitutes the only report made to the floor of the Assembly, but a minority has the right to report a dissenting opinion.

In addition to examining and reporting bills, resolutions or petitions referred to it by the Assembly, any committee may also introduce measures or petitions originating within its membership or received from the general public.

No committee has the right of direct subpoena of government officials or members of the general public, but such right is vested in the Assembly itself, acting through the speaker, and it is mandatory that the speaker exercise this right upon the request of a majority of the members of any Standing or Special Committee.

Each committee is a functional element of the Assembly itself and has no legislative authority except as delegated to it by the Assembly, nor does it have the right to communicate officially with the executive or judicial branches of the government except through the medium of the speaker or other agent of the Assembly as a whole.

Proposals may reach the floor of the Assembly from any of the following sources: Any portion of the executive or judicial branch of the government, through the Office of the Speaker;

DECLASSIFIED
NND 760090
By NARS, Date

the general public, through the Office of the Speaker, a committee or an individual assemblyman; an officer of the Assembly; a committee; or an individual member.

(e) Functions and Proceedings.

(1) Confirmation of Executive Appointments.

Under Section V of Ordinance No. 118 the Assembly has the power to review all past appointments to the South Korean Interim Government above the civil service status of Class 4 and to confirm and consent to all such future appointments.

Confirmations made to date by the Assembly include those of the Civil Administrator, the Commanding General of the South Korean Constabulary, the Commodore in command of the South Korean Coast Guard, the governor of one province, and appointees to the nine-member Board of Regents of Seoul National University.

(2) Review of Existing Laws.

The Assembly has the power to review any existing law and to submit for executive approval a substitute law incorporating any desired revisions.

Under this authority the Assembly in April 1947 enacted a child labor law which represented a revision of Ordinance No. 112. This new statute was passed in essentially the same form as reported by the committee on Industry, Labor and Agriculture and is now in effect.

Earlier, in March, 1947, an important Section VIII of Ordinance Number 102, regarding the establishment of Seoul National University, was revised by the Assembly.

(3) Enactment of New Laws.

New laws which have been enacted by the Assembly and put into effect by executive approval include a detailed statute covering the collection and allocation of 1947 summer grains. This

DECLASSIFIED
NND 760090
By NARS, Date

law was based largely on the report of the Special Committee on Food and Price Control Measures, which had conducted extensive hearings for the purpose of obtaining both official and general public opinions and information.

Another type of legislation in the field of governmental structure is illustrated by the statute which raised the town of Iri, in Cholla-pukto to the status of a city. This action was taken on the basis of a petition from the citizens of Iri.

Other major issues on which the Assembly has made substantial progress include a measure for identifying and punishing culpable collaborators with the Japanese and other traitors, war criminals, and profiteers; a provisional constitution and bi-laws and a body of administrative and organizational regulations.

Final action on the three last named measures has been delayed in favor of the franchise law which is now being considered.

(4) Consultation.

The Assembly also has a consultative function in dealing with the other branches of the government. Many problems of a national scope which are not necessarily the subjects of specific legislative action but which are of direct concern to the legislative branch, and to one or both of the other branches of the government are considered in an informal but carefully planned manner by specially qualified representatives of the branches concerned. Questions on which selected members of the Assembly have participated in consultations of this kind include the complicated problems of reorganization and simplification of the Interim Government and the management and limited sale of alien property in the best interest of the future united Korean Government.

DECLASSIFIED
NND 760090
By NARS, Date

(5) Procedure.

Resolutions or minor proposals may be passed by recorded vote, voice vote or common consent as the whole body may desire. Any legislative act must, as a general rule, be reported to the floor by the appropriate committee or committees and must successfully survive the amendments made in the course of three readings on the floor of the Assembly, separated in each case by a period of two days. When such a measure has been approved on the third reading it is signed by the Speaker and submitted to the Military Governor, in his capacity of responsibility to the Commanding General, United States Armed Forces in Korea. The Military Governor has the power of veto. This power has never been exercised.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

(f) Directing Personnel.

Name: Dr. KIMM, Kiusic, Speaker.

Place of Birth: Hong Chong Gun, Kangwon-do.

Age: 66 years.

Education: AB, Roanoke College, Roanoke, Virginia, 1903.
LL D., same institution, 1913.

Employment prior to 15 August 1945: High school and college teacher in Korea; Korean representative to the Peace Conference in Versailles, 1919; Foreign Minister of Korean Provisional Government, Shanghai, C. 1919-22; Professor of Literature in a Chinese university C. 1930-42; Minister of information and vice-president of Korean Provisional Government, Chung-king, 1942-45.

Name: CHOE, Tong O., Vice-speaker.

Place of Birth: Pyongan-pukto.

Age: 56 years.

Education: Chinese Classical School.

Employment prior to 15 August 1945: Vice-chairman, committee member of the administrative staff in the Korean Provisional Government.

Name: YUN, Ki Sop, Vice-speaker.

Place of Birth: Kyonggi-do

Age: 61 years.

Education: Chinese Classical School.

Employment prior to 15 August 1945: Teacher, Manchuria, 1920. Important position was held in the Korean Provisional Government.

Name: PAEK, Kwan Su, Chairman, Standing Committee No. 1.

Place of Birth: Kochang-gun, Cholla Pukto.

Age: 58 years.

Education: Graduate of Law College, Seoul.
Graduate of Law Department, Meiji University, 1920.

Employment prior to 15 August 1945: Supervisor, Business Department, Chosen newspaper, 1924.
Korean Delegate to the Pan-Pacific Conference, 1929.
President, Tong-A News, 1936.

DECLASSIFIED
NND 760090
By NARS, Date

Name: WON, Se Hun, Chairman, Standing Committee No. 2.

Place of Birth: Hamgyong-namdo.

Age: 60 years.

Education: Law College graduate.

Employment prior to 15 August 1945: A member of Korean Independence Movement for 36 years.

Name: KIM, To Yon, Chairman, Standing Committee No. 3.

Place of Birth: Seoul.

Age: 53 years.

Education: Graduate of Junior College of Keio University, Tokyo, Japan, 1919.
Graduated from Columbia University, 1927.
Ph D. from Columbia University, 1931.

Employment prior to 15 August 1945: Professor, Chosen Christian College.
President, Korean Foreign Trade Union.

Name: PAK, Kun Ung, Chairman, Standing Committee No. 4.

Place of Birth: Pyongan-pukto.

Age: 41 years.

Education: Chinese Classical School.

Employment prior to 15 August 1945: Endeavoring to obtain victory of Socialism over Capitalism for over 20 years.

Name: HWANG, Chin Nam, Chairman, Standing Committee No. 5.

Place of Birth: Hamgyong-namdo.

Age: 52 years.

Education: Graduate of University of California.
Studied further at the Universities of Paris and Berlin.

Employment prior to 15 August 1945: Member of Foreign Affairs in Korean Provisional Government in Shanghai.

Name: HWANG, Po Ik, Chairman, Standing Committee No. 6.

Place of Birth: Posong-gun, Cholla-namdo.

Age: 52 years.

Education: Studied at the Nibon Seminary, Tokyo.

Employment prior to 15 August 1945: Presbyterian pastor.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Name: CHANG, Yon Song, Chairman, Standing Committee No. 7.

Place of Birth: Hamgyong-pukto.

Age: 46 years.

Education: Graduated from Department of Political Science, Nippon University, Tokyo, Japan.

Employment prior to 15 August 1945: President, Central Economic Committee.

Name: KIM, Yong Mo, Chairman, Standing Committee No. 8.

Place of Birth: Yongch on-gun, Kyongsang-pukto.

Age: 76 years.

Education: Graduated from Pyungyang Presbyterian Seminary.

Employment prior to 15 August 1945: Presbyterian pastor.

Name: CHOE, Myong Hwan, Chairman, Special Committee No. 1.

Place of Birth: Pyongtaek, Kyonggi-do.

Age: 63 years.

Education: Chinese Classical School.

Employment prior to 15 August 1945: Teacher and principal of high school.

Name: KIM, Pung Chun, Chairman, Special Committee No. 2.

Place of Birth: Pyongan-namdo.

Age: 60 years.

Education: Chinese Classical School.

Employment prior to 15 August 1945: Chairman, Administrative Staff Committee, Korean Provisional Government, Shanghai.
Head, Korean' Association in China.

Name: SIN, Ik Hi, Chairman, Special Committee No. 3.

Place of Birth: Seoul.

Age: 55 years.

Education: Graduate of Department of English, National Foreign Language School.
Graduate of Department of Political Science, Waseda University, Tokyo, Japan.

Employment prior to 15 August 1945: Professor, Posung College, Seoul.
Chairman, Administrative Committee, Korean Provisional Government.
Director of Home Affairs, Foreign Affairs, Justice; Chief Secretary, Korean Provisional Government.

DECLASSIFIED
NND 760090
By NARS, Date

Name: YANG, Che Pak, Chairman, Special Committee No. 4.

Place of Birth: City of Inchon.

Age: 61 years.

Education: Graduated from Law College in Seoul, 1913.

Employment prior to 15 August 1945: Importing and Exporting, China.

Name: KIM, Ho, Chairman, Special Committee No. 5.

Place of Birth: Seoul.

Age: 63 years.

Education: High School graduate.

Employment prior to 15 August 1945: Farming and Business experience in the United States for a period of 32 years.
Head, Korean United Committee, United States, for several years.

Name: CHONG, I Hyong, Chairman, Special Committee No. 6.

Place of Birth: Pyongan-pukto.

Age: 50 years.

Education: High School graduate.

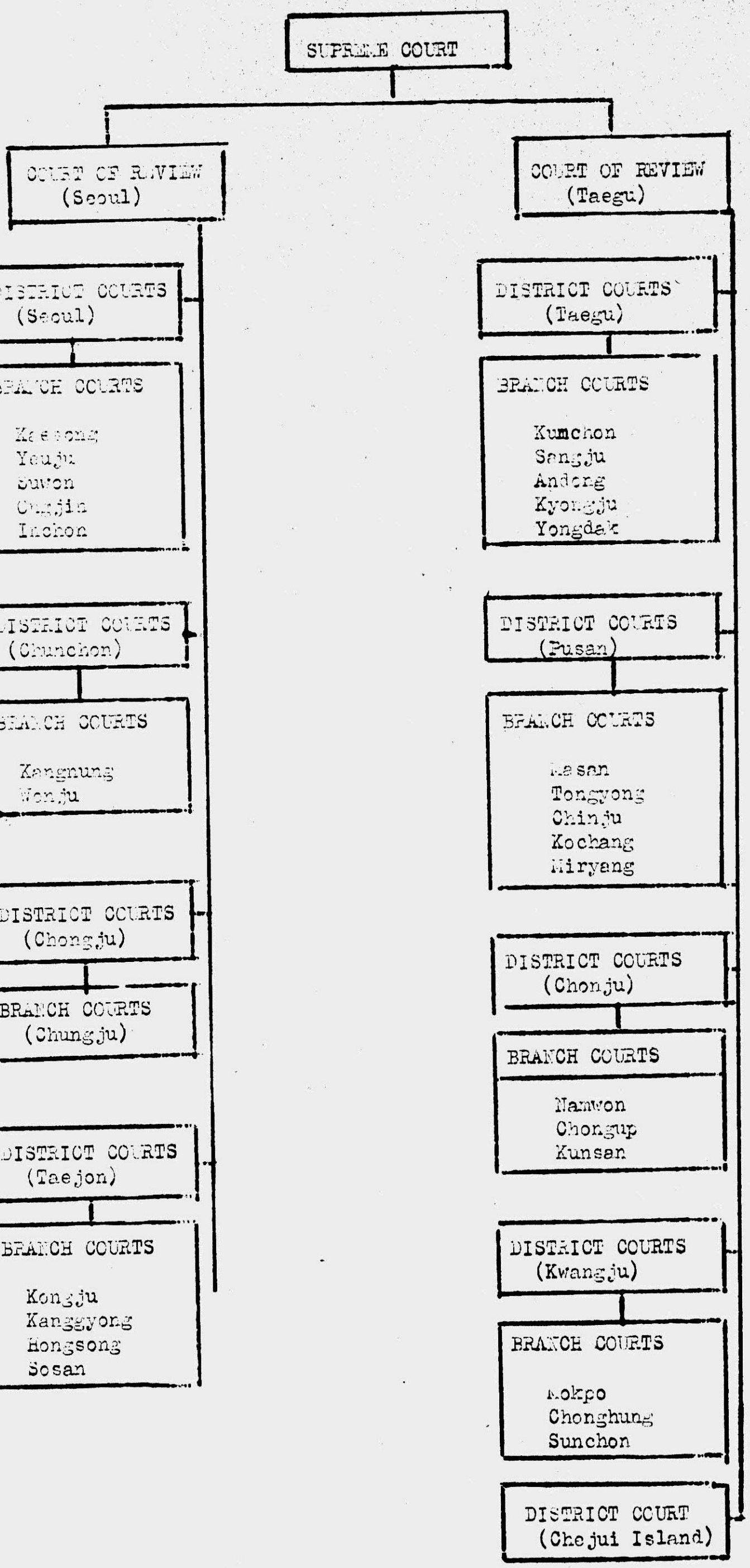
Employment prior to 15 August 1945: Captain, Korean Volunteer Army.
Committee Member, Korean Revolutionary Party.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

JUDICIARY

	Page
Organizational Chart.	1
Manner of Creation of Judiciary Organs	2
Structure of Central Judiciary Organs.	4
Statute Regarding Judiciary Organs.	6
Functions of Local Organs of the Judiciary	7

DECLASSIFIED
NND 760090
By _____ NARS, Date _____



DECLASSIFIED
NND 760090
By NARS, Date

(3) THE JUDICIARY

a. When, by whom, and in what manner the judiciary organs are created.

Pursuant to Imperial Ordinance of the Japanese Government No. 236, entitled the Korean Government General Court Act, 18 October 1909 (42 Meiji) (see attached) the following courts were in existence throughout Korea at the time of the Japanese surrender:

Court	Location
Supreme Court	Seoul, Taegu, Pyongyang
Courts of Review	Seoul, Taejon, Taegu, Chunju, Kwangju, Pusan, Hamheung, Chunjin, Siniju, and Haeju
District Courts	46 Branch courts at several cities, under the jurisdiction of the various district courts.
Branch Courts	

Upon the entry of the United States occupation forces in Korea in September of 1945 the courts as established south of 38° north latitude were permitted to continue operations pursuant to provisions of Paragraph 4 a, Annex 7, Field Order No. 55, Hq. XXIV Corps, dated 29 August 1945, which was placed into effect by letter, Hq. XXIV Corps, Subject: Paragraphs of Annex 7 to Field Order 55 Place in Effect, dated 1 September 1945. The basic law governing the judiciary organs was retained in force. (See Ordinance No. 21 dated 2 November 1945 attached).

By Appointment No. 9 of 9 October 1945 the Military Governor ordered the removal of all Japanese personnel as soon as possible. By Removal No. 14 dated 11 October 1945 the Military Governor dismissed all Japanese judges and prosecutors of the Supreme Court, the Seoul Court of Review, the Songdo Branch of the District Court of Seoul, the Chunchun Branch of the District Court of Seoul, the District Court of Pusan. By Removal Order No. 38, dated 19 November 1945 the Military Governor dismissed all Japanese judges and

DECLASSIFIED
NND 760090
By NARS, Date

prosecutors of the Court of Review of Taegu, the District Court of Taegu, the branch courts of the District Court of Taegu, the Kwangju District Court, the branch courts of the District Court of Kwangju, the Taejon District Court, the Inchon Branch Court, the Kunju Branch Court, the Suwon Branch Court, and the Yoju Branch Court of the District Court of Seoul, the Kangnung Branch Court of the District Court of Hamhung, the District Court of Chonju, the branch courts of the District Court of Chonju, the branch courts of the District Court of Taejon, and the branch courts of the District Court of Pusan.

The courts existing at the present time in Korea south of the 38th North Latitude are as follows:

Supreme Court
(Seoul)

Appellate Court				Taegu Appellate Court				
Seoul	Chunchon	Chongju	Taejon	Taegu	Chonju	Pusan	Kwangju	Cheju Do
Inchon Kaesong Ongjin Yoju Suwon Seoul (Juvenile Ct)	Wonju Kangnung	Chechon Chungju	Kenggyang Hongsong Sosan Kongju	Kumchon Sangju Andong Yongdok Kyongju Taegu (Juvenile)	Namwon Chongju Kunsan	Miryang Masan Tongyang Chinju Kochang Pusan (Juvenile)	Sunchon Iokpo Changhung Kwangju (Juvenile)	

The District Courts of Cheju Do and Chunchon were established by the Military Governor, by Appointment Order No. 12, dated 11 October 1945, and the Chongju District Court was established by Appointment Order No. 26, dated 19 November 1945. By Appointment No. 36 of 19 November 1945, it was provided that the territory of the Kaesong Branch Court was increased to include all of the area west of Kaesong to Yong Dang Po south of the 38°North Latitude which was formerly in the jurisdiction of the Haeju District Court. It also provided that the Kangnung Branch Court in Kangwon Do, formerly supervised by the Han Hung District Court, would be supervised by the new District Court of Chunchon.

In addition to the formal courts, there are also minor courts consisting of one official, called Special Judicial Officers. These

DECLASSIFIED
NND 760090
By NARS, Date

were created by Ordinance No. 41, dated 10 January 1946, which has been amended by Ordinance No. 120, dated 24 October 1946. These minor courts take the place of the Police Courts, which were abolished by Ordinance No. 11 of 9 October 1945.

By Ordinance No. 67, dated 2 April 1946, amended by Ordinance No. 95, dated 16 May 1945, it is provided that the Director of the Department of Justice should make recommendations to the Military Governor for appointments to the positions of Justices of the Supreme Courts and Judges of the Courts of Review but that the Director, with the approval of the Military Governor, should appoint all other judges and all prosecutors, as well as various other officials named.

Under the Government Reorganization Plan which is being put into effect, administrative matters affecting courts is vested in a separate agency supervised by the Justices of the Supreme Court.

b. The structure of the central judiciary organs:

As indicated in 3 (a) above, there are in South Korea one Supreme Court, two Courts of Review under it, nine District Courts under the Courts of Review, twenty eight Branch Courts under the various District Courts and, at all police stations, special Judicial Officers under the District and Branch Courts.

The Supreme Court, which is the highest court of appeal in South Korea, has a Chief Justice and five other Justices at present. It has a Chief Clerk and a staff of clerks to prepare judicial records, attend to the administration affairs of the court and assemble and compile statistics from all other courts, over which the Supreme Court has general supervision. The Chief Clerk of the Supreme Court supervises the work of all clerks in all courts and issues instructions to them in routine administrative matters.

A Chief Prosecutor and other Prosecutors are attached to the Supreme Court but are not a part of that organization. They have their own separate staff of clerks and other assistants.

DECLASSIFIED
NND 760090
By NARS, Date

The Courts of Review at Seoul and at Taegu, the intermediate appeal courts, have nine and six judges, respectively. This number includes the Chief Judge at each court. In both of these courts there is a Chief Clerk in charge of other clerks and assistants on the staff, which is divided into a records section and an accounts section.

Attached to the Seoul Court of Review there are one Chief Prosecutor and several other Prosecutors, Taegu Court of Review has one Chief Prosecutor and several other Prosecutors. These two groups are not part of the court itself and have their own clerks.

Each District Court has a Chief Judge and other judges ranging in number from two in the smallest court to thirty-one in the Seoul District Court. Each Branch Court has one or more judges. Six of the Branch Courts are collegiate, with three judges sitting together on the more important civil and criminal cases which are beyond the jurisdiction of a single judge to determine. In all District Courts and Branch Courts there are at least two Divisions -- one Civil and the other Criminal, to handle the two types of cases. In the larger courts there may be more than one of each type of Division. Where there is only one Judge, he acts in both Divisions. In the larger courts where there are several Judges, each Division has a Division Chief Judge.

In the District Courts a Chief Clerk is in charge of the administrative work of the court and supervises all other clerks and employees. In the Branch Courts this function is performed by a Supervising Clerk.

Every District Court and Branch Court has the following structure in the administrative staff of clerks and employees:

Records Section: to maintain records of settled cases and do general administrative work.

Registration Section: to perform the work of registering business organizations and transactions in property in accordance with the Registration Act.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Family Registration Section (Hojuk): to process original records of births, deaths and marriages prepared in the Hojuk section of the local Myun offices under the supervision of the Courts.

Civil Section: to handle legal papers relating to active civil cases pending in court.

Criminal Section: To handle legal papers relating to active criminal cases pending in court.

Every District Court and Branch Court has a Deposit Office to handle bail and other deposits and a Bailiff who serves legal papers and executes judgments of the court. These courts also have on their staff a Fiscal Clerk who collects fines, handles financial matters and supplies. He is responsible to the Finance Department of the South Korean Interim Government, but is considered a Court official and draws salary as such.

There is no special organizational structure for the Prosecutors attached to a Court. The Chief Prosecutor is in charge of all other Prosecutors and all clerks. Each Prosecutor has a clerk to assist him in preparing the cases on which he is working. This group of officials have their offices in the court buildings but are separate from the court organizational structure. They do not share in the work of personnel of the Court organization. For instance the Criminal Section of the Office of the Chief Clerk of the Court does not perform any work or services for the Prosecutors. The latter draw their supplies separately, although for this purpose they do submit their requisitions to the Fiscal Clerk of the Court.

(c) The statute regarding the judiciary organs.

The organic act governing the establishment, jurisdiction, and operation of the courts in South Korea is the Korean Government General Court Act. (18 October 1909, Imperial Ordinance No. 236, as amended by the government. General Ordinance No. 8 of 1929.) This law was retained by the Americans after their arrival in South Korea.

DECLASSIFIED
NND 760090
By NARS, Date

The jurisdiction of the district, branch, and juvenile courts is contained in the basic act. That act also contains the authority for appeals from trial courts to the two courts of review and finally to the Supreme Court. There is now in preparation a basic act to define organization, jurisdiction, and operation of the courts under a civil law system which will embody the best principles contained in the various codes which are being used for reference in this work.

(4) Functions of the Local Organs of the Judiciary.

There are courts located and operating in each of the provinces. They are: all district courts; all branch courts of the district courts; and special judicial officers.

The functions of the Special Judicial Officers are:

a. Trial of cases of a criminal nature in which the punishment which may be imposed does not exceed detention, imprisonment or penal servitude for a period of thirty days or a fine of 10,000 yen, or both, except in cases involving violations of any price or food law or regulations in which the jurisdiction is enlarged so as to include those cases in which the maximum punishment which may be imposed does not exceed detention, imprisonment or penal servitude for a period of three months or a fine of 20,000 yen, or both.

The functions of the Juvenile Branch Courts of the District Courts are:

a. Handling cases involving juveniles, under twenty years of age, referred to the court by the prosecutors or branch and district courts and the probation incident thereto.

The functions of the Branch courts of the District courts are as follows:

1. The one Judge branch courts or one judge of the district courts have jurisdiction over the following cases:

1. Civil cases involving property of a value of less than 25,000 yen.

DECLASSIFIED
NND 760090
By NARS, Date

2. Criminal cases involving punishment of less than one-year imprisonment.

b. A collegiate branch court and a district court have jurisdiction of the following cases:

1. Civil cases involving property of a value of more than 25,000 yen.
2. Domestic relations cases.
3. Criminal cases requiring the imposition of the death penalty, imprisonment for life or imprisonment or confinement for more than one year.
4. Cases in which a question as to the exclusion or challenge of a judge is involved.

c. In addition to the jurisdictions outlined above, the branch and district courts have supervision of the land registration officers, which are a part of the court system, and supervision of the Family Registration offices in the local Myun governments, their respective districts of jurisdiction.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

HEADQUARTERS
UNITED STATES ARMY FORCES IN KOREA
Office of the Military Governor
Seoul, Korea

ORDINANCE
NUMBER 21

2 November 1945

SECTION

RETENTION OF LAWS I
ENFORCEMENT OF PROCLAMATIONS,
ORDINANCES AND ORDERS II
EFFECTIVE DATE OF ORDINANCE III

SECTION I RETENTION OF LAWS

Until further ordered, and except as previously repealed or abolished, all laws which were in force, regulations, orders, notices or other documents issued by any former government of Korea having the force of law on 9 August 1945 will continue in full force and effect until repealed by express order of the Military Government of Korea. All local laws and customs will continue in force until repealed by competent authority. The provisions of law with respect to the organization of the Government General of Korea, the Provincial Governments, the cities, towns, and villages, including the directors of bureaus, cities, towns, and villages, including the directors of bureaus, the secretaries of sections of the secretariat, the mayor, county head, police station chief, tax office chief, head of town and village, and their subordinates are continued in force until abolished by competent authority, except as they have been modified or repealed by the orders of the Military Governor. Subject to directives of higher authority, any and all authority heretofore exercised by the Governor-General of Korea may be exercised by the Military Governor.

SECTION II ENFORCEMENT OF PROCLAMATIONS.

ORDINANCES AND ORDERS

All courts of Korea south of 38 degrees north latitude shall take cognizance of and enforce all laws of Korea, the provisions of the proclamations of Commander-in-Chief, United States Army Forces, Pacific, and all orders and ordinances of the Military Governor of Korea. For such purpose all such

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

courts are hereby constituted Military Occupation Courts. Nothing herein contained shall confer upon such courts jurisdiction over any military personnel or official of the United States or any of the United Nations, or deprive Military Commissions, Provost Courts, or other military courts established by the United States Army Forces in Korea of the jurisdiction conferred upon them.

SECTION III EFFECTIVE DATE OF ORDINANCE

This ordinance is effective at midnight 2 November 1945.

BY DIRECTION OF THE COMMANDING GENERAL
UNITED STATES ARMY FORCES IN KOREA

A. V ARNOLD
Major General United States Army
Military Governor of Korea

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NND 760090
By _____ NARS, Date _____

在朝鮮美國陸軍司令部軍政廳

法令第二十一號

一、法律의存續

二、布告、法令、指令의施行

三、本令의實施期日

第一條　法律의存續

모든法律로서朝鮮舊政府가發布하고法律的効力을有한規則、命令、告示其他文書로서一九四五年八月九日實行中인것은其間의變更된것을除하고朝鮮軍政府의特殊命令으로廢止할때까지全効力으로此를存續함、地方의諸般法規와慣例는當該官廳에서廢止할때까지其効力을繼續함、法律의規定으로서朝鮮總督府、道廳、府、面、村의組織과局長、課長、府尹、郡守、警察署長、稅務署長、面長、村長其他下級職員의調한것은軍政長官의命令으로改正又는廢止된것을除하고當該官廳에서廢止할때까지此를存續함、上司의指示에從하야從來朝鮮總督의行使하든諸般職權을軍政長官이行使함을得함

第二條　布告、法令、指令의施行

北緯三十八度以南朝鮮의모든裁判所는朝鮮의法令、美國太平洋陸軍總司令官의布告의諸規定及朝鮮軍政長官의모든命令及法令을注意施行할事、此目的을爲하야如斯한모든裁判所로茲에陸軍占領裁判所를構成함、本令의條文에依하야如斯한裁判所에美國又는聯合國의軍人又는官吏에對하야裁判管轄權을附與하는가又는在朝鮮美國陸軍의設立한軍事委員會、憲兵裁判所其他陸軍裁判所에附與한裁判管轄權을剝奪치못함

第三條　本令의實施期日

本令은一九四五年十一月二日夜半에効力을生함

一九四五年十一月二日

在朝鮮美國陸軍司令官의指令에依하야

朝鮮軍政長官

美國陸軍少將　에・에・아ー놀드

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NND 760090
By _____ NARS, Date _____

在朝鮮美國陸軍司令部軍政廳

法令第二十一號

一、法律ノ存續
二、布告、法令、指令ノ施行
三、本令ノ實施期日

第二條　法律ノ存續

總ベテノ法律及ビ朝鮮總督ガ發布シ法律的ノ効力ヲ有スル規則命令、告示其ノ他ノ文書ニテ一九四五年八月九日實行中ノモノハ、其ノ廢スルモノヲ除ク朝鮮軍司令官ガ特ニ命令ニテ廢止スルモノヲ除ク外、一九四五年八月九日ニ於テ效力ヲ有セシ如ク效力ヲ有シ、總ベテノ地方法規ト雖モ同樣トス但シ其ノ効力ヲ變更、停止又ハ廢止スル權ハ軍政廳ニ屬ス、法律ノ規定ニテ朝鮮總督ノ職權ニ屬スルモノハ軍政長官、道知事、府尹、郡守、島嶼ニ於ケル郡守ノ職務ヲ行ヒ、面長、村長其ノ他下級職員ニ關スルモノハ軍政長官ノ命令ニテ改正又ハ廢止シタルモノヲ除ク當該官廳ニ於テ廢止スルニ至ルマデ此ヲ存續シ、上司ノ指示ニ從ヒ從來朝鮮總督ガ行ヒシタル如ク、

職權ハ軍政官ガ行使スルコトヲ

三條　布告、法令、指令ノ施行

北緯三十八度以南ノ朝鮮ニ於ケル總ベテノ裁判所ハ朝鮮ノ法令、美國太平洋陸軍軍司令官ノ布告ノ規定及ビ朝鮮軍政長官ノ命令ニ從ヒ之ヲ施行スベシ、此ノ目的ノ爲メ朔ル裁判所ヲ以テ左ノ如ク構成ス、本令ノ條文ニ依リ斯ル裁判所ニ美國又ハ連合國人又ハ官吏ニ對シ裁判管轄權ヲ附與スルカ又ハ朔ル裁判所ハ美國陸軍ガ設立シタル軍事委員會、憲兵裁判所其ノ他ノ陸軍裁判所ニ特別シタル裁判管轄權ヲ剝奪スルヲ得ズ

第三條　本令ノ實施期日

本令ハ一九四五年十一月二日從リ效力ヲ生ズ

一九四五年十一月二日

在朝鮮美國陸軍司令官ノ指令ニ依リ、

陸軍軍政官

美國陸軍少佐　ニ・ゲ・ベ・ー・ノルド

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NND 760090
By _____ NARS, Date _____

DIGEST OF THE KOREAN GOVERNMENT-GENERAL COURT ACT

(18 October 1909, Imperial Ordinance No. 236, as amended by the Government-General Ordinance No.8 of 1929.)

ARTICLE I. Korean Government-General courts are direct agencies of the Korean Governor-General and shall deal with civil and criminal cases in Korea, and with non-litigation cases in Korea.

ARTICLE II. Korean Government-General courts shall be District Courts, Courts of Review and the High Court. The establishment, abolition and jurisdiction of the Korean Government-General courts shall be determined by the Korean Governor-General.

Korean Government-General courts shall have Korean Government-General judges.

The judges shall be Chikim or Juim officials.

ARTICLE III. The District Courts shall conduct the first instance trials in civil and criminal cases, and deal with non-litigation cases.

The Courts of Review shall decide on the Kongso Appeal and Hanggo Protest from judgments by District Courts. The High Court shall decide on the Sanggo Review from judgments by the District Courts and Courts of Review, and on the Hanggo Protest against judgments by the Courts of Review or the decision of the District Courts to deny the Sanggo Review.

The High Court shall, in addition to the powers and duties outlined in the preceding paragraph, conduct the duties which belong to the special powers of the Supreme Court as determined by the Court Constitution Law (Japanese).

ARTICLE IV. In the District Courts, a single judge shall make the judgments, provided, that the collegiate court of three judges shall decide on the following cases:

1. Civil cases in which the value of the property exceeds 1,000 yen.

2. Domestic relations cases.

3. Crimes against the Imperial family and its relatives.

4. Criminal cases requiring the imposition of the death penalty, life imprisonment, imprisonment or confinement of one year or more; except the crimes or attempt to commit the crimes set forth in the Criminal Code, Articles 236, 238, 239 (robbery, stealing), and the crimes of Articles 2 and 3 of Law No. 9, 1930, which have not passed the preliminary examination.

DECLASSIFIED
NND 760090
By NARS, Date

5. Crimes requiring the imprisonment or confinement of less than one year, which have passed the preliminary examination.

6. Accomplice cases of the preceding three categories when the accessories are tried with the principles in the crimes thereof.

7. Cases for the exclusion and challenge of judges.

The court clerk has charge of registration affairs under the supervision of the court.

The collegiate court of three judges in the Court of Review and of five judges in the High Court shall render judgments.

When a collegiate court of the High Court examines the Sanggo Appeal and has a different opinion from established precedents, the collegiate court shall report this to the chief judge of the High Court. Upon receiving this report, the chief judge of the High Court shall gather all the collegiate courts and have them examine the opinion and render judgment. In case this procedure is employed, the presence of two-thirds of all the judges is required.

ARTICLE V. The Korean Governor-General may establish branches of the District Courts to deal with a part of the functions of the District Courts.

ARTICLE VI. The Korean Governor-General shall assign one or more judges of the District Court to the preliminary examination of criminal cases.

ARTICLE VII. In the cases under Article III, paragraph 3, the chief judge of the High Court shall have different judges of that court or of the lower court conduct the preliminary examination in each cases.

ARTICLE VIII. The Korean Governor-General, when he deems it especially necessary, may have one District Court deal with the criminal procedure cases of another District Court.

ARTICLE IX. In the Korean Government-General Courts, there shall be established the Prosecutor's Office.

When the District Court has branches, there shall be branches of the Prosecutor's Office.

The Korean Governor-General shall control the Prosecutor's Office. The Prosecutor's Office shall control prosecution matters in Korea.

The jurisdiction of the Prosecutor's Office shall be the same as that of the court in which it is established.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

The Prosecutor's Office shall be in charge of Korean Government-General prosecutors who will be Chikim or Juim officials.

The prosecutors shall obey the orders of their superiors in prosecution affairs.

ARTICLE X. The Korean Government-General courts shall have clerks who shall be Panim officials.

The clerks shall belong to the court and the Prosecutor's Office.

ARTICLE XI. The Korean Government-General courts shall have interpreting officials or interpreting employees. Interpreting officials shall be Juim and the interpreting employees shall be Panim officials.

They shall belong to the court and the Prosecutor's Office.

ARTICLE XII. The High Court shall have a chief judge of the High Court who shall, under the direction and supervision of the Korean Governor-General, control administrative matters of that court, and direct and supervise the administrative affairs of the lower courts.

ARTICLE XIII. The Court of Review shall have a chief judge of the Court of Review who shall control the administrative affairs of that court, and direct and supervise the administrative affairs of the District Courts within its jurisdiction.

ARTICLE XIV. The District Court shall have a chief judge of the District Court who shall control the administrative affairs of that court.

ARTICLE XV. The judge of the branch of the District Court shall, under the order of the chief judge of the District Court, control the administrative affairs of that branch.

When there are two or more judges, the superior judge shall conduct the functions prescribed in the preceding paragraph.

ARTICLE XVI. Each collegiate court of the High Court, the Courts of Review and the District Courts shall have a presiding judge.

The presiding judge, under the order of his superior, shall conduct the matters of that collegiate court.

ARTICLE XVII. The Prosecutor's Office of the High Court shall have a chief prosecutor for the High Court who will, under the direction and supervision of the Korean Governor-General, control the matters of that office, and also direct and supervise the matters of lower prosecutors' offices.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE XVIII. The Prosecutor's Office of the Court of Review shall have a chief prosecutor of the Court of Review who shall control the matters of that office, and also direct and supervise the Prosecutors' Offices of the District Courts under its jurisdiction.

ARTICLE XIX. The Prosecutor's Office of the District Court shall have a chief prosecutor of the District Court who shall control the matters of that office.

ARTICLE XX-1. The prosecutor of a branch of the District Court shall, under the order of the chief prosecutor of the District Court, control matters of that branch of Prosecutor's Office of that branch court.

When there are two or more prosecutors, the senior prosecutor shall conduct the functions prescribed in the preceding paragraph.

ARTICLE XX-2. The presiding judge of the collegiate court, the chief prosecutor of the High Court, of the Court of Review and of the District Court may have the judges or prosecutors under his supervision deal with a part of the administrative affairs.

ARTICLE XX-3. When there is no vacancy in office for those appointed a Korean Government-General judge or a Korean Government-General prosecutor from the judicial probationers, the Korean Governor-General may, until such vacancy occurs, have them serve as judges in reserve or prosecutors in reserve in the District Courts, its branches, and their Prosecutors' Offices.

ARTICLE XX-4. The chief judge or the chief prosecutor of the District Court may, when they deem it necessary, have the judge in reserve or the prosecutor in reserve act as the judge or prosecutor of the District Court or a branch of said court.

ARTICLE XXI-1. The High Court and the Courts of Review shall have chief clerks who shall be Juim officials.

The chief clerk, under order of the chief judge and chief prosecutor, shall control general affairs.

ARTICLE XXI-2. The Korean Government-General courts and Prosecutors' Offices shall have judicial probationers who shall study the actual business of the office under the supervision of the judge or the prosecutor of the District Court or of the branch court.

The probationers shall be treated as Juim officials.

ARTICLE XXI-3. The probationer, when ordered by the judge who supervises his study, may deal with judicial matters; provided, however, that he shall not render judgment or register at any time.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE XXI-4. The Korean Governor-General may have the probationer act as a prosecutor in the District Court or the branch court, provided, however, that he shall not act as prosecutor in the cases mentioned in the lists of the first paragraph of Article IV.

ARTICLE XXII. The clerk, under the direction of the superior, shall be engaged in general affairs.

ARTICLE XXIII. The Korean Government-General courts shall have Panim official apprentices who shall, under the supervision of the superior, learn the actual business.

The Korean Governor-General may have the Panim apprentice act as the clerk except in the registration affairs.

ARTICLE XXIV. The interpreting official and the interpreting employee shall, under the supervision of the superior, be engaged in interpreting and translating work.

ARTICLE XXV. (Rescinded)

ARTICLE XXVI-1. The function of the prosecutor of the branch of the District Court may be handled by the Korean Government-General provincial police superintendent, police inspector and the court clerk.

ARTICLE XXVI-2. The judge, during his term of office, shall not conduct the following activities:

1. Publicly participate in political matters.

2. Join political parties or political clans (groups).

3. Be in the public office for the purpose of compensation or pecuniary gain.

4. Be engaged in commercial business.

ARTICLE XXVI-3. When the judge is sentenced to punishment by confinement or punishment of a greater extent, he shall automatically lose his office.

ARTICLE XXVI-4. A judge shall not lose his office against his will except in the case prescribed in the preceding article or dismissal by disciplinary measures.

ARTICLE XXVI-5. When the judge is unable to conduct his functions on account of mental or physical weakness, the Korean Governor-General, with the resolution of the Assembly of the High Court, may order his release.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE XXVI-6. When the chief judge of the High Court reaches the age of 63, and other judges the age of 60, they shall retire; provided that the Korean Governor-General may have him serve for a definite period of less than five years by the resolution of the General Assembly of the High Court.

ARTICLE XXVI-7. The chief judge of the High Court, the chief prosecutor of the High Court, the chief judge of the Court of Review and the chief prosecutor of the Court of Review shall be appointed by the Korean Governor-General, upon approval of the Emperor, and other officials shall be appointed by the Korean Governor-General.

ARTICLE XXVII. The regulations and rules concerning the disposal of affairs of the Korean Government-General court or Prosecutor's Office shall be determined by the Korean Governor-General.

DECLASSIFIED
NND 760090
By NARS, Date

JUDICIARY

DIRECTING PERSONNEL

Supreme Court 1
Seoul Court of Review 2
Taegu Court of Review 4

PROCURATURE

STATUTE 5
Supreme Court 6
Seoul Court of Review 7
Taegu Court of Review 8

DECLASSIFIED
NND 760090
By NARS, Date

(d) Directing personnel.

Information on the personal history of the directing personnel of the judiciary is given below. It has not been possible to ascertain the place of birth in most cases, but when that is not known there is shown the permanent domicile. This is probably the same as place of birth in most cases.

SUPREME COURT

Chief Justice

Name Kim Young Moo

Permanent Domicile 265 Ta San Ri, Long Nam Myun, Moo An Kun, Cholla Namdo

Age 58

Education 1915 Graduated from Bosung College, Seoul, Korea, 1921 Graduated from Chuo University, Tokyo, Japan.

Where Worked Prior to 15 August, 1945 - Lawyer 1922 to 1945; President Bosun College 1935-1937.

Justice

Name Ke Jin Sul

Place of Birth 432 Ei San Ri, Ryon Kong Myun, Ryon Kang Kun, Pyong An, Pukto

Age 47

Education Graduated from Meiji Law College

Where worked Prior to 15 August,1945 1928-1945 Lawyer.

Justice

Name Kim Chan Young

Place of Birth 16-3 1st Ka, Tai Pyong Ro, Chung Ku, Seoul, Korea

Age 58

Education Graduated from Han Kuk Judicial Officers Training School

Where worked prior to 15 August, 1945 1908-1911 Judge
1912-1945 Lawyer

Justice

Name Yang Tai Kyong

Place of Birth 102 Shin Am-Am Dong, Chong Jin Pu

Age 63

Education Graduated from Meiji University Law College

Where worked prior to 15 August 1945 1906 - 1911 Judge
1911 - 1945 Lawyer

DECLASSIFIED
NND 760090
By NARS, Date

SUPREME COURT (Cont'd)

Justice

Name Lee Sang Ki

Place of Birth 229 Non Su Dong, Chong No Ku, Seoul, Korea.

Age 49

Graduated from Tokyo Commercial University

Where worked prior to August 15, 1945 1931-1945 Judge

SEOUL COURT OF REVIEW

Chief Judge

Name Lee Kyong Sup

Place of Birth 174 Mai Pong Ri, Mei Su Kyun, Ka Pong Kun

Age 60

Education Graduated from Seoul Law College

Where worked prior to August 15, 1945 1914-1933 Judge
1935 - 1945 Lawyer

Judge

Name Chin Tai Koo

Place of Birth Ban Kok Ri, Jai Nam Kyun, Youn Ki Kun.

Age 48

Education Graduated from Seoul Law College

Where worked prior to August 15, 1945 1930-1945 Judge

Judge

Name Chung Kun Chan

Place of Birth 290 Nam Kyon Dong, Nam Nai Kyun, Nam Nai Kun

Age 31

Education Graduated from Central University Law College, Tokyo, Japan.

Where worked prior to 15 August 1945 1936 - 1945 Judge

Judge

Name Kim Yun Kun

Place of Birth 186 Sa Ri Non Up, Dong San Kun

Age 38

Education Graduated from Seoul Law College

Where worked prior to 15 August 1945 1937-1945 Judge

DECLASSIFIED
NND 760090
By NARS, Date

Judge

Kim Hong Un

Place of Birth 127 Pal Sung Ri, Sang Kuk Myun, Un Sung Kun

Age 50

Education Graduated from Seoul Law College

Where worked prior to 15 August 1945 1927-1943 Judge
1943-1945 Lawyer

Judge

Kim U Yul

Place of Birth 241 Puk Pyong Dong, Yong Myun, Pyong An Kun

Age 47

Education Graduated from Nippon University Law College

Where worked prior to 15 August 1945 1934-1945 Judge

Judge

Han Kyuck Han

Place of Birth 322 Tang Chun Ri, Koon San Myun, Chung Pyong Kun

Age 48

Education Graduated from Seoul Law College

Where worked prior to 15 August 1945 1929-1945 Lawyer

Judge

You Young

Place of Birth 357 Song Koon Ri, Mai Ja Myun, Kyong In Kun

Age 55

Education Graduated from Seoul Law College

Where worked prior to 15 August 1945 1920-1945 Judge

Judge

Lee Kun Chang

Place of Birth 213 Sang Suk Dong, Yo Koon Myun, Chul San Kun

Age 35

Graduated from Central University Law Department

Where worked prior to 15 August 1945 1941-1945 Judge

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

TAEGU COURT OF REVIEW

Chief Judge

Lee Ho Chung

Place of Birth 446 Non Jin Ri, Sam Sou Myun, Hai Nam Kun

Age 52

Education Graduated from Bosung College

Where worked prior to 15 August 1945 1925-1930 Judge
1930-1945 Lawyer

Judge

Yun Chul Myun

Place of Birth 17-3 Pong Rai Chung, Chin Ju City

Age 45

Education Graduated from Seoul Law College

Where worked prior to 15 August 1945 1931-1935 Judge, 1935-1945 Lawyer

Judge

Ra Hang Yun

Place of Birth 494 Kun Sa Ri, Su Chun Myun, Su Chun Kun

Age 29

Education Graduated from Ma Seda University Law Department

Where worked prior to 15 August 1945 1943-1945 Judge

Judge

Son Tong Hang

Place of Birth 787 Ho Han Ri, Yang Wha Myun, Puk Chung Kun

Age 38

Education Graduated from Central University Law College

Where worked prior to 15 August 1945 1940-1945 Judge

Judge

Su Soon Young

Place of Birth 112 Bong Rai Chung, Chin Ju Pu

Age 47

Education Graduated from Nippon University Law College

Where worked prior to 15 August 1945 1941-1945 Lawyer

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Judge

Park Chin Koo

Place of Birth 48 Young Chung, Chinju Pu

Age 41

Education Graduated from Wa Seda University, English Law

Where worked prior to 15 August 1945 1939-1945 Lawyer

DECLASSIFIED
NND 760090
By NARS, Date

4. THE PROCURATURE

(a) The statute regarding the procurature.

The organic act governing the prosecutors in South Korea is the Korean Criminal Act (Korean Government General Ordinance No. 11, 18 March 1912, as amended by the Ordinance No. 8, 1930 (see attached). This act provides that matters concerning criminal cases shall be controlled by the Criminal Code, the Code of Criminal Procedure, and various laws which are mentioned in the first section of the act.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

KOREAN CRIMINAL ACT

(Korean Government-General Ordinance No.11, 18 March 1912, as amended by the Ordinance No. 8, 1930.)

ARTICLE I. Except as it is specially provided by this act or other ordinances, the matters concerning penal cases shall be controlled by the following laws and ordinances:

1. Criminal Code.

1-2. Law No. 9, 1930 (concerning burglary, etc.).

2. Criminal Code Enforcement Law.

3. Regulation for the Control of Explosives.

4. Law No. 34, 1889.

5. Law for the Control of the Counterfeiting of Currency and Notes.

6. Law No. 66, 1905.

7. Law for the Punishment of Crimes Concerning Stamps.

8. Regulation by the International Treaties for the Protection of Cables.

9. Criminal Procedure.

10. Law for Legal Cooperation entrusted by the Foreign Courts.

11. Law for the Expenses of Criminal Proceedings.

ARTICLE II. In the laws and ordinances mentioned in Article I, the functions of the Supreme Court shall be conducted by the High Court; functions of the Chief Justice of the Supreme Court shall be conducted by the chief judge of the High Court; functions of the chief prosecutor of the Supreme Court shall be conducted by the chief prosecutor of the High Court; functions of the chief prosecutor of the Court of Appeals shall be conducted by the chief prosecutor of the Court of Review; functions of the prosecutors of the Court of Appeals shall be conducted by the prosecutors of the Court of Review; functions of the prosecutors of the District Court and local court shall be conducted by the prosecutors of the District Court.

DECLASSIFIED
NND 760090
By NARS, Date

ARTICLE IV. Korean Government-General Provincial Governor shall have the same powers as the prosecutor of the District Court for the investigation of crimes as a judicial police official within his jurisdiction.

ARTICLE V. The officials listed below, as the assistants of the prosecutors, and under their direction, shall investigate the crimes as judicial police officials.

1. Korean Government-General Provincial official who is the chief of the provincial police bureau.

2. Korean Government-General provincial police superintendent, police inspector, and provincial police sergeant.

3. Provost Marshal officers and non-commissioned officers.

The judicial police officials mentioned above shall follow the orders of the prosecutor, which he issues in his duties.

ARTICLE XII. Besides the provisions that are provided in criminal procedure, the prosecutor, when he deems that a case requires punishment as great as confinement and needs immediate disposal, so long as the case is before the public prosecutor, may also make use of seizure, investigation, expert examination, the detention of the suspect, questioning of the suspect or the witness, expert estimation, interpreting and translation.

The rights delegated to the prosecutor in the preceding paragraph also extend to the judicial police officials in like circumstances.

The provisions of Criminal Procedure, Article 87, par. 1, Article 88 and Article 131 shall be applied mutatis mutandis to the detention of the suspect mentioned in the two preceding paragraphs; the provisions concerning the disposal by the prosecutor or the judicial police official mentioned in the Criminal Procedure Book I, Chapters 13-15, inclusive, shall be applied mutatis mutandis to the disposal of the questioning of witness, expert estimation, interpreting and translation mentioned in the two preceding paragraphs.

ARTICLE XIII. The judicial police official, after he questioned the suspect in accordance with the provisions in the second paragraph of the preceding article, when he deems that there is cause provided in the items of the first paragraph of Criminal Procedure, Article 87, may detain the suspect for a period of not more than ten days.

The judicial police official, within the period of the preceding paragraph, shall take steps to send the suspect along with the documents and evidences, to the prosecutor of the court which has the jurisdiction over the area or to the appropriate government office.

DECLASSIFIED
NND 760090
By NARS, Date

The provisions mentioned in the two preceding paragraphs shall be applied when the judicial police official investigates in accordence with the provisions of Criminal Procedure Article 127, and deems that case requires punishment not less than confinement.

ARTICLE XIV. The prosecutor may entrust or order the disposal provided in Article XII to another prosecutor or a judicial police official.

The judicial police official may entrust or order the disposal prescribed in the preceding paragraph to another judicial police official.

When the judicial police official, being entrusted or ordered by another judicial police official, issues a warrant of production against the suspect, he will, in accordance with the provisions of Criminal Procedure Article 128, send the suspect to the judicial police official who entrusted or ordered such disposal.

ARTICLE XV. The prosecutor, after he questions the suspect in accordance with the provisions in Article XII, and deems that there is cause provided in Criminal Procedure Article 90, paragraph 2, may detain the suspect. In that case, the provisions of Criminal Procedure Articles 91 and 131 shall be applied.

In case the prosecutor detains the suspect in accordance with the provisions of the preceding paragraph, but does not take any public action within ten days, the detention shall be cancelled.

When the prosecutor detains the suspect, he may further request the detention in accordance with Criminal Procedure Article 255.

ARTICLE XVI. "Two months" in Criminal Procedure Article 113, shall be "three months" in Korea.

ARTICLE XVII. The court or the judge for the preliminary examination, when it is deemed necessary, may have the judicial police official conduct the expert examination or expert estimation. In this case, as to the expert estimation, the provisions concerning the disposal made by the judicial police official in Criminal Procedure Book I, Chapter 14, shall be applied mutatis mutandis.

DECLASSIFIED
NND 760090
By NARS, Date

SUPREME COURT

Chief Prosecutor

Lee In

Age 52

Domicile 175 Chungjin-Dong Chongno Ku, Seoul

Education Graduated Nippon University Law School, Graduated Meiji University Law School, Graduated Nippon University Industrial School

Where worked prior to 15 August 1945 1916-1919 Bank Clerk, Lawyer 1923-1945 Chairman Material Manufacturing Association of Korea, 1935-1938, Director Korean Bar Association 1935-1937

Chief Prosecutor (Division)

Chung Koon Mo

Age 51

Domicile 148-2 Taechung-Chung Kwangju-Fu, Cholla Namdo

Education Graduated Seoul Law College

Where worked prior to 15 August 1945 1922-1925 Court Clerk, 1925-1927 Prosecutor, 1927-1945 Lawyer

Prosecutor

Kim Yan Sup

Age 50

Domicile 286 Ohmi-Dong Iksan-Gyun Indong-Kun, Kyungsang Pukto

Education Seoul Law College 1919-1921, Graduated Meiji University Law School, Tokyo
Sc

Where worked prior to 15 August 1945 1922-1946 Lawyer

SEOUL COURT OF REVIEW

Prosecutor

Lee Ho

Age 34

Domicile 802 Haeho-dong Myun, Yungchung-Kun, Kyongsang Pukto

Education Graduated Imperial University Law School, Tokyo

Where worked prior to 15 August 1945 1942-1945 Prosecutor for Seoul District Court, Soonchon Branch Court and Changhung Branch Court

Prosecutor

Lee Byung Yong

DECLASSIFIED
NND 760090
By NARS, Date

SEOUL COURT OF REVIEW (Cont'd)

Age unknown

Domicile 234 Taewha-Dong, Bongsan, Kumchun-Kun, Kyongsang Pukto

Education Graduated Kyushu Imperial University Law School, Japan

Where worked prior to 15 August 1945 1927-1945 Prosecutor for Rasan Branch, Changhung Branch, Euiju Bbanch, North and Prosecutor Appeal Court of North Pyungyang

Prosecutor

Kim Yung Yul

Age 59

Domicile 81-2 Kwangsuk-Chung Haiju-Pu Changhaide

Education Graduated Seoul Law School

Where worked prior to 15 August 1945 1912-Court interpreter, 1917 Judge, Milyang, 1919 Judge Chairyung Branch, 1921 Judge, Haiju District Court, 1923 Lawyer in Haeju 1941 Judge, Masan.

Prosecutor

Pak Chong Kun

Age 31

Domicile 50 Pojung-ri Soonan-Kyun Pyungwon-Kun Pyungan Namdo

Education Graduated Swoul Law College

Where worked prior to 15 August 1945 1941 -Acting Prosecutor, Seoul District Court, 1943 Prosecutor, Seoul District Court, 1943 Prosecutor, Shinuiju District Court,

TAEGU COURT OF REVIEW

Chief Prosecutor

Han Kyu Yong

Age 50

Domicile 66 Namsung-Chung Taegu-Pu Kyongsang-Pukto

Education Graduated Seoul Law College

Where worked prior to 15 August 1945 1913-1915 Court Clerk, 1915-1918 Judge 1918-1920 Prosecutor, 1922-1945 Lawyer

Prosecutor

Kim Dong Chin

Age 50

Domicile 48 So Sa Ri Nung Dong Myun, Chang Won Kun, Kyongsang Namdo

Education Graduated Meiji Law University, Japan

Where worked prior to 15 August 1945 1937 Lawyer, 1942-1945 Lawyer

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

ORGANS OF LOCAL AUTHORITY

Page

Designation . . . . . 1 - 3

How elected or appointed . . . . . 3 - 4

Functions:

Provincial Governor 4

Bureau of Home Affairs 5

Bureau of Agriculture 6

Bureau of Banking and Taxation 8

Bureau of Commerce and Industry 9

Bureau of Education 10

Bureau of Labor 11

Bureau of Public Health and Welfare 12

Bureau of Public Works 14

Provincial Civil Service Office 15

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

B. Organs of Local Authority.

1. Designation of organs of authority in Shi, Do, Pu, Kun, Up, Myun, Ri, Don, and To

A. Governor of Province (Po-Ji Sa).

Chief of Bureau of Home Affairs (Nae Mu Kuk Chang)

Chief of Local Affairs Section (Chi Bang Kwa Chang)

Chief of Accounts Section (Hwe Ke Kwa Chang)

Chief of Legal Section (Bup Je Kwa Chang)

Chief of Public Information Section (Kong Bo Kwa Chang)

Chief of Administration Section (Su Mu Kwa Chang)

Chief of Transportation Section (Yoon Su Kwa Chang)

Chief of Bureau of Agriculture (Nong Mu Kuk Chang)

Chief of Agricultural Economics Section (Nong Up Jung Je Kwa Chang)

Chief of Agricultural Production Section (Nong San Kwa Chang)

Chief of Fisheries Section (Soo San Kwa Chang)

Chief of Food Section (Sik Nyang Kwa Chang)

Chief of Forestry Section (San Rin Kwan Chang)

Chief of Reclamation and Irrigation Section (To Chi Kae Ryang Kwa Chang)

Chief of Bureau of Banking and Taxation (Jae Mu Kuk Chang)

Chief of Direct Tax Section (Jik Se Kwa Chang)

Chief of Indirect Tax Section (Kan Se Kwa Chang)

Chief of Finance Section (Ri Jae Kwa Chang)

Chief of Bureau of Commerce (Sang Kong Kuk Chang)

Chief of Commerce Section (Sang Mu Kwa Chang)

Chief of Mining and Industry Section (Kwang Kong Kwa Chang)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Chief of Bureau of Education (Hak Mu Kuk Chang)

Chief of Administration Section (Sa Mu Kwa Chang)

Chief of Research and Planning Section (Cho Su K Hwek Kwa Chang)

Chief of Schools Section (Hak Mu Kwa Chang)

Chief of Social Education Section (Sa Hwe Hyo Yuk Kwa Chang)

Chief of Bureau of Labor (No Dong Kuk Chang)

Chief of Administration Section (Su Mu Kwa Chang)

Chief of Employment and Information Section (Jik Op Kwa Chang)

Chief of Labor Relation Section (Jo Hap Kwa Chang)

Chief of Bureau of Public Health and Welfare (Bo Kan Hoo Seeng Kuk Chang)

Chief of Medical Service Section (I Mu Kwa Chang)

Chief of Pharmaceutical Service Section (Yuk Mu Kwa Chang)

Chief of Preventive Medicine and Vital Statistics Section (Ye Bang I Hak Saeng Gong Kwa Chang)

Chief of Sanitation Section (Wi Saeng Si Sol Kwa Chang)

Chief of Veterinary Affairs Section (Soo I Kwa Chang)

Chief of Bureau of Public Works (To Muk Kuk Chang)

Chief of Administration Section (So Mu Kwa Chang)

Chief of City Planning Section (Do Si Ke Hwek Kwa Chang)

Chief of Highway Section (Do Ru Kwa Chang)

Chief of Water Resources Section (Chi Soo Kwa Chang)

Chief of Civil Service Office Of Kyunggi-Do (In Su Chu Chang)

Chief of Position Classification Section (Jik Je Kwa Chang)

Chief of Examination Section (Ko Si Kwa Chang)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Chief of Control and Records Section (Bo In Kwa Chang)

B. Mayor of City (Pu Yun)

Chief of Office of Secretary-General (Chong Mu)

Chief of General Affairs Section (Sa Mu Kwa Chang)

Chief of Census Section (Ho Jok Kwa Chang)

Chief of Education Section (Hak Mu Kwa Chang)

Chief of Industry Section (Sa Up Kwa Chang)

Chief of Finance Section (Jae Mu Kwa Chang)

Chief of Public Health and Welfare Section (Bu Kon Hoo Sang Kwa Chang)

Chief of Public Utilities Section (Kong Yung Kwa Chang)

C. Chief of County (Kun Soo)

Chief of Home Affairs Section (Nae Mu Kwa Chang)

Chief of Industry Section (San Op Kwa Chang)

Chief of Public Health and Welfare Section (Bo Kon Hoo Sweng Kun Chang)

Chief of Town (Jo Chang)

Chief of Ri or Don (Koo Chang)

Chief of Township (Myun Chang)

Chief of Ri (Koo Chang)

2. Organs of authority are appointed as follows:

a. <u>Provincial Governor</u>

Recommended by Civil Administrator, who submits the recommendation of the majority of Departmental Directors to the Military Governor along with his concurrence or dissent. The appointment by the Military Governor is subject to confirmation by the Korean Interim Legislative Assembly.

b. <u>Chief of Bureau</u>

Appointed by the Provincial Governor subject to the approval of the Office of Korea Civil Service in those cases where such approval is required by existing law.

c. <u>Chief of Section</u>

(Same as "b" above.)

DECLASSIFIED
NND 760090
By NARS, Date

d. City Mayors

Appointed by Provincial Governor in consultation with city board of advisors after review and examination by Korea Civil Service.

e. Chiefs of County

Appointed by Provincial Governor in consultation with Provincial Board of Advisors after review and examination by Korea Civil Service.

f. Chiefs of Township

Recommended by Chief of County and board of advisors to Provincial Governor for appointment after review and examination by provincial civil service.

g. Chiefs of Town

Recommended by Chief of County and board of advisors to Provincial governor for appointment after review and examination by provincial civil service.

h. Chiefs of Village

Recommended by local citizens to chief of townships for appointment upon approval of chief of county.

THE FUNCTIONS OF LOCAL ORGANS OF AUTHORITY

1. The Provincial Governor

The Provincial Governor is the Chief Executive in his province. He is responsible for carrying out policies and directives of the South Korean Interim Government within his province. Each provincial governor is assigned the following duties and functions within his province.

a. Supervision and direction of the operation and administration of the provincial government.

b. Appointment, transfer and dismissal of bureau and office chiefs, county, and city heads, and other government officials and employees as provided by law.

c. Appointment of government officials and employees to, and removal from, positions within his province.

d. Disbursement of and accountability for provincial funds.

e. Convocation and adjournment of advisory councils or other provincial public bodies, as provided by law.

DECLASSIFIED
NND 760090
By NARS, Date

f. Coordination of policies and activities of the provincial government with those of the police, courts and other instrumentalities or agencies of the national government operating within his province, and supervision of such agencies to the extent and in the manner required by law.

g. Issuance of provincial ordinances, regulations, orders and directives on administrative matters concerned exclusively with his own province and not affecting any other province and not in conflict with existing ordinances, regulations, orders, directives or other regulatory measures of the South Korean Interim Government, provided, however, that (except in case of emergency) no such provincial ordinance, regulation, order or directive may be issued prior to recommendation of the Civil Administrator and approval of the Military Governor, contingent upon action of the Korean Interim Legislature.

h. Assurance of coordination and unity of policy between the provincial government and unity of policy between the provincial government and the national government.

i. Supervision of regulation, election and voting procedures in accordance with the requirements of law.

II. Bureau of Home Affairs

A. Local Affairs Section is assigned the following duties and functions:

a. Supervision of administration of cities, counties, towns and townships.

b. Provincial council.

c. Supervision and investigation of the accounts and budgets of province, cities, counties, towns and townships.

d. Coordination with the provincial civil service office in advising the provincial governor on appointments and removals of officials in excepted positions.

e. Assumption of responsibilities for other governmental matters not specifically assigned herein to any other provincial bureau or political subdivision, agency or instrumentality.

B. Accounts Section is assigned the following duties and functions:

a. Disbursing and accounting for funds under the control of the provincial government.

DECLASSIFIED
NND 760090
By NARS, Date

b. Supervision of provincial property and supply matters, including maintenance, repairs and safeguarding of such property and keeping of appropriate records pertaining hereto.

c. Inspection of accounts of cities, counties, towns and townships.

d. Control of building.

e. Building and repairs.

C. Legal Section is assigned the following duties and functions:

a. Furnishing counsel for the provincial government and handling the investigation and processing of claims.

b. Drafting of proposed ordinances, proclamations, orders and directives for the provincial government.

D. Public Information Section is assigned the following duties and functions:

a. Collection and evaluation of public information on organizations, publications, individuals and activities.

b. Dissemination of information to the public by utilization of the press, radio, leaflets, posters and other suitable means.

c. Registration and auditing of the finance of political parties and other organizations.

E. Administration Section is assigned the following duties and functions:

a. Supervision and control of handling of official communication, including the publishing, issuing, recording, filing and mailing thereof.

b. Receipt, distribution and tabulation of reports, records and governmental statistics.

c. Supervision and control of translation of official documents.

d. Maintenance of an official province library consisting of laws, ordinances, directives, reports, statistics and necessary records.

e. Keeping of government seal.

F. Transportation Section is assigned the following duties and functions:

a. Supervision of transportation owned, operated or control by the province and by cities, counties, towns and townships therein.

III. Bureau of Agriculture

A. Agricultural Economics Section is assigned the following duties and functions:

DECLASSIFIED
NND 760090
By NARS, Date

a. Conducting agricultural economic planning and statistical activities, and making studies and recommendations concerning agricultural landed and tenant relationships.

b. Guidance supervision and control of agricultural organizations.

c. The matters which do not belong to any other section therein.

B. Agricultural Production Section is assigned the following duties and functions:

a. Supervision of inspection and grading of grains.

b.Furnishing advice and assistance in matters regarding production of crops and livestock and sericulture.

c. Improvement and purchasing of fertilizer, agricultural drugs, agricultural tools and other agricultural materials.

d. The matters in regarding meteor.

C. Fisheries Section is assigned the following duties and functions:

a. Furnishing advice and assistance in matters regarding production, processing, inspection and making of fishery products.

b. Supervision, control, and guidance of fishery associations and guilds.

D. Food Section is assigned the following duties and functions:

a. Supervision and control of the collection, distribution and rationing of foods in accordance with policies and programs of the National Food Administration.

b. Allocation of foodstuffs for the manufacture of sake and other alcoholic beverages.

c. Inspection of food and straw-bags.

d. Budgets and accounts of the special accounts and task expenses.

E. Forestry Section is assigned the following duties and functions:

a. Supervision, guidance and execution of measures regarding reforestation, protection of forest and production of lumber and charcoal.

b. Supervision, guidance and execution of measures to prevent soil erosion.

c. Management of the national forest, forestry products, stone and soil.

d. Coordination of price, supply and demand of fuel.

e. Supervision and guidance of forestry associations.

DECLASSIFIED
NND 760090
By NARS, Date

f. Forestry examination and other investigations in regard to forestry.

F. Reclamation and Irrigation Section is assigned the following duties and functions:

a. Supervision and guidance of guilds and associations charged with or engaged in the operation and maintenance of irrigation projects.

b. Planning, supervision and construction of irrigation projects under 300 chungbo in area and execution of extentions, improvements or flood damage repair works on such projects.

c. Reclamation of national waste land, marshes and tide land for the purpose of agriculture.

IV. Bureau of Banking and Taxation

A. Direct Tax Section is assigned the following duties and functions:

a. Supervision of matters pertaining to national and local taxes.

b. Investigation, classification and assessment of taxable properties.

c. Land Registration.

d. National properties.

e. Maintenance of necessary tax and financial records.

f. Investigation of land lease value and other.

g. The matters do not belong to any other section therein.

B. Indirect Tax Section is assigned the following duties and functions:

a. Indirect national tax.

b. Investigation, classification and assessment of taxable properties in regard to national taxes.

c. Supervision and direction of procedure for the collection of national and local taxes and other revenues.

d. Accounts of expenditure of collection of taxes and institutions of taxes collection.

e. Supervision and administration of tax districts.

f. Inspection of books and records of factories producing alcoholic beverages to insure proper payment and collection of taxes.

C. Finance Section is assigned the following duties and functions:

a. Furnishing advice and assistance to financial associations and local banking institutions.

DECLASSIFIED
NND 760090
By NARS, Date

b. Auditing of all expenditures and disbursements of the province and of cities, counties, towns and townships.

c. Furnishing advice and assistance to local insurance agencies.

d. Management of negotiable instrument and gold.

e. Supervision of provincial coffers.

V. Bureau of Commerce and Industry

A. Commerce Section is assigned the following duties and functions:

a. Furnishing advice and assistance in matters pertaining to the supply and distribution of consumer goods. The supervision and development of domestic and foreign trade, and control of weights and measures.

b. Supervision and guidance of economic and commercial associations and guilds.

c. Furnishing assistance in procuring local markets for industrial and commercial goods and mineral resources.

d. Supervision and guidance of distribution of alcoholic beverages.

e. All matters which do not belong to any other section therein.

B. Mining and Industrial Section is assigned the following duties and functions:

a. Stimulation of mining and industrial production.

b. Furnishing mining and industrial producers with accurate statistics.

c. Supervision, guidance, and direction of policies for the future development of local mining and industry.

d. Enforcement and recommendation of standards pertaining to products of mines and of industry.

e. Supervision and guidance of mining and industrial organizations and associations.

f. Supervision and control of manufacture and distribution of alcoholic beverages.

DECLASSIFIED
NND 760090
By NARS, Date

VI. Bureau of Education

A. Administration Section is assigned the following duties and functions:

a. Recommending to the provincial governor appointment and dismissal of elementary and secondary school teachers and of elementary school principals.

b. Recommending to the Department of Education of the government of Korea appointment and dismissal of secondary school principals.

c. Financial administration of secondary schools and financial supervision of elementary schools.

d. Financial supervision of schools above the college level which are specially under the supervision of province.

e. The matters do not belong to any other sections therein.

B. Research and Planning Section is ~~xxxxx~~ assigned the following duties and functions:

a. Investigation and planning of schools.

b. Establishment and stoppage of schools, and decrease and increase the classes below the college level.

c. Statistics and reports of schools.

C. School Section is hereby assigned the following duties and functions.

a. Granting of teacher's certificates to elementary school teachers.

b. Administration of public secondary schools and normal schools below the college level.

c. Supervision of elementary public and private schools and secondary private schools and infant schools.

d. Administration of the schools above college level specially places under the provincial control.

e. Supervision of normal colleges and other schools at the college level which are specifically placed under provincial jurisdiction and control by the Department of Education of the Government of Korea.

DECLASSIFIED
NND 760090
By NARS, Date

D. Social Education Section is assigned the following duties and functions:

a. Administration of adult, physical, social, vocational and technical education programs.

b. Maintenance of provincial libraries, museums, monuments and art treasures.

c. Supervision of the properties of confucianism schools.

d. Festival

e. Temple and religion.

VIII. Bureau of Labor

A. Administration Section is assigned the following duties and functions:

a. Labor policies, programs and activities.

b. Labor statistics.

c. The matters which do not belong to any other section therein.

B. Employment and Information Section is hereby assigned the following duties and functions:

a. Supervision and administration of employment and labor information services in accordance with the policies and instructions of the Department of Labor of the Government of Korea, including initiation and supervision of the collection and dissemination of information relative to wages, hours, conditions of employment; labor relations, labor unions and labor matters not directly pertaining to civil service.

b. Furnishing advice on affecting the welfare of laborer.

c. Supervision and guidance of employment of labor.

C. Labor Relations Section is assigned the following duties and functions.

a. Supervision and control of the relations of labor unions with the government.

b. Exercising general supervision over condition of employment, relations of employees with employers and with the government.

c. Supervision and control of the provincial Labor Mediation Board and the activities thereof.

d. Supervision and initiation of the collection and dissemination of information relative to labor relations and unions.

DECLASSIFIED
NND 760090
By NARS, Date

IX. Bureau of Public Health and Welfare

A. Medical Service Section is assigned the following duties and functions:

a. Inspectional supervision of hospitals, clinics, dispensaries and health centers.

b. Supervision of registration of physicians, limited physicians, herb physicians and dentists.

c. Coordination with the provincial Bureau of Education regarding school health service and plans for health education.

d. Supervision and control of the activities of public health nurses and institutional nurses, and registration of nurses and midwives in accordance with directives of the Department of Public Health and Welfare of the Government of Korea.

e. Supervision and control of administration of provincial hospitals and clinics.

f. Supervision and direction of the associations of physicains, dentists, herb physicians, midwives and nurses.

g. Disposition, direction and supervision of public physicians.

h. Prevention and medical treatment of narcotic poisoned men.

i. The matters that do not belong to any other section therein.

B. Pharmaceutical Affairs Section is assigned the following duties and functions:

a. Supervision, inspection and control of production, procurement, storage, rationing, allocation and distribution of drugs, medicine or public health activities including derivatives, compounds or substances containing any such materials.

b. Licensing, registration and supervision of procedures, manufacturers, vendors, distributors and dispensers thereof as required by law and rendering reports in connection therewith to the Department of Public Health and Welfare of the Government of Korea when and as required.

DECLASSIFIED
NND 760090
By NARS, Date

c. Supervision and direction of Pharmacologist associations.

C. Preventive Medicine and Vital Statistics Section is assigned the following duties and functions:

a. Supervision and control of communicable diseases and medical inspection.

b. Supervision and control of tubercle and venereal diseases.

c. Furnishing advice and assistance in maternal and child care.

d. Supervision of registration of births, deaths, still births and preparation and transmission of transcripts thereof to the Census Division of the Office of Administration of the Government of Korea.

e. Collection, tabulation, analysis and interpretation of Vital Statistics.

D. Sanitation Section is assigned the following duties and functions:

a. Supervision and direction of sewage and garbage disposal water supply, insect and rodent control and malaria control.

b. Inspection of barber shops and barbers.

c. Control of industrial and mining hygiene.

d. Inspection and supervision of establishment for the manufacture, processing, distribution and sale of foods and beverages.

e. Supervision and direction of the operation of laboratories under the control of the provincial Bureau of Public Health and Welfare.

f. Cemetery and crematory.

g. Licensing and supervision public bath houses and eating houses and non-alcoholic beverages.

E. Veterinary Affairs Section is assigned the following duties and functions:

a. Sanitary inspection of all products of animal origins, including meat, poultry, fish, dairy products, fat, leather, fur and fertilizer.

b. Sanitary inspection of meat and fish markets and all establishments producing or processing the above, including slaughter houses, dairy farms, pasteurizing plants, tanneries and canning and other factories.

DECLASSIFIED
NND 760090
By NARS, Date

c. Control of animal diseases and institution of measures for care of sick and injured animals.

d. Supervision and direction of registration of veterinarians and farriers.

F. Welfare Section is assigned the following duties and functions.

a. Furnishing advice and assistance in maternal and child care.

b. Preparation of reports required for planning and administration of public welfare activities, and conducting of surveys and research in connection therewith.

c. Supervision and direction of assistance to Korean refugees and displaced persons, and refugee relocation and resettlement.

d. Supervision and directions of assistance and relief to the unemployed or destitute, the victims of disasters and to orphans.

e. Supervision of private welfare associations and agencies engaged in general relief activities.

f. Supervision and direction of public welfare institutions.

g. Supervision of private welfare institutions.

h. Supervision and direction of requisition and distribution of public welfare supplies.

X. Bureau of Public Works

A. Administration Section is assigned the following duties and functions:

a. Supervision and planning of the foregoing and other public works programs in accordance with instructions of the Department of Public Works of the Government of Korea.

b. Supervision of the finance of Public Works.

c. Expropriation of land.

d. The matters that do not belong to any other section therein.

B. City Planning Section is assigned the following duties and functions:

a. City Planning including general street improvement, zoning,

DECLASSIFIED
NND 760090
By NARS, Date

waterworks, sewage and waste disposal, and fire prevention and protection in coordination with the provincial Board of Fire Commissioners.

b. Institution of engineering surveys.

C. Highway Section is [redacted] assigned the following duties and functions:

a. Construction, repair and improvements of public highways and roads, bridges, utilities and other publicly owned instrumentalities and facilities.

E. Water Resources Section is assigned the following duties and functions:

a. Conservation and development of natural resources, including control utilization and purification of waters and flood control.

b. Management of Public water surface.

c. Institution of harbours, canals and locks.

XI. The Chief of Provincial Civil Service Office

a. The Provincial Civil Service Officer is responsible to the provincial governor for the administration of civil service in the province in accordance with the rules, regulations and directives of the Office of Korea Civil Service and shall carry out policies and practices of personnel management as provided by the Office of KoreaCivil Service.

b. The administration of the position classification plan in the province.

c. The requirement and selection of personnel in accordance with the rules for civil service.

d. The placement and training of personnel within the province so that the most effective use of all personnel is made.

e. The improvement of working conditions and the development of health, safety and employee welfare programs.

f. The preparation and maintenance of simple and practical personnel records and reports.

DECLASSIFIED
NND 760090
By NARS, Date

XII. City (Pu)

Supervision and directing of the operation and administration of the government of city and the administration of civil service therein.

XIII. County (Kun)

Supervision and directing of the operation and administration of the government of county and the administration of civil service therein.

XIV. Town (Up)

Supervision and directing of the operation and administration of the government of town and the administration of civil service therein.

XV. Township (Myun)

Supervision and directing of the operation and administration of the government of township and administration of civil service therein.

XVI. Village (Ri)

Directing of the operation and administration of the government of village.

DECLASSIFIED
NND 760090
By NARS, Date

ORGANS OF LOCAL AUTHORITY

ORGANIZATION CHARTS

Page

Provincial Government

Overall 1

Bureau of Home Affairs 2

Bureau of Agriculture 3

Bureau of Banking and Taxation 4

Bureau of Commerce 5

Bureau of Education 6

Bureau of Labor 7

Bureau of Public Health and Welfare 8

Bureau of Public Works 9

Provincial Civil Service Office 10

County Government 11

City Government 12

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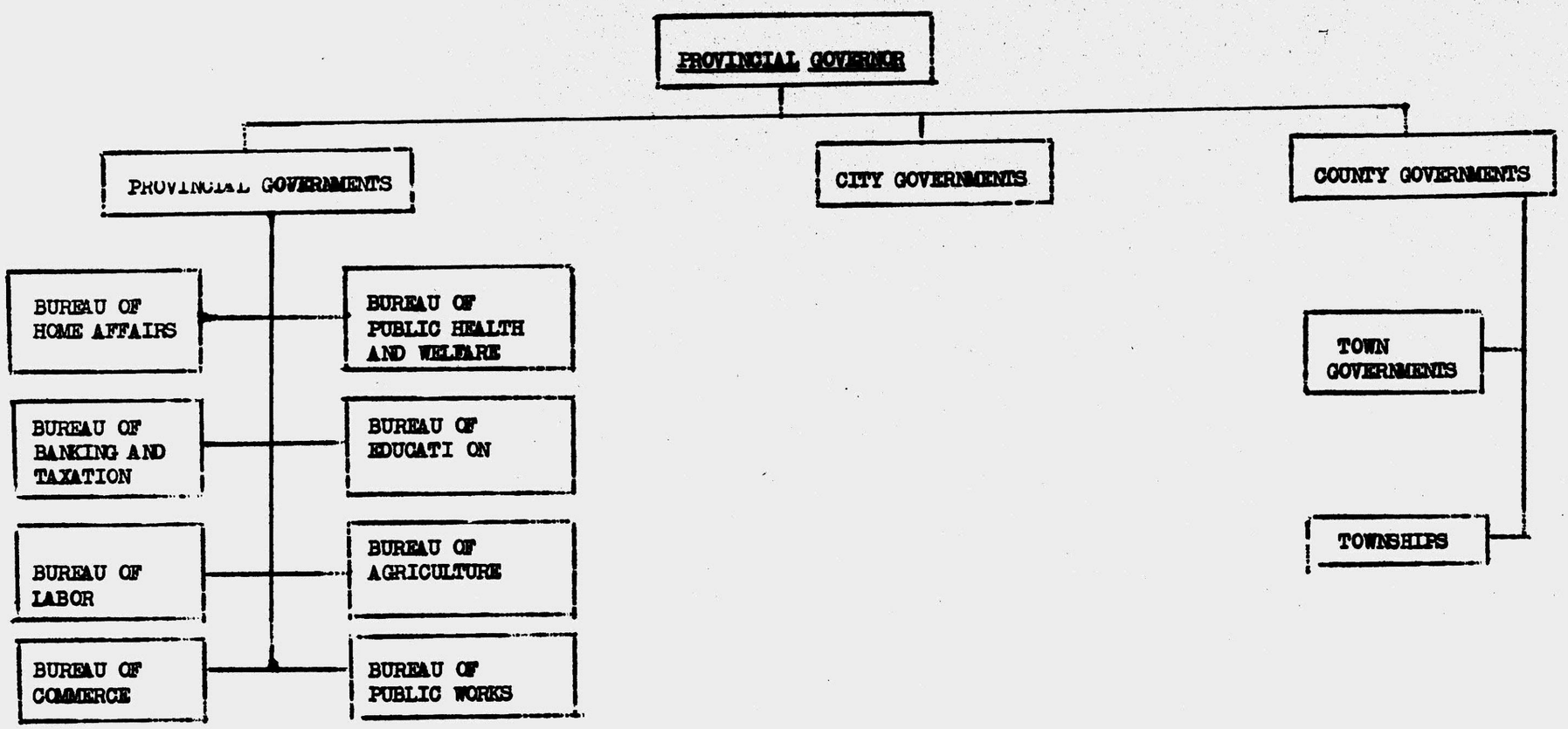

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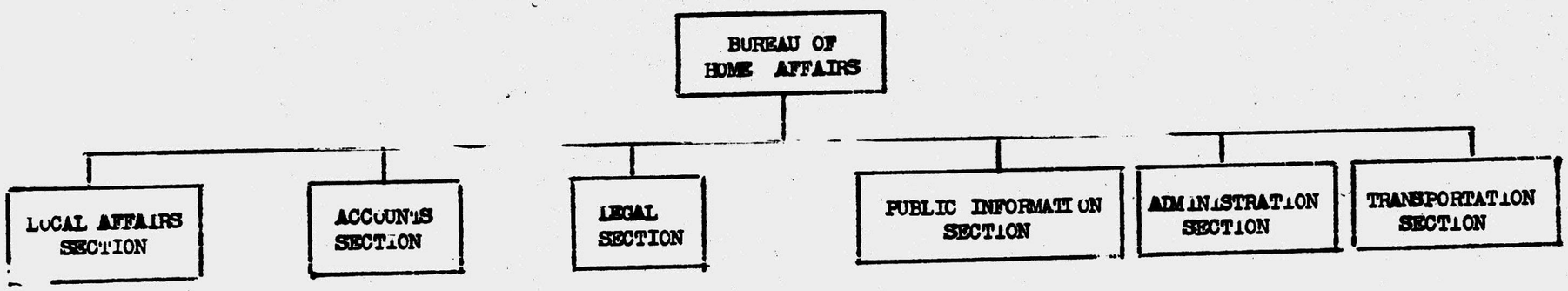

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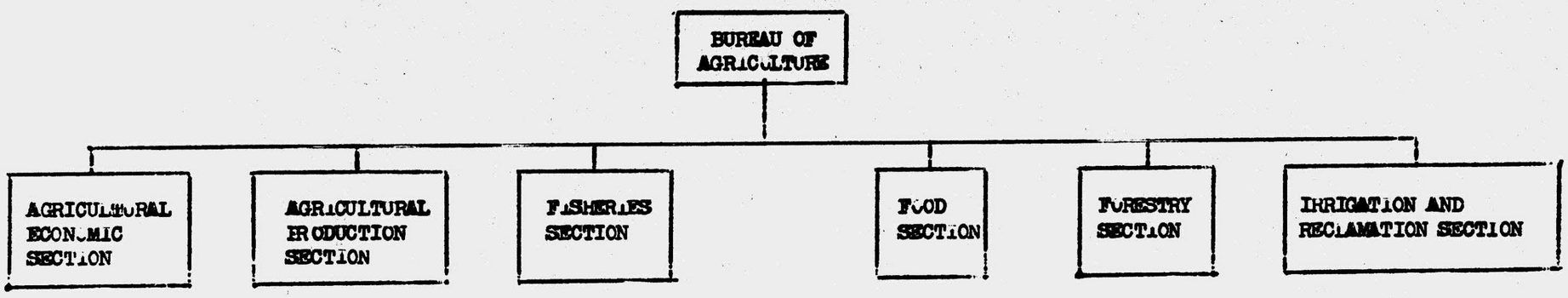

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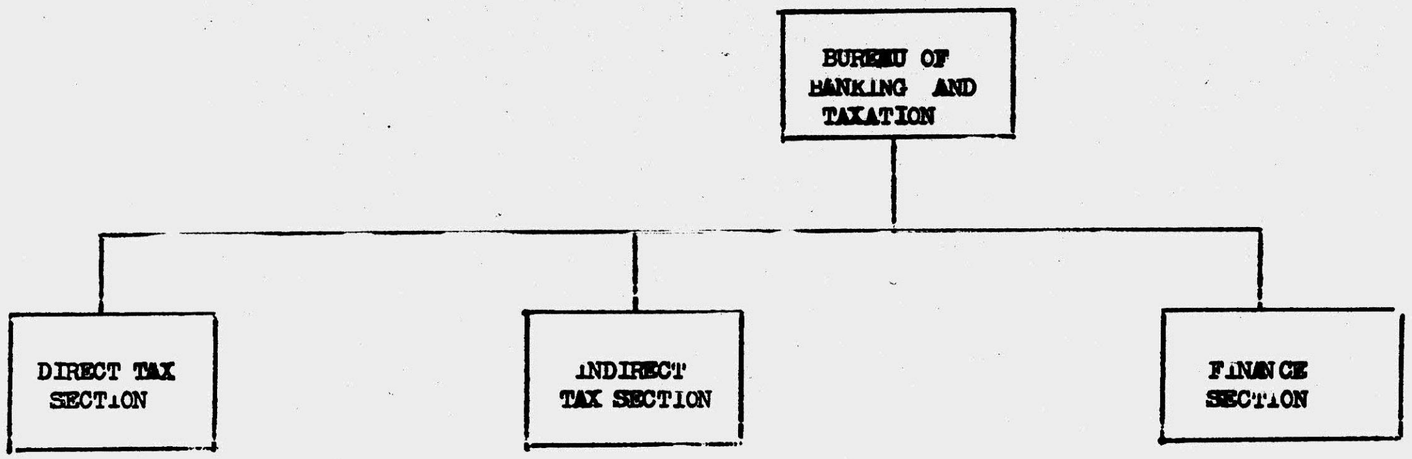

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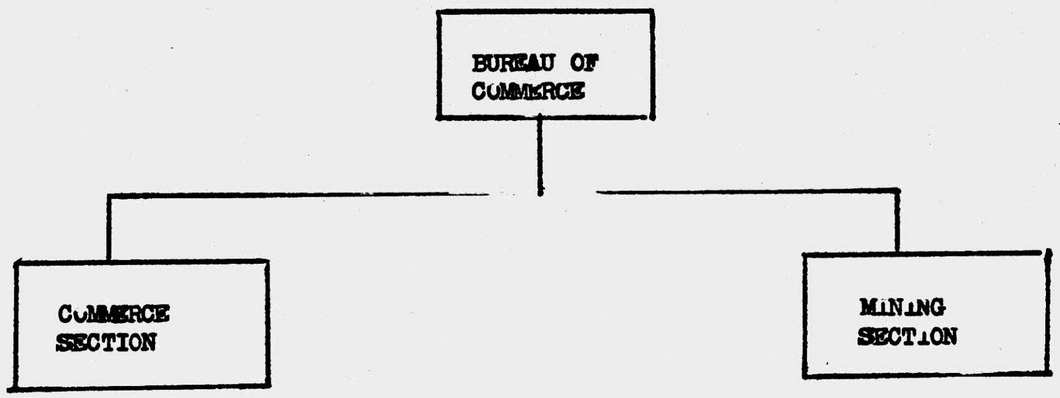

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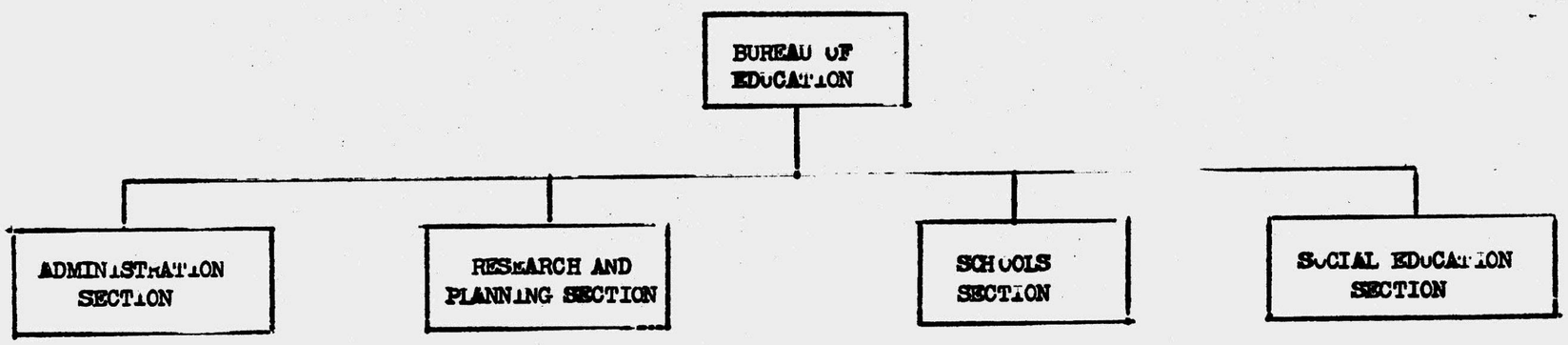

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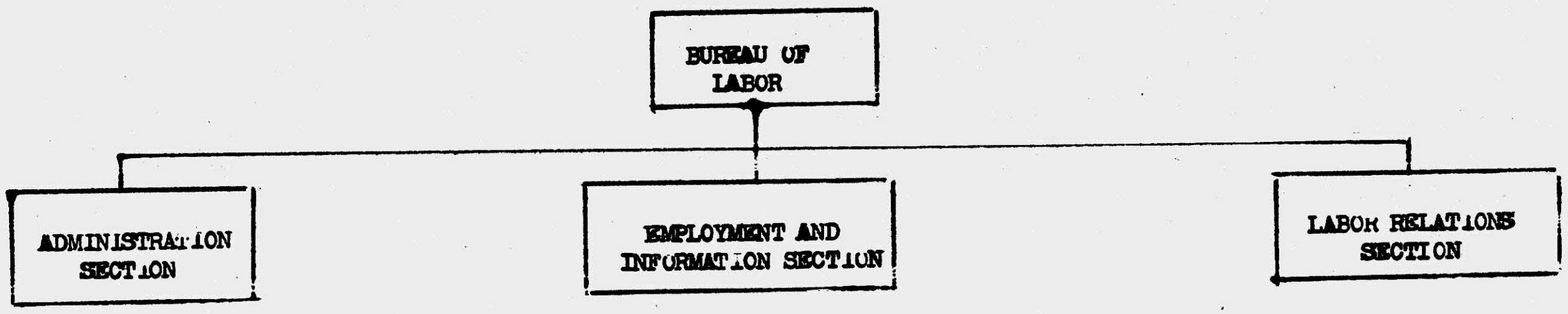

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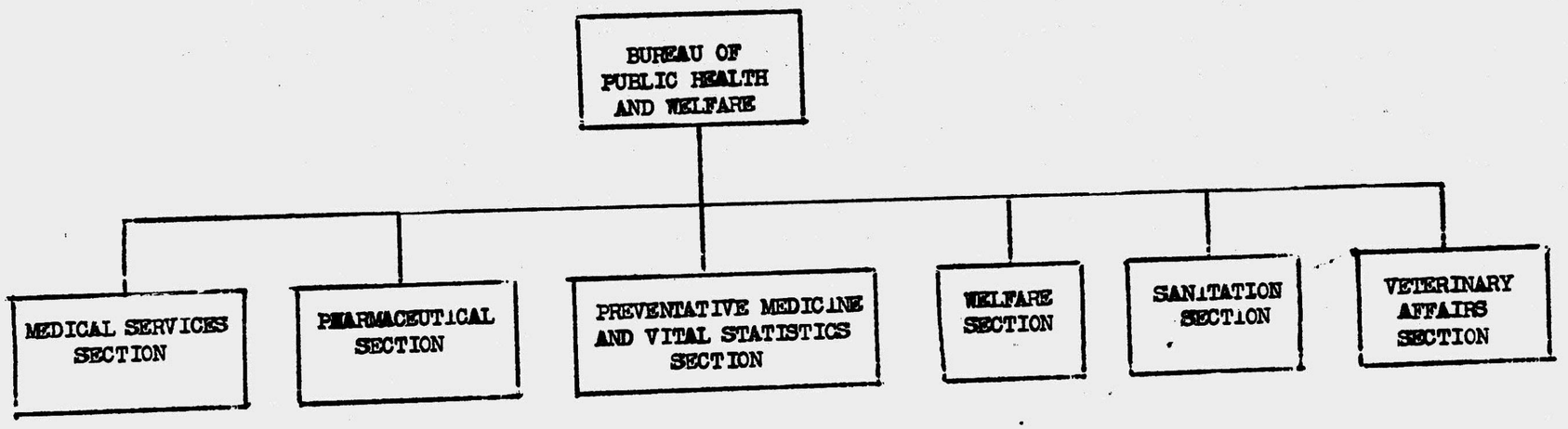

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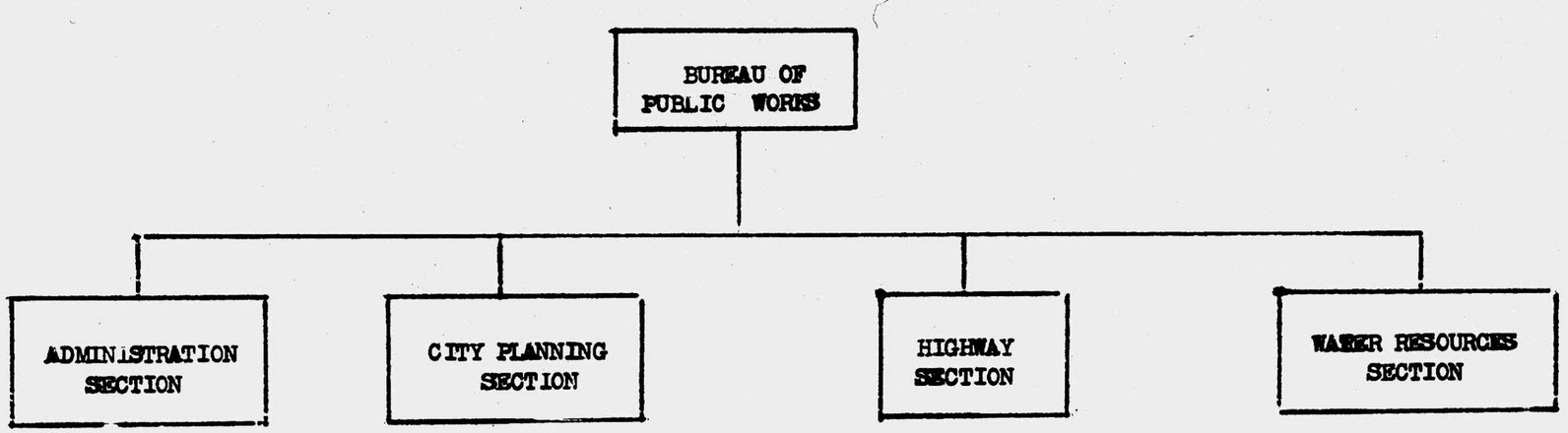

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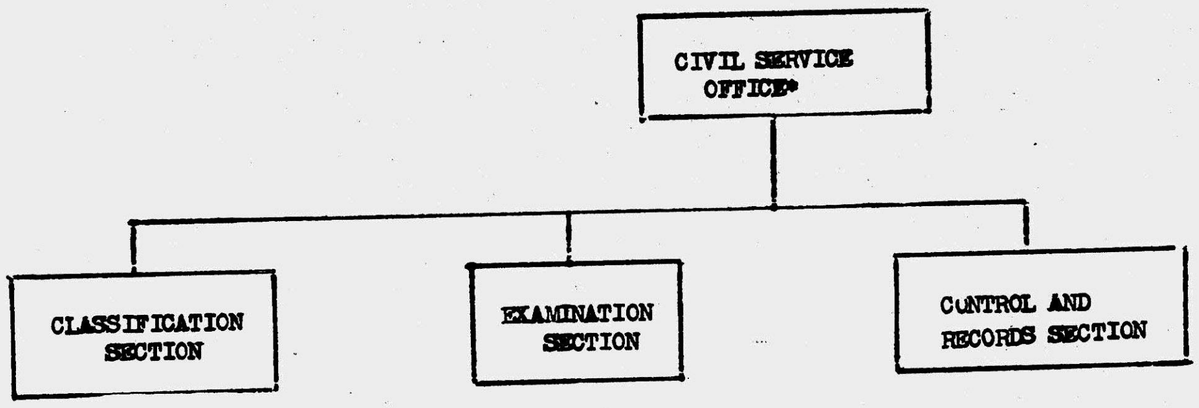
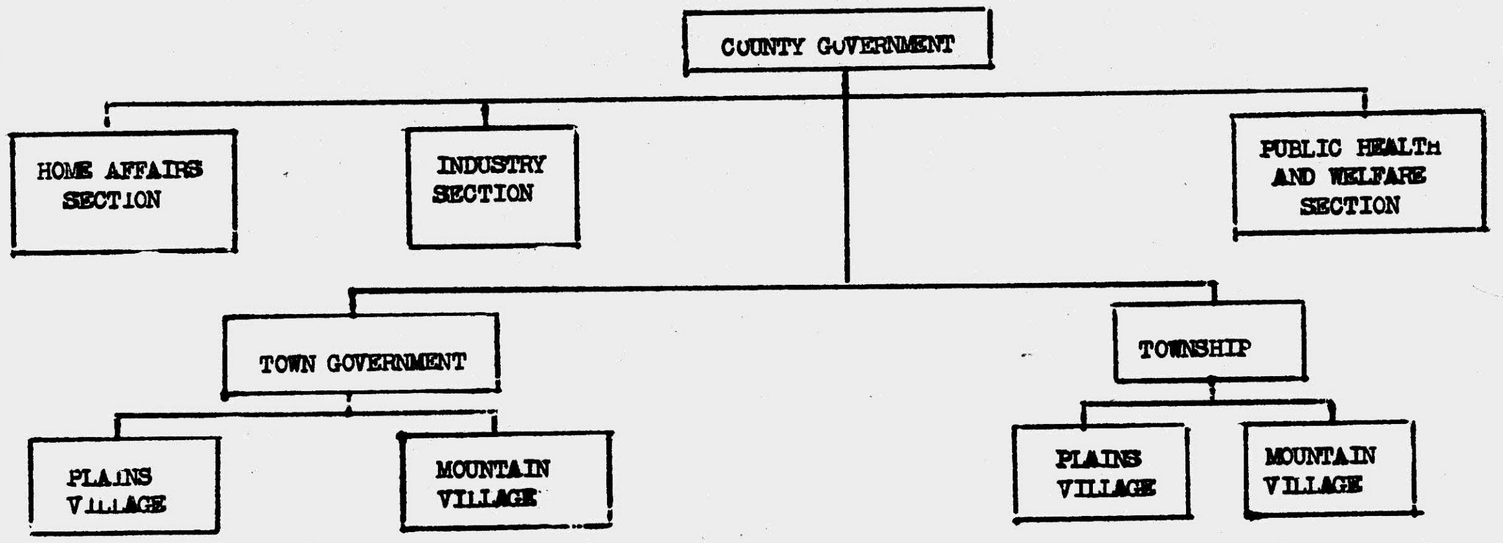


* This office is on a "provincial bureau" level, but directly under the National Office of Korean Civil Service.


COUNTY GOVERNMENT
HOME AFFAIRS SECTION
INDUSTRY SECTION
PUBLIC HEALTH AND WELFARE SECTION
TOWN GOVERNMENT
TOWNSHIP
PLAINS VILLAGE
MOUNTAIN VILLAGE
PLAINS VILLAGE
MOUNTAIN VILLAGE

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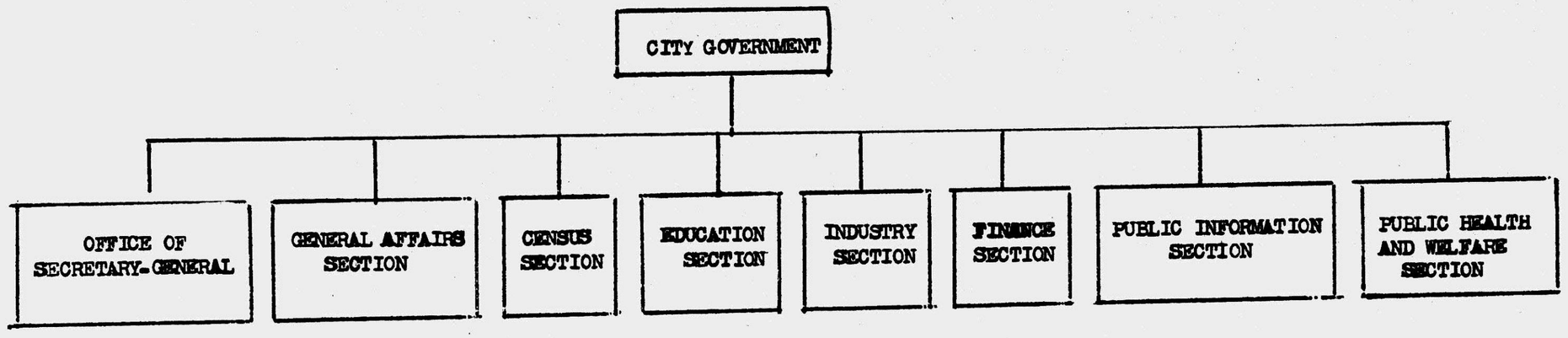

Subcommission #III

Transcript of Meetings

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III JSC
27 May 1947

T R A N S C R I P T

1st

Meeting

JOINT SUBCOMMISSION 3

27 May 1947

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

SECRET
III JSC
27 May 1947

Joint Subcommission 3
US - USSR JOINT COMMISSION
Seoul, Korea

T R A N S C R I P T

Of 1st Meeting

1300 Hours, 27 May 1947

Duk Soo Palace

Present

US Members:

Mr. Calvin Joyner
Mr. Stewart Meacham
Dr. P. J. Sturm

Soviet Members:

Mr. G. M. Balasanov,
Chairman

Secretariat:

Capt. E. E. Miller

Interpreters:

Mr. Soloviev (US)
Mr. Antonaitis (US)
Mrs. Maslova (USSR)

Stenographers:

Miss Quigley (US)
Mrs. Klepikova (USSR)

DISTRIBUTION:
1. General Brown
2. Dr. Bunce
3. General Weckerling
4. Mr. Joyner
5. Colonel Lincoln
6. U. S. Secretary
7. Secretary, U.S. Subcommission 3
8. File

SECRET
SECRET

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NND 760090
By NARS, Date

BALASANOV: May I suggest today's agenda?

1. Personnel, Korean personnel;
2. Acceptance of personnel;
3. Order of selecting the personnel.

JOYNER: I take it that follows the order as shown in Joint Communique No. 9.

BALASANOV: In compliance with the decision of the Joint Commission.

JOYNER: The decision of the Joint Commission hasn't yet been approved by the two generals, and the only thing I have officially is Joint Communique No. 9, which reads: "Subcommission No. III shall engage in solving the problems of method of selecting members of the Provisional Government, its administrative personnel, and the method of transferring authority to the Provisional Government."

BALASANOV: The one which you mention doesn't differ from the one here. The points do not differ.

JOYNER: The only difference possible is the matter of order, and I take it you do not care particularly about the order. Do you want to take item one first, then the second item, and then the third item?

BALASANOV: It has no particular significance. The agenda doesn't differ either.

JOYNER: We are then agreed that this agenda is the same?

BALASANOV: There we have a point which reads: "Subcommission No. III shall engage in solving the problems of method of selection of members of the Provisional Government, its administrative personnel, and methods of transferring powers to the Provisional Government". Here, point 1 reads: "Deliberation of recommendations on the personnel composition of membership of the Provisional Government". It is all the same. Here we

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NND 760090
By NARS, Date

have administrative personnel, while here we have the order of selection of members of the Korean Provisional Government.

JOYNER: Do you agree that means the same thing?

BALASANOV: It is all the same thing. Here we have a point regarding the method of passing over the powers of the Provisional Government, while here we have assumption of power.

JOYNER: Suppose we accept this jointly agreed paragraph here.

BALASANOV: I don't object, inasmuch as it is already prepared, and we don't want to engage in another work of copying.

JOYNER: Since this is an informal discussion we will use the order as seems expedient at this time.

BALASANOV: It has no significance. As long as there are no objections let's start with a discussion of Point No. 1 on the order of work of the Subcommission. Last year we had such a lot of work. The whole work of the Subcommission wasn't put into minutes. There were no minutes on the work of the Subcommission. Each side of the Subcommission composed a report for the head commissioner of its delegation. Decisions which we approved during the meetings of the Subcommission were signed by both sides. Formerly they were signed by Mr. Bunce and myself. These decisions which were agreed upon here in our subcommission were then submitted for consideration and final approval by the Joint Commission. If we agree to such a method of working, let's approve it now.

JOYNER: We are in compliance with that.

BALASANOV: Then we'll start with the first item on today's agenda. We have completed the first item, so we will pass over to the second item on the agenda. Point 2 deals with the plan of work for the subcommission.

JOYNER: There is to be no official record, but you can keep your own notes, if you desire, for your own information. It is not binding on the subcommission.

DECLASSIFIED
NND 760090
By NARS, Date

BALASANOV: To make notes is the right of everybody. Concerning point 1, the work of our subcommission depends a great deal upon the work of the Subcommissions No. I and No. II.

JOYNER: We agree with that.

BALASANOV: We should ourselves here exchange opinions on the form of the future government, regarding the points dealing with the plan of our work. In particular we should have an exchange of opinions on such a question as the order of recommendations for candidates in the government.

STURM: Does "order" mean the order in which they will be selected? What is the meaning of the word "order" here?

BALASANOV: What I mean by recommendations are the points we will work out here in the Subcommission and which will later be presented to the Joint Commission. Mr. Joyner, what is your opinion on this question?

JOYNER: My feeling is that before we go very far on selecting personnel, or even in determining the method by which we will select personnel, we should engage in a frank exchange of information as to the present form of governments in both North and South Korea. We have a certain amount of information on both, but I can't say that we have complete information on either. Certain things keep changing from time to time, and we would like to have full information on both these governments to start with. I should like to agree with you that we will exchange information as to what the organs of the governments are. We will present information regarding the government of South Korea, and if you have a question to ask me about this government that I can't answer, I will undertake to get the answer. I would like to feel that we can get the same from you.

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

BALASANOV: I would like to know the method of having these points on the governments cleared up. Would it be put down just on paper, or would it be a verbal discussion?

JOYNER: We will be prepared to furnish you charts showing the departments, their relation one to the other, and written explanation as far as possible as to what their powers are and as to how they operate. We would like to have the same information from you.

BALASANOV: This question raised certainly deserves attention. It is connected with the question of personnel who are well informed on the government itself as such. This question may arise at a later date, but now I would like to have the question of the personnel of the government discussed. We should decide here now what form of government it will be. Will it be a council of ministers, or something else? We must have a starting point, and this starting point will be just the certain form of government. This question is an entirely new question, and it deserves attention here.

JOYNER: I agree that the question of the form of government is what we are discussing, and there are two ways to attack that problem. We can start from the roots, or start from the top. I feel it is very difficult to discuss the form of government unless we know and understand what the form of government is in each section now. I am not presenting any conclusions on the part of the American Delegation. I think we should freely exchange information on the form of the two governments so that we may more logically determine what the form of the new government will be. After we have secured the information as to the form of the governments, we may decide to ignore that entirely and start brand new. On the other hand, we may use that information and incorporate it into the building of an entirely new government. I feel this information is vital to discussion of the point.

DECLASSIFIED
NND 760090
By NARS, Date

BALASANOV: Mr. Joyner, will you tell us please what organs of government you have in mind now? As much as we are informed, here in Southern Korea a Military Government exists. We are not informed of any other organs of power. In the north we have People's Committees.

JOYNER: Yes, in the south we have a government which from our information is almost on a parallel with your government in the north. The government is divided into the normal functions of a government, such as Department of Commerce, Department of Transportation, and other departments. These departments have their functions, and are paralleled with advisors, who are acting now in a completely advisory capacity. We will be glad to outline to you in detail how that stands, and we would like to have an outline from you as to how the northern government stands so that we can start on an equal basis. Having this information before us, we can ask frankly, across the table, just how it works. You can ask questions about how ours works, and we can ask the same regarding yours.

BALASANOV: It seems to me that Mr. Joyner wants to take over the job from Mr. Bunce and General Weckerling. It appears that an elaboration of the structure of a ministry is not one of the questions that should be dealt with here in our Subcommission sessions. The question of structure is a question which will be discussed during the sessions of the second Subcommission while we here should take up the question of personnel composition of the cabinet of ministers. That is why I object to taking up this question here.

JOYNER: I disclaim any desire or attempt to take up the functions of my colleagues. However, this question is very dependent, obviously, on other questions, and if we are provided with information regarding the government in North Korea, I intend to dispense that information to the other Subcommissions.

DECLASSIFIED
NND 760090
By NARS, Date

BALASANOV: In general I believe that our Subcommission would have to make a study of the departments of the military administration and the departments of the People's Committees of North Korea; but what we have to do now is to take up the question of the completing of the manning of the government, and not the deliberation of the question of the construction of the government. This question of the structure will be taken up later on. The form of government will be discussed alongside our work here. We will have these questions: as to what form this government will be, whether it will be headed by a prime minister, or some other form. This is needed in order to start discussion of point No. 1, concerning the point dealing with personnel composition. We have to settle the question of who will recommend these people, and the ways of recommendation. That is why I insist on having it discussed now.

JOYNER: I quite agree that that is what we are discussing. I think you do not quite understand what I am driving at. I want the information so that I can intelligently discuss the question. I am not attempting to discuss the structure of a proposed government. I merely want the information on what now exists so that we may more intelligently discuss what should exist. For example, if we find in the government of North Korea that there is no Bureau of Circumlocution, we won't insist that there is personnel selected for a Bureau of Circumlocution, even though we may have one in the South.

BALASANOV: I am forced to remind Mr. Joyner again that it goes beyond our competence here.

JOYNER: I am forced to insist that this information is not beyond the competence of the Subcommission. We only want the information to more thoroughly understand the personnel needed. I am not at all certain that I understand all about the government in south Korea, and I'm sure a discussion with you regarding its functions, what it is and how it works, would enlighten you, and also give me some information. I am also certain that I do not know at all

DECLASSIFIED
NND 760090
By NARS, Date

about the government of North Korea, and I think we should get together on these forms of government, since it is a question which will affect the lives of thirty million people.

BALASANOV: I cannot understand the reasons for approaching the functions of Subcommission #2, and start here the questions concerning the construction of government. It is not necessary to be informed of the construction of the government in the north and south for starting our work here. What we should work out here is the methods of raising representatives from political parties and social organizations, and recommending candidates. These governments which exist now are all temporary provisional governments, and sooner or later they will be eliminated. What we should take up here is, as I have already mentioned, the question of recommendation of candidates, what organizations will recommend these candidates. We have to settle here what political parties and social organizations will recommend these people, and what will be the way of recommendation of these people. These questions have nothing to do with the structure, and they also have no concern with the functions of the government. If we take up the question of structure and functions, we will diverge from our main point and spend time on something which is not our business here, and for which work we won't be praised by our chief commissioners, General Brown and General Shtikov.

JOYNER: I still feel that the point I made is very important to our work, but I will be very glad to hear your idea on how we should proceed on the selection of candidates. I would like you to elucidate the word "candidates". Do you propose that these candidates will be names set forth by certain political parties and social organizations by appointment, or by election?

BALASANOV: That is just what I have been interested in from the beginning. We should decide here how we will approach this question. As for me, I suggest that the candidates be recommended by political parties and social organizations.

DECLASSIFIED
NND 760090
By NARS, Date

JOYNER: Let's examine that for a moment -- the candidates for what?

BALASANOV: These candidates will be recommended for the composition of the government. They will be particularly recommended for the posts of ministers.

JOYNER: It is not your proposal then to recommend anybody below the rank of minister?

BALASANOV: First of all we have to appoint ministers. After this appointment has been done we will, together with the ministers which have been elected here by us, work out recommendations as to the personnel of the government; but our main task here is to appoint ministers. By the time we select a cabinet of ministers, Subcommission No. II will have decided the questions on the structure and form of government. Then we may use these questions worked out by Subcommission No. II. Such a procedure of work would be logical. We have to postpone the structure now. This question will be settled by Subcommission No. II by the time we have completed our deliberations.

JOYNER: Yes, I see the point you are making. In this press release signed by General Shtikov and General Brown it refers to Subcommission No. II, and General Weckerling and General Lebedeff considering the problem of type and structure of the Provisional Government. You have referred to ministers. Possibly Subcommission II may recommend, and it might be adopted by the Commission as a whole, that some other form of government would be set up. I believe we would be willing to go ahead with this discussion, but I don't see how we could decide on ministers and how to select them until we know what sort of government it is going to be. Would candidates selected by social organizations and political parties be subject to general local elections in both North and South Korea?

DECLASSIFIED
NND 760090
By NARS, Date

BALASANOV: It is the mind of the central organs and dependent on their decision how they will conduct this work -- whether they will appoint or elect members, or just how.

JOYNER: I understand that, but after these social organizations and political parties have selected candidates, then would we appoint these candidates, or would we subject these candidates to a vote of all Koreans?

BALASANOV: As much as we are informed on the work of the separate governments it has not occurred that members of government are anywhere elected. They are usually appointed.

JOYNER: In most of the governments of the world at present, the heads of the government, the legislative bodies, and even some of the judiciary, are very frequently elected; after they are elected, appointments are made. Do you propose to have appointments made first, and then elections? I am merely asking this as a point of information.

BALASANOV: Yes. Let us take for example the Soviet Union. The Supreme Council there is elected, while the ministers are appointed. You have the same thing in the United States -- members of Congress are elected. The Secretary of State in America is appointed, not elected. In the Moscow Decision, as well as in the letters which were exchanged between Secretary of State Marshall and Foreign Minister Molotov nothing was said about the creation of a government through elections. All this work has been entrusted to the Joint Commission. That is why our job here is to work out recommendations which will later be submitted to the big powers.

JOYNER: I believe there is nothing in there that says you can't have an election. I am not arguing now, I am merely trying to get this straight in my mind. Do I understand that you would propose the appointment of a group of ministers to start with?

BALASANOV: Certainly ministers have to be appointed. What is your opinion, Mr. Joyner?

DECLASSIFIED
NND 760090
By NARS, Date

JOYNER: On what point?

BALASANOV: On the question of appointment or election?

JOYNER: I agree that ministers must be appointed, and whether before or after the election is a point I believe for Subcommission II to agree on. I must admit that my mind is quite open on the subject. I can see arguments in favor of both procedures.

BALASANOV: Ministers will be appointed, but these appointments will be done by the Subcommission, and the final appointment will be approved by the governments. Recommendations will be submitted to the governments for approval.

JOYNER: Then as I understand it, your proposal is that we determine the method by which social organizations and political parties will select candidates from which the Commission would make further selections, and make then a recommendation to the Soviet Union and the American Government. They would also be referred apparently for consultation to the two other governments as to the actual personnel in this government. As I read our instructions here it seems to me as though we are involved only in the technique of selecting them.

BALASANOV: That was my question from the very beginning -- about the method. My opinion is that political parties and social organizations would recommend candidates, to name people whom they think to recommend to appoint to the government, and certainly we can take up this question here.

JOYNER: I will be very glad to hear if you have any recommendations to make on how we can do that.

BALASANOV: Personally I haven't yet a completely delineated plan in mind, but probably the thing we should do is to find out who we will suggest to recommend their representatives.

JOYNER: I see your point there. Would you take the list as agreed upon by Subcommission I and confirmed by the full Commission regarding a consultation? Presumably Subcommission I is working on that and will come up with recommendations to the whole Commission.

DECLASSIFIED
NND 760090
By NARS, Date

We hope the whole Commission will come to an agreement early in the proceedings as to with whom we should consult. Would it be your plan that this same list would be the one from which we make recommendations?

BALASANOV: On that list there will most probably be a broad number of parties. If we compose the government from such a broad circle of parties and social organizations, it seems to me that such a government won't be quite satisfactory.

JOYNER: How would you propose to narrow down the basis of recommendations by the parties so as to get a group? Suppose we took this list prepared by Subcommission I, which I believe will be a broad list -- that is my first desire -- then I can see two lines of approach there. We might permit them all to make recommendations, elaborate some method of selecting from that long list, or we might eliminate those who make the recommendations. What is your opinion?

BALASANOV: It seems to me that we can start right now compiling such a list and not wait until they have compiled their list, but in case they have already compiled this list when we start this work, then we may use their list as well. Besides, we have to take into consideration the point worked out by the first Subcommission that a party unless it has 1,000 members and has organizations in two or three provinces, can make no such recommendations, but if we omit this point and give every party a right to recommend people, they won't be able to recommend a whole member. Some of them will have to recommend half of such a member.

JOYNER: In consulting, suppose we pass over the question of how we arrive at which ones are nominated, and come to another point. Like you, I haven't any definite plan on this yet, but suppose we have agreed on a list, say, recommended by Minister Bunce and

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DECLASSIFIED
NND 760090
By NARS, Date

Chancellor Tounkin -- a list of our own; then we will want, say, ten to twenty ministers, to start off with, maybe, the Minister of Commerce, the Minister of Finance, and so on. Would you ask each party to make a list of all candidates for each of the posts, for example 12 -- as a good round figure -- would you ask each one of these parties to nominate 12, or would you ask them to nominate one for one specific post?

BALASANOV: If each organization nominates a whole body of ministry then it will be too complicated for us.

JOYNER: I understand then that it is your proposal to say to this party or to that organization, "You will nominate the Minister of Agriculture", "you will nominate the Minister of Transportation", is that right?

BALASANOV: No, that is not my proposal for each party to nominate one minister.

JOYNER: It will be one minister, but not one specific minister, is that the idea?

BALASANOV: What the party has to do is just to make a general appointment of candidates into the composition of the cabinet. Then we will arrive at a certain conclusion as to what post a person may be assigned to.

JOYNER: Would that be a function of the Subcommission -- to make recommendations on the assignment, or would that be a function of the whole Commission.

BALASANOV: Our Joint Commission our work is to make recommendations- to work out details on these questions, and then submit the work done here to the Joint Commission.

JOYNER: Is it your conception of our instructions that we are to select the actual persons, or to recommend the method of selecting the persons?

BALASANOV: I have already stated my mind on this question. If you have something else on your mind.....

DECLASSIFIED
NND 760090
By NARS, Date

JOYNER: No. I just want to be sure that you would select the definite names. In the end we would supply the list of names, is that correct?

BALASANOV: We will receive here a list from parties and social organizations, discuss them here and then make recommendations on these people by name and submit recommendations to the Joint Commission.

The subcommission then at 1440 recessed until 1500.

BALASANOV: We started the question of how to recommend candidates from political parties and social organizations.

JOYNER: I do not believe that the American members of the Subcommission have any definite recommendations to make at present on that subject. We will take into consideration what we understand to be your views and attempt to formulate in detail, as early as possible, some views of our own on the subject, and will be very glad to consider at any time if you have a detailed plan to propose.

BALASANOV: Let us make such plans. Inasmuch as we haven't any detailed plans on this question we will have another session tomorrow and discuss your plans in this question.

JOYNER: Would 1:30 suit you rather than 1:00?

BALASANOV: Any time which will suit you will be all right.

JOYNER: We will meet then tomorrow at 1:30. I propose that in view of the discussion today that we adjourn now and let the American Delegation spend some time in preparing a more active discussion for tomorrow's session.

BALASANOV: Agreed.

Subcommission adjourned at 1505 27 May 1947.

DECLASSIFIED
NND 760090
By NARS, Date

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SUBCOMMISSION # 3

USSR-USA JOINT COMMISSION

Seoul, Korea

From the Soviet side in the meeting of the subcommission #1 the following persons were present: (1:00 May 27 1947)

DUK SOO PALACE

1. Mr. G.M. Dalushov-Chairman of the Subcommission.
2. Mrs. O.Z. Maslova - Interpreter
3. Mrs. V.A. Klepikova-Stenographer

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DECLASSIFIED
NND 760090
By _____ NARS, Date _____

AGENDA

of the meeting of Subcommission # 3

1. The order of work of the subcommission.
2. The plan of work of the subcommission.

   I. The elaboration of recommendations for the personnel of the Provisional Korean Democratic Government.

   II. The order of assumption of power by the Provisional Korean Democratic Government.

   III. The order of selection of personnel for the Provisional Korean Democratic Government.

DECLASSIFIED
NND 760090
By NARS, Date

ПОВЕСТКА ДНЯ

Заседание подкомиссии № 3

СЕКРЕТ

1. Порядок работы подкомиссии.

2. План работы подкомиссии:

I. Выработка рекомендаций о персональном составе Временного Корейского Демократического Правительства.

II. Порядок приема власти Временным Корейским Демократическим Правительством.

III. Порядок подбора аппарата для Временного Корейского Демократического Правительства.

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DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SUBCOMMISSION 3

US - USSR JOINT COMMISSION

Seoul, Korea

SECRET

American Members present at

Meeting at 1300 Hours, 27 May 1947,

Duk Soo Palace:

1. MR. CALVIN JOYNER, American Chairman
2. MR. STEWART MEACHAM, Member
3. DR. P. J. STURM, Member

MR. SOLOVIEV, Interpreter

MR. ANTONAITIS, Interpreter

CAPT. EUGENE E. MILLER, Secretary

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DECLASSIFIED
NND 760090
By NARS, Date

ПОДКОМИССИЯ № 3.

СССР - США СОВМЕСТНАЯ КОМИССИЯ

г. Сеул, Корея

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От Советской стороны на заседании Подкомиссии № 1 присутствовали: /1300 час. 27 мая 1947 г./

Дворец ТУК - СУ.

1. Г-н БАЛАСАНОВ Г. Н. - глава Подкомиссии.
2. Г-жа МАСЛОВА О. З. - переводчица
3. Г-жа КЛЕПИКОВА Ю. А. - стенографистка

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DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
III JSC
27 May 1947

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Subcommission 3
US - USSR JOINT COMMISSION
Seoul, Korea

Resume of 1st Meeting at 1300 Hours, 27 May 1947, Duk Soo Palace:

1. No Official minutes, only personal notes.

2. Plan of Work.

B: Selection of Personnel for Prov. Govt.

J: Need for frank exchange of information on form of government in each part of country before attempting to select personnel.

B: In what form?

J: Written - charts and verbal exchange.

B: Defer until later. Now discuss form of government: Council of Ministers, etc?

J: Part of central problem, begin with basic question. vital to discussion of personnel.

B: Our information in South Korea only Military Government. What organs do you mean?

J: Speaking of organization with MG, Depts, etc.

B: This question not one for this subcommission. Questions of structure for subcommission2. Our problem one of personnel.

J: Any information obtained here to be transmitted to other subcommissions.

B: Important question of structure of government, but first settle question of whom recommend and how.

J: Agreed not to discuss form provinsional government should take. Need to know what now is in order to discuss any selection of personnel which may have application to what is likely to evolve.

B: Why encroach on function of subcommission 2, we should recommend candidates from political parties. Present government forms are temporary and will soon be eliminated. What organizations will recommend candidates and how.

J; Agreed for moment. What is B's suggested procedure.

B: That is my question. I suggest condidates be recommended fby parties and social organizations.

J: Candidates for what? If no structure. Not recommend anyone below rank of minister?

B: First have to appoint ministers. Afterwards together with ministers we shall further recommend additional personnel. First task to choose ministers. When we choose ministers subcommission 2 will have decided structure. Proceed from that point.

J. Subcommission 2 may make recommendations and may accept proposals that will make any work accomplished by us useless. Are appointments to be

DECLASSIFIED
NND 760090
By NARS, Date

ratified by election: SECRET

B: In exchange of correspondence between foreign ministers nothing has been said of elections.

J: Prpposal then is to determine how parties will recommend and Joint Commission select ministers for appointment?

B: My question exactly. Suggest political parties and social organizations recommend candidates for appointment.

J: What are suggestions?

B: No complete plan in mind but should discuss parties to make recommendations.

J: This is work of subcommission 1. Are parties chosen there same to make recommendations for ministers?

B: Subcommission 1 will make list for consultation - probably quite broad. If government composed of such a broad list, will not be satisfactory.

J: How will we choose parties to make nominations?

B: Can start right now making our own list. Only parties 1000 members and local organizations in two or three provinces to be consulted. Some of these will be too small to recommend a whole minister.

J: Would parties be asked to nominate whole slates covering all ministries or merely individuals?

B: If each party suggest slate, it will be complicated to choose.

J: Is a specific party to name a minister to a particular post?

B: No. Just make general nomination. Our subcommission after consideration will recommend assignment.

J: Our subcommission or whole Joint Commission?

B: Our function to make recommendation to Joint Commission.

J: As to membership or method of selection?

B: Recommend by name.

Recess from 1435 to 1500.

J. No specific recommendations to make now as to procedures. Will consider proposals and entertain any you make care to make.

B: Meet tomorrow at 1330.

Adjourned at 1505.

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DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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DRAFT
27 May 1947
Subcommission III

Secret

Resume of a Meeting of
Subcommission No. 3
on May 27, 1947

At the first meeting of Subcommission No. 3, Mr. Balasonov proposed an agenda in Russian which we accepted on the understanding that it was of the same meaning as the mission of Subcommission No. 3, as outlined in Joint Communique No. 9 of the US - Soviet Joint Commission in Korea.

The Joint Communique outlines the mission as follows:

> "Chairmen, Mr. Joyner of the American Delegation and Mr. Balasonov, of the Soviet Delegation, shall engage in solving the problems of method of selecting members of the Provisional Government, its administrative personnel, and the method of transferring the authority to the Provisional Government."

Mr. Balasonov attempted to direct the meeting into an immediate discussion of the method of selecting members of the Provisional Government, but we endeavored during the course of an hour to secure an agreement on his part for the mutual exchange of information concerning the structure and functions of the several parts of the governments now existing in North and South Korea. Mr. Balasonov insisted that this would be an encroachment on the mission of Subcommission No. 2.

We then agreed to waive, for the moment, the question of the exchange of information, and to explore Mr. Balasonov's ideas on the method of selecting members of the Provisional Government. It developed that he proposed the naming of individuals by political parties and social organizations of Korea.

Careful questioning brought out that not only does he propose to have the personnel named by individual parties and

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DECLASSIFIED
NND 760090
By _____ NARS, Date _____

organizations of Korea, but that he proposes that Subcommission No. 3 should select a restricted list of such organizations smaller than the list he expects to be the product of the deliberation of Subcommission No. 1.

Further he envisages that nominees put forward would be no greater than the number of portfolios to be filled by these nominees as ministers of the proposed Provisional Government and that Subcommission No. 3 should recommend to the Joint Commission not only the names of the specific individuals but their respective assignments to ministries.

Subcommission No. 3 will meet again at 1330 on Wednesday, May 28, at which time I propose to take the line that;

1. The selection of personnel and the assignment of personnel to posts in the government are not within the mission of Subcommission No. 3.
2. Solving the problems of the method of selecting the members of the ~~Provincial~~ Provisional Government and its administrative personnel are not the most pressing problems before our Commission.
3. That the most pressing problem is the study of the technical problems involved in transferring authority to the Provisional Government.
4. That these problems, broad in scope, involve the integration of the currency, the financial structure, the system of transportation, the telephone, telegraph and postal administrations, agriculture, collection and distribution of rice and many other problems which require immediate study by sub-committees if we are to be ready to make sound proposals to the Joint Commission.

I shall propose firmly that we defer consideration of the

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

methods of selecting personnel both for the government and for its administrative functions until the Joint Commission has determined the type and structure of the Provisional Government, the form of the Provisional Charter and the elaboration of a political platform.

Dictated by Mr Jessup

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NND 760090
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T R A N S C R I P T

2d

Meeting

JOINT SUBCOMMISSION 3

28 May 1947

DECLASSIFIED
NND 760090
By NARS, Date

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III JSC
28 May 1947

Joint Subcommission 3
US - USSR JOINT COMMISSION
Seoul, Korea

T R A N S C R I P T

of 2d Meeting

1330 Hours, 28 May 1947

Duk Soo Palace

Present

US Members:

Mr. Calvin Joyner
Dr. P. J. Sturm

Soviet Members:

Mr. G. M. Balasanov, Chairman
Mr. A. I. Shabshin

Secretariat:

Capt. E. E. Miller

Interpreters:

Mr. Soloviev (US)
Mrs. Maslova (USSR)

Stenographers:

Miss Helser (US)
Mrs. Klepikova (USSR)

DISTRIBUTION:
1. General Brown
2. Dr. Bunce
3. General Weckerling
4. Mr. Joyner
5. Colonel Lincoln
6. U. S. Secretary
7. Secretary, U.S. Subcommission 3
8. File

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NND 760090
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III JSC
28 May 1947

Transcript
2nd Meeting of
Joint Subcommission No. 3
US - USSR JOINT COMMISSION
at Duk Soo Palace
1330 hours, 28 May 1947

Chairman: Mr. G. M. Balasanov

BALASONOV: This session of our Subcommission is considered open. In our yesterday's session, we came to an agreement that Mr. Joyner would submit his detailed considerations on the first point of the agenda. That is why I would like to ask Mr. Joyner to acquaint us with the work that has been prepared by him and his people.

JOYNER: I have consulted the members of my subcommission as well as the members of the American Delegation. We hold with the view that the selection of personnel and the assignment of personnel to posts in the government are not within the mission of Subcommission No. 3--at least, not at present. The second point we wish to make is that solving the problems of the method of selecting members of the Provisional Government and administrative personnel is a part of our mission, but is not the most pressing problem before our subcommission. The third point is that the most pressing problem in our opinion, is the study of the technical problems involved in transferring authority to a Provisional Government. The fourth, we feel that these problems, broad in scope, involve the integration of currency, financial structure (that is, the financial institutions), the transportation system, telephone system, telegraph, postal, agriculture, collection and distribution of rice, and many other problems which require immediate study by subcommittees of this Subcommission if we are to be ready to make sound proposals to the Joint Commission. I, therefore, propose that we appoint committees of the subcommission to study these involved and difficult problems with a view to making proposals for their solution to the Joint Commission at the proper time; and that we defer con-

DECLASSIFIED
NND 760090
By NARS, Date

sideration of the methods of selecting personnel for the government and for administrative functions until the Joint Commission has determined the type and structure of the Provisional Government, the form of the Provisional Charter, and the elaboration of the Political Platform.

BALASANOV: I have a question. Have you got the proposal just mentioned written?

JOYNER: Yes, I have a form I could give you. I will have it extracted and give it to you at once if you like. Do you mean the detailed proposals or these that I have just covered?

BALASANOV: What I mean is just that material that has been prepared by your members of the subcommission.

JOYNER: No, we haven't any more than the statement I have just given you. We are willing to discuss with you the formation of these committees in any way that you like. I believe you had committees work on these problems during previous meetings of the Commission.

BALASANOV: I am surprised by the way Mr. Joyner wants to have this question discussed. The thing is that during the sessions of the Joint Commission it was decided that the functions of Subcommission No. 3 are the following: (1) Elaboration of recommendations, (2) the procedure of selecting personnel, and (3) the order of assumption of power. These three points were the basis upon which the decision of the Joint Commission was reached. I consider that Mr. Joyner is not right in mentioning that the question of selection of members of government is a thing that goes beyond our competence. I would like Mr. Joyner to state more exactly the point of view of the American Delegation.

JOYNER: As I understand it, the reference to our subcommission means we will first engage in solving the problems of methods rather than the selection of personnel. It may well be

DECLASSIFIED
NND 760090
By NARS, Date

that the Joint Commission when it completes more of its work will say, "Now Chancellor Balasanov and Mr. Joyner, sit down with your Subcommission and tell us what men you want", but in the meantime, I understand our mission to be elaboration on the methods, not the personnel and I hold that that is not the most expedient thing for us to do for the moment, inasmuch as we have not yet arrived in Subcommission 1 at a list of organizations and political parties to be consulted, and I don't want to tread on the toes of our distinguished colleagues in the other subcommissions. We do have detailed work that will take us some time, and I feel that the most important thing for us to do at first is not to elaborate the methods of selecting personnel either for the government or lower levels, but to try to come to some agreement on recommendations to make to the Joint Commission on the practical questions of integration. Now I also feel, and my colleagues agree with me, that we should know what form the charter and the political platform will take before we actually come to the naming of personnel. For example, suppose, and it seems most probable, that we will agree on some general provision in the political platform or charter for land reform. Let us grant that we have arrived at a plank in the platform. This platform says, "You will reform the land holdings in such and such a way." Then we will have Mr. Kim up here as a delegate from somewhere. He is one of the candidates for office. Mr. Kim is a very big landowner. I think that you will agree that we don't want the big landowner to reform the land. We will take Mr. Cho down here who is more favorable. We can select our personnel much better when we have the political platform and know what these men are to do.

BALASANOV: I didn't say that we must first recommend personnel for the government. It was so understood that first of all we must work out methods of selection of personnel.

DECLASSIFIED
NND 760090
By NARS, Date

It is that we must first think of the method of selecting candidates for ministries, and besides, we have also to decide upon the method of selection of the staff. This was what I stated yesterday as well as that first of all we have to decide upon the method before going over to the question of appointment.

JOYNER: I agree that before we select personnel, we must decide on the method of selecting personnel. I hold, however, that before we proceed to the elaboration of methods of selecting personnel we should study the problems of integrating the actual functions of North and South Korea because these problems are fundamental to the formation of the government. They are problems which will take us some weeks--first, to get necessary information together, second, to get a meeting of minds, and third, to give our recommendations. I feel that that is the most urgent and most immediate problem before this Subcommission, and I should like very much to proceed to the appointment of committees under our subcommission to work out these problems.

BALASANOV: What functions?

JOYNER: Those I mentioned in my opening remarks such as the question of currency, the financial institutions, the system of transportation, etc.

BALASANOV: I understand that in making such a statement here, Mr. Joyner, you repeat the proposals that were made yesterday.

JOYNER: Yes, that we would exchange information on the structure of our government and functions, and we would proceed to decide how they would work together. We have railroads down here. At present they are a department of the government. I believe under a reorganization now in progress in Military Government they would be a corporation under the government. We should decide how the management of the railroads of the whole country should be tied together and how we could transfer that authority.

DECLASSIFIED
NND 760090
By NARS, Date

BALASANOV: I haven't quite a clear idea of the aims of this study. What will be these aims? Should we understand it like this: that this will be a preparation for the integration of the two organs of power in the South and the North?

JOYNER: It would look toward the last sentence in our mission: The transferring of authority to the Provisional Government. I refer again to the Railroads. If we decide, you and I, in our Subcommission, that the railroads have certain problems, we must examine those problems and decide how we can meet them. We might agree that a commission should be set up as part of the Provisional Government to take care of railroads; that such practical steps should be taken as a transfer of cars, etc. I just bring up questions of that sort because they arise to my mind at the present moment.

BALASANOV: I and my members don't mind such a study. Today I had a conversation with General Lebedeff and he said, "If you want to do this work, please do it, we will have less work to do." Mr. Joyner insists upon having these questions discussed because he mentioned it yesterday and has repeated this today. I don't mind. Let us start such a study of the governments of North and South, but first of all we have to present a plan for such a study. What will be the plan for such a study? What would be your plan, if you care to tell us?

JOYNER: It is the plan I suggested in my opening remarks. It would envisage the appointment by Chancellor Balasanov on one hand, and myself and my Subcommission on the other, of individuals to sit down together and consider the information which we can mutually furnish them, and prepare detailed plans for the Subcommission's consideration. For instance, on financial questions, such as the currency and the financial institutions,

DECLASSIFIED
NND 760090
By NARS, Date

I would suggest it be referred to a committee of which at least one member would be Mr. Allen Loren, the Financial Advisor to the Military Government and a representative of the American Treasury. Mr. Loren is an objective thinker on financial problems and is well acquainted with the details of our problems in South Korea. I would expect Mr. Loren to supply your representative or your member of the subcommittee with as full and frank information on the problem as he has at his command. Of course, your representative would be equipped and prepared to furnish similar information. I give you this merely as an example of how I would hope to see these subcommittees operate. I would suggest as a preliminary step that the American Delegation on the Subcommission and the Soviet Delegation each present a list of the problems which they feel are most urgent in their respective zones. We would compare these lists in a subsequent meeting of our Joint Commission and see how many committees are required. We should at the same time give the committees some general instructions. I want to point out at this moment a practical difficulty, some of our best informed individuals would not be available for full-time work on such committees. Taking Mr. Loren again for example, he is Advisor to the Department of Finance in Military Government, and could not afford to give us more than afternoons and evenings of his time. This is one of the reasons I feel we must get these committees set up and working so they may have recommendations for us before summer. The summers here, I understand, are very hot.

BALASANOV: Judging by the statement which has been made, it is seen that specialists wouldn't be able to pay full attention to the work which they will be charged with, and we should draw from this that our study of functions of the departments and the structure may not be quite successful. We won't have what

DECLASSIFIED
NND 760090
By NARS, Date

we expect from such a study. In connection with this, and according to your proposal, I suggest that Military Government in South Korea and the People's Committee in North Korea be asked to present such a study and later on we will decide what has to be taken up here during the session of our Subcommission.

JOYNER: Perhaps you would prefer to start, say Monday afternoon, by laying on the table here charts and information concerning the structure of North and South Korea governments. We will be able to bring to this meeting an expert on what our government is in South Korea, if you would have someone present who can represent you and tell us how the government works in North Korea. We intend to use the experts of the Government in South Korea for information, and you will have to do the same in North Korea. I feel that we cannot make any progress before we make such studies.

BALASANOV: So judging by the statement which has been made just now, you don't mind the Military Government and People's Committee in North doing this work. Military Government as well as the People's Committee of the North have a staff which can do this work, and we here haven't got enough people to take up this work ourselves. But first of all, we have to draw up a plan, stating those points in which we are interested, and after having drawn up such a plan we will sent it to the Military Government and the People's Committee and they will work at this plan, and then present for us the necessary material. We have to state a definite date when this material should be ready.

JOYNER: I would appreciate that the material not be exchanged between the two governments but be sent to our Subcommission to be worked on.

BALASANOV: It was just what I said.

JOYNER: Is it agreeable that we meet on Monday afternoon to outline this work?

DECLASSIFIED
NND 760090
By NARS, Date

BALASANOV: If you mean that Monday we meet for the sake of drawing up such a plan which would later be submitted to the Military Government and the People's Committee, then I agree.

JOYNER: Yes.

BALASANOV: But it would be appreciated to have first our projects studied by both sides so that by Monday when we meet, we could discuss a common project.

JOYNER: I agree. I expect to have at that time an outline of what we would like to see done so far as South Korea is concerned and I would appreciate your doing that for North Korea, and we could then have a meeting of minds as to what our problems are.

BALASANOV: When shall we be able to exchange our projects?

JOYNER: We will try to have it ready for you tomorrow evening or, at the latest, by Friday.

Balasanov: So let us make such terms that we receive this project on Friday at 12 o'clock.

JOYNER: We have a National Holiday on Friday, but I shall be here Friday morning and will try to let you have it then. Do you want this in English text or would you prefer to have it in Russian.

BALASANOV: It is preferable to have it in Russian.

JOYNER: We will put it into Russian. Now, as I understand it, the projects will be exchanged between the two secretaries of our Subcommissions.

BALASANOV: I shall address my project personally to Mr. Joyner.

(An informal discussion resulted in agreement that proposals would be submitted each to the other Delegation prior to noon Saturday instead of Friday as indicated above.)

Meeting adjourned at 1430.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

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III JSC
28 May 1947

AGREEMENTS REACHED IN JOINT SUBCOMMISSION 3, 28 MAY 1947:

1. To defer the problem of method of selecting members of the Provisional Government.

2. To meet Monday afternoon for the purpose of preparing a joint request for information to be submitted to the UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA and to the PEOPLES' COMMITTEE in North Korea. The request would outline study desired preparatory to planning and recommending integration of existing functions and assumption of power by a Provisional Government.

3. It was further agreed that proposed communications would each be presented to the other Delegation not later than noon, 31 May 1947, to permit review prior to the Monday meeting.

DECLASSIFIED
NND 760090
By NARS, Date

Notes of Dr P J Sturm on 2d Meeting of Joint Subcommission 3,
at 1330, 28 May 1947

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B: Session open. Yesterday agreed Joyner will submit detailed considerations on first point of agenda.

J: (1) Hold to view selection and assignment of personnel to posts in government not at present within scope of our subcommission.

(2) Solving problems of method of selection are part of mission, but not most pressing part.

(3) Most pressing problem is study of technical problems involved in transfering authority to Provisional Govt.

(4) Involves integration of currency, finance, transportation, communications, collection and distribution of rice, etc, etc. These must be sutdied if we are to make sound proposals to the Joint Commission.

Therefore, I propose we agree on committees of the subcommission to study these problems with the view to making proposals to the Joint Commission, and defer question of selection of personnel until the Joint Commission has agreed upon form and structure, charter, platform, etc.

B: Are proposals written.

J: Yes, in general terms, not in detail.

B: Surprised by suggestions. During sessions of Joint Commission it was decided functions of our subcommission were selection of personnel and means of transferri g power. Consider Joyner not right in saying selection of members of Government goes beyond our competence. Please state position more in detail.

J: Methods of selection, not personnel themselves. Meanwhile, Subcommission 1 has not prepared list of parties to be consulted. Most important point first to agree on recommendations on practical questions of integration. Must know form of charter and platform; e. g., provisions for land reform should be determined before man selected for job.

B: Understood we must first work out methods of selecting

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

Ministers and Staffs.

J: Methods first; but before that must find measures for integrating governments of North and South. Propose we should appoint subcommittes to work on these technical problems.

B: Is this same proposal as that made yesterday.

J: Yes.

B: What are aims of this proposal. To integrate organs of power in North and South.

J: Such tenchical questions as integration of Railroads.

B: Reiterate we have no objection to such a study, but this will infringe on Subcommission 2. Lebedev says this will cause him less work. First prepare plan for such a study.

J: Consider what information we have, respectively, then prepare plan for study of individual departments and functions. Overall view before appointing subcommittees. They to be instructed by subcommission. Many of best men not available for full-time work. Therefore, get to work early.

B: Such a study not likely to be successful. Suggest MG and Peoples Committee make such a study and present to us.

J: Propose to have expert on governmental organization here Monday to begin discussion.

B: Not enough staff for us to undertake such a study. Let us draw up plan for Military Government and Peoples' Committee to work up the information.

J: Suggest Monday to draw up plan for the two governments to work on.

B: Agreed. Should discuss plans on Monday.

Agreed to exchange drafts of respective plans by Saturday noon.

Adjourned at 1430.

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NND 760090
By _____ NARS, Date _____

T R A N S C R I P T

3d

Meeting

JOINT SUBCOMMISSION 3

5 June 1947

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NND 760090
By _____ NARS, Date _____

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III JSC
5 June 1947

Joint Subcommission 3
US - USSR JOINT COMMISSION
Seoul, Korea

T R A N S C R I P T

of 3d Meeting

1400 Hours, 5 June 1947

Duk Soo Palace

Present

US Members:

Mr. Calvin Joyner, Chairman
Mr. Stewart Meacham
Dr. P. J. Sturm
Mr. Tilmer Engebretson

Soviet Members:

Mr. G. M. Balasanov
Mr. A. I. Shabshin

Secretariat:

Capt. E. E. Miller

Interpreters:

Mr. Antonaitis (US)
Mrs. Maslova (USSR)

Stenographer:

Miss Helser (US)

Inclosures:
No. 1 - American Proposal.
No. 2 - Soviet Proposal.

DISTRIBUTION:
1. General Brown
2. Dr. Bunce
3. General Weckerling
4. Mr. Joyner
5. Colonel Lincoln
6. U. S. Secretary
7. Secretary, U.S. Subcommission 3
8. File

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NND 760090
By NARS, Date

SECRET

SECRET
III USC
5 June 1947

Transcript of 3rd Meeting
Joint Subcommission No. 3
US - USSR JOINT COMMISSION
Seoul, Korea
1400 hours, 5 June 1947

Chairman - Mr. Calvin N. Joyner.

MR. JOYNER: Are all of your Delegates present, sir?

MR. BALASANOV: All are present.

MR. JOYNER: I will give you a copy of the proposed agenda today. Let us take up the first item: "The consideration of the American and Soviet proposals requesting information on existing governments from the present separate commands and governments in each case." At the second meeting of the Subcommission 28 May, it was arranged that the American and Soviet proposals would be exchanged on Saturday, the 31st of May. To date we have not received the Russian proposal. I request Chancellor Balasanov to tell us now if the Soviet proposal is ready for delivery to the American Subcommission.

MR. BALASANOV: I confirm everything that has been stated by Mr. Joyner, concerning that we had an appointment for June 2nd. However, after this appointment was made we had an informal conversation during which I told Mr. Joyner that due to the fact we hadn't enough technical personnel, we had to postpone this meeting of Subcommission No. 3 that was appointed for June 2nd. In answering Mr. Joyner's question whether the proposals of the Soviet Delegation in Subcommission are ready, I would like to say, yes, here they are.

MR. JOYNER: Since the Soviet proposals are in Russian, I propose that we recess until 3 o'clock to provide the American Delegation an opportunity for a quick translation and brief study before offering our comments.

MR. BALASANOV: I agree with this.

MR. JOYNER: We will recess until 3 o'clock.

(It was later informally agreed between the American and Soviet Subcommission members to reconvene at 1030 hours, 6 June 1947.)

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NND 760090
By NARS, Date

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American Subcommission 3.
Proposal No. 1.

Proposed letter to be addressed to:

1. The South Korean Interim Government.
2. The American Command in South Korea.
3. The Interim Peoples' Committee in North Korea.
4. The Soviet Command in North Korea.

1. The Moscow Decision of December, 1945, provides that the US-USSR Joint Commission shall present recommendations with respect to the formation of the Provisional Korean Government to the Governments of the Union of Soviet Socialist Republics, the United States, China, and the United Kingdom. Paragraph 2, Section III, of the Moscow Decision reads in part,

> "In order to assist the formation of a Provisional Korean Government and with a view to the preliminary elaboration of the appropriate measures there shall be established a Joint Commission consisting of representatives of the United States Command in Southern Korea and the Soviet Command in Northern Korea . . . . . "

2. The purpose of this letter is to request the cooperation of the South Korean Interim Government, the American Command in South Korea, the Interim Peoples' Committee and the Soviet Command in North Korea in "the preliminary elaboration of the appropriate measures" leading to the formation of a Provisional Korean Government, referred to above. It is the position of the US-USSR Joint Commission that neither the erection of a Provisional Government, nor the working out of procedures for its assumption of power is feasible, unless the Joint Commission has previously been furnished a detailed functional description of the organs of government existing in the two zones, accompanied by such charts and other descriptive matter as may be available. Information provided should set forth the departments, ministries, bureaus, and/or offices, together with all major subdivisions existing thereunder. There should be a clear differentiation between functions performed by Korean officials and those executed by Soviet

DECLASSIFIED
NND 760090
By NARS, Date

or American officials in the respective zones.

3. The eighteen-month period which has elapsed since the publication of the Moscow Decision has seen the evolution in Northern and Southern Korea of two governmental structures which are divergent in certain essential respects. Whereas each government owes something to the Japanese structure which preceded it, an important aim of the Soviet Command in the North, and of the American Command in the South has been to divest the government it controls of objectionable Japanese characteristics. Inevitably, reforms adopted in the respective zones have tended to follow the bias of the occupying power, and have proceeded at a different pace in each zone. Neither Command is in possession of full information concerning present governmental structure and function in the two zones, nor has either Command knowledge of all factors which must eventually be reconciled in any fusion of the two existing governments. Since it is hardly to be assumed that the Provisional Korean Government will incorporate exclusively features peculiar to either existing government, or that the Provisional Korean Government will be formulated without reference to existing structures, it is essential that a full and free exchange of information concerning the form and function of the two administrations be made as expeditiously as possible.

4. Reduced to specific detail, the request made herein should be met by submission of the following material:

a. A list of all departments, ministries, bureaus, offices, and major subdivisions of government, together with a descriptive account of their functions and responsibilities. Charts visually depicting lines of authority should be appended.

b. Charts similar to those mentioned in "a", above, making clear the advisory function of foreign members of the governments, and administrative responsibilities, if any. In the event this information cannot be satisfactorily charted in all details, it should be accompanied by whatever textual material is required to make clear the working relationship between the Korean and the Soviet or the American Advisors.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

c. Recommendations concerning any departmental functions now being performed that should be continued, modified, or eliminated.

d. Recommendations concerning fundamental structural changes believed to be required to adapt any existing department or ministry for incorporation in the Provisional Korean Government.

e. Recommendations by each ministry or department concerning the best manner of integrating its functions on a nation-wide basis under the Provisional Korean Government.

f. Description by any department or ministry of special problems likely to be encountered in integrating its functions on a nation-wide basis under the Provisional Korean Government.

g. Any further information which may assist the Joint Commission in solving the problems stated herein.

5. The information requested herein should be submitted to the Soviet Delegation of the Joint Commission, on the one hand, and to the American Delegation, on the other, not later than _____.

Note: This American Proposal, in both English text and Russian text, was handed to the Soviet Delegation at 1145, 31 May 1947.

DECLASSIFIED
NND 760090
By NARS, Date

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Plan of Information Regarding the
Structure and Function of the Organs of Authority
of Northern and Southern Korea

I. CENTRAL ORGANS OF AUTHORITY

1. Designation of central organ and of authority.
2. When and by whom elected or appointed.
3. Structure of the central organ. (Departments, sections, subsections.)
4. Functions of departments.
5. Guiding personnel of the central organs. (Names, age, education, where he has worked up to 15 August 1945.)
6. What organ performs the legislative authority. (Name.)
7. When and by whom is this organ elected or appointed.
8. How are the political parties existing in the respective zones represented in the legislative organ.
9. The structure of the legislative organ.
10. The functions and the work of this organ performed in the course of its existence.
11. Guiding personnel. (Name, age, education, where he has worked up to 15 August 1945.
12. When and by whom and in what manner judicial organs of the judiciary are created.
13. The structure of the central judiciary organs.
14. The statute regarding the judiciary organs.
15. The statute regarding the procurature.

II. LOCAL ORGANS OF AUTHORITY

1. Designation of the organs of authority in provinces, districts, counties, cities, and villages.
2. When and by whom elected or appointed.
3. Structure and function of the local organs.
4. Functions of the local organs of the judiciary.

Note: Above is English translation of Soviet Proposal presented during Joint Subcommission 3 meeting, 5 June 1947.

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Inclosure 2.

DECLASSIFIED
NND 760090
By NARS, Date

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информации о структуре и функциях органов власти Северной и Южной Кореи.

I. ЦЕНТРАЛЬНЫЕ ОРГАНЫ ВЛАСТИ.

1. Название центрального органа власти.
2. Когда и кем избран или назначен.
3. Структура центрального органа /департаменты, отделы, подотделы/.
4. Функции департаментов.
5. Руководящий состав центральных органов /фамилии, возраст, образование, где работал до 15.8.45 г./.
6. Какой орган осуществляет законодательную власть /название/.
7. Когда и кем избран или назначен этот орган.
8. Как представлены в законодательном органе существующие в соответствующих зонах политические партии.
9. Структура законодательного органа.
10. Функции и проделанная работа за время существования этого органа.
11. Руководящий состав /фамилия, возраст, образование, где работал до 15.8.45 г./.
12. Когда, кем и каким образом созданы судебные органы.
13. Структура центральных судебных органов.
14. Положение о судебных органах.
15. Положение о прокуратуре.

II. МЕСТНЫЕ ОРГАНЫ ВЛАСТИ.

1. Название органов власти в провинциях, уездах, волостях, городах и деревнях.
2. Когда и кем избраны или назначены.
3. Структура и функции местных органов.
4. Функции местных судебных органов.

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NND 760090
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American Proposal No. 1

Proposed letter to be addressed to:

1. The South Korean Interim Government.
2. The American Command in South Korea.
3. The Interim Peoples' Committee in North Korea.
4. The Soviet Command in North Korea.

1. The Moscow Decision of December, 1945, provides that the US-USSR Joint Commission shall present recommendations with respect to the formation of the Provisional Korean Government to the Governments of the Union of Soviet Socialist Republics, the United States, China, and the United Kingdom. Paragraph 2, Section III, of the Moscow Decision reads in part,

> "In order to assist the formation of a Provisional Korean Government and with a view to the preliminary elaboration of the appropriate measures there shall be established a Joint Commission consisting of representatives of the United States Command in Southern Korea and the Soviet Command in Northern Korea. . . . . ."

2. The purpose of this letter is to request the cooperation of the South Korean Interim Government, the American Command in South Korea, the Interim Peoples' Committee and the Soviet Command in North Korea in "the preliminary elaboration of the appropriate measures" leading to the formation of a Provisional Korean Government, referred to above. It is the position of the US-USSR Joint Commission that neither the erection of a Provisional Government, nor the working out of procedures for its assumption of power is feasible, unless the Joint Commission has previously been furnished a detailed functional description of the organs of government existing in the two zones, accompanied by such charts and other descriptive matter as may be available. Information provided should set forth the departments,

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DECLASSIFIED
NND 760090
By NARS, Date

ministries, bureaus, and/or offices, together with all major subdivisions existing thereunder. There should be a clear differentiation between functions performed by Korean officials and those executed by Soviet or American officials in the respective zones.

3. The eighteen-month period which has elapsed since the publication of the Moscow Decision has seen the evolution in Northern and Southern Korea of two governmental structures which are divergent in certain essential respects. Whereas each government owes something to the Japanese structure which preceded it, an important aim of the Soviet Command in the North, and of the American Command in the South has been to divest the government it controls of objectionable Japanese characteristics. Inevitably, reforms adopted in the respective zones have tended to follow the lines of the occupying power, and have proceeded at a different pace in each zone. Neither Command is in possession of full information concerning present governmental structure and function in the two zones, nor has either Command knowledge of all factors which must eventually be reconciled in any fusion of the two existing governments. Since it is hardly to be assumed that the Provisional Korean Government will incorporate exclusively features peculiar to either existing government, or that the Provisional Korean Government will be formulated without reference to existing structures, it is essential that a full and free exchange of information concerning the form and function of the two administrations be made as expeditiously as possible.

4. Reduced to specific detail, the request made herein should be met by submission of the following material:

a. A list of all departments, ministries, bureaus, offices, and major subdivisions of government, together with a descriptive account of their functions and responsibilities. Charts visually depicting lines of authority should be appended.

b. Charts similar to those mentioned in "a", above, making clear the advisory function of foreign members of the governments, and administrative responsibilities, if any. In the event this information cannot be satisfactorily charted in all details, it should be accompanied

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NND 760090
By _____ NARS, Date _____

by whatever textual material is required to make clear the working relationship between the Korean and the Soviet or the American Advisors.

c. Recommendations concerning any departmental functions now being performed that should be continued, modified, or eliminated.

d. Recommendations concerning fundamental structural changes believed to be required to adapt any existing department or ministry for incorporation in the Provisional Korean Government.

e. Recommendations by each ministry or department concerning the best manner of integrating its functions on a nation-wide basis under the Provisional Korean Government.

f. Description by any department or ministry of special problems likely to be encountered in integrating its functions on a nation-wide basis under the Provisional Korean Government.

g. Any further information which may assist the Joint Commission in solving the problems stated herein.

5. The information requested here should be submitted to the Soviet Delegation of the Joint Commission, on the one hand, and to the American Delegation, on the other, not later than _____.

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Американское Предложение № 1.

Предполагаемое письмо обращения к:

1. Южно-Корейскому Временному Правительству.
2. Американскому Командованию в Южной Корее.
3. Временному Народному Комитету в Северной Корее.
4. Советскому Командованию в Северной Корее.

1. Московское Решение от декабря 1945 г. предусматривает, что Американско-Советская Совместная Комиссия предложит рекомендации относительно образования Временного Корейского Правительства правительствам Союза Советских Социалистических Республик, Соединенных Штатов Америки, Китая и Об'единенного Королевства. Параграф 2, Раздела III, Московского Решения частично гласит:

"Для оказания содействия образованию временного Корейского Правительства и для предварительной разработки соответствующих мероприятий создать Совместную Комиссию из представителей Командований Американских войск в Южной Корее и Советских войск в Северной Корее. . . . . ."

2. Целью этого письма является пожелание сотрудничества Южно-Корейского временного Правительства, Американского Командования в Южной Корее, Временного Народного Комитета и Советского Командования в Северной Корее в "предварительной разработке соответствующих мероприятий" ведущих к образованию Временного Корейского Правительства, как упомянуто выше. Положение Американско-Советской Совместной Комиссии таково, что ни создание Временного Правительства, ни разработка порядка принятия им власти не будет ~~вступлением~~ осуществимо до тех пор пока Совместная Комиссия не будет заранее снабжена подробным описанием функций правительственных органов, существующих в обоих зонах, с приложением таких схем и других

Американское предложение № 1 Приложение № 2.

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DECLASSIFIED
NND 760090
By NARS, Date

пояснительных материалов, которые будут предоставлены в распоряжение . Поданная информация должна включать сведения о департаментах, министерствах, отделах, и, или же других ведомствах вместе со всеми главными подразделениями там существующими. должно быть ясное различие между функциями выполняемыми корейскими должностными лицами и теми функциями которые выполняются Советскими или Американскими властями в соответствующих зонах.

3. В течении восемнадцати-месячного периода, истекшего со времени опубликования Московского Решения, произошло развитие в Северной и Южной Корее двух государственных структур, которые расходятся в некоторых существенных пунктах, Так как в каждом правительстве осталось нечто от Японской структуры, которая ему предшествовала, главной целью Советского Командования на Севере и Американского Командования на Юге является удаление нежелательных особенностей Японского режима из правительства которое находится под их контролем. Неизбежно, что реформы проведенные в соответствующих зонах имели тенденцию следовать уклонам оккупирующей власти и были проведены различными темпами в каждой зоне. Ни то ни другое командование не располагает всеми сведениями, касательно настоящих государственных структур и функций в обоих зонах, как ни то и ни другое командование не имеет сведений относительно всех факторов, которые со временем должны будут быть согласованы при слиянии двух существующих правительств. Едва ли можно предположить, что Временное Корейское Правительство примет только особенности свойственные тому или другому правительству, или, что Временное Корейское Правительство будет формулировано без ссылок на существующие структуры, считается необходимым, чтобы полный и свободный обмен сведениями о формах и функциях обоих администраций был бы приведен в исполнение возможно быстрее.

4. Доведенные до специфических деталей, следующие материаль должны быть представлены согласно настоящему предложению:

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NND 760090
By _____ NARS, Date _____

а. Список всех департаментов, министерств, отделов, ведомств и главных подразделений правительства с приложением описания их функций и обязанностей. Схемы, наглядно показывающие структуру власти, должны быть приложены к этому.

б. Схемы, подобные вышеупомянутым в "а", ясно показывающие совещательные функции иностранных членов правительств и их административные ответственности, если таковые имеются. В случае, если эти сведения не могут быть удовлетворительно распланированы во всех деталях, необходимо будет приложить дословные материалы, которые будут необходимы для раз'яснения соотношении между Корейскими и Советскими или Американскими советниками.

в. Рекомендации, касающиеся любых функций департаментов, исполняемых в настоящее время, которые должны быть продолжены, изменены или отменены.

г. Рекомендации, касающиеся фундаментальных изменений в структуре, в случае необходимости приспособить любой существующий департамент или министерство для включения его во Временное Корейское Правительство.

д. Рекомендации каждого министерства и департамента, касающиеся наилучшего метода слияния их функций в государственном масштабе под Временным Корейским Правительством.

е. Изложение всеми департаментами или министерствами особых проблем, которые возможно будут встречены при слиянии их функций в государственном масштабе под Временным Корейским Правительством.

ж. Дальнейшие сведения, которые могут послужить в помощь Совместной Комиссии для разрешения вышеупомянутых проблем.

5. Запрошенные сведения должны быть представлены Советской делегации Совместной Комиссии с одной стороны и Американской делегации с другой стороны не позже чем _____

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SECRET

U. S. Subcommission 3
American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea

29 May 1947

MEMORANDUM TO: Mr. G. M. Balasanov, Counselor Second Class
Soviet Delegation
US - USSR Joint Commission
Seoul, Korea

SUBJECT : American Proposal Requesting Study of Existing Governments.

Herewith for your review prior to joint consideration in a meeting of Joint Subcommission 3 on 2 June 1947, is the American proposal for transmission to existing governments and commands in North and South Korea requesting certain information essential to the deliberations of the Joint Commission.

Calvin Joyner

CALVIN JOYNER
Chairman

2 Incls:
No. 1 - American Proposal No. 1 (English Text).
No. 2 - American Proposal No. 1 (Russian Text).

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Американская Подкомиссия 3

Американская Делегация
АМЕРИКАНСКО-СОВЕТСКОЙ СОВМЕСТНОЙ КОМИССИИ
Сеул, Корея

29 мая 1947

[illegible]: Г-ну Г. Т. Маласанову, Советнику Второго Класса
Советская Делегация
Американско-Советской Совместной Комиссии
Сеул, Корея

[illegible]: Американское предложение, запрашивающее об изучении существующих правительств.

Для вашего просмотра предварительно до совместного рассмотрения на заседании Совместной Подкомиссии 3 3 июня 1947 препровождается Американское предложение для передачи такового существующим правительствам и командованиям Северной и Южной Кореи на предмет получения необходимых сведений для обсуждения Совместной Комиссией.

Калвин Джонсер
Председатель

2 Приложения:

№ 1 - Американское предложение № 1 /английский текст/
№ 2 - Американское предложение № 1 /русский текст/

/

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Soviet Proposal
III JSC
5 June 1947

Plan of Information regarding the Structure and Function of the Organs of Authority of Northern and Southern Korea

I. CENTRAL ORGANS OF AUTHORITY

1. Designation of central organ and of authority.
2. When and by whom elected or appointed.
3. Structure of the central organ. (Departments, sections, subsections.)
4. Functions of departments.
5. Guiding personnel of the central organs. (Names, age, education, where he has worked up to 15 August 1945.)
6. What organ performs the legislative authority. (Name.)
7. When and by whom it is elected or appointed.
8. How are the political parties existing in the respective zones represented in the legislative organ.
9. The structure of the legislative organ.
10. The functions and the work performed in the course of existence of this organ.
11. Guiding personnel. (Names, age, education, where has worked up to 15 August 1945.)
12. When, by whom, and in what manner judicial organs of the judiciary created.
13. The structure of the central judiciary organs.
14. The statute regarding the judiciary organs.
15. The statute regarding the procurature.

II. LOCAL ORGANS OF AUTHORITY

1. Designation of the organs of authority in provinces, districts, counties, cities and villages.
2. When and by whom elected or appointed.
3. Structure and function of the local organs.
4. Functions of the local organs of the judiciary.

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TRANSCRIPT

4th

Meeting

JOINT SUBCOMMISSION 3

6 June 1947

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III JSC
6 June 1947

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Joint Subcommission 3
US - USSR JOINT COMMISSION
Seoul, Korea

T R A N S C R I P T

of 4th Meeting

1030 Hours, 6 June 1947

Duk Soo Palace

Present

US Members:

Mr. Calvin Joyner, Chairman
Mr. Stewart Meacham
Dr. P. J. Sturm
Mr. Tilmer Engebretson

Soviet Members:

Mr. G. M. Balasanov
Mr. A. I. Shabshin

Secretariat:

Capt. E. E. Miller

Interpreters:

Mr. Antonaitis (US)
Mrs. Maslova (USSR)

Stenographer:

Miss Van Note (US)

Inclosure:
No. 1 - American Proposal.

DISTRIBUTION:
1. General Brown
2. Dr. Bunce
3. General Weckerling
4. Mr. Joyner
5. Colonel Lincoln
6. U. S. Secretary
7. Secretary, U. S. Subcommission 3
8. File

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III JSC
6 June 1947

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Transcript of 4th Meeting
of Joint Subcommission III
US-USSR JOINT COMMISSION
Seoul, Korea
1030 hours, 6 June 1947

Chairman: Mr. Joyner

JOYNER: I propose we go ahead with the same agenda.

BALASANOV: All right.

JOYNER: The American Delegation has considered the Soviet proposals as embodied in the document presented to us yesterday afternoon. We find it acceptable, and so much so that we have written it into the original American proposal. We have here the revised American proposal embodying the Soviet document, as well as a Russian translation. Chancellor Balasanov will observe that paragraph 4, subparagraph a and subparagraph b of the original American document have been removed, and the Soviet proposal substituted in almost its precise words. The only changes, I believe, are those which strengthen the questions; for instance, under question "Structure of the Central Executive Body" we have said "charts". In the questions dealing with details concerning personnel, we have suggested that the place of birth also be given. Under the questions of "bodies of local authority" we have used the Korean words.

BALASANOV: These words are clear.

JOYNER: Under the Judiciary and the Procurature, we have suggested that the same questions be asked about the personnel. We believe we have not made any changes from the essential ideas of the Soviet proposal. The only changes made are technical and strengthening changes. The American Delegation now moves that this whole letter, embodied in the document just handed Chancellor Balasanov, be approved by this Subcommission with recommendation to the Joint Commission that it be signed by General Shtikov and General Brown for transmittal to the four bodies named at the top of the letter: The South Korean Interim Government, The American Command in South Korea, The Interim Peoples' Committee

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NND 760090
By NARS, Date

in North Korea, The Soviet Command in North Korea.

BALASANOV: Inasmuch as the American Delegation has introduced some changes in this document, time is needed for the representatives of the Soviet Delegation of the Subcommission to make close study of this document and after such a study to state its point of view and to give a final approval to it. The first reading already shows that slight changes have been made; for instance, I take up the point of judiciary body. Here in the document submitted by the American Delegation it states that, "the judiciary organs are being created" and the exact wording is "by which method are the judiciary organs created"; while the proposal submitted by the Soviet Delegation on this point reads "by which method will judiciary organs be created". The same thing would be in point b where we have also stated "by whom being elected, or by whom being appointed. So the changes that are included in these two points already make it necessary to have both documents compared. Then there is another objection to the proposal which has been done just now. This document should not be addressed to both Commanders as well as to the North Korean Peoples' Committee and the South Korean Interim Government. There is no necessity of having this document addressed to the Commanding Generals. It should be addressed only to the Northern Korean Peoples' Committee and to the South Korean Provisional Government. Now in speaking of the Provisional Government of South Korea, I would like to ask Mr. Joyner to tell us what is the exact name of it, is it Provisional Government, or Interim Government?

JOYNER: Interim.

BALASANOV: In the North we have a Provisional Peoples' Committee. At the last Peoples' Assembly in the North it was given a final name. It is no longer called Provisional. They have changed the name; the name is now "Peoples' Committee of North Korea". We

SECRET

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NND 760090
By NARS, Date

should not use any more, "Provisional". The reason why we want to have this is, before today in the North the Peoples' Committee was not elected, it was appointed by the democratic parties and social organizations. After the Peoples' Assembly this appointed body has been elected by this conference of representatives of the Peoples' Committee. That is why to call it "Provisional" now would not be quite correct.

Then there is another very major point which I don't agree with. We should eliminate from paragraph 3 the wording, "Whereas each government owes something to the Japanese structure which preceded it, an important aim of the Soviet Command in the North, and of the American Command in the South has been to divest the government it controls of objectionable Japanese characteristics." The North Korea Peoples' Committee cannot adopt these words because there is nothing left of the Japanese structure. It is a peoples' organ. It may be so in the South, but if you are speaking of the people of North Korea, there is nothing left of Japanese structure.

Taking into consideration all I have mentioned here we should be given time for another study. I would like to have Mr. Joyner give me time today to carry on this study, so we can meet tomorrow and discuss it.

JOYNER: The American Delegation agrees to the very reasonable request of Chancellor Balasanov for more time. The American Delegation wishes to point out that in the changes made in the questions submitted by the Soviet Delegation, it was our intention to follow precisely the ideas of the Soviet Delegation. If we have changed the intentions it was a matter of mistake in translation, and not of intent. This might have been avoided if we had been presented with an English translation at the same time.

BALASANOV: I am sorry to say we have not got enough technical personnel to make the translations.

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NND 760090
By NARS, Date

JOYNER: I realize that and did not intend any criticism of Chancellor Balasanov. At what time does Chancellor Balasanov propose to meet me tomorrow?

BALASANOV: Tomorrow at 1030.

JOYNER: Excellent. Now two small points I should like to make before adjourning the meeting. One: If possible, will you propose tomorrow a deadline for answers, that is a date by which we will expect the Peoples' Committee and the South Korean Interim Government to answer?

BALASANOV: I think that we will be able tomorrow to set such a deadline. We will come to terms.

JOYNER: The other point I wish to make is: This Subcommission may be the first one to submit a complete agreement and I wish we could present that at the Joint Commission meeting Monday, if there is a meeting, at which time Chancellor Balasanov will be Chairman and present this united front to the Joint Commission.

The meeting adjourned at 1100 hours.

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By NARS, Date

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III JSC
6 June 1947

American Subcommission 3
Proposal No. 1 (Revised
6 June 1947)

Proposed letter to be addressed to:

1. The South Korean Interim Government.
2. The American Command in South Korea.
3. The Interim Peoples' Committee in North Korea.
4. The Soviet Command in North Korea.

1. The Moscow Decision of December, 1945, provides that the US-USSR Joint Commission shall present recommendations with respect to the formation of the Provisional Korean Government to the Governments of the Union of Soviet Socialist Republics, the United States, China, and the United Kingdom. Paragraph 2, Section III, of the Moscow Decision reads in part:

"In order to assist the formation of a Provisional Korean Government and with a view to the preliminary elaboration of the appropriate measures there shall be established a Joint Commission consisting of representatives of the United States Command in Southern Korea and the Soviet Command in Northern Korea . . . . . "

2. The purpose of this letter is to request the cooperation of the South Korean Interim Government, the American Command in South Korea, the Interim Peoples' Committee and the Soviet Command in North Korea in "the preliminary elaboration of the appropriate measures" leading to the formation of a Provisional Korean Government, referred to above. It is the position of the US-USSR Joint Commission that neither the erection of a Provisional Government, nor the working out of procedures for its assumption of power is feasible, unless the Joint Commission has previously been furnished a detailed functional description of the organs of government existing in the two zones, accompanied by such charts and other descriptive matter as may be available. Information provided should set forth the departments, ministries, bureaus, and/or offices, together with all major

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NND 760090
By _____ NARS, Date _____

subdivisions existing thereunder. There should be a clear differentiation between functions performed by Korean officials and those executed by Soviet or American officials in the respective zones.

3. The eighteen-month period which has elapsed since the publication of the Moscow Decision has seen the evolution in Northern and Southern Korea of two governmental structures which are divergent in certain essential respects. Whereas each government owes something to the Japanese structure which preceded it, an important aim of the Soviet Command in the North, and of the American Command in the South has been to divest the government it controls of objectionable Japanese characteristics. Inevitably, reforms adopted in the respective zones have tended to follow the bias of the occupying power, and have proceeded at a different pace in each zone. Neither Command is in possession of full information concerning present governmental structure and function in the two zones, nor has either Command knowledge of all factors which must eventually be reconciled in any fusion of the two existing governments. Since it is hardly to be assumed that the Provisional Korean Government will incorporate exclusively features peculiar to either existing government, or that the Provisional Korean Government will be formulated without reference to existing structures, it is essential that a full and free exchange of information concerning the form and function of the two administrations be made as expeditiously as possible.

4. Reduced to specific detail, the request made herein should be met by submission of information as outlined below:

a. Central bodies of authority.

(1) The Executive Branch.

(a) Designation of central body of executive authority.

(b) Structure of the central executive body (departments, sections, subsections, etc.; with charts).

(c) Functions of departments (describe in detail).

(d) Guiding personnel of the central bodies. (In each case show the name, place of birth, age, education,

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NND 760090
By NARS, Date

and where he has worked prior to 15 August 1945.)

(e) When, and by whom the guiding personnel were elected or appointed.

(2) The Legislative Branch.

(a) What body performs the legislative authority (show name).

(b) When, and by whom this body is elected or appointed.

(c) How the political parties existing in the respective zones are represented in the legislative body.

(d) The structure of the legislative body.

(e) The functions and the work performed in the course of the existence of this body. (Describe in detail.)

(f) Guiding personnel. (In each case show the name, place of birth, age, education, and where he has worked prior to 15 August 1945.)

(3) The Judiciary.

(a) When, by whom, and in what manner the judiciary bodies are created.

(b) The structure of the central judiciary bodies.

(c) The statute regarding the judiciary bodies.

(d) Guiding personnel. (In each case show the name, place of birth, age, education, and where he has worked prior to 15 August 1945.)

(4) The Procurature.

(a) The statute regarding the procurature.

(b) Guiding personnel. (In each case show the name, place of birth, age, education, and where he has worked prior to 15 August 1945.)

b. Local bodies of authority.

(1) Designation of the bodies of authority in the Shi, Do, Pu, Kun, Up, Myun, and Ri.

(2) When, and by whom elected or appointed.

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NND 760090
By _____ NARS, Date _____

(3) Structure and functions of local bodies.

(4) Functions of the local bodies of the judiciary.

c. Recommendations concerning any departmental functions now being performed that should be continued, modified, or eliminated.

d. Recommendations concerning fundamental structural changes believed to be required to adapt any existing department or ministry for incorporation in the Provisional Korean Government.

e. Recommendations by each ministry or department concerning the best manner of integrating its functions on a nation-wide basis under the Provisional Korean Government.

f. Description by any department or ministry of special problems likely to be encountered in integrating its functions on a nation-wide basis under the Provisional Korean Government.

g. Any further information which may assist the Joint Commission in solving the problems stated herein.

5. The information requested herein should be submitted to the Soviet Delegation of the Joint Commission, on the one hand; and to the American Delegation, on the other, not later than _____.

Inclosure 1.

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meeting of Saturday June 7th 10:30 AM
Soviet remarks in ink notes.
Balassovo presented a typed document in Russian.

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III JSC
5 June 1947

Proposed letter to be addressed to:

1. The South Korean Interim Government.

~~2. The American Command in South Korea.~~

3. The Interim Peoples' Committee in North Korea.

~~4. The Soviet Command in North Korea.~~

1. The Moscow Decision of December, 1945, provides that the US-USSR Joint Commission shall present recommendations with respect to the formation of the Provisional Korean Government to the Governments of the Union of Soviet Socialist Republics, the United States, China, and the United Kingdom. Paragraph 2, Section III, of the Moscow Decision reads in part:

change required.

"In order to assist the formation of a Provisional Korean Government and with a view to the preliminary elaboration of the appropriate measures there shall be established a Joint Commission consisting of representatives of the United States Command in Southern Korea and the Soviet Command in Northern Korea . . . . . "

2. The purpose of this letter is to request the cooperation of the South Korean Interim Government, the American Command in South Korea, the Interim Peoples' Committee and the Soviet Command in North Korea in "the preliminary elaboration of the appropriate measures" leading to the formation of a Provisional Korean Government, referred to above. It is the position of the US-USSR Joint Commission that neither the erection of a Provisional Government, nor the working out of procedures for its assumption of power is feasible, unless the Joint Commission has previously been furnished a detailed functional description of the organs of government existing in the two zones, accompanied by such charts and other descriptive matter as may be available. Information provided should set

new ¶ suggested.

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Inclosure 1

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NND 760090
By NARS, Date

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forth the departments, ministries, bureaus, and/or offices, together with all major subdivisions existing thereunder. (There should be a clear differentiation between functions performed by Korean officials and those executed by Soviet or American officials in the respective zones.)

3. The eighteen-month period which has elapsed since the publication of the Moscow Decision has seen the evolution in Northern and Southern Korea of two governmental structures which are divergent in certain essential respects. Whereas each government owes something to the Japanese structure which preceded it, an important aim of the Soviet Command in the North, and of the American Command in the South has been to divest the government it controls of objectionable Japanese characteristics. Inevitably, reforms adopted in the respective zones have tended to follow the bias of the occupying power, and have proceeded at a different pace in each zone. Neither Command is in possession of full information concerning present governmental structure and function in the two zones, nor has either Command knowledge of all factors which must eventually be reconciled in any fusion of the two existing governments. Since it is hardly to be assumed that the Provisional Korean Government will incorporate exclusively features peculiar to either existing government, or that the Provisional Korean Government will be formulated without reference to existing structures, it is essential that a full and free exchange of information concerning the form and function of the two administrations be made as expeditiously as possible.

4. Reduced to specific detail, the request made herein should be met by submission of information as outlined below:

a. Central bodies of authority.

(1) The Executive Branch.

(a) Designation of central body of executive authority.

(b) Structure of the central executive body (departments, sections, subsections, etc.; with charts).

(c) Functions of departments (describe in detail).

Inclosure 1

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

(d) Guiding personnel of the central bodies. (In each case show the name, place of birth, age, education, and where he has worked prior to 15 August 1945.)

(e) When, and by whom the guiding personnel were elected or appointed.

(2) The Legislative Branch.

(a) What body performs the legislative authority (show name).

(b) When, and by whom this body is elected or appointed.

(c) How the political parties existing in the respective zones are represented in the legislative body.

(d) The structure of the legislative body.

(e) The functions and the work performed in the course of the existence of this body. (Describe in detail.)

(f) Guiding personnel. (In each case show the name, place of birth, age, education, and where he has worked prior to 15 August 1945.)

(3) The Judiciary.

(a) When, by whom, and in what manner the judiciary bodies are created.

(b) The structure of the central judiciary bodies.

(c) The statute regarding the judiciary bodies.

(d) Guiding personnel. (In each case show the name, place of birth, age, education, and where he has worked prior to 15 August 1945.)

(4) The Procurature.

(a) The statute regarding the procurature.

(b) Guiding personnel. (In each case show the name, place of birth, age, education, and where he has worked prior to 15 August 1945.)

Inclosure 1

DECLASSIFIED
NND 760090
By NARS, Date

b. Local bodies of authority.

(1) Designation of the bodies of authority in the Shi, Do, Pu, Kun, Up, Myun, and Ri.

(2) When, and by whom elected or appointed.

(3) Structure and functions of local bodies.

(4) Functions of the local bodies of the judiciary.

c. Recommendations concerning any departmental functions now being performed that should be continued, modified, or eliminated.

d. Recommendations concerning fundamental structural changes believed to be required to adapt any existing department or ministry for incorporation in the Provisional Korean Government.

e. Recommendations by each ministry or department concerning the best manner of integrating its functions on a nation-wide basis under the Provisional Korean Government.

f. Description by any department or ministry of special problems likely to be encountered in integrating its functions on a nation-wide basis under the Provisional Korean Government.

g. Any further information which may assist the Joint Commission in solving the problems stated herein.

5. The information requested herein should be submitted to the Soviet Delegation of the Joint Commission, on the one hand; and to the American Delegation, on the other, not later than July 1st. 47.

Inclosure 1

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NND 760090
By _____ NARS, Date _____

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U. S. Subcommission 3
American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea

III JSC

6 June 1947

MEMORANDUM FOR: The Chief Commissioner
American Delegation
US - USSR Joint Commission
Seoul, Korea

SUBJECT : Study of Structure and Functions of the Governments of North and South Korea.

1. Herewith as Inclosure 1 is a proposed letter intended for transmittal to the Governments and Commands in North and South Korea, requesting certain information regarding the bodies of authority therein. Inclosure 2 is a plan presented by Mr. G. M. Balasanov in a meeting of Joint Subcommission 3, on 5 June 47, to obtain the information the Soviet members had determined to be essential.

2. Inclosure 1 is a revision of an earlier American proposal delivered to the Soviet Delegate 31 May 47. It may be noted that paragraphs 4 a and b include with considerable exactness the plan proposed by the Soviet members. It is held by U. S. Subcommission 3 that the revision has served only to strengthen and improve the initial American proposal. The paragraphs deleted to permit incorporation of the new material are quoted below:

"4. . . .

a. A list of all departments, ministries, bureaus, offices, and major subdivisions of government, together with a descriptive account of their functions and responsibilities. Charts visually depicting lines of authority should be appended.

b. Charts similar to those mentioned in "a", above, making clear the advisory function of foreign members of the governments, and administrative responsibilities, if any. In the event this information cannot be satisfactorily charted in all details, it should be accompanied by whatever textual material is required to make clear the working relationship between the Korean and the Soviet or the American Advisors."

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DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

III JSC - 6 June 1947.

3. The new American proposal, Inclosure 1, will be presented to the Soviet members in a meeting of Joint Subcommission 3 scheduled for 1030, this date, for the purpose of completing a mutually acceptable plan to obtain the information required. Paragraphs 1, 2, and 3, may be amended in some detail if acceptable proposals are presented by the Soviet Delegate. However, the American members of Subcommission 3 are firmly of the opinion that the information furnished in compliance with paragraph 4, substantially as now prepared, is essential to the satisfactory completion of their mission.

Calvin Joyner
CALVIN JOYNER
Chairman

2 Incls:
No. 1 - Proposed letter to Governments and Commands in North and South Korea.
No. 2 - Soviet Plan of Information regarding the Structure and Function of the Organs of Authority of Northern and Southern Korea.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Plan of Information regarding the
Structure and Function of the Organs of Authority
of Northern and Southern Korea.

I. CENTRAL ORGANS OF AUTHORITY.

1. Designation of central organ and of authority.
2. When and by whom elected or appointed.
3. Structure of the central organ. (Departments, sections, sub-sections.)
4. Functions of departments.
5. Guiding personnel of the central organs. (Names, age, education, where he has worked up to 15 August 1945.)
6. What organ performs the legislative authority? (Name)
7. When, and by whom is elected or appointed this organ.
8. How are represented in the legislative organ the political parties existing in the respective zones.
9. The structure of the legislative organ.
10. The functions and the work performed in the course of existence of this organ.
11. Guiding personnel, (Name, age, education, where has worked up to August 15, 1945.)
12. When, by whom, and in what manner judicial organs of the judiciary created.
13. The structure of the central judiciary organs.
14. The statute regarding the judiciary organs.
15. The statute regarding the procurature.

II. LOCAL ORGANS OF AUTHORITY

1. Designation of the organs of authority in provinces, districts, counties, cities and villages.
2. When and by whom elected or appointed.
3. Structure and function of the local organs.
4. Functions of the local organs of the judiciary.

Soviet Proposal
Inclesure 2

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

СЕКРЕТНО

Американское Предложение № 2.

Предполагаемое письмо обращения к:

- Южно-Корейскому Временному Правительству.
- Американскому Командованию в Южной Корее.
- Временному Народному Комитету в Северной Корее.
- Советскому Командованию в Северной Корее.

Московское Решение от Декабря [illegible] г. предусматривает, что Американско-Советская Совместная Комиссия предложит рекомендации относительно образования Временного Корейского Правительства Правительствам Союза Советских Социалистических Республик, Соединенных Штатов Америки, Китая и Об'единенного Королевства. Параграф [illegible], Раздел II, Московского Решения частично гласит:

"Для оказания содействия образованию Временного Корейского Правительства и для предварительной разработки соответствующих мероприятий создать Совместную Комиссию из представителей Командования Американских войск в Южной Корее и Советских войск в Северной Корее . . . . . ."

Целью этого письма является пожелание сотрудничества Южно-Корейского Временного Правительства, Американского Командования в Южной Корее, Временного Народного Комитета и Советского Командования в Северной Корее в "предварительной разработке соответствующих мероприятий", ведущих к образованию Временного Корейского Правительства, как упомянуто выше. Положение Американско-Советской Совместной Комиссии таково, что ни создание Временного Правительства, ни разработка порядка принятия им власти не будет осуществимо до тех пор, пока Совместная Комиссия не будет заранее снабжена подробным описанием функций

DECLASSIFIED
NND 760090
By NARS, Date

правительственных органов, существующих в обоих зонах, с приложением таких схем и других пояснительных материалов, которые будут представлены в распоряжение. Поданная информация должна включать сведения о департаментах, министерствах, отделах и, или же, других ведомствах, вместе со всеми главными подразделениями, там существующими. Должно быть ясное различие между функциями, выполняемыми корейскими должностными лицами, и теми функциями, которые выполняются Советскими или Американскими властями в соответствующих зонах.

В течение восемнадцати-месячного периода, истекшего со времени опубликования Московского решения, произошло развитие в Северной и Южной Корее двух государственных структур, которые расходятся в некоторых существенных пунктах. Так как в каждом правительстве осталось точно от японской структуры, которая ему предшествовала, главной целью Советского Командования на Севере и Американского Командования на Юге является удаление нежелательных особенностей японского режима из правительства, которое находится под их контролем. Неизбежно, что реформы, проведенные в соответствующих зонах, имели тенденцию следовать уклонам оккупирующей власти и были проведены различными темпами в каждой зоне. Ни то, ни другое командование не располагает всеми сведениями, касательно настоящих государственных структур и функций в обеих зонах, как ни то и ни другое командование не располагает всеми сведениями относительно всех факторов, которые со временем должны быть согласованы при слиянии двух существующих правительств. Едва ли можно предположить, что Временное Корейское Правительство примет только особенности, свойственные тому или другому правительству, или что Временное Корейское Правительство будет формулировано без ссылок на существующие структуры, считается необходимым, чтобы полный и свободный обмен све-

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

дениями о формах и функциях обеих администраций был бы приведен в исполнение возможно быстрее.

4. Доведенные до специфических деталей, следующие материалы должны быть представлены согласно настоящему предложению:

а. Центральные органы власти.

1. Орган исполнительной власти.

а. Наименование центрального органа исполнительной власти.

б. Структура центрального исполнительного органа /сена таменты, отделы, подотделы, и т.д. со схемами/.

в. Функции департаментов /опишите подробно/.

г. Руководящий персонал центральных органов. /В каждом случае укажите имя, место-рождение, возраст, образование, и где он работал до 10 августа 1945 г./

д. Когда и кем этот руководящий персонал был избран или назначен.

2. Орган законодательной власти.

а. Какой орган осуществляет законодательную власть /назовите его/.

б. Когда и кем этот орган был избран и и назначен.

г. Как политические партии, существующие в соответствующих зонах, представлены в законодательном органе.

д. Структура законодательной власти.

е. Функции и работа, совершаемые в течение существования этого органа /опишите в деталях/.

ж. Руководящий персонал. /В каждом случае

Американское Предложение № 2.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

укажите имя, месторождение, возраст, образование, и где работал до 15 августа 1945 года/.

3. Орган Судебной Власти.

а. Когда и кем и каким способом создаются органы судебной власти.

б. Структура центральных органов судебной власти.

в. Положение об органах судебной власти.

г. Руководящий персонал. /В каждом случае укажите имя, месторождение, возраст, образование, и где работал до 15 августа 1945 года/.

4. Прокуратура.

а. Положение о прокуратуре.

б. Руководящий персонал. /В каждом случае укажите имя, месторождение, возраст, образование, и где работал до 15 августа 1945 года/.

5. Органы местной власти.

а. Наименование органов власти в [illegible], [illegible], [illegible], [illegible], [illegible], [illegible] и [illegible].

б. Когда и кем избираются или назначаются.

в. Структура и функции органов местной власти.

г. Функции местных органов судебной власти.

в. Рекомендации, касающиеся любых функций департаментов, исполняемых в настоящее время, которые должны быть продолжены, изменены или отменены.

г. Рекомендации, касающиеся фундаментальных изменений в структуре, в случае необходимости приспособить любой существующий департамент или министерство для включения его

Американское Предложение № 2.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

во временное Корейское Правительство.

д. Рекомендации каждого министерства и департамента, касающиеся наилучшего метода слияния их функций в государственном масштабе под временным Корейским Правительством.

е. Изложение всеми департаментами или министерствами своих проблем, которые возможно будут встречены при слиянии их функций в государственном масштабе под временным Корейским Правительством.

ж. Дальнейшие сведения, которые могут послужить в помощь Совместной Комиссии для разрешения вышеупомянутых проблем.

з. Запрошенные сведения должны быть представлены Советской Делегации Совместной Комиссии с одной стороны, и Американской Делегации с другой стороны не позже чем _____

_____

Американское Предложение № 2.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

T R A N S C R I P T

5th

Meeting

JOINT SUBCOMMISSION 3

7 June 1947

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NND 760090
By _____ NARS, Date _____

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III JSC
7 June 1947

Joint Subcommission 3
US-USSR JOINT COMMISSION
Seoul, Korea

TRANSCRIPT
of the 5th Meeting
1030 hours, 7 June 1947
Duk Soo Palace

Present

U.S. Members

Mr. Calvin Joyner, Chairman
Mr. Stewart Meacham
Dr. P. J. Sturm
Mr. Tilmer Engebretson

Mr. G. M. Balasanov
Mr. A. I. Shadshin

Secretariat
Captain E. E. Miller

Interpreters
Mr. Antonaitis (US)
Mrs. Grichuhin (US)
Mrs. Maslova (USSR)

Stenographer
Miss D. Cascioni (US)

Inclosure:
No. 1--Revised Soviet proposal

Distribution:
1. General Brown
2. Dr. Bunce
3. General Weckerling
4. Mr. Joyner
5. U. S. Secretary
6. Secretary, U.S. Subcommission 3
7. File

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NND 760090
By NARS, Date

SECRET
III JSC
7 June 1947

Transcript of 5th Meeting
Joint Subcommission No. 3
US-USSR JOINT COMMISSION
Seoul, Korea
at 1030 hours, 7 June 1947

Chairman--Mr. Joyner

MR. JOYNER: Let us proceed with the consideration of the American proposal. I suggest that Chancellor Balasanov point out to us each item in the document upon which he desires to comment, and then the American Delegation will consider all of his comments at one time.

MR. BALASANOV: All right. I will give them now. A detailed study of the summary draft presented by the American Delegation, which includes both American and Russian proposals, has brought me to the conclusion that there are a number of major points of difference. I, therefore, have drawn up a new document on the basis of this summary draft, which includes both American proposals and proposals of the Soviet Delegation. First, the American draft presented to the Soviet Delegation states that the Moscow Decision envisages that a Joint Soviet-American Commission will present its recommendations to the Four Powers. I have modified this point. To be more exact, I have even reworded some of it. The Moscow Conference of the Three Ministers which took place in December 1945 decided, "For rendering assistance to the establishment of the Provisional Korean Democratic Government and for preliminary elaboration of corresponding appropriate measures, there is created a Joint Commission from representatives of the American Command in South Korea and the Soviet Command in North Korea". The wording that I gave to this point is exactly as given in the Moscow Decision. This extract is included in the American proposal, but it is not included in this particular point that I am speaking of. Second point of the American proposal states that the letter which will be addressed to both existing governments persuades such members to give their coopera-

DECLASSIFIED
NND 760090
By NARS, Date

tion on behalf of these governments. Such a statement contradicts the Moscow Decision. If we ignore this and ask for cooperation on behalf of these governments, it will somewhat complicate and retard the work of the Joint Commission. This is why the Soviet Delegation decided to have a new point instead of this one--questionnaire for consultation with democratic parties and social organizations which are invited to inform the Joint Commission of their considerations concerning the structure and principles of organization of the Korean Provisional Democratic Government and local organs of power (Provisional Charter) and also political platform of this government. This questionnaire would be published in the press and be handed to democratic parties and social organizations. Then there is another objection. Point 3 of the summary proposal gives a short history on the development of both existing governmental structures. It is my belief that it is not necessary to give such a history. I also strongly object to including into this document that we should eliminate what is left in the structure of the government that is Japanese. The American draft states that some elements of Japanese structure are left. It would be improper to mention this as, if we take the People's Committees in North Korea, they have been created on an entirely new basis. Up until now, they have been unprecedented. Then there is another objection. It is to the proposal of having both governments melted together. The Moscow Decision does not envisage such a unification of both governments. It is the opinion of the Soviet Delegation that the whole government which we are going to create must be an entirely new one. It is not only the governmental structure that we are speaking of but the whole personnel and composition of this government. They must be entirely new, and on a new basis. It is understood that some peculiarities of the existing governments must be taken into consideration. I want to take into consideration some of the peculiarities concerning the structure of these governments, but in doing so, we should not go beyond our tasks, the tasks assigned to our Subcommission. That would

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

refer to Subcommission 3. So, in order to avoid some points which are not quite clearly stated and also not to interfere with the work of the other subcommissions, the Soviet representatives here have decided on the following for the preliminary study of the structure and functions and personnel composition of the leading workers of the existing executive and judicial organs in North Korea and South Korea: "The Joint Soviet-American Commission asks that you send in information according to the following questionnaire". Then this document has at the end a postscript, or rather a last paragraph stating: "The Joint Soviet-American Commission asks that you send in the above mentioned information not later than July 1, 1947, and such information must be addressed to the Joint Commission, Seoul or Pyongyang.

MR. JOYNER: I have carefully listened to the remarks of Chancellor Balasanov, and while the American Delegation will not be able to give complete consideration to the new document submitted by the Soviet Delegation until we have had it translated and until we have had an opportunity to study it, I wish to ask one or two questions to assist us in that consideration. On the first paragraph, I believe that we will have no difficulty whatever in agreeing with Chancellor Balasanov's proposal. I hope that after due consideration, we will be able to accept his suggestion in its entirety. Do I understand that in paragraph 3, the Soviet Delegation would prefer to omit the whole paragraph?

MR. BALASANOV: We should omit this point because if it is accepted or included in our document, it will mean interference with the work of the other subcommissions and will step on the toes of our distinguished colleagues, General Weckerling and General Lebedeff. It is their job.

MR. JOYNER: I regret that Chancellor Balasanov seems to have more trouble with his General than I have with mine, but in reference to the second sentence of paragraph three, "Whereas

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

each government owes something to the Japanese structure which preceded it, an important aim of the Soviet Command in the North and of the American Command in the South has been to divest the government its controls of objectionable Japanese characteristics"; we had understood from frequent references in the Korean press of the North that government officials in the North had cited many difficulties involved in the elimination of Japanese influence. However, as Chancellor Balasanov informs this is no problem in the North, we agree now to eliminate this entire sentence.

MR. BALASANOV: I object to this point being left in the document because of the following reasons: The beginning of this point mentions the history of both existing governments in North and South Korea. Why should we mention this? All the people of Korea know this history, and it is certainly known to these governments. Therefore, it is not necessary to remind them of this. They know it themselves. Then, there is a sentence in the same point which states that it is inevitable that in the respective zones there has been a tendency to follow the reforms of the occupying powers. We should not say that the reforms carried out in North Korea tended to follow the Soviet reforms. If we review all the democratic reforms which were made in the European countries after the war, we can see that some of them are similar to the reforms carried out in Korea, and that some of the democratic reforms carried out in Europe have not as yet been carried out here. All these reforms which were carried out in North Korea correspond to the wishes of the people of North Korea who were freed from the oppression of fascism. It would be wrong to say that these reforms have a tendency to follow the reforms carried out in the Soviet Union. It would be just as wrong to mention that the reforms carried out in South Korea follow the rules that exist in America. Here in the South, there certainly must be things which

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

are original and which do not resemble the evolution followed by the people of America. In speaking of the unification of both governments, it would be wrong to speak in general of the unification of the government. As I already mentioned, it contradicts the Moscow Decision. The government has to be an entirely new one. If we speak of the unification, we should speak of a scheme for government. It is a task that has been assigned to the Second Subcommission. As all of us know, the Joint Commission has decided that the Second Subcommission take up questions of the elaboration of a new structure for the government. We should keep in mind that our task is the elaboration of recommendations on the procurement or selection of personnel, and composition of the ministries of the Provisional Government. Another task assigned to us is the handing over of power to the government which will be created.

MR. JOYNER: The American Delegation will consider during its perusal of the Soviet proposal most carefully the remarks made by Chancellor Balasanov. In the meantime, the American Delegation agrees to complete removal of the sentence previously mentioned as it has been the prime object of American policy in South Korea to remove Japanese influence as evidenced in the radical deportation from South Korea of all Japanese. We trust that in our final agreement on this document we will be able to agree, or rather to specify, an earlier date than July 1st. We would suggest a maximum of two weeks after we are ready to transmit this document to the two governments. I propose that we meet again on Monday at 10:30 when Chancellor Balasanov will be chairman.

MR. BALASANOV: I don't object to Mr. Joyner's proposal to meet on Monday at 10:30, but, for the sake of information, I would like to mention that following concerning the question of elimination of Japanese in the North. The Japanese were eliminated. There are no Japanese in the North. I would like to express my appreciation to Mr. Joyner and the rest of the American Delegation

DECLASSIFIED
NND 760090
By NARS, Date

for agreeing to omit the sentence concerning the remnants of Japanese structure in the existing governments. Inasmuch as it was in the American proposal, I would like to make the following statement: I have mentioned that the structure of the People's Committees in North Korea does not resemble the structure that existed during the Japanese domination of Korea. I hope that the American Delegation will also take into account my other two objections. There is the one that concerns unification of the governments, and the second concerns the reforms that were carried out--that there was a tendency to follow the reforms used in both countries; the reforms that were carried out in the respective zones had a tendency to follow the inclination of the occupying power and were carried out in different tempo. Besides, I would like to state that our work has already proved that there are no major differences of opinion. That is why I believe that we will be able to present recommendations to the Joint Commission.

MR. JOYNER: I agree with Chancellor Balasanov that we have no fundamental differences. There is a possibility that he has a little more tenderness for the feelings of other subcommissions; but I am certain he will agree with me that as soon as our completed document is sent out by the Joint Commission and comments received from the North and South in response to our questions, that that information will be available to all three subcommissions; and that Joint Commission No. 3 has quite enough work assigned to it without either Joyner or Balasanov attempting to secure anymore work.

MR. BALASANOV: Later on there will be still more work.

MR. JOYNER: Any further remarks?

MR. BALASANOV: As to the remark made by Mr. Joyner about tenderness, probably Mr. Joyner did not quite understand it. It is not tenderness that I want to show toward these people, but it is my wish to make everybody do his job. For instance, in the Soviet Delegation, everyone must do his job so he can be responsible for that work.

The Subcommission adjourned at 1200 hours.

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DECLASSIFIED
NND 760090
By _____ NARS, Date _____

III JSC
7 June 1947

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Joint Subcommission 3,
Revised Soviet Proposal,
7 June 1947

To the Civil Administrator in South Korea

To the Peoples' Committee in North Korea

The Moscow Conference of the three Ministers of Foreign Affairs, held in December, 1945, decided that:

"In order to assist the formation of a Provisional Korean Government and with a view to the preliminary elaboration of the appropriate measures there shall be established a Joint Commission consisting of representatives of the United States Command in South Korea and the Soviet Command in North Korea . . . . . "

The Joint Commission has already worked out the questionnaire regarding the consultation with democratic parties and social organizations, which are being invited to submit their considerations to the Joint Commission regarding the structure and principles of organization of a Provisional Korean Democratic Government and the local organs of authority (Provisional Charter), as well as a political platform for this government. The above mentioned questionnaire will be published in the Press, and distributed among democratic parties and social organizations.

For the preliminary studies of the structure, functions, and the guiding principles of the executive, legislative, and judiciary branches of the governments existing in North and South Korea, the U.S.-U.S.S.R. Joint Commission requests that the information be submitted according to the following list of questions:

. Central bodies of authority.

1. The Executive Branch.

(a) Designation of central body of executive authority.

(b) Structure of the central executive body (departments, sections, subsections; with charts).

(c) Functions of departments.

Inclosure 1.

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SECRET

DECLASSIFIED
NND 760090
By NARS, Date

(d) Guiding Personnel of central bodies. (In each case show the name, place of birth, age, education, and where he has worked up to 15 August 1945.)

2. The Legislative Branch.

(a) What body performs the legislative authority (show name).

(b) When, and by whom this body is elected or appointed.

(c) How the political parties existing in the respective zones are represented in the legislative body.

(d) The structure of the legislative body.

(e) The functions and work performed in the course of existence of this body. (Describe in detail.)

(f) Guiding personnel. (In each case show the name, place of birth, age, education, and where he has worked up to 15 August 1945.)

3. The Judiciary.

(a) When, and by whom, and in what manner the judiciary bodies are created.

(b) The structure of the central judiciary bodies.

(c) The statute regarding the judiciary bodies.

(d) Guiding personnel. (In each case show the name, place of birth, age, education, and where he has worked up to 15 August 1945.)

4. The Procurature.

(a) The statute regarding the procurature.

(b) Guiding personnel. (In each case show name, place of birth, age, education, and where he has worked up to 15 August 1945.)

E. Local bodies of authority.

1. Designation of bodies of authority in Shi, Do, Pu, Kun, Up, Myun, Don, and To.

DECLASSIFIED
NND 760090
By NARS, Date

2. When, and by whom elected or appointed.

3. The structure and function of local organs.

4. Functions of the local bodies of the judiciary.

The US-USSR Joint Commission requests that the above mentioned information be submitted to US-USSR Joint Commission in Seoul, or in Pyongyang, not later than 1 July 1947.

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NND 760090
By NARS, Date

Проект.

Секретно.

ГРАЖДАНСКОЙ АДМИНИСТРАЦИИ ЮЖНОЙ КОРЕИ.

НАРОДНОМУ КОМИТЕТУ СЕВЕРНОЙ КОРЕИ.

Московское совещание трех министров иностранных дел, состоявшееся в декабре 1945 года, решило:

> "Для оказания содействия образованию Временного Корейского Правительства и для предварительной разработки соответствующих мероприятий создать Совместную Комиссию из представителей командования американских войск в Южной Корее и командования советских войск в Северной Корее..."

Совместной Комиссией уже разработан вопросник для консультации с демократическими партиями и общественными организациями, которые приглашаются сообщить Совместной Комиссии свои соображения относительно структуры и принципов организации Временного Корейского Демократического Правительства и местных органов власти /Временное положение/, а также политической платформы для этого правительства. Упомянутый вопросник будет опубликован в печати, а также вручен демократическим партиям и общественным организациям.

Для предварительного ознакомления и изучения структур, функций и личного состава руководящих работников существующих в Северной Корее и Южной Корее органов исполнительной, законодательной и судебной власти, Совместная Советско-Американская Комиссия просит прислать информацию согласно следующему перечню вопросов:

А. Центральные органы власти.

I. Центральные органы власти.

а/ Наименование центрального органа исполнительной власти.

б/ Структура центрального исполнительного органа /департаменты, отделы, подотделы со схемами/.

в/ Функции департаментов.

DECLASSIFIED
NND 760090
By NARS, Date

г/ Руководящий персонал центральных органов./В каждом случае укажите фамилию и место рождения, возраст, образование и где работал до 15 августа 1945 г./

д/ Когда и кем избран или назначен упомянутый центральный орган власти.

2. Орган законодательной власти.

а/ Какой орган осуществляет законодательную власть /назовите его/.

б/ Когда и кем этот орган был избран или назначен.

в/ Как политические партии, существующие в соответствующих зонах, представлены в законодательном органе.

г/ Структура законодательной власти.

д/ Функции и проделанная работа за период существования этого органа /опишите в деталях/.

е/ Руководящий состав./В каждом случае укажите фамилию, место рождения, возраст, образование и где работал до 15 августа 1945 года/.

3. Орган судебной власти.

а/ Когда и кем и каким образом созданы органы судебной власти.

б/ Структура центральных органов судебной власти.

в/ Положение об органах судебной власти.

г/ Руководящий состав./В каждом случае укажите фамилию, место рождения, возраст, образование и где работал до 15 августа 1945 года/.

4. Прокуратура.

а/ Положение о прокуратуре.

б/ Руководящий состав./В каждом случае укажите фамилию, место рождения, возраст, образование и где работал до 15 августа 1945 года/.

В. Органы местной власти.

1. Наименование органов власти в Си, До, [illegible], РИ, ДОН и То.
2. Когда и кем избраны или назначены.
3. Структура и функции органов местной власти.
4. Функции местных органов судебной власти.

Совместная Советско-Американская Комиссия просит прислать вышеупомянутую информацию не позднее 1 июля 1946 г. в адрес Совместной Комиссии в Сеул или Пхеньян.

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T R A N S C R I P T

6th

Meeting

JOINT SUBCOMMISSION 3

9 June 1947

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By _____ NARS, Date _____

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III JSC
9 June 1947

Joint Subcommission 3
US - USSR JOINT COMMISSION
Seoul, Korea

Col Lincoln LJL
Gen B. Lilo

T R A N S C R I P T

of 6th Meeting

1030 Hours, 9 June 1947

Duk Soo Palace

Present

US Members:

Mr. Calvin Joyner
Mr. Stewart Meacham (Morning Session only)
Dr. P. J. Sturm
Mr. Tilmer Engebretson

Soviet Members:

Mr. G. M. Balasanov, Chairman
Mr. A. I. Shabshin

Secretariat:

Capt. E. E. Miller

Interpreters:

Mr. Prostov (US) (Afternoon Session only)
Mr. Antonaitis (US)
Mrs. Grichuhin (US)
Mrs. Maslova (USSR)

Stenographers:

Miss Cascioni (Morning Session only)
Miss Helser (Afternoon Session only)

Inclosure:
No. 1 - Joint Subcommission 3 Decision No. 1

DISTRIBUTION:
1. General Brown ✓
2. Dr. Bunce
3. General Weckerling
4. Mr. Joyner
5. U. S. Secretary
6. Secretary, U. S. Subcommission 3
7. File

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NND 760090
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III JSC
9 June 1947

Transcript of 6th Meeting
Subcommission 3, US-USSR Joint Commission
1030 Hours, 9 June 1947
Duk Soo Palace

CHAIRMAN: Mr. Balasanov.

BALASANOV: Permit me to open the session of Subcommission No. 3. There is one question on the agenda. It is the discussion of the document. Mr. Joyner, head of the American Delegation, has the floor.

JOYNER: Thank you, Chancellor Balasanov. I believe that we have a basis for agreement, and propose that since our numerically superior Subcommissions No. 1 and No. 2 have gained merit in the eyes of the Joint Commission by having arrived at decisions, we devote as much time today - both this morning and this afternoon - as is necessary to arrive at a completed document. As a heading for the letter, the Soviet Delegation previously proposed that it be addressed to the South Korea Interim Government and to the People's Committee in North Korea. In their revised proposal of June 7, they used the expression "To the Civil Administrator in South Korea". The American Delegation proposes that we accept the previous suggestion - that the letter be addressed to the South Korea Interim Government and to the People's Committee in North Korea.

BALASANOV: Taking into consideration that the Soviet Delegation is informed that in South Korea there exists a civilian administration attached to the American Military Government, we suggested such a wording. As to the existence of an Interim Government, we have come to know it for the first time here. We have not at our disposal any official data on the creation of an Interim Government here in South Korea. We only know that the American Military Administration has operated the civilian departments and has made their head, Mr. AHN, Chai Hong. Officially it is everywhere known as the Civilian Administration, headed by a Civil Administrator. Proceeding from this official data, we propose that this letter be addressed to the Civil Administrator of South Korea.

SECRET

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NND 760090
By NARS, Date

JOYNER: Your information in general is correct. However, the official title of the government is, "The South Korean Interim Government".

BALASANOV: We cannot agree to give this Civilian Administration the title of a government, particularly at this moment when we are trying to create a government for all Korea. It would put the Commission at a disadvantageous position before the Koreans. It is wrong to name this body a government. We should give this body the name that it has - Civilian Administration. In the North no one calls the People's Committees a government. They are known as People's Committees. When the Commission will have created a government, then the name "government" will appear. So long as there is no government, no such title can exist. That is why I move that this letter be addressed to the Korean Civilian Administration of South Korea.

JOYNER: The Joint Commission necessarily must accept what exists, and that is the official name in the South. Our two delegations have been appointed by the American Command in South Korea and the Soviet Command in North Korea. The American Delegation would have no objection to addressing this letter to those commands and depend upon them to furnish us the correct information.

BALASANOV: What if we don't address anyone? Let each side of our Subcommission set a deadline when it will furnish the Subcommission with the needed information according to the questionnaire. It seems to me that thus we will avoid further discussion.

JOYNER: Agreed. Now then, in our documents we have a number of preliminary paragraphs. Since we have agreed to furnish each other, mutually, with the information by a certain date, the American Delegation proposes that the third paragraph of the revised Soviet proposal of the 7th of June be adopted with the following changes: "For preliminary studies of the structure, functions, and guiding personnel of the executive, legislative and judiciary branches of the governments existing in North and South Korea, the American and Soviet Delegations agree to exchange written answers as completely as possible to the following questions concerning their respective zones on or before 1 July 1947".

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

BALASANOV: The Soviet Delegation agrees with the proposal of Mr. Joyner. However, I would not like to mention again this title of government, inasmuch as no government exists. I propose that we mention in the document, not the government, but the existing organs of power.

JOYNER: Okey. Following that, we propose that we introduce, in parentheses, the following sentence before listing the questions: "There should be a clear differentiation between functions performed by Korean officials and those executed by Soviet or American officials in the respective zones".

BALASANOV: For the sake of information for the American Delegation here, the People's Committees in North Korea have no Soviet personnel. All the work is being done by Koreans themselves. This refers to all the People's Committees on all governmental levels. Not a single Soviet worker exists in the judicial and legislative organs. Koreans govern themselves there.

JOYNER: That is also the general situation in South Korea. However, it appears that the Soviet's representatives in the North have been more fortunate than we in the South, inasmuch as we have found it necessary to provide American Advisors. For instance, my substantive post is Advisor to the Director of the Department of Commerce. I had understood that Chancellor Balasanov gave the People's Committees of North Korea the benefit of his advice. However, we still prefer to have that sentence in the agreement, and if no Soviet citizen performs any such functions in the North, the answers can make that clear.

BALASANOV: If I understood correctly, the head of the American side here and the American representatives are interested in whether advisors exist in North Korea which are attached to the departments on behalf of the Soviet representatives.

JOYNER: Yes, that would be part of the answer.

BALASANOV: I don't object to the wording proposed by Mr. Joyner being included in parentheses.

JOYNER: Good. We have arrived at a conclusion on this document. The American Delegation moves that: The balance of the document start with "A. Central Bodies of Authority" and end with and include "B. 4." of the list of questions forming the main body of the revised Soviet proposal of June 7;

DECLASSIFIED
NND 760090
By NARS, Date

this document be entitled "Joint Subcommission No. 3 Decision No. 1"; we meet this afternoon to compare the Russian and English texts; the document be signed by the two chairmen; and we authorize our present chairman, Chancellor Balasanov, to report this decision to the Joint Commission with the recommendation it be adopted as Decision of the Joint Commission.

BALASANOV: Alright. When shall we meet this afternoon?

JOYNER: That depends on how long it will take you to prepare the Russian document - two, three, or four o'clock - any time you say. I would like to complete it today.

BALASANOV: Three o'clock. It is necessary to check it.

JOYNER: Just as we do in the Joint Commission.

BALASANOV: We will have to set a deadline.

JOYNER: It is mentioned in the first paragraph: July 1st.

BALASANOV: We have to set a definite time.

JOYNER: We will agree to your suggestion.

BALASANOV: You have mentioned on or before July 1st.

JOYNER: July 1st is the deadline. If, for instance, we have information about the Department of Commerce, we can bring it in.

BALASANOV: Is the wording I have here the same as contained in the English version?

The document was compared and found to be the same.

The Subcommission recessed at 1140 hours, and reconvened at 1500 hours.

The newly revised documents, in Russian and English texts, were exchanged.

BALASANOV: This document was originally intended to be a letter, so we should not now make it in the form of a letter.

JOYNER: I propose that Chancellor Balasanov read his Russian text and, as far as possible, we will make the English text conform with his.

The members then conducted a detailed reading and discussion of the Decision, and agreed on the wording of the document which is herewith as Inclosure 1.

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NND 760090
By _____ NARS, Date _____

JOYNER: We shall have our Secretaries retype the "Decision" and reconcile the two versions; then, you and I shall meet and affix our signatures.

BALASANOV: Yes.

JOYNER: I move that we adjourn.

BALASANOV: I agree.

Meeting adjourned at 1540.

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NND 760090
By _____ NARS, Date _____

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9 June 1947

Joint Subcommission 3
US - USSR Joint Commission
Seoul, Korea

JOINT SUBCOMMISSION 3 DECISION NO. 1

For the preliminary studies of the structure, functions, and the directing personnel of the executive, legislative, and judiciary organs of authority existing in North and South Korea, the American and Soviet Delegations agree to exchange written data, as detailed as possible, relating to the following questions concerning their respective zones on or before 1 July 1947. Clear distinction should be made between functions performed by Korean officials and those executed by Soviet, or American officials in the organs of authority in the respective zones.

A. Central organs of authority.

1. The central organs of the executive authority.

(a) The name of the central organ of executive authority.

(b) Structure of the central executive organ (departments, sections, subsections; with charts).

(c) Functions of departments.

(d) Directing personnel of central organs (name, place of birth, age, education, and where he has worked before 15 August 1945).

(e) When, and by whom was the central organ elected or appointed.

2. The Legislative Authority.

(a) What organ exercises the legislative authority.

(b) When, and by whom was this organ elected or appointed.

(c) How the political parties existing in the respective zones are represented in the legislative organ.

(d) The structure of the legislative authority.

DECLASSIFIED
NND 760090
By NARS, Date

(e) The functions and work performed in the course of the existence of this organ.

(f) Directing personnel (name, place of birth, age, education, and where he has worked before 15 August 1945).

3. The Judiciary.

(a) When, by whom, and in what manner the judiciary organs are created.

(b) The structure of the central judiciary organs.

(c) The statute regarding the judiciary organs.

(d) Directing personnel (name, place of birth, age, education, and where he has worked before 15 August 1945).

4. The Procurature.

(a) The statute regarding the procurature.

(b) Directing personnel (name, place of birth, age, education, and where he has worked before 15 August 1945).

B. Organs of Local Authority.

1. Designation of organs of authority in Shi, Do, Pu, Kun, Up, Myun, Ri, Don, and To (metropolis, province, city, county, town, township, plains village, mountain village, island).

2. When, and by whom elected or appointed.

3. The structure and functions of local organs of authority.

4. Functions of the local organs of the judiciary.

CALVIN JOYNER
Chief, American Delegation
Joint Subcommission 3

G. M. BALASANOV
Chief, Soviet Delegation
Joint Subcommission 3

Inclosure 1.

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NND 760090
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NND 760090
By NARS, Date

5. [illegible]

a/ [illegible]

b/ [illegible]

c/ [illegible]

d/ [illegible]

e/ [illegible]

f/ [illegible]

g/ [illegible]

6. [illegible]

a/ [illegible]

b/ [illegible]

7. [illegible]

I. [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

Subcommission #III

Numbered Papers

79

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III US 1
21 May 1947
Pages 1 to 9 Incl.

U.S. Subcommission III
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Draft Charter of Provisional Government

References: a. Section III-(Korea) of the Moscow Agreement of 27 Dec 45

b. Paragraphs 2b and c, Minutes of the 106th Meeting of the American Delegation.

c. Paragraph 4, Minutes of the 109th Meeting of the American Delegation.

d. Sec I, AMD 1 (Revised)

e. Inclosures 3, 4, and 6 to AMD 1/1

f. AMD 2

g. AMD 4

2 Inclosures: a. Number 1, Draft Charter of Provisional Government

b. Number 2, Notes, by Lt. Bertsch

Note by the Secretary

The inclosures are being studied by U. S. Subcommission No. 2, and are circulated among the members of U. S. Subcommission No. 3 for information.

E. E. MILLER
Captain AGD
Secretary

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NND 760090
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DRAFT CHARTER OF PROVISIONAL GOVERNMENT

PREAMBLE

With a view to re-establishing Korea as an independent state, to creating conditions for developing Korea on democratic principles and to the earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea, the United States of America and the Union of Socialist Soviet Republics hereby do ordain and establish this charter for the Provisional Government of the Republic of Korea.

ARTICLE I:

Section 1: The Provisional Government of the Republic of Korea shall be initially composed of all the existing administrative and judicial officials and institutions now functioning in the two zones of occupation, together with a Council of State herein outlined, defined and established.

Section 2: The Council of State shall consist of fifteen (15) members, with the following designated titles: President of the Council; Vice President of the Council; Ministers of Foreign Affairs Internal Security, National Defense, Justice, Labor, Communications, Commerce, Finance, Education and Coordination; and three (3) Ministers to be designated Ministers without Portfolio.

Section 3: The membership of the Council shall originally be established by the two establishing powers, in consultation with Korean political parties and social organizations, with a view to giving balanced recognition to the democratic groups of Korea and to fostering the democratic evolution of the country.

Section 4: All decisions of the Council of State shall be by majority vote of the total number of members; the President of the Council shall cast no vote except in the event of a tie.

ARTICLE II:

Section 1: It is the stated intention of this Charter that this Provisional Government of Korea shall be of the shortest possible

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NND 760090
By NARS, Date

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duration, being intended to serve only as the first phase of the evolution of Korea toward full independence. It is the stated intention of the establishing powers that this evolution shall be carried forward with all possible speed.

Section 2: During the period of the life of this provisional government, the supreme administrative, executive and legislative power shall be embodied in this State Council of the Provisional Government, subject, however, to review by the US - USSR Joint Commission.

Section 3: In the event of disagreement within the US - USSR Joint Commission, each of the occupying powers establishing this government shall have the right, by published open declaration of the Chief Commissioner for such power, to void any act or decision of the Council of State insofar as it relates to the territorial zone occupied by such power.

Section 4: Vacancies occurring in this Council of State by death or resignation shall be filled by vote of the remaining members of the Council.

ARTICLE III:

Section 1: All laws now in effect in each of the respective zones of occupation shall remain in effect and shall be enforced by the Council of State and its subordinate officials of the provisional government in the two respective zones, except as modified as hereinafter stated.

ARTICLE IV:

Section 1: It shall be the first function of the Council of State to determine and enact the detailed plan whereby the administration of the two respective zones may be placed under the direction and supervision of the respective Council members holding portfolios.

Section 2: After such a plan is formulated and adopted, replacements of subordinate officials in either zone shall be as determined by the Council member holding jurisdiction over such branch of the government. Questions of administrative and personnel procedure

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NND 760090
By _____ NARS, Date _____

under existing regulations shall also be under the jurisdiction of such individual members of the Council, subject however to the provision that any decision by an individual Council member may be appealed to the Council of State as a whole.

Section 2: It shall be the primary function of the Minister of Coordination to work out plans, in consultation with the respective individual ministers and their subordinates, whereby individual departments of government may be coordinated and centralized on a gradual schedule.

Section 3: It shall be the function of the Minister of Justice in conjunction with the three Ministers without Portfolio to prepare and present to the Council legislation to remove the differences of law and administration now existing between the two zones.

ARTICLE V:

Section 1: There is hereby established the Supreme Court of the Republic of Korea to be composed of five (5) members.

Section 2: Replacements in this court shall be by election of the Council of State.

Section 3: This court shall hold ultimate jurisdiction of appellate character from all decisions from all existing courts in both zones of occupation.

ARTICLE VI:

Section 1: No body or individual in either zone shall hold or assert legislative or executive authority except as above stated.

ARTICLE VII:

Section 1: The Council of State shall also be charged with the responsibility, in addition to the fulfilling of the functions above stated, for performing the tasks enumerated hereunder:

(1) Plan shall be formulated and enacted for creating on a unified basis a popularly elected officialdom on the village, county and provincial levels. (In such elections it shall be the right and the obligation of both occupying powers to guarantee the full free expressions of the popular will by

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...throughout [illegible] is granted ...

...to determine that full [illegible] ...

...[illegible] ...

...[illegible] ...

...ers, and effects, ...

..., shall not be violated, ...

...on proper ... supported by oath or affirmation, ...

...larly ... to be searched, and the ... of ...

... be compelled in any criminal ...

... nor shall testimony limited ...

... in any courts nor shall ...

... without just compensation.

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Section 5: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial court of the State and district wherein the crime shall have been committed, which districts shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistances of counsel for his defense.

Article 6: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

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NOTES:

The charter herein proposed is a bare skeletal plan upon which it might be possible to work out the details of a more complete agreement. It is not complex and it leaves every question of detail for later discussion.

In such discussion it must be remembered that it is not possible to abolish the possibility of disagreement and that it is better not to make a basic document too cumbersome in the effort to legislate disagreements out of possibility.

Two basic objectives have been considered: First, to create a plan upon which subsequent plans could build further progress toward independence; second, to make maximum use of the propaganda possibilities within the somewhat rigid framework of the duties prescribed by the Moscow Decision for the Commission.

There has been an effort to observe the three fundamental relationships; first, that of the occupying powers to the new central government; second, that of the central government with the two subgovernments which must of necessity continue for a while if there is to be an avoidance of chaos; and finally, the important point of the relations of government with the individual.

In essence the plan proposed calls for the creation of a federal union of two states, with the difference that it is the stated objective to reduce the two states to a common entity by a process of gradual evolution.

It will be noted that this charter is granted by the powers and not granted by the people. There may be objection to this, but the legal fact remains that under the Moscow Decision the creative power lies actually in the powers rather than in the people when the time comes for the creation of a fully independent government, the basic document of such government may contain an enacting clause deriving its authority from the people.

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NOTES (Cont'd):

There is the further consideration that such granting clause is necessary in order to prevent ambiguities and misunderstanding as to the reality of the retention of control by the powers during this preliminary period.

A similar consideration operates in favor of the retention of unilateral veto power by each of the two powers during this preliminary period. Such a power would be actually withheld whether or not stated; it is better that it be stated, so that the outlines of the problem will remain clearly fixed in mind.

It is suggested that the personnel, both of the Council of State and of the new Supreme Court, should be agreed upon by the Commission before the charter is agreed upon. At the same time the naming of individuals to office should be done in a separate document rather than in the basic document creating the government.

One further consideration should be named favoring this type of provisional government. By solidifying the present mass of small administrative officials in at least the temporary retention of their positions, we eliminate one of the obstacles that would otherwise militate against the initial success of the plan. It is true that the removal from office that will be necessary in many cases is now postponed, but it is postponed to the time at which it can be done piece-meal, with less concerted opposition. Continuing drive will have to be exerted by the Commission to prevent the omni present tendency of office-holders freezing themselves into position from upsetting the calendar evolution contemplated in this plan.

Finally, this measure represents a compromise which has in it some aspects which suggest the Soviet system. For this reason it may have more possibility of being favorably considered by the opposition. It should be pointed out, however, that the aspects in which the plan suggests the Soviet system of government are aspects in which it also suggests the parliamentary traditions of Central Europe and even of France and, to a lesser extent, Britain

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and Canada. Given continuing vigilance on the part of Americans, especially with regard to the election, there is no reason why this plan cannot be molded into a form which will give the Koreans as much western-style democracy as they are now capable of assimilation. The President and Congress plan of government also is capable of being warped into a thoroughly effective dictatorship, as has been observed in Germany and, in a much smaller scale, in the Dominican Republic. We should not allow insistence upon the form to lead us away from the possibility of reaching agreement in which we may preserve the essence.

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III US 1/1
22 May 1947
Pages 1 to 10 Inc.

U. S. Subcommission III
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Proposed Charter
for the Provisional Korean Democratic Government

References:
a. Section III-(Korea) of the Moscow Agreement of 27 Dec. 1945
b. Paragraphs 2b and c, Minutes of the 106th Meeting of the American Delegation
c. Paragraph 4, Minutes of the 109th Meeting of the American Delegation.
d. Paragraph 3a, Minutes of the 110th Meeting of the American Delegation.
e. Sec. I, AM D1 (Revised)
f. Inclosures 3, 4, and 6 to AMD 1/1.
g. AMD 2.
h. AMD 4.

Inclosure: Proposed Charter for the Provisional Korean Democratic Government, with covering note by Secretary, U. S. Subcommission 2.

Note by the Secretary

1. The inclosure has been prepared by U. S. Subcommission 2, and is circulated for study and action desired, if any.

E. E. MILLER
Captain, AGD
Secretary

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21 May 1947

U. S. Subcommission Number II
US-USSR JOINT COMMISSION
Seoul, Korea

Proposed Charter
for the Provisional Korean Democratic Government

Note by the Secretary

1. The inclosure, a draft of a proposed charter for the Provisional Korean Democratic Government, is a worksheet containing a statement of basic ideas which Subcommission Number II believes are appropriate for embodiment in the proposed charter.

2. It is circulated for information of the Joint Commission and subcommissions. Comments, suggested additions, and amendments are invited.

MORTON S. JAFFE
Captain, AGD
Secretary

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Inclosure 1.

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PROPOSED CHARTER OF THE
PROVISIONAL KOREAN DEMOCRATIC GOVERNMENT

I. BASIC INTERNATIONAL INSTRUMENT ESTABLISHING PROVISIONAL KOREAN DEMOCRATIC GOVERNMENT.

"Section III - (Korea) of the Moscow Agreement of 27 December 1945

"1. With a view to the re-establishment of Korea as an independent state, the creation of conditions for developing the country on democratic principles and the earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea, there shall be set up a Provisional Korean Democratic Government which shall take all the necessary steps for developing the industry, transport and agriculture of Korea and the national culture of the Korean people.

"2. In order to assist the formation of a Provisional Korean Government and with a view to the preliminary elaboration of the appropriate measures there shall be established a Joint Commission consisting of representatives of the United States Command in Southern Korea and the Soviet Command in Northern Korea. In preparing their proposals the Commission shall consult with the Korean Democratic Parties and social organizations. The recommendation worked out by the Commission shall be presented for the consideration of the governments of the Union of Soviet Socialist Republics, China, the United Kingdom and the United States prior to final decision by the two governments represented on the Joint Commission....."

II. PREAMBLE

1. The intention of the Four Powers, bound together under the Moscow Agreement, is declared to be the establishment of an interim representative provisional government which will unite, maintain and harmonize the machinery of state and prepare the ground for a permanent, democratically elected Korean Government.

2. The PKDG, in addition to its principal mission assigned by paragraph one of the Moscow Agreement (Section III - Korea), guarantees a "Bill of Rights" to citizens and residents of Korea under its jurisdiction. The rights of freedom of speech,

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religion and assembly; free elections on basis of general and equal electorial rights; equality of sexes; inviolability of personal freedoms; existing property and other personal rights; and the extension of such rights to non citizens and national minorities within the borders of Korea until or if amended by due process of law, are incumbent upon the Provisional Korean Democratic Government to uphold and protect.

3. The Provisional Korean Democratic Government derives its authority from the executive powers vested in the duly authorized representatives of the United States and the Union of Soviet Socialist Republics. The United States and USSR as the executive power grants ordinance and decree authority to the Provisional Korea Democratic Government on matters within its jurisdiction and as expressly conferred by this Charter.

4. The Provisional Korean Democratic Government shall undertake no fundamental reforms of vital import affecting the lives, economy, and spiritual and moral well being of all or most Koreans. As examples, land reform, ownership of industries and designation and punishment of those who acted to the detriment of Korea and Koreans under the Japanese domination, are matters that must be left to the determination of a permanent Korean government or national legislature brought into being by free elections on basis of general and equal electorial rights.

III U.S. 4

Inclosure 1.

DECLASSIFIED
NND 760090
By NARS, Date

5. All laws enacted or in force in respective zones retain validity except as inconsistent with this Charter or the powers of the PKDG as determined by the Charter. A general revision of laws is recognized as infeasible, prolonging as it would, the existence of the temporary government undesirably.

III. COMPOSITION OF GOVERNMENT.

1. The Provisional Korean Democratic Government shall consist

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By NARS, Date

2. The function of the PKDG is both executive and legislative deriving its powers as explained in Section II, par 3 above. Until a permanent democratically elected Korean Government or National Legislature is brought into being it may be impeached for its actions only by the executive power or the authorized agent of the executive power.

3. A free, general election on basis of general and equal electorial rights, will be held in Korea for the election of local and provincial officials and government agencies and national government agencies, including a National Assembly within ninety (90) days after the date of assumption of office of the PKDG, under such supervision as may be agreed to by the Allied Nations.

4. Armed Forces

All military or quasi military forces will be integrated into a National Constabulary of not more than 25,000 men under the control of the PKDG.

The Korean Coast Guard shall only be employed in Korean territorial waters to prevent smuggling and other violations of the Korean law.

IV. JUDICIAL.

1. The judicial system under the PKDG shall be

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NND 760090
By NARS, Date

2. Allied Nationals are under the legal jurisdiction of their respective military and civil courts.

Koreans, including non citizens and national minorities, will be tried in Korean courts for offenses against the civil and criminal laws, by an Allied Commission or Provost Court for offenses against the Allies, or the occupation forces.

3. Rulings of local courts are binding until review or appeal processes are provided by legislative action.

4. All citizens, non citizens and members of national minorities may demand trial by jury.

5. The rights of habeas corpus are guaranteed all citizens, non citizens and members of national minorities.

V. INTEGRATION AND HARMONIZATION OF GOVERNMENTAL AGENCIES.

1. Date of Assumption of Office

The PKDG officially assumes office when the recommendations of the Joint Commission are approved by the Four Powers, and final decision is made by the two powers participating in the Joint Commission.

2. Culture

The distinctive national language and culture of Korea will be maintained.

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-7-

III U.S. 1/

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NND 760090
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3. Economy

It is essential to the orderly economy of Korea that a rice collection and distribution system be continued for the time being.

4. Education

The Korean educational system will be free from any foreign ideology or political beliefs.

5. Enemy Property

Property owned by former enemy government, including that of Japanese government general imposed on Korea, and former enemy nationals will be administered by the Allies until final disposition is decided.

6. Finance

a. The Bank of Chosen is the sole issuing authority of the national Korean currency which will be

b. International rates of exchange of _____ won to the U. S. Dollar; _____ won to the kopek; _____ won to pound £; and _____ won to the Chinese dollar are established effective on the date of the assumption of office of the PKDG.

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NND 760090
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c. Joint export and import controls

7. Foreign Relations

The PKDG has no power to conduct foreign relations, conclude treaties or negotiate foreign loans.

8. Freedom of Movement

Free movement of persons and goods between all Korea is established effective _____

9. Integration

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Enclosure 1.

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10. Political Subdivisions

Political subdivisions in effect on August 15, 1945 will be maintained until changed by the freely expressed national will.

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16 Sep 1947

US Subcommission 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

BALANCE OF CONTROL UNDER TWO-POWER
SUPERVISION OF PROVISIONAL
KOREAN DEMOCRATIC GOVERNMENT

The inclosure, prepared by US Subcommission 2, is circulated for the information of members of US Subcommission 3.

E. E. MILLER
Captain, AGD
Secretary

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Mr. Jones

Subcommission No. 2
American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea.

16 September 1947.

Memo to General Brown.

The attached is a good discussion on the merits of joint veto and joint approval being written into the Charter.

The conclusion is that it cannot be done uniformly in all sections of the Charters.

Subcommission No. 2 believes that the Charters as written and as amended by the American Delegation recently represent the best documents that can be produced at this time.

JOHN WECKERLING
Brigadier General, USA,
Chairman.

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By NARS, Date

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U.S. SUBCOMMISSION NUMBER II
American Delegation
US-USSR JOINT COMMISSION
No 235

15 September 1947

SUBJECT: Balance of Control under Two-Power Supervision of Provisional Korean Democratic Government.

TO : General Hodgerling

1. Following is a discussion of above subject under full heading of "Balance of Control under Two-Power supervision of a Provisional Government as expressed in the Drafts of the Charters for the Provisional Korean Democratic Government". This study is submitted for the consideration of the Commissioners.

2. Although the several drafts of provisional charters for the Provisional Democratic Government were written with the intent of giving to the Provisional Korean Democratic Government maximum of authority to conduct its affairs, there are certain points, however, in the operation of the government under the charter at which control is reserved to the establishing powers, in accordance with the trusteeship stipulated by the Moscow Agreement. The Moscow Agreement does not assist in the determination of whether the establishing powers are deemed to exercise control over the Provisional Korean Democratic Government by joint action or whether such control is reserved to each of the establishing powers respectively. At each critical point of control each power may be expected to follow that course which best suits its national interests and its own ideological definition of democratic government. In preparing its draft of a Charter the United States Delegation will wish to prevent domination of the government by influences which will eventually make the Provisional Korean Democratic Government a creature of a foreign power. Such tactics may be expected on the part of the Government of the Soviet Union, which will try to create a Communist dominated government. On the other hand the United States should never lose sight of the fact that the real mission of the establishing powers is to establish a functioning

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[illegible] exercising the control

[illegible] provisional Korean democratic government.

[illegible] drafts prepared by the American Delegation contain

[illegible] which the interests of the two establishing

[illegible] the [illegible] provisional Korean democratic drafts

[illegible] establishing joint

[illegible] the provisional

[illegible] the event of the

[illegible] government to carry

[illegible] the objectives

[illegible] the others,

[illegible] the Ministers to

[illegible] assistance in

[illegible] provisional Governor,

[illegible] action upon the

[illegible] which may be acceptable to one

[illegible] delegation could not be interfered with by the other.

[illegible] the provisional

[illegible] the government to pass a civil service law, for example,

[illegible] delegation could not prevent the passage of such a law un-

less the Soviet Delegation agrees. From previous experience it may

be expected that agreement with the Soviet Delegation can be reached

only in exceptional cases. Accordingly the provision as presently

drafted will result in a minimum interference with the activities of

the provisional Korean Democratic Government. If the provision under

discussion were changed to allow unilateral review of action by

either establishing power without reference to the other establishing

power the result would be that in all probability no official would

be appointed in many cases, and government would never begin to func-

tion. Instead of fostering the development of a government the

contention between the powers would lead virtually to anarchy.

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NND 760090
By NARS, Date

Another aspect of the problem is seen in the Charter provision concerning forner Japanese owned property. Here the American Delegation wishes to have the Korean Government take positive action to undo certain dispositions of property by the Soviet-dominated North Korean Covernment. A joint veto is written into the Charter so that the acts of the Korean Government cannot be held up by unilateral Soviet action in the way of veto. Since the reverse situation does not exist in South Korea, where property is largely undisposed of, the joint review contemplated in the review will not work to the disadvantage of the American position, at least in this case. However, joint approval is required in the provision concerning international agreements and diplomatic and consular representation because it was felt that non-action would be less harmful for the American position that the creation of international commitments by the Korean nation which might be opposed to the policy of the United States.

The budget to be drawn up by the Provisional Korean Democratic Government is subject to a joint veto of the establishing powers. While this may result in a budget not fully satisfactory to the American point of view the joint veto prevents Soviet interference, and insures that there will be some form of budget.

The Charter contains two provisions which provide an unqualified joint veto of the appointment of the Chief of State, the Deputy Chief of State, the ministers and the Justices of the Supreme Court. Since these officials are either immediately elected by the National Assembly or appointed subject to the approval of the National Assembly, it will in the final analysis depend on the result of the elections whether this provision will prove advantageous or disadvantageous to the American position. Both under the traditional American view and the stated policies of American authorities in Korea (both of which find expression in the Charter) we would be bound to accept the choice of the majority of the electorate, assuming a supervised election. It would require directives of higher authority to recast this Charter to allow the American Delegation

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NND 760090
By _____ NARS, Date _____

to reject democratically elected representatives of the Korean nation on the sole basis that they represent the nation's political view and not the American view. The Soviets, however, have no such compunction and would not hesitate to object to a politically [illegible] official, in their view, even if he represented the free will of the Korean people. The requirement of a joint veto in these circumstances is a Soviet veto which will undoubtedly be exercised [illegible] democratic principles; it proves also an American veto [illegible] it should be realized that in all [illegible] actions would be returned to the selection made [illegible].

It would seem apparent that the provision of a Soviet veto power/duty in this situation (since it is [illegible] required to grant a similar provision for American control [illegible] would be exercised to the same extent in the event that the elections result [illegible] desired national security.

[illegible] provision of the draft resolution cannot prevent [illegible] from [illegible] the right to request [illegible] National Assembly to reconsider legislation taken by the [illegible] majority within 15 days after passage of any legislative bill. [illegible] would bind provision amounts to a joint review of the [illegible] activities of the National Assembly. The considerations [illegible] a veto [illegible], but the other powers which joint action [illegible] the two Commissions possess are equally applicable to this situation.

It is the opinion of the Commission that, as a rule, [illegible] the powers under consideration by the Commission [illegible] the Provisional Korean Democratic Government is at issue it is [illegible] to have a means of preventing such interference by the [illegible] [illegible] such preservation [illegible] [illegible] Delegation [illegible].

The question may be raised as to whether review of the [illegible] Provisional Korean Democratic Government by joint vote has any practical significance. The answer to this is that, in view

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By NARS, Date

of the basically different approaches of the two establishing powers, review by joint veto will in all probability not be exercised for political considerations. This does not, however, exclude the possibility that the two powers may agree to review an act of the Provisional Korean Democratic Government which due to the lack of expreience of the Korean nation may be a governmental absurdity or not related to any sound principle of economy or finance. The concept of joint veto more nearly corresponds to the idea of trusteeship, and therefore cannot be objected to on the ground that it does not follow the Moscow Agreement.

A specific question was raised in the discussions which led to the preparation of this paper as to whether a unilateral veto should not be provided for over the selection of a Chief of State, even if a joint veto were provided in all other places. This would mean that persons elected by the choice of the people through the National Assembly would be vetoed one after another until a compromise candidate acceptable to both establishing powers had been selected by the National Assembly. Actually this amounts to a camouflaged appointment of the Chief of State by the establishing powers and does not represent a free election of the Chief of State by the Korean people.

ERNST FRANKEL

WALTER MONAGAN

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23 May 1947

COPY NO. 1

U.S. Subcommission 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Study of Government
of South Korea

References: a. Paragraph 2b, Minutes of the 106th Meeting of the American Delegation

b. Sec. C, Inclosure 1 to AMD 4.

2 Inclosures: a. No.1 - Agenda for meeting with American Departmental Advisers, USAMGIK, 23 May 1947.

b. No.2 - Letter, U.S. Subcommission 3, file III US 2, subject: Request for information on present Governmental Structure and Function, dated 22 May 1947.

Note by the Secretary

1. The inclosures were presented and discussed by Mr. Stewart Meacham and Dr. P. J. Sturm at a meeting conducted in Room 200, MG Annex, at 0900, 23 May 1947.

2. The meeting was attended by the following named Americar Departmental Advisers in addition to the above named Subcommission Members and the Secretary:

COLONEL WILLIAM F. CENTNER	- Office of Foreign Affairs
COLONEL GORDON J. F. HERON	- National Food Administration
COLONEL PAUL A. KEENEY	- Dept. of Public Health and Welfare
COLONEL EDWARD J. LEWIS	- USAMGIK Services of Civilian Supply
COLONEL WILLIAM H. MAGLIN	- Dept. of Police
COLONEL TERRILL E. PRICE	- Dept. of Internal Security
LT.COL. HARRY D. BISHOP	- Office of Property Custody
LT.COL. HUGH H. BLEDSOE	- Office of Korea Civil Service
LT.COL. ARTHUR J.CORNELSON	- Dept. of Transportation
LT.COL. A. W. MELCHOIR	- Office of Administration
LT.COL. LLOYD C. PARSONS	- Dept. of Communications
LT.COL. LYMAN A. SHAW	- Dept. of Labor
MAJOR JOHN W. CONNELLY, JR.	- Dept. of Justice

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MAJOR CHARLES M. TATUM	- Dept. of Agriculture
CAPT. JOHN H. FIELDS	- National Price Administration
DR. WILHELM ANDERSON	- National Economic Board
MR. IRVING J. BOB	- Dept. of Commerce
DR. EDGAR A.J. JOHNSON	- Chief Adviser
MR. ALLAN LOREN	- Dept. of Finance
MR. H. W. POLLOCK	- Dept. of Public Works
DR. HORACE H. UNDERWOOD	- Dept. of Education

E. E. MILLER
Captain, AGD
Secretary

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III US 2
22 May 1947
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COPY NO 1

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U.S. Subcommission 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

AGENDA

for meeting with
American Department Advisors
USAMGIK
at

Room 200, MG Annex, 0900, 23 May 1947

1. Presentation of request for information on Government structure and function -- By Mr. Stewart Meacham

2. Discussion.

3. Miscellaneous.

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By _____ NARS, Date _____

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COPY NO. 1

U. S. Subcommission No. 3
AMERICAN DELEGATION
US-USSR JOINT COMMISSION
Seoul, Korea

III US 2

22 May 1947

SUBJECT: Request for Information on present Governmental Structure and Function.

~~THRU~~ To : American Departmental Advisors,
United States Army Military Government in Korea,
APO 235 Unit 2

~~TO:~~ THRU: Chief Advisor, United States Army Military Government in Korea, APO 235 Unit 2

1. The Moscow Decision provides that the Joint Commission shall present recommendations with respect to the formation of a Provisional Government of Korea to the USSR, China, United Kingdom, and U. S. Following the establishment of the Provisional Government and with its participation and that of Korean Democratic organizations, the Joint Commission shall work out measures for helping and assisting the political, economic, and social progress of the Korean people, the development of democratic self-government and the establishment of the national independence of Korea.

2. One aspect of this responsibility has to do with the structure of the Provisional Government. In preparing to meet this responsibility, it is necessary to cope with the fact that delay in establishing the Provisional Government has resulted in the creation of two interim governments in Korea. The American Delegation of the Joint Commission will require the assistance of those persons in Military Government who know most about our own South Korea governmental structure and whose advice with respect to structure of the Provisional Government will be of highest value since it will be based on actual operational experience.

3. Each Military Government Departmental Advisor is requested to submit no later than Thursday, 5 June 1947 the following:

a. Any departmental functions not now being performed which should be performed by the Provisional Government.

b. Any present departmental functions which should be eliminated.

c. Any present departmental functions which should be combined.

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Basic: Memo 22 May 1947 to Amer. Dept. Advisors, MG, Subject Req. for Info. on Govt. Structure and Function.

d. Where it is felt that under the Provisional Government very widespread and drastic changes in structure of a department or an important division thereof should be made, describe fully and submit a chart.

4. In approaching this task, make the following assumptions:

a. That the Provisional Government will be initially an amalgamation of existing structures North and South.

b. In the absence of contrary information, that the departmental structure in North Korea is roughly analogous to that in South Korea.

c. That the economy, for the time being at least, will retain many aspects of state control and will in large measure depend upon outside assistance.

5. In addition, let us have your ideas on how amalgamation can best be accomplished.

a. By a transitional control board? If so, how composed?

b. By a single coordinating officer with assistants? Why?

6. Some governmental functions are largely technical in character and will be essentially the same regardless of basic ideology. Others will depend for their structure on the basic concepts which characterize the Provisional Government. Where the structure of your departmental function would be vitally affected by possible conflict between basic ideologies, point up those aspects of your function where a concession as to structure might well involve a dangerous concession in basic principle.

7. Which do you feel are the principal aspects of your governmental function that are likely to present special difficulties in solving the problems of amalgamation?

CALVIN N. JOYNER
Chairman, Subcommission No.3

Secret

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III US 2/1 Revised
13 June 1947

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U. S. Subcommission 3
American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea

Preliminary Study of
Existing Organs of Authority

Note by the Secretary

1. The inclosure, letter to the Chief Advisor, South Korea Interim Government, and Joint Commission Decision No. 15, was handed to him by Mr. Meacham and Mr. Engebretson on 13 June 1947.

2. The Joint Subcommission 3 Decision No. 1 was adopted by the Joint Commission at its 33d Meeting, 11 June, and published as Joint Commission Decision No. 15.

E. E. MILLER
Captain, AGD
Secretary

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U.S. Subcommission 3
American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea

12 June 1947

III US

SUBJECT: Preliminary Study of Existing Organs of Authority.

TO : Chief Advisor,
South Korea Interim Government,
APO 235, Unit 2.

1. Herewith is a copy of Decision No. 15, US - USSR Joint Commission, pertaining to an exchange of data between the American and Soviet Delegations relative to existing organs of authority.

2. It is requested that the data as outlined, be assembled by you and submitted to the Chairman, US Subcommission 3, US - USSR Joint Commission. Since considerable time will be required for the preparation and approval of the required report, it is desired that the data be furnished not later than 19 June 1947.

3. Attention is particularly invited to Item "A 1.(b)", which calls for organizational charts showing the structure of the central executive organ with its departments, sections and sub-sections. The adoption of the Reorganization Plan has made obsolete most of the charts now in the possession of the Joint Commission, and new and accurate charts will be necessary.

4. In the event a department or activity may have previously submitted adequate and up-to-date information on an item as described in the "Decision", a reference to the appropriate page and paragraph of the prior submission will be sufficient.

CALVIN JOYNER
Chairman

INCLOSURE: Joint Commission
Decision No. 15.

III US 2/1
Revised, 13 June 47

Inclosure 1.

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By NARS, Date

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US-USSR JOINT COMMISSION
APO 235

JOINT COMMISSION DECISION NO. 15*

PRELIMINARY STUDIES OF THE STRUCTURES, FUNCTIONS, AND THE DIRECTING PERSONNEL OF THE EXECUTIVE, LEGISLATIVE AND JUDICIARY ORGANS OF AUTHORITY EXISTING IN NORTH AND SOUTH KOREA

"For the preliminary studies of the structure, functions, and the directing personnel of the executive, legislative, and judiciary organs of authority existing in North and South Korea, the American and Soviet Delegations agree to exchange written data, as detailed as possible, relating to the following questions concerning their respective zones on or before 1 July 1947. Clear distinction should be made between functions performed by Korean officials and those executed by Soviet, or American officials in the organs of authority in the respective zones.

A. Central organs of authority.

1. The central organs of the executive authority.

(a) The name of the central organ of executive authority.

(b) Structure of the central executive organ (departments, sections, subsections; with charts).

(c) Functions of departments.

(d) Directing personnel of central organs (name, place of birth, age, education, and where he has worked before 15 August 1945).

(e) When, and by whom was the central organ elected or appointed.

2. The Legislative Authority.

(a) What organ exercises the legislative authority.

(b) When, and by whom was this organ elected or appointed.

*Approved 11 June 1947
(JC 33rd Meeting, Item)
III US 2/1 Revised, 13 June 47

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By NARS, Date

(c) How the political parties existing in the respective zones are represented in the legislative organ.

(d) The structure of the legislative authority.

(e) The functions and work performed in the course of the existence of this organ.

(f) Directing personnel (name, place of birth, age, education, and where he has worked before 15 August 1945).

3. The Judiciary.

(a) When, by whom, and in what manner the judiciary organs are created.

(b) The structure of the central judiciary organs.

(c) The statute regarding the judiciary organs.

(d) Directing personnel (name, place of birth, age, education, and where he has worked before 15 August 1945).

4. The Procurature.

(a) The statute regarding the procurature.

(b) Directing personnel (name, place of birth, age, education, and where he has worked before 15 August 1945).

B. Organs of Local Authority.

1. Designation of organs of authority in Shi, Do, Pu, Kun, Up, Myun, Ri, Don, and To (metropolis, province, city, county, town, township, plains village, mountain village, island).

2. When, and by whom elected or appointed.

3. The structure and functions of local organs of authority.

4. Functions of the local organs of the judiciary."

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Pages 1 to 5, Incl.

COPY NO. 1

U. S. Subcommission 3
American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea

Study of Measures Preparatory to an Early
Elimination of the Boundary
between North and South Korea

Note by the Secretary

The inclosure has been forwarded to the Chief Commissioner, American Delegation.

E. E. MILLER
Captain, AGD
Secretary

(Withdrawn and destroyed. HEM)

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12 August 1947

US Subcommission 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

MINIMUM REQUIREMENTS FOR ADMINISTRATION OF JUSTICE IN NEGOTIATIONS LEADING TO AMALGAMATION OF NORTH AND SOUTH

The inclosed report, above subject, is circulated for the information of the members of US Subcommission 3.

E. E. MILLER
Captain, AGD
Secretary

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HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Department of Justice
APO 235 Unit 2

11 August 1947

SUBJECT: Minimum Requirements for Administration of Justice in Negotiations Leading to Amalgamation of North and South.

TO : Military Governor, USAMGIK.

TO : American Delegation, Joint US-USSR Commission.

1. Reference is made to recent conferences between the undersigned and Mr. Meechem, Mr. Sturm and Mr. Swift of the Joint Commission regarding points which should be insisted upon by American delegates in negotiations with Soviet representatives for plans to amalgamate North and South Korea.

2. It has already been suggested in a memorandum from the Director and Advisers, before adopting a plan for reference to the four major powers, work out a program to remove as many of the points of friction in the administration of justice in the two areas as possible. It has already been suggested that, after provisional governmental machinery has come into being, a committee composed of experts from the two areas be organized at once to make recommendations to higher authority for practical harmonization of the laws in the two areas. Such recommendations should be made in the light of the determination of fundamental principles of the North and South systems.

3. The comments in this paper relate to steps which might be taken in the period beginning with the present military occupation and continuing up to the moment that some provisional government actually comes into full power, with control over the government, the new currency and with a reasonable degree of unimpeded traffic between North and South. In other words, the period might be considered as the interim period between the beginning of, when and the time it is put fully into effect, the successive interim steps offering the greatest difficulties. The problem is to remove points of friction in the administration of justice during the interim period in which there will be difficult but gradually increasing traffic between the two areas. For planning purposes, the most favorable case, for which should be made, is, of course, the Soviet representatives will desire establishment of a central

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coordinating committee of Koreans and the Americans will have to [illegible] upon some minimum requirements. In other words, this is the period of "making contact and breaking through".

4. [illegible] should [illegible] upon some rule regarding extradition of political [illegible] one [illegible] to stand trial for commission of an offense in the other area. A date should be set behind which no one should be permitted to go. In other words, no extradition should be permitted for offenses committed before the date agreed upon. However, extradition should not be allowed for [illegible] committed after that date. The expression "political offenses" should not be permitted but that would be the thrust in [illegible] pending extraditions for [illegible] are considered. [illegible] which could be specifically described as (1) illegal entries, (2) illegal searches, (3) illegal confiscations and arrests, (4) [illegible] illegal literature, (5) [illegible] illegal speeches, and (6) [illegible] displaying illegal posters.

5. [illegible] should insist upon [illegible] that there should be equal justice [illegible] regardless of race, religion or politics. In this, the word [illegible] politics, [illegible] would not be necessary to specify that alone. Such a provision would [illegible] offensive while in the absence of some kind of provision authority to determine what is political persecution or fact is politics but it might act in some respects as a deterrent.

6. All judges and prosecutors should retain [illegible] offices subject to any screening order to remove officials in the two areas with some particular Civil Service status. Judges and prosecutors should be removed from office only for cause arising after a specific date agreed upon.

7. We should insist upon provisions in the nature of habeas corpus, right to legal counsel, bail within the discretion of the courts, and warrants for arrest, search and seizure. Some of these provisions are now lacking in the South or will have to be included but work on these basic provisions is progressing and should be completed within a reasonable time. It is felt that these guarantees are so basic in observance of human rights that they will make a good entering wedge and prepare the two systems for effective merger and truly democratic development.

8. We should insist upon an interim committee composed of Koreans from both North and South to (1) study problems of amal-

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NND 760090
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gamation, (2) make recommendations for harmonizing laws, and (3) consider problems of personnel and discipline. In this, the officials of South Korea should predominate, because the system of law in the South is so preeminently superiod to that in the North. Greater representation on the basis of population and number of provinces might be demanded.

9. We should insist, insofar as the subject may become involved in developing procedures for the interim period, that the goal of a unified Korea should be the administration of justice under a complete set of codes of law and procedure which would meet requirements for becoming a member of the family of nations. On this point there should be no compromise at all. The codes now in force, as amended by ordinances issued during the American occupation, would get by on such a test, but it is hoped that new codes of Korean origin, on which work is now progressing, will be ready in time for the amalgamation.

John W Connelly Jr.

JOHN W. CONNELLY JR
Major JAGD
Adviser

Copies to:
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U. S. Subcommission 3
American Delegation
US & USSR JOINT COMMISSION
Seoul, Korea

METHODS OF SELECTION

OF PERSONNEL FOR

PROVISIONAL KOREAN DEMOCRATIC GOVERNMENT

Note by the Secretary

The inclosed report by Mr. Stewart Meacham on the above subject has been approved in principle by GENERAL BROWN, and a copy has been furnished U. S. Subcommission 2. It is circulated among the members of U. S. Subcommission 3 for information.

E. E. MILLER
Captain, AGD
Secretary

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U. S. Subcommission 3
American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea

METHODS OF SELECTION OF PERSONNEL FOR PROVISIONAL KOREAN DEMOCRATIC GOVERNMENT

By: STEWART MEACHAM

I.--THE PROBLEM

1. The problem of the method of selection of personnel for the Provisional Korean Democratic Government is almost certain to be a major stumbling block to agreement on that Government, and is herein considered.

II.--FACTS BEARING ON THE PROBLEM

2. In any government, the mind and the character of the governors are of great importance. This is doubly true where the government is carried on by governors who are not bound by an objective body of exact laws, and where democratic checks are not established limiting the capricious or arbitrary will of the executive. Even where established laws and functional checks do exist as limitations on the will of the executive, the mind and the character of the governors are still very important. Where these do not exist, the mind and the character of the governors are all-important.

3. We may be sure that the Soviet Delegation, if anything, will be more keenly aware of the importance of the question of the method of selecting personnel than we are. We are accustomed to the limitations imposed upon our executive branch by constitutional requirements and by legislative and judicial checks. The Soviets are accustomed to an executive, frankly referred to as a dictatorship, which, far from feeling obligated to meet

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By NARS, Date

procedural or constitutional requirements, finds its principal capacity to govern resting in the freest and the most unrestrained exercise of sheer power.

4. The Soviets understand the uses of dictatorial power in ways that are a closed book to us. It may be true that in a democracy, in the long run, power rests with him who writes the songs the people sing; but in a dictatorship, in the short run, power rests with him who appoints the Chief of Police. We may be perfectly sure that the Soviets will be less willing to make concessions on key personnel than on any other matter before the Joint Commission.

5. There are only two methods that can be employed in selecting personnel. They may be elected, or they may be appointed. Either method would be consistent with the Moscow Decision.

III.--DISCUSSION

6. Let us first examine the appointive method. If this method is adopted, something like the following course will be pursued.

a. Selected political parties will submit nominations.

b. These nominations will be combed over by the two Delegations, and a great deal of horse trading will go on.

c. Finally, we shall either agree or disagree on the allocation of jobs to the nominees. It is most likely that we shall disagree. We cannot permit the Soviets to appoint the Chief of Police, for instance. I doubt that they feel they can afford to let us appoint him. There will be other appointments where irreconcilable conflicts will arise.

7. The ensuing breakdown of negotiations will be without dignity or honor. In the eyes of the world it will represent an

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NND 760090
By NARS, Date

unwillingness of either Power to grant a small bit of war spoil to the other. If anything, we shall look worse than the Soviets in such an impasse. While neither Power will appear to be particularly self-sacrificing in the dispute, we shall seem particularly greedy because we will be making a fuss over something remote from our own shores while the Soviets can state, and with some persuasiveness, that a friendly Korea is essential to her own security so long as there is a possibility of a revival of Japanese aggression.

8. It seems certain that pursuit of the appointive course can only result in an impasse followed by the United States becoming weary of the whole thing and either making disastrous concessions or pulling out entirely; thus, leaving the field wide open for Soviet control.

9. The only alternative is to have elections. Without being unmindful of the difficulties and hazards involved, there is much to commend this method of selection.

10. It will result in the governing officials feeling a greater responsibility to the Korean electorate and less to the Powers alien to Korea, than would be the case as a result of the appointive method. This is pure gain for us; not only because it is a gain in the direction of fulfillment of the democratic ideal we champion, but also because it serves our interests in terms of the economic and the geopolitical realities of our situation with respect to Korea. We have no economic interests here that are likely to come anywhere close to compensating for the costs of occupation and rehabilitation. From the point of view of military strategy, there seems to be little doubt in the event of hostilities, that Korea would be a Bataan-like liability. We are here; and, we cannot leave with honor until the Koreans have

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NND 760090
By NARS, Date

had a chance at democratic self-government. Unless our leaving is with honor, political repercussions disastrous to our interests will be felt throughout the Far East. The only way we can give the Koreans a chance at democratic self-government is to give that self-government to them.

11. The Soviet position in Korea is far different from ours. Roughly, it might be said that we are in relation to Russia and Korea as Russia is to the United States and Mexico. Russia would gladly do anything to thwart American influence in Mexico; just as we would gladly do anything to thwart Russia's influence in Korea. However, in each case, the Pacific Ocean imposes a terrific geopolitical imbalance on the scales. Russia's chances of gaining influence in Mexico are mainly served by winning acceptance of the common people for her propaganda. To do this, she creates Communistic organizations in Mexico. In Korea, though, by virtue of trade possibilities and the propinquity of Soviet military power concentrations, she has channels of influence far more potent. In Korea, it is the United States that must rely principally on the common people. Geography as well as anticipated trade and military power concentrations are against us here.

12. We should not feel disadvantaged because it is necessary for us to win to democratic ways the common people of Korea. We have a tremendous prestige among them; largely, because they have the notion that we have no designs on their country. We shall lose that prestige if they get the idea we are willing to make cynical use of Korea in the game of international power politics. We shall also lose it if our democratic preachments are not implemented in every way. A strong insistence on free and fair elections from the very start will be bound to enhance greatly our prestige with the Koreans. It will mean that we

DECLASSIFIED
NND 760090
By NARS, Date

favor relinquishing vital initiative to them. It will be a substantial payment on our democratic pledge to Korea.

13. It seems certain that the Soviets will oppose strongly any such method. This, too, is all to the good from our point of view. If the Soviets first oppose the idea, then reluctantly accede to it, we shall enter the election period as the real champions of democracy's most vital process. If they refuse to accede and agreement thus becomes impossible, we shall find ourselves in the very best possible position short of agreement. Instead of appearing to be a greedy collossus, as would be the danger if an impasse came in efforts to agree on appointments, we would be the temporarily thwarted champions of a great ideal. This would be vastly important to us far beyond the boundaries of Korea.

14. The election method is obviously the desirable one from our point of view. Two serious objections that go to the practical problem of protecting the election process suggest themselves:

a. How can freedom to nominate candidates and to electioneer be secured in North Korea?

b. How can the voting process itself be protected against interference and intimidation?

15. It is not the purpose of this paper to cope with these two questions in detail. We are here concerned with determining what should be attempted. The question of how to go about it follows after. It is well to point out, however, that these problems can be solved if we have the will to do it. Basic measures that might be insisted upon are:

a. An agreed number of political workers, speakers,

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NND 760090
By NARS, Date

etc., from each zone would be permitted free travel, access to meeting places, and free speech and press in the other zone.

b. Political parties meeting certain qualifications in the one zone would be permitted to make nominations for electoral districts in the other zone.

c. Four-Power, or United Nations, participation in the actual conduct of the balloting would be sought.

IV.--CONCLUSIONS

16. To sum up:

a. It is unlikely that we can afford to agree with the Soviets on an appointive body of ministers. Failure to agree would leave us at a disadvantage, and be shortly followed by either an embarrassed withdrawal or else disastrous concessions.

b. The elective method fits our reputation, our interests, and, I trust, our character. This method poses difficulties, but they are of detail rather than of basic concept. And, they are solvable.

V.--RECOMMENDATIONS

17. The following is a recommended plan of application of the electoral principle.

a. The entire country should be divided into electoral districts on the basis of approximately 100,000 persons to a district. This would mean about 290 districts with approximately 50,000 eligible voters to a district (considering the 20th year as qualifying for the purpose of voting).

b. Each district should elect one legislator.

c. Nominations should be made by parties meeting certain agreed qualifications.

d. There should be a provision for a write-in vote.

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NND 760090
By NARS, Date

e. The Four Powers, or the United Nations, should supervise the election.

18. a. It should be the first duty of the legislature to elect a President, who will in turn appoint a ministry subject to legislative concurrence.

b. This government should be permitted to remain in power for a predetermined period, just prior to the conclusion of which a new election should be held.

c. In this election, the President shall be elected as well as the legislature.

d. Henceforward, elections shall occur at stated intervals for the purpose of electing legislators and the Chief Executive.

e. Ministerial or cabinet posts shall be appointive, subject to legislative concurrence. The same principle shall determine the method of filling judicial posts.

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NND 760090
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13 August 1947

US Subcommission 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Problems of Constituting the Executive Branch of the Korean Provisional Democratic Government

The inclosure, above subject, is circulated for the information of the members of US Subcommission 3.

E. E. MILLER
Captain, AGD
Secretary

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American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea.

13 August 1947

Memorandum to: General Brown,
General Weckerling,
Dr. Bunce,
Colonel Watlington,
Mr. Jacobs,
Mr. Sargent.

The attached paper has been prepared by Dr. Sturm of Subcommission No. 3.

It sets forth a compromise basis for selecting the executive branch in the event we fail to get a nationally elected legislative assembly that will appoint the chief executive who will in turn appoint the principal ministers.

The recommendations of this paper may be summarized briefly as follows:

(a) A collegiate executive with rotating chairmanship.

(b) Decentralization of key ministries, like home affairs.

(c) Other ministries: The establishment of committee directorates with rotating chairmanship.

OWEN T. JONES.

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Secret
MEMORANDUM

Problems of constituting the executive branch of the Korean Provisional Democratic Government

1. Present positions of the US and the USSR

A. Position of the USSR

Analysis of North Korean questionnaires and pertinent statements made by Commissioner Balasanov at sessions of Joint Subcommission 3 indicates the following to be the position of the USSR in regard to selection of personnel for the KPDG: The Soviets would in the first instance establish a General Assembly of "genuine democratic political parties and social organizations." The point is not entirely clear, but it appears that this body would be composed of a part, or all, of the organizations chosen for oral consultation with the Joint Commission. This assembly would select personnel for the KPDG and the provincial and local governmental organs, and presumably have no further function thereafter. The KPDG so selected would initially have full executive and legislative authority, would appoint the judiciary, draft an election law and a constitution, conclude treaties, and replace its own members on recommendation of the Prime Minister. Its personnel would consist of the following officials:

One Prime Minister
Two Vice Prime Ministers
One Chief Secretary
Ministers of:
- Home Affairs
- Foreign Affairs
- Industry
- War
- Labor
- Justice
- Agriculture and Forestry
- Marine Affairs
- Commerce
- Finance
- Transportation
- Communications
- Education
- Propaganda
- Health
- Foreign Trade

Plus an unstipulated number of ministers without portfolio

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NND 760090
By NARS, Date

Further analysis reveals that a majority of the members of the executive branch of the government would constitute a quorum for any type of administrative act, and that a majority vote of members present could give the effect of law to any procedure adopted. In this manner, and under favorable circumstances, slightly more than one-quarter of the members of the government could cashier all the remaining members and appoint replacements. The provisions made are ideally adapted to insuring the early seizure of the government by a well-disciplined minority.

Considering the pro-trusteeship bias of Soviet-sponsored organizations, it is revealing to observe that in the North Korean questionnaires, there is no suggestion that the Joint Commission or any other international body would exercise supervision over the acts of the KPDG. Once created by the General Assembly, it would exist as an autonomous body. It would govern without hindrance and in time would presumably establish the terms and conditions of its perpetuation as a permanent government, having meanwhile shaken off all dissident elements. The peculiar advantage of these proposals to the Soviets would lie in the hands-off attitude they would be able to adopt publicly towards policies of the KPDG, secure in the knowledge that their interests were in good hands. By declining to intervene and by blocking US intervention, they could make sure that the processes they had initiated would complete their logical development and end in the purging of the KPDG and its perpetuation in a form acceptable to the USSR.

Under such a scheme as this, the special importance of individual ministries would be minimized, insofar as original appointment was concerned. If a cabinet minister could be replaced relatively easily by appropriate administrative action, all critical posts could soon be controlled by a determined minority, regardless of who might be initially named to hold them.

DECLASSIFIED
NND 760090
By NARS, Date

The scheme outlined here would establish a KPDG free of overt checks and balances in which a relatively small core of pro-Soviet ministers could soon achieve dominance. Having carefully chosen their candidates, the Soviets could largely rely upon the established governmental machinery to bring about the desired results, while devoting their principal energies to resisting American attempts to interfere.

B. Position of the US

The American Delegation of the Joint Commission holds to the view that nation-wide elections should be held under Joint Commission or other international supervision to determine the membership of a Korean Legislative Assembly. It has been assumed further that the Chief Executive and Deputy Chief Executive of the KPDG will be chosen by the Legislative Assembly. An election law now being drafted by Subcommission 2 provides for establishing candidacy for the Assembly on the basis of petitions signed by five hundred electors.

The current American draft of the Charter for the KPDG grants that body fairly wide powers on all levels and in all spheres of government, while reserving to the establishing powers the right to approve treaties and other international agreements, to supervise administration and disposition of former Japanese-owned property, to retain jurisdiction over their respective nationals and armed forces in Korea, to review all acts of the KPDG which might endanger public security or interfere with functions reserved to the establishing powers, to amend the Charter, and further reserving all powers not specifically delegated to the KPDG.

The executive branch of the KPDG, as provided in the draft Charter, would consist of the following members:

DECLASSIFIED
NND 760090
By NARS, Date

Chief of State
Deputy Chief of State
Ministers of:
Agriculture
Commerce
Communications and Transportation
Coordination and Planning
Education
Finance
Foreign Affairs
Home Affairs
Justice
Labor
National Defense
Public Health and Welfare

The Charter provides that the chief executive and his deputy would be elected by majority vote of the National Assembly, and that Ministers would be appointed by the chief executive. Both the National Assembly and the establishing powers would have the right to reject the nominated ministers or any subsequent replacements.

The chief executive would cause a budget to be prepared. This budget would be voted into law by the Assembly, but the establishing powers would retain the right to veto any expenditures they deemed inappropriate.

The National Assembly, elected by the people of all Korea under universal suffrage, would be the highest legislative organ of the KPDG. The chief executive would have veto powers over legislation similar to those exercised by the President of the US. The Assembly by a two-thirds majority would have the power to impeach, try and dismiss the Chief of State, Deputy Chief and all ministers. The establishing powers would exercise general supervision over the Assembly's acts, but would not be obliged to review and approve each piece of legislation.

The prime significance of the American proposals lies in an attempt to provide checks and balances sufficient to insure that no Korean political group could seize control of the state, and that no one of the establishing powers could directly or indirectly dictate the composition and acts of the KPDG.

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NND 760090
By NARS, Date

C. Significance of the conflict between US and USSR positions.

The present impasse reached by the Joint Commission over the issue of oral consultation stems directly from the conflict of basic positions discussed above. The Soviet Delegation is adamant in its demand to exclude anti-trusteeship elements from consultation because it knows these elements to be anti-Soviet or not amenable to Soviet control, and their inclusion might tip the balance too far against the Soviets. Its intent is to have chosen from groups admitted to consultation, the General Assembly or consultative body which would select the leading members of the KPDG. Should the US agree to limit groups admitted to consultation in accordance with Soviet desires and subsequently decline to sanction the formation of a KPDG in the manner outlined, the USSR would be in an admirable position to accuse the US of balking the expressed wishes of the Korean people. Should the US, on the other hand, yield to Soviet pressure and agree to the proposals of the North Korean groups, the evolution of the KPDG would be predetermined, regardless of its initial composition. The absence of checks and balances would make subsequent US intervention virtually impossible.

D. Possibility of compromise

The Soviet position as analyzed in (A) above represents the best that the USSR could hope for short of actually and overtly taking over the Korean state. Its aims would be attained by the action of its agents and within a few weeks or months, the KPDG could be effectively sovietized. The question remains whether or not the Soviets could have a reasonable hope of accomplishing their purposes by the adoption of some other less drastic and obvious means. Without such a hope they would undoubtedly decline to withdraw from their present position.

The US Delegation at the proper time will insist upon participation of the Korean people as a whole in the formation of the KPDG through nation-wide election of local representatives to

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NND 760090
By NARS, Date

a National Assembly. The Soviet Delegation will steadfastly oppose this measure on one or another subterfuge until a KPDG to its liking has been appointed and has been able to establish conditions which will insure its continuance in power through the electoral process.

Meanwhile, however, it is conceivable that the Soviet Delegation might eventually be induced to agree to the appointment by the Joint Commission of a KPDG which would be subject to a measure of international control satisfactory to the US. It appears to be out of the question that they would agree to any election prior to the selection of such a government. A compromise of this sort is probably the best that the US can hope for.

2. Dangers inherent in an appointed executive

Assuming that a compromise solution had been reached with the Soviet Delegation whereby a cabinet of ministers would be appointed by the Joint Commission, there would remain the problem of apportioning such ministers either among Koreans of the North and the South or among the political parties. Present Soviet tactics are based necessarily upon the assumption that such distribution would be made according to party affiliation rather than geographically. Since the population of North Korea is hardly one-half that of the South, it would follow that Soviet-sponsored candidates could number not more than one-third of the total. If, however, party affiliation were the criterion, the Soviets could reasonably hope that the leftist parties of the North plus leftist parties of the South would constitute a bloc of such proportions that under reasonably favorable operating rules it might quickly gain effective control of the government.

The defense the US would have to put up against Soviet tactics of this sort may be broken down as follows:

A. Broad Consultation

The US Delegation must persist in its determination to admit to oral consultation all parties and social organizations

DECLASSIFIED
NND 760090
By NARS, Date

which cannot be proved to have applied fraudulently for consultation, or which have not refused to sign Joint Decision No. 5. Exceptions to this principle may be made by mutual agreement in the case of insignificant local, or otherwise frivolous, organizations. It is indispensable that no consultative or quasi-consultative body be set up in which the membership has been so weighted that a majority could advance views acceptable to the USSR, but incompatible with basic US objectives.

B. International Checks and Balances

The US must insist upon providing such international checks and balances applicable to the KPBG that no minority group within it can seize control either for its own advantage or for that of any one of the establishing powers. Provisions made in the current US draft of the Charter, and described in (3) above, appear to be sufficient for this purpose. An international police force, as well, would be necessary in the event that US and Soviet armed forces were removed from Korea.

C. Neutralizing Key Executive Departments

The question of arriving at Joint Commission agreement upon personalities to fill the several cabinet posts, especially the office of chief executive, appears nearly insoluble. The best way of tackling the problem may be to eliminate it by apportioning the posts between the occupying powers and providing for unilateral appointment. The special difficulty in carrying through such a procedure as this lies in the enormously greater power attaching to certain ministries than to others and the desire of each of the occupying powers to secure these posts, particularly Home Affairs and Justice, for their own candidates, even at the apparent sacrifice of a relatively large number of lesser ministries.

There is no apparent reason why a part of this difficulty and the attendant dangers could not be eliminated by breaking up certain critical ministries and distributing their attributes among a number of new or reorganized ministries or other executive

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NND 760090
By NARS, Date

agencies. For example, the traditional power of the Ministry of Home Affairs has lain in its control of the police and in its authority directly or indirectly to appoint civil servants from the highest to the lowest levels of government. The present American draft of the Charter would neutralize much of this power by reducing the police from a single national organizations with centralized control to the status of local bodies responsible to local authorities. A Civil Service Commission, as well, is provided for in this draft Charter. Its responsibility would be to establish and maintain lists of eligible candidates for all types of appointive government posts below cabinet or sub-cabinet rank. Appointment would be made from appropriate lists by the administrative unit employing a civil servant, and this large area of authority would consequently be removed from the Ministry of Home Affairs.

On the other hand, there are ministries of great political importance whose functions are so homogeneous that it is hardly practicable to disperse their powers. Among these are the Ministries of Foreign Affairs, Finance, Justice, Labor and National Defense. Rather than attempt the dismemberment of these ministries with undue loss of governmental effectiveness, it would appear wiser to decentralize their direction. This would involve nominating a directorate or committee to head each of the ministries, with provision that the chairmanship rotate at frequent intervals and carry with it no special powers except to preside over meetings and to execute the will of the directorate.

There can be no question that such a system would be inefficient and burdensome. However, it would tend not only to decentralize power but also to discourage unauthorized attempts to arrogate power. The prime concern of the US Delegation is not to provide Korea with an efficient administration, but to provide it with a workable administration hedged about with as many safeguards as possible to delay, or perhaps even to prevent, the government's

DECLASSIFIED
NND 760090
By NARS, Date

falling into totalitarian hands of the right or the left. The tradition of centralized power is so strong in Korea that precautions must be taken here which would be unnecessary in areas having even the memory of democratic rule. On the other hand, it is vital that machinery established be not so complex that it is unable to perform the task assigned to it. If day by day administration breaks down, the ensuing chaos will invite a strong individual or disciplined minority to seize control.

Since it would be undesirable to provide a different type of direction for two or more classes of ministries, all ministries and independent commissions should be headed by a directorate chosen by the Joint Commission. The directorates should consist of not fewer than seven to ten members, appointments to be made by the respective delegations in proportion to the populations in the respective zones. Each delegation would fill any vacancies occurring among its own nominees. The chairmanship of each directorate would rotate not less than once in two months, and the chairman would have no vote.

By extension, the same procedure should be extended to the chief executive of the KPDG. This should be a state council consisting of ten to fifteen members. Its organization and working rules should be essentially similar to those governing the ministerial directorates.

It may be argued that the establishment of directorates such as those discussed here would be tantamount to creating so many debating societies which would allow the work of government to fall into chaos. There can be no doubt whatever that from the point of view of efficiency, nothing good can be said for this system. Democracy, on the other hand, is seldom efficient as a dictatorship is efficient. But, by the same token, the mechanisms which prevent rapid administrative accomplishment may serve to

DECLASSIFIED
NND 760090
By NARS, Date

prevent the easy and swift seizure of control by a determined minority.

In effect, the proposal made here is not dissimilar to an earlier suggestion that a board of coordination should be established and carry out much of the preliminary reintegration of the country prior to formal installation and assumption of power of the KPDG. Discussions held between Subcommission 3 and American members of SKIG have demonstrated that many instruments of government will have to be provided before the KPDG can exist in more than name. The American position is that these instruments should be provided by the Joint Commission. The Soviets, on the other hand, have inferred that the KPDG will itself create the mechanisms by which it rules, and have been disinclined to discuss any possible preparatory steps. The creation of executive directorates would in fact give Korean politicians practical democratic experience in thrashing out administrative and political questions which need not be fatal to democratic procedures so long as the ground rules are well and truly drawn and the referee is sternly vigilant.

In a larger sense, there is no step or series of steps the US could take in advance which would guarantee the political evolution it desires for Korea. Neither admission of certain groups to consultation nor their exclusion, no more than the securing of temporary numerical advantage in any government established, nor the obtaining of particular ministerial posts for its candidates, could do more than predispose the country's political orientation. The US must insist upon incorporating checks and balances similar to those described here in any KPDG established, and must insist likewise upon the most rigorous international control, to be exercised either by the Joint Commission or by a Four-Power supervisory council, over all basic policies and acts of the KPDG. This control must be wielded with tact and understanding,

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NND 760090
By NARS, Date

but must be ruthless against plays for power by any minority or attempts to subvert the principle of international control.

It is to be anticipated that such a system as this would be highly exasperating to all parties concerned in it. Any advance would be won only with excruciating pains and delay. To counter the adverse psychological effects of inevitable deadlock upon the Korean people, the US should take the propaganda offensive and expose every debated issue to public knowledge as soon as compromise appears impossible. Steady and unremitting pressure should be brought against the USSR to relax its grasp at one point after another. Too much reliance has thus far been placed upon the possibility of genuine compromise. If any had been possible, a basis would have grown out of the 1946 sessions of the Joint Commission. The best the US can hope for in Korea is to stiffen this sector in the worldwide holding action against Soviet expansion, perhaps to win small local victories, and to prevent consolidation of political power in Korea before the people themselves are able to exercise any freedom of choice.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Government were filled by non-Communists, their tenure would probably be short-lived, for we must assume that Soviet controlled appointees would occupy at least a third of the ministerial posts and that third would not be frustrated long in effecting a legal purge unless the most vigilant and unified care were exercised by the non-Communist majority. One characteristic of non-Communists in Korea is that they are not capable of maintaining strict unity over any considerable period of time.

The Soviets, in effect, are demanding a stacked deck.

DECLASSIFIED
NND 760090
By NARS, Date

participate as members in the work of the assembly of parties and organizations.

This Assembly would proceed to select personnel for the provisional government and the provincial and local governmental organs. The Provisional Government would be composed of the following, all selected by the Assembly:

One Prime Minister
Two Vice Prime Ministers
One Chief Secretary
Ministers for the following departments:
Department of Home Affairs
Department of Foreign Affairs
Department of Industry
Department of War
Department of Labor
Department of Justice
Department of Agriculture and Forestry
Department of Marine Affairs
Department of Commerce
Department of Finance
Department of Transportation
Department of Communications
Department of Education
Department of Propaganda
Department of Health
Department of Foreign Trade
Ministers with Portfolio

The Provisional Government would have very broad powers including:

(1) Election of Supreme Court;

(2) Appointment of Attorney General;

(3) Appointment of the highest Military Commander;

(4) Drafting of the formal constitution and preparing and executing the election of the Congress and local organs of authority;

(5) Removal and replacement of governmental members when proposed by the Prime Minister.

F. Government at Local Levels

Government at the local levels would be staffed prior to the elections in pretty much the same way. The aforementioned Assembly of parties and organizations would select the members of the local People's Committees in South Korea. In North Korea where such conditions

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NND 760090
By _____ NARS, Date _____

already exist, they would be left untouched. In the To and Si People's Committees, there would be a Chairman, two Vice Chairmen, one Chief Secretary, and a Standing Committee elected by majority vote of the entire People's Committee, the quorum requirement being two-thirds. The Gun, Ri, Myon, Ri and Dong People's Committees would be organized in the same way except that these would have only one Vice Chairman. The Standing Committee so selected would conduct the affairs of their respective People's Committee during recesses of the People's Committee.

c. The Legislature

Initially no legislature would exist. Legislative as well as executive powers would be vested in the appointed Ministry which would have authority to draft a constitution and prepare and execute the election of the legislature and local organs of authority. Members of the Provisional Government would remain in power until such election.

d. The Courts

The courts would be organized according to what has become known as the People's Court system. The principal People's Court would be a Supreme Court at the national level. To, Si and Gun People's Courts would be established at their respective levels. Each Court would consist of judges and jurors who would participate in trials on an equal basis. Judges could not be arrested or confined except with the approval of the Minister of Justice.

The judges and jurors of the Supreme Court would be selected by the Provisional Government upon the recommendation of the Minister of Justice. The judges and jurors of the To, Si and Gun courts would be elected by their respective People's Committee at the recommendation of the appropriate judicial department chief. The personnel of the Supreme Court would remain in office until the establishment of a Legislature by general election. The lower court personnel would be elected for a stated term. All would be subject to removal by their respective appointing authority.

Secret

DECLASSIFIED
NND 760090
By NARS, Date

E. The Procuratore

All prosecution for law violation would be directed by the Procuratore, which would be organized on a national basis subject directly to the Attorney General and independent of local authority. The Attorney General would be appointed by the Provisional government upon the recommendation of the Minister of Justice. All other prosecutors would be appointed by the Attorney General for a stated term. Courts and prosecutors already organized according to this system, i.e. those in North Korea, would remain in office.

F. Pro-Japanese Traitors

Throughout the North Korea proposals regarding the provisional charter there are repeated references to elimination or exclusion of pro-Japanese traitors and the denial to them of the franchise and public office. They are not precisely defined. Neither is the manner of their elimination spelled out. However, these matters are more fully set forth in the suggestions regarding the political platform and are directed in the North Korean election law. Here pro-Japanese are considered traitors who:

(1) Rendered meritorious service in the Korean annexation.

(2) Were members of the House of Peers or were elevated to the rank of Peerage.

(3) Were councillors and advisors of the Privy Council of the Government General.

(4) Were provincial or city councillors under the Japanese.

(5) Held responsible positions in the Government General, provincial, municipal and county offices or in the police, gendarmery, procurator, or judiciary.

(6) Were leaders of: Itae Jo Hoe, Il Sun Hwe, Kok Mi Yun Maeng, Il Jin Hwe, Tae Jha Dong Maeng, Chong Tan Hwe or similar organizations.

(7) Made large contributions voluntarily to the Japanese war effort.

(8) Voluntarily served as commissioned officers and interpreters in the Japanese Army.

DECLASSIFIED
NND 760090
By NARS, Date

(9) First served in the Korean Independence Movement but later cooperated with the Japanese to check the Movement.

(10) As literary leaders, praised Japanese aggressive war.

Such persons would be tried and severely punished by the People's Courts. Their exclusion from the franchise would be determined by the appropriate People's Committees.

IV. EFFECT OF ADOPTION OF SOVIET POSITION

What would this system of selection of personnel mean so far as government responsive to popular will as against government by a small clique is concerned?

On administrative matters the Provisional Government could take effective action if a majority were present and a majority of that quorum agreed. The Provisional Government would be composed of 30 designated Ministers and several Ministers Without Portfolio. Assume that these totalled 25. It would then be possible for as few as seven Ministers to remove and replace any or all of the other Ministers, to remove and replace any or all of the Supreme Court Justices or Jurors, to remove and replace the Attorney General (Chief Prosecutor), to remove and replace the highest Military Commander. All that would be necessary for them legally to accomplish these objectives would be to create delays and confusion in the Provisional Government's Affairs until the moment arrived when attendance at a Provisional Government business session dropped to the point where their minority became a majority. They would be assisted in this process by a campaign of villification and character assassination against their opponents carried on by their Party organization and by promises of security and support addressed to those willing to make bargains.

It is almost certain, even if the present problem of consultation could be resolved in a manner favorable to the American position, that any consultative body formed would be willing to allocate a third of

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NND 760090
By NARS, Date

the ministerial posts to North Koreans. This would be logical merely from a population division. If only two of the remaining posts went to persons controllable by the North Korea delegation it would mean that ten of the 25 ministers could be depended upon to function as a well disciplined bloc. Any time six of the remaining ministers were absent from a meeting the full power of the Government would be in the possession of this minority.

Once the North Korea group got control of the Ministry of Justice there would be no limit to what it could accomplish respecting governmental personnel. If hostile office holders refused to recant or resign there would be very little difficulty in instituting action before People's Courts against such persons on the ground that they were pro-Japanese traitors. The prosecutors at all levels would hold their positions at the whim of the Attorney General who in turn would be the Justice Minister's nominee. It is not without significance that the North Korea political platform proposals offer as one criterion of pro-Japaneseism, "Those sliders who first served in the Korean Independence Movement and who later cooperated with the Japanese authorities to check the movement." A base is thereby laid for legal prosecution of all dissenters, even those with outstanding records of past patriotism. And it is also significant that the judges before whom the controlled prosecutors would present their cases would enjoy an unusual immunity to arrest or confinement only so long as it pleased the Minister of Justice.

It is difficult to reach any conclusion other than that the Soviets are seeking to establish in Korea an apparatus of government admirably adaptable to all of the uses of terror and coercion.

Where such processes are already in effect, i.e. north of the 38th parallel, they would be left untouched. Where they do not yet exist they would be quickly instituted.

The Soviet obduracy regarding consultation is but an insistence that at each crucial step nothing be done to compromise their later control of the Provisional Government.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

The crucial steps from the Soviet point of view are probably the following:

1. Establishment of list for oral consultation that will include no groups or parties potent and determined in opposing Soviet encroachment.
2. Establishment of a Consultative Body that will include as many pro-Soviet representatives as possible, with an implied obligation on the non-Communists representatives to so conduct themselves as not to evoke charges of pro-Japanese leanings nor Anti-Trusteeship Associations.
3. Transformation of the Consultative Body into an Assembly of parties and organizations, empowered to appoint the top personnel of the government, which will allocate to North Korea parties at least a third of the portfolios and at least one of the following: Prime Minister, Minister of Home Affairs, Minister of Justice.

With the successful accomplishment of these preliminary steps the final outcome would be a foregone conclusion.

V. ADVANTAGES OF THIS POSITION TO SOVIETS

1. It opens the way for employment of techniques of effective control by that minority group capable of the most well disciplined and determined action within the Provisional Government.

2. The Soviet leaders and their agents are highly skilled in such techniques and have successfully employed them both at home and abroad.

3. Their structure and operations in North Korea would be confirmed and established as a pattern for all of Korea.

4. With North Korea as a base and model, the successful economic penetration and military utilization of all of Korea would be concluded quickly. Classical Marxist theory developed certain basic ideas of government. Principally these are the following: Government is exercised in behalf of the class that owns and controls the means of production and natural resources. History can be

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NND 760090
By NARS, Date

understood only in terms of the conflict of classes for control of these economic facilities. We are now in the last phase of such class conflict. The proletariate is in process of seizing control all over the world. When proletarian control is accomplished all economic facilities will be rationally utilized in behalf of the masses of people. The other classes will cease to exist. Government will become less and less necessary. It will finally wither away.

Adherents of this theory are capable of utter devotion to the task of its fulfillment. They feel themselves to be vital contributors to the ultimate and universal liberation of all mankind. Their days are marked by a fervor that is almost religious in its character.

In the application of this theory to the practical problem of seizing and retaining power certain modifications were introduced by Lenin. The number one problem arose from the fact that the working classes failed to achieve that degree of militancy and Marxist orthodoxy anticipated by the basic theory. This problem was met by devising the "Doctrine of the Elite". "Proletarian" came to mean not those who worked for a wage, but rather those workers and intellectuals who accepted the Marxist theory and devoted themselves to the disciplines of its authoritative interpreters. These were the class-conscious elite, the true proletarians. The full accomplishment of the classless society would not come about by any universal assertion by the working class of its power, but rather by strategic exercise of power by the elite in behalf of the uninstructed, undisciplined masses. Eventually the dictatorial character of this government by the elite would disappear as their beneficient efforts in behalf of the masses resulted in a universal extension of class consciousness and discipline.

The capacity of the elite to seize and maintain power depends upon a number of elements:

1. The existing government must become weak and defenseless.

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NND 760090
By NARS, Date

2. The population must approach a state of hopelessness and despair.

3. The armed forces must become disaffected.

4. Opportunity to propagandize and conspire must be exploited.

5. Certain "hate symbols" must be established to provide a basis for discrediting opposition.

6. The masses of people must be convinced that the acceptance of stern disciplines and repressions now will surely result in a good life later on.

7. All dissenters must be "liquidated" without the slightest qualms.

8. Governmental power must be concentrated in the hands of a trusted few.

Already the situation in Korea is nearly perfect for the application of this process. There is no existing government in which the loyalty of the people can be firmly placed. The population has no notion of what communism may bring. Constant vigilance is required to maintain the reliability of the constabulary and the police. The epithet "pro-Japanese traitors and reactionary elements" is the approved "hate symbol".

The imposition of the Soviet plan upon this state of affairs is but the final step. The pro-soviet minority in the Provisional Government would not need to apologize for a cynical abuse of process if, by such, power could be seized, for to them such seizure would but be a necessary step preliminary to the utopian fulfillment.

It is from this that the Soviet contempt for parliamenterianism flows. To them a parliament is a device to be used rather than an institution to be fulfilled.

VI. EFFECT ON UNITED STATES POLICY

Substantial adoption of the Soviet plan for the Provisional Government would doom the effectuation of a free, independent and democratic Korea. Even if all key ministries in the Provisional

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29 July 1947

PROBABLE POSITION OF SOVIETS ON SELECTION OF PERSONNEL

I. INTRODUCTION

Answers submitted by North Korean political parties and social organizations have been examined along with certain exchanges between Commissioner Joyner and Commissioner Lukasenov, as well as a translation of the North Korea Election Law. Significant excerpts from these source materials are appended hereto. The following is a summary and analysis of the anticipated Soviet position on selection of personnel as indicated by these documents.

II. [illegible] OF THE SOVIET POSITION

The Soviets would select personnel for the Provisional Government by appointment initially of a body of Ministers empowered to exercise full administrative and legislative authority. Local governmental bodies would also be appointed initially. Later, elections would be held for legislators and local administrators. The personnel of the courts and of the procurator would also be chosen by appointment.

III. [illegible] EXPLANATION OF POSITION

A. Government at National level.

The Soviets would first establish a General Assembly of "genuine democratic political parties and social organizations". Eligibility to participate in this General Assembly would be based on: (1) membership and influence, and (2) exclusion of pro-Japanese elements and national traitors. It would be of prime concern that in the organization of the Provisional Government public recognition be accorded the North Korea People's Committee and its members, both as a legal and authoritative governmental organ and as representatives of the people elected by the people of North Korea. There is some indication that the North Korea People's Committee would actually

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13 August 1947

US Subcommission 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Methods of Selecting Personnel for the
Korean Provisional Democratic Govt.

The inclosure is circulated for the information of the members of US Subcommission 3.

E. E. MILLER
Captain, AGD
Secretary

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ENCLOSURE I

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NOTES

(1) The Soviet position is analyzed in [illegible] 7.

(2) U.S. [illegible] in Draft P 118, 27 [illegible] 1947 [illegible].

(3) [illegible] by [illegible].

(4) [illegible].

(5) [illegible] of [illegible] to be done by [illegible].

(6) [illegible] liminary draft [illegible].

(7) [illegible] of [illegible] set forth in [illegible].

(8) [illegible] of [illegible] set forth in _____.

(9) [illegible] in [illegible].

(10) [illegible] of [illegible] set forth in _____.

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NND 760090
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11 Sep 47

US Subcommission 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Methods of Selecting Appointive Personnel of the Korean Provisional Democratic Government

The inclosed sutdies submitted to the Chief Commissioner of the American Delegation are circulated for the information of the members of US Subcommission 3.

E. E. MILLER
Captain, AGD
Secretary

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S E C R E T

Subcommission No. 3
American Delegation
US - USSR JOINT COMMISSION
APO 757

11 September 1947

SUBJECT: Methods of Selecting Personnel.

TO : General Brown
General Wedemeyer
Dr. Bunce
Mr. Jacobs
Colonel Watlington
Mr. Sargent

1. Item 2(c) of the Minutes of the 57th Meeting of the US-USSR Joint Commission, 29 May 1947, assigned the following tasks to Sub-Commission No. 3:

a. Examination of recommendations for the personnel of the Provisional Democratic Government in Korea.

b. The procedure of the selection of personnel for the Provisional Democratic Government in Korea.

2. The American Delegation has interpreted this directive to Subcommission No. 3 as follows:

a. It embraces both "guiding personnel" and the larger body of administrative personnel, for example, as covered in the U. S. by Civil Service.

b. Subcommission No. 3 is responsible for the method of selecting "appointed" personnel, and Subcommission No. 2 is responsible for the method of selecting "elected" (as determined by the election laws) personnel.

3. U. S. Subcommission No. 3 has formulated its plans in the following manner, and upon the following assumptions:

a. Joint Subcommission No. 3 will be governed in its selection of appointed personnel by the Charter prepared by Joint Subcommission No. 2. To that end, U. S. Subcommission No. 3 has prepared alternative plans (see inclosures 1, 2, and 3) to cover each of the alternative drafts of Charters prepared by U. S. Subcommission No. 2.

b. The U. S. Members of Subcommission No. 3 propose to take the position in Joint Subcommission No. 3 meetings that it is necessary for Joint Subcommission No. 2 to agree upon a draft of Charter before Joint Subcommission No. 3 can proceed to the problem of formulating a method for selecting appointed personnel.

S E C R E T

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NND 760090
By _____ NARS, Date _____

c. During this phase (i. e., the fulfillment of paragraph 2 of the Moscow Decision) of the Joint Commission's work, Joint Subcommission No. 3 is to arrive only at an agreement on a "plan" for selecting personnel. It is not to concern itself with the implementation of a plan in terms of specific names for specific positions.

4. Comments and further instructions are requested.

OWEN T. JONES
Chairman

3 Incls:

1. Method of Selecting Appointive Personnel of the Provisional Korean Democratic Government under U. S. Position "A".

2. Method of Selecting Appointive Personnel of the Provisional Korean Democratic Government under U. S. Position "B".

3. Method of Selecting Appointive Personnel of the Provisional Korean Democratic Government under U. S. Position "C".

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NND 760090
By _____ NARS, Date _____

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11 Sep 47

American Delegation
Subcommission No. 3
US - USSR JOINT COMMISSION
AIC 835

[illegible]

1. The following sets forth the [illegible] proposed by U. S. sub-[illegible] Commissioner [illegible] within the scope [illegible] U. S. position "A".

2. The Joint Commission.

a. Article VII, paragraph 3, [illegible] provides [illegible]

[illegible] ."

b. [illegible]

c. [illegible]

[illegible]

(a) [illegible]

(b) [illegible]

(c) [illegible]

(d) [illegible]

(e) [illegible]

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(g) [illegible]

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(1) A non-political figure could be chosen.

(2) He should be a man of some eminence in the fields of social welfare or medical science.

(3) He should be a man who does not have the taint of Japanese collaboration.

(4) He should be a man who has built himself sufficiently aloof from both the U. S. and the Soviet occupation as to be acceptable to both sides.

3. Qualifications.

a. Article VII, Section 3, of the Draft of Charter provides that:

". . . . The Chief of State shall submit to the National Assembly the nominations of persons for the office of Ministers for approval by majority vote. . . . . "

b. The Joint Commission may exercise control over the Ministers through the veto power provided in the same Article and Section:

" . . . . Unless rejected by joint veto of the establishing powers within 15 days . . . . the Ministers shall take office . . . . "

This, however, requires "joint" action, and imposes on the U. S. Delegation the same problem as applies to the selection of the Chief of State, that of establishing a position vis-a-vis the Soviets on the exercise of the joint veto.

c. It is recommended that the U. S. Delegation take the appropriate position outlined below with respect to the choice of the Ministers.

(1) In the event a national legislature is elected that is dominated by the Democratic People's Front,

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the U. S. Delegation must be prepared to accept Leftist appointments throughout. It should take the position, however, that the ministers shall be chosen from the northern and southern parts of Korea on a proportional population basis, and in proportion to the strength of the respective parties as demonstrated in the election. This will, of course, accomplish little except to retard the event into the Soviet orbit.

(2) In the event a national legislature is elected in which the Democratic People's Front does not have a majority, the U. S. Delegation should take the position that the balance of power in the ministry shall be in hands not unfriendly to it. To that end, each ministry should be weighed according to its importance. Tentatively, the following assessments are proposed:

Ministry	Weight
Home Affairs	5
Justice	5
Finance	5
Foreign Affairs	5
Commerce	3
Coordination and Planning	3
National Defense	3
Labor	3
Education	2
Communications and Transportation	2
Agriculture	1
Public Health and Welfare	1
Total	38

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By NARS, Date

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11 Sep 47

The actual weights to be assigned could be determined in the light of decentralization of certain ministries, and other factors that would bear on the problem. The values used here are for the purpose of illustration only. The total weighted value in the above list, for example, is 38. On the basis of the population ratio, the U.S. Delegation should insist that not less than 25 of these points be under U. S. influence. It will be noted that the 13 points remaining for Soviet influence would not extend to more than two of the four ministries given the highest rating.

4. The Judiciary.

a. Article IV, Section 2, of the draft of Charter provides that:

". . . . (A) Chief Justice and six Associate Justices . . . . shall be nominated by the Chief of State of the Provisional Korean Democratic Government, subject to confirmation by the National Assembly . . . . "

b. The Joint Commission may exercise control over these appointments through the veto power provided in the same Article and Section:

". . . . Unless rejected by joint veto of the establishing powers within 10 days after such confirmation, the Chief Justice and Associate Justices shall take office . . . . "

This, however, requires "joint" action, and imposes on the U. S. Delegation the same problem as applies to the selection of the Chief of State and of the ministers, as mentioned above.

c. It is recommended that the U. S. Delegation take this position with respect to the nominations for the Supreme Court: A

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NND 760090
By NARS, Date

Supreme Court shall be chosen on a proportional population basis, and in proportion to the strength of the strength of the respective parties as demonstrated in the election.

5. Civil Service.

a. Article VII, Section 1, provides that

". . . . The Office of Civil Service shall publish regulations concerning the employment of such subordinate officials as are necessary to carry out the functions of the Provisional Korean Democratic Government."

Article VII, Section 7 a, provides further, in this connection

". . . . Selection of employees shall be exclusively on merit and on a competitive basis and no political favor shall influence the appointment of officials."

b. The Joint Commission may exercise control over these regulations and appointments through the right of review and implementation provided in Article IV, Section 4:

"The establishing powers reserve the right of review over all acts of the Provisional Korean Democratic Government which may endanger the public security or interfere with the exercise of the functions reserved in this Charter to the establishing powers. In case of failure of the Provisional Korean Democratic Government, upon notice and demand jointly made by the establishing powers, to perform any function deemed by the establishing powers essential to the objectives stated in this Charter, the establishing powers reserve the right to implement by joint action any provision of this Charter.

c. It is recommended that the U. S. Delegation periodically review appointments and dismissals to insure that the regulations are

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NND 760090
By NARS, Date

being complied with, and that there are not wholesale appointments of Communist sympathizers in certain departments.

6. Local Government. The foregoing has concerned itself with appointments at the national level. Under U. S. Plan "A", the Joint Commission will be unable to exercise any control over appointments of local government officials, other than through the Civil Service Regulations. It is the opinion of Subcommission No. 3 that the safeguards set up in Article I are adequate, however, and no further provisions are required.

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Subcommission No. 3
US-USSR JOINT COMMISSION
APO 235

METHOD OF SELECTING APPOINTIVE PERSONNEL OF THE PROVISIONAL KOREAN DEMOCRATIC GOVERNMENT UNDER U. S. POSITION "B"

1. The following sets forth the method proposed by U.S. Subcommission No. 3 for selecting appointive personnel within the provisions of the draft of Charter covering U.S. Position "B".

2. The Chief of State.

a. Article VIII, Section 3 of the draft of Charter provides that "The Chief of State and the Deputy Chief of State shall be elected by the Provisional Legislative Assembly by a majority vote....."

b. The Joint Commission may exercise control over these appointments through the veto power provided in the same Article and Section:

".....Unless rejected by joint veto of the establishing powers within 10 days, the Chief of State, (and) the Deputy Chief of State.....shall take office....."

This, however, requires "joint" action; permits neither Delegation to undertake unilateral action; and imposes on the U.S. Delegation the problem of establishing a position vis-avis the Soviets on the exercise of the joint veto. The U.S. Delegation may not be successful in getting the Soviets to adopt its position as a basis for exercising the joint veto, but it should, at least, go on record as to what its position is.

c. It is recommended that the U.S. Delegation take the following position with respect to the qualifications of the Chief of State:

(1) A non-political figure should be chosen.

(2) He should be a man of some eminence in the fields of social and physical sciences.

(3) He should be a man who does not have the taint of Japanese collaboration.

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(4) He should be a man who has kept himself sufficiently aloof from both the U.S. and the Soviet occupation as to be acceptable to both sides.

3. The Ministers.

a. Article VII, Section 3 of the draft of Charter provides that ".....The Chief of State shall submit to the Provisional Legislative Assembly his nominations of persons for the posts of the 12 ministers for approval by majority vote....."

b. The Joint Commission may exercise control over the appointments through the veto power provided in the same Article and Section: ".....Unless rejected by joint veto of the establishing powers within 10 days,..... the ministers shall take office..." This, however, requires "joint" action, and imposes on the U.S. Delegation the same problem as applies to the selection of the Chief of State, that of establishing a position vis-a-vis the Soviets on the exercise of the joint veto.

c. It is recommended the U. S. Delegation take the position that the ministers shall be chosen in such a manner that the balance of power remains with the U. S. To that end, each ministry should be weighted according to its importance. Tentatively the following assessments are proposed:

Ministry	Weight
Home Affairs	5
Justice	5
Finance	5
Foreign Affairs	5
Commerce	3
Coordination and Planning	3
National Defense	3
Labor	3
Education	2
Communications and Transportation	2
Agriculture	1

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NND 760090
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Ministry	Weight
Public Health and Welfare	1
TOTAL	38

The actual weights to be assigned could be determined in the light of decentralization of certain ministries, and other factors that would bear on the problem. The values used here are for the purpose of illustration only. The total weighted value in the above list, for example, is 38. On the basis of the population ratio, the U. S. Delegation should insist that not less than 25 of these points be under U. S. influence. It will be noted that the 13 points remaining for the Soviet influence would not extend to more than two of the four ministries given the highest rating.

4. The Judiciary.

a. Article IX, Section 2, of the draft of Charter provides that "(.....(A) Chief Justice and six Associate Justices..... shall be nominated by the Chief of State of the Provisional Korean Democratic Government, subject to confirmation by the legislative assembly....."

b. The Joint Commission may exercise control over these appointments through the veto power provided in the same Article and Section:

".....Unless rejected by joint veto of the establishing powers within 10 days after such confirmation, the Chief Justice and Associate Justices shall take office....."

This, however, requires "joint" action, and imposes on the U.S. Delegation the same problem as applies to the selection of the Chief of State and of the ministers, and as mentioned above.

c. It is recommended that the U. S. Delegation take the position these appointments shall be such that the control of the Supreme Court shall be friendly to the U. S.

5. Civil Service.

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a. Article VII, Section 1 provides that

".....The Office of Civil Service shall publish regulations concerning the employment of such subordinate officials as are necessary to carry out the functions of the Provisional Korean Democratic Government."

Article VII, Section 7a provides further, in this connection

".....Selection of employees shall be exclusively on merit and on a competitive basis and no political favor shall influence the appointment of officials."

b. The Joint Commission may exercise control over these regulations and appointments through the right of review and implementation provided in Article IV, Section 4:

"The establishing powers reserve the right of review over all acts of the Provisional Korean Democratic Government which may endanger the public security or interfere with the exercise of the functions reserved in this Charter to the establishing powers. In case of failure of the Provisional Korean Democratic Government, upon notice and demand jointly made by the establishing powers, to perform any function deemed by the establishing powers essential to the objectives stated in this Charter, the establishing powers reserve the right to implement, by joint action, any provision of this Charter.

c. It is recommended that the U. S. Delegation periodically review appointments and dismissals to insure that the regulations are being complied with, and that there are not wholesale appointments of communist sympathizers in certain departments.

6. Local Government.

The foregoing has concerned itself with the appointments at the national level. Under U.S. Plan "B", the Joint Commission will be unable to exercise any control over appointments of local government officials, other than through the Civil Service Regulations. It is the opinion of Subcommission No. 3 that the safeguards set up in

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NND 760090
By NARS, Date

Article X are adequate, however, and no further provisions are required.

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NND 760090
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Subcommission No. 3
US - USSR JOINT COMMISSION
AG 235

METHOD OF SELECTING EXECUTIVE PERSONNEL OF THE KOREAN PROVISIONAL DEMOCRATIC GOVERNMENT UNDER U. S. POSITION "C"

1. The U. S. Plan "C" calls for appointment of an interim "Executive Council" for the period of approximately six months that will be required to hold general elections. Following the general elections, the U. S. Plan "A" would be put into effect. Therefore, the method of selecting personnel only within the provisions of U. S. Position "C" is herein considered.

2. Chief of State (Prime Minister).

a. Article VII, Section 3, provides that

"The Prime Minister . . . . shall be appointed by agreement of the establishing powers . . . . "

b. It is recommended that the U. S. Delegation insist that a non-political figure will be selected for this post. This would call for a man of some eminence in the social and physical sciences, a man who does not have the taint of Japanese collaboration, and a man who has kept himself sufficiently aloof from both the U. S. and the Soviet occupation as to be acceptable to both sides. About the only technique for such an appointment that appears practicable is to have each delegation propose a slate of three candidates, and from these attempt to arrive at an acceptable man.

Inclosure 3

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NND 760090
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[illegible]

[illegible], which provides that
". . . [illegible] shall be allotted
[illegible] . . ."

[illegible] the [illegible] of the
[illegible], it [illegible] in
[illegible] the Governor to control [illegible] vital
[illegible] control of three or four
[illegible], [illegible], [illegible] may be
[illegible]. Relatively, the
[illegible].

[illegible]	Weight
[illegible]	5
[illegible]	5
[illegible]	5
[illegible]	4
[illegible]	3
[illegible]	3
[illegible]	3
[illegible]	3
[illegible]	2
[illegible] transportation	2
[illegible]	1
Public [illegible] clinic	1
Total	39

[illegible] which [illegible] could be determined in the
[illegible] of the distribution of certain districts and other
[illegible] on the [illegible]. The values used here
[illegible] purpose of illustration only. The total weighted

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NND 760090
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[illegible] basis
[illegible] television should claim
[illegible] points for its candidates. It
[illegible] Soviet Zone-
[illegible] offices for ore
[illegible] first voting.
[illegible] vert concentration
[illegible] Soviet points,
[illegible] it possible to
[illegible] violations in such
[illegible] limits assigned.

[illegible]

[illegible], obligations, provisions that

[illegible] shall supply
[illegible] all, in consultation
[illegible] occupying powers, coordinate the
[illegible] existing,
[illegible] such bodies
[illegible] political parties and
[illegible] necessary to constitute a
[illegible] or bodies . . ."

2. Since this proposal will continue the existing [illegible] in North and South Korea, no problem of [illegible] arises under U. S. position "C".

3. Civil Service

a. Article III, Section 4, provides that

" . . . . The Executive Council shall appoint under regulations approved by the establishing powers such administrative personnel as may be required to perform properly its responsibilities."

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NND 760090
By NARS, Date

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2. It is recommended in implementing the foregoing, [illegible] action time the following action with respect to this administrative personnel: Periodically review appointments and dismissals to insure that the regulations are being complied with, and that there are not wholesale appointments or dismissals of citizens in certain departments.

3. Local Government.

[illegible] concerned itself with appointments [illegible] level. Under the provisions of Article III, [illegible] (noted in para 4c above) of U. S. Plan "B", [illegible] participation of citizens councils at local [illegible] levels. The problem of appointments, therefore, [illegible] solved.

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SUBCOMMISSION NO. 3

I. MISSION

A. As defined by American Delegation

B. As defined by Joint Commission

II. STATUS OF WORK

A. Methods of Selecting Personnel

1. Program of Work

2. Action Taken

3. Action Required

. Procedure of the Assumption of Powers.

1. Program of Work

2. Action Taken

3. Action Required.

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NND 760090
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I. MISSION

A. As defined by American Delegation
(Ref. 106th Mtg Item 2c Amer. Delg., A D 4 Sec. C)

"Plan for Transfer of Authority to Provisional Government"

1. Integration of the existing government of North-South Korea.

   a. Study of government of North Korea.

   b. Study of government of South Korea.

   c. Determination of contribution of North-South Korea government to Provisional Government.

   d. Method to be followed in combining appropriate elements of North-South Korean Government to Provisional Government.

   e. Time when new integrated element takes over responsibility of government.

   f. Time when Provisional Government takes over responsibility of government.

   g. Responsibility of each existing element of North-South Korea government for governing until corresponding element of Provisional Government takes over.

   h. Responsibility for supervision and control of

      1. North Korean Government.

      2. South Korean Government.

      3. Provisional Government

B. As defined by Joint Commission
(Ref. Para "B" Joint Commission Decision #8)

1. "Elaboration of recommendations for the personnel of the Korean Provisional Democratic Government."

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By NARS, Date

2. "The procedure of the assumption of powers by the Provisional Korean Democratic Government".

3. "and the procedure of the selection of the personnel for the Provisional Korean Democratic Government".

II. STATUS OF WORK

A. Methods of Selecting Personnel

1. Program of Work

   a. Formulate a basis for the election of a National Legislature which will appoint a Chief of State who will in turn appoint the ministers and "guiding personnel".

   b. Formulate a basis for the selection and appointment of the permanent body of civil service personnel from present personnel of SKIG and the People's Government of North Korea.

2. Action Taken

   a. Russian ideas on the methods for selection of "guiding" personnel has been ascertained. (See Meacham's memo dated 11 June 1947)

   b. An American position (See Meacham's memo dated 21 June 1947) has been established, and made a part of the American draft of charter, favoring the election of a National Legislature which will appoint a Chief of State who will in turn appoint the ministers.

   c. The issue has not been joined yet with the Russians over the conflicting methods for the selection of personnel.

3. Action Required

   a. Formulate a United States plan for the election of the National Legislature. (It has been requested that Dean Pergler be immediately called back from the United

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States to head up the work on this project.) It is recommended that we not discuss this further with the Russians until consultations have been completed.

b. Formulate a United States plan for the selection and appointment of the Provisional Korean Democratic Government's permanent civil service body from existing personnel of SKIG and the People's Government of North Korea. (It has been requested that Lt. Col. Hugo Bledsoe be detailed from SKIG to head up the work on this project.) It is recommended that we not discuss this with the Russians until after consultation.

3. Procedure for the Assumption of Powers by the Provisional Korean Democratic Government.

1. Program of Work

a. Merging of the SKIG and PG executive departmental organizations.

i.e., Putting the Departments of Agriculture, Commerce, etc. together organizationally.

b. Liquidate and/or combine special agencies in SKIG and PG.

i.e., SKIG's KAA, NCC, USOCS, Office of Property Custodian, Nat. Price Administration, NMB, etc.

c. Reconciliation of administrative law.

i.e. SKIG ordinances on price regulations, foreign exchange controls, taxes, national budget, import-export controls, etc.

d. Integration of physical services at technical level.

i.e., Communications (toll lines), postal services, currency, central and commercial banking systems, police systems, etc.

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e. Policy reconciliation.

i.e., Ideological conflicts in mission of Departments of Education, Foreign Affairs, etc., credit policy of banks, taxation policy, nationalization of industry, land reform, socialized medicine, etc.

f. Settlement of claims.

i.e., Disposition of assets of banks and vested properties and the claims of their depositors and creditors, assumption of obligations by Provisional Government, etc.

2. Action Taken.

a. A memo dated 22 May 1947 on "Request for Information on Present Governmental Structure and Function" was addressed to all American Departmental Advisors. Replies have been received but not analyzed and returned for missing data.

b. Steps have been taken for an exchange of information with the Soviets on "Preliminary Study of Existing Organs of Authority". This is now being assembled and will be exchanged on 1 July.

c. Based on Sturm's memo dated 10 June 1947 on the necessity for initiating discussion of problems incident to integration at the technical level, a request dated 13 June 1947 was addressed to the Soviets that such discussions be initiated at once. A negative reply dated 17 June 1947 was received.

3. Action Required.

a. Analysis of replies received from American Departmental Advisors; return replies for fuller information when required.

b. Analysis of material received from the Russians on 1 July.

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c. In terms of "a" and "b" above, formulate a specific plan of action for each of the items appearing under "Program of Work" under #1 above, with special reference to

(1) Phasing. What has to be done before the Provisional Government is established? What can be done by the Provisional Government itself? What will have to be done jointly by the Joint Commission and the Provisional Government.

(2) Establishment of JCIG working committees at the technical levels to which Russian counterparts will be added.

(3) The policy to be followed by the American Delegation on each item listed under "Program of Work" under #1 above. (To participate in this work, it has been requested that both Dean Fengler and Hugo Ludsoe be detailed to Sub-commission 3.

d. It is recommended that we do not discuss further with the Russians the "theory" of integration. Instead, it is recommended that we tackle the problem with them piecemeal by concentrating on specific technical problems, one at a time. These specific problems can be taken up individually by us within the framework of our own program of work, without disclosing to the Russians that we are gaining our ends piecemeal rather than tackling the problem as a whole.

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17 July 1947

US Subcommission 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

PROGRAM OF WORK

US Subcommission 3

The inclosed schedule is circulated for the information of the members of US Subcommission 3.

E. E. MILLER
Captain, AGD
Secretary

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1203

PROGRAM OF WORK

SUBCOMMISSION NO. 3

COMPLETED	STATUS OF WORK	
	U.S. Subcommission No. 3	Joint Subcommission No. 3
I. Method of Selecting Personnel		
1. Chief of State and Ministers		
a. Election vs Appointment	U.S. position for elections established by Joint Commission.	Some joint discussion. Russians want appointments. Issue not joined.
b. Election Law	No action taken. Subcommission No. 2 has done some work on this.	No joint discussion. No action taken.
2. Civil Service Group	Preliminary recommendation available.	No joint discussion. No action taken.
II. Procedure for Assumption of Power (Minimum Preliminary Agreements necessary before Provisional Government can be established.)		
1. Implementation and development of Provisional Government Structure as provided in Charter and Political Platform. (With special reference to government functions and organization: executive, judiciary, and legislative, national and local levels.)	Work suspended pending exchange of information with Russians.	Exchange of information on existing government organization in North and South Korea held up pending resolution of consultation impasse.
2. Integration of services (currency, transportation, communications, etc.)	See Appendix A - Preliminary recommendations about 75% complete.	Russians have declined in writing to discuss this problem at this stage of the Joint Commission work.

0900
17 July '47

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WORK TO BE DONE	STATUS OF WORK	
	U.S. Subcommission No. 3	Joint Subcommission No. 3
III. Special Problems		
1. Vested Property in South Korea	Preliminary discussion only. No action taken.	No joint discussions. No action taken.
2. Civilian Supply Stock Piles in South Korea . . .	Preliminary recommendations available.	No joint discussions. No action taken.
3. American/Russian and/or Four Power Advisors to Provisional Government. .	No action taken.	No joint discussions. No action taken.

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MEMORANDUM FOR GUIDANCE IN ROUND-TABLE DISCUSSIONS WITH ALLIED SCAP PERSONNEL

The left-hand column is a tentative list of essential "services" that the provisional government will retain by taking over existing facilities in the North and the South.

The right-hand column is a tentative check list of problems to be solved in connection with the integration of the facilities in the North and the South for each of the "services" listed in the left-hand column.

The purpose of this document is to provide a basis for informal discussions with SCAP personnel on each of these points. To date the Russian Delegation has declined to discuss these problems of integration. The American Delegation is proceeding to formulate a plan of action, however, on each of these points in the belief that eventually it will be necessary to face up to them and that the American Delegation can establish a strong position if it has a specific plan of action for its implementation in each case.

1. Rail transportation
2. Civil aviation
3. Postal service
4. Postal savings
5. National life insurance
6. Currency
7. Price regulations
8. Board of exchange Controls
9. Export and import controls
10. National debt
11. Government accounts
12. Police (local)
13. Coast Guard
14. Central bank
15. Commercial banks
16. Life insurance companies
17. Civil service
18. Customs
19. Tax assessment & collections
20. Prisons
21. Courts
22. Schools
23. Telephone & telegraph systems
24. Radio broadcasting

* Any of these could be deferred.

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17 June 1947

U. S. Subcommission No. 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

STUDY OF MEASURES PREPARATORY TO ELIMINATION OF THE EXISTING BOUNDARY BETWEEN NORTH AND SOUTH KOREA

I. THE PROBLEM

1. The administrative problems involved in eliminating the line of demarkation at the 38th Degree, North Latitude, and, in particular, the preparatory steps that should be taken by the US-USSR Joint Commission in order to mitigate the dislocations attendant upon such a move, are herein considered.

II. FACTS BEARING ON THE PROBLEM

2. It is assumed that simultaneously with the installation of the Provisional Korean Democratic Goverrment, the existing boundary between North and South Korea will be eliminated.

III. DISCUSSION

3. The initial problems of integration that should be resolved by the Joint Commission prior to the establishment of the Provisional Government are those of an economic nature. While these cannot be wholly divested of political significance, it is possible to approach them from the technical aspect; and to solve them, even in part, cannot fail to have favorable repercussions upon the manner in which broader political questions are dealt with, and upon the possibility of their eventual satisfactory solution.

a. The immediate problems involved in implementing elimination of the present boundary have to do with transportation; communications; finance and commerce, including foreign exchange and foreign trade; and collection and distribution of foodstuffs. While it is not indispensable that these functions in the respective zones be at once integrated in all respects, they must be sufficiently coordinated to permit a gradually increasing, and eventually quite free, commercial flow between the

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North and the South.

(1) Problems of transportation and communications are almost wholly technical and economic. Integration of the respective systems to the required degree should call for little intervention from the Joint Commission once it has been agreed that integration should be accomplished. It should be anticipated, however, that even after the Provisional Government is established, by the very nature of things a flow of goods and services will be restored slowly.

(2) Problems of finance and commerce, on the other hand, are much more complex than those considered above.

(a) Prior to eliminating the present boundary it will be essential to provide a currency universally acceptable throughout Korea, either by supplanting both of the present series by a single new issue, or by validating both for circulation throughout the peninsula. Banking facilities operating in each of the present zones must be established as well. Orderly procedures for receiving and settling claims of a financial nature made by residents of one zone against financial institutions of the other, must be provided in order to insure equitable settlements while avoiding undue dislocations to the economy.

(b) It will be necessary as well to establish uniform regulations governing foreign exchange and foreign trade. Under the best

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circumstances Korea will be hampered for many years by a critical exchange position. To avoid squandering the proceeds of its minute exportable surplus, and to avoid exports the economy can ill afford, especially of foodstuffs, the Joint Commission must agree to establish and see to the enforcement of uniform controls before the boundary is removed.

(c) In the short run, commercial problems may prove to be even more thorny than financial questions, owing to divergent price levels as well as inequality of supply in the respective zones. If it is determined that a free exchange of goods and services throughout the peninsula should be permitted from the inception of the Provisional Government, careful preliminary analysis should be made of the probable consequences to the economy of uncontrolled flow of foodstuffs from South to North and of fuels and raw materials from North to South. Care must be taken also through the controls mentioned in (2) (a) above, enforced by uniform financial and customs regulations, to prevent dissipation of local surpluses by unwarranted export outside the peninsula from the area in which they were produced or, by trans-shipment, from any other region of Korea to which they may be forwarded.

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(3) In view of the present unfavorable position of Korea with respect to foodstuffs, it will be necessary to provide uniform measures for the collection of rice and other grains from the producers, and for their distribution to non-producers. To insure the success of such a program, it will be necessary to prohibit temporarily any export from Korea of foodstuffs, particularly rice, which may be in short supply.

b. The problems discussed above represent the minimum of reforms necessary to allow a united economy to function. They are the first in this connection that should be solved by the Joint Commission, and a removal of the present boundary prior to their solution is unthinkable. There are, on the other hand, a multiplicity of problems that must eventually be solved either by the Joint Commission, by the Provisional Government in consultation with the Joint Commission, or by the permanent Korean government when it is established. If the system of law applicable in each of the present zones is continued in force until it is ultimately replaced piecemeal, as the series of principles under consideration by the American Delegation appears to contemplate, it will be possible to defer the more vexatious questions relating to an amalgamation of internal security organizations, land reform, education, ownership of former Japanese property, labor organizations and practices, unification of existing tax structures and budgets, and long-range planning of the Korean economy.

IV. CONCLUSIONS

4. a. Prior to establishment of the Provisional Korean Democratic Government and simultaneous removal of the present boundary between North and South Korea, it will be necessary

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to provide measures for

(1) Unifying the railways and communications of the peninsula;

(2) To provide country-wide banking facilities;

(3) To provide a uniform currency;

(4) To establish procedures for handling claims against financial institutions arising in either zones;

(5) To provide uniform regulations governing foreign exchange and foreign trade;

(6) To consider the effect of presently divergent price levels upon the economy of a united Korea;

(7) To provide uniform measures for collection of foodstuffs and distribution to non-producers.

b. Other problems, relating principally to the ultimate development of Korean political and economic institutions, can be postponed for solution during the period of international aid and assistance to the Provisional Government.

c. It will not be possible to prevent the Soviet Delegation from attempting at every step to prejudice ultimate solutions. By formulating an American position in regard to these long-range problems and bearing it firmly in mind while insisting with the Soviets upon the urgency of dealing with the immediate situation, it should be possible to serve both American and Korean interests by avoiding a coming to grips with the Soviet Delegation on fundamental issues at too early a date.

V. RECOMMENDATIONS

5. a. At the appropriate moment, and as soon as the Soviet Delegation will agree, working committees of technical experts representing both Delegations should be set up under the supervision of Subcommission 3 to consider and report on:

(1) Plans for unifying the railways and other forms of transportation;

(2) Plans for unifying the communications systems.

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(3) Plans for unifying the currencies and solving other financial problems discussed here.

(4) Plans for establishing uniform customs regulations.

(5) Economic problems relating to opening the border to commercial exchange.

(6) Plans to unify grain collection and distribution programs.

b. While the above-mentioned action is being taken, the American Delegation should be considering appropriate measures to deal with the long-range problems.

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American Delegation
US - USSR JOINT COMMISSION
Seoul, Korea

13 June 1947

Memorandum to: Colonel General T. F. Shtikov,
Chief Commissioner, Soviet Delegation,
US-USSR Joint Commission, Seoul, Korea

SUBJECT: Work of the Joint Commission.

1. There are certain problems which must be solved by the Joint Commission irrespective of the type and composition of the provisional government established. These problems should be solved, at least in principle, at the earliest possible date. They include problems on which common agreement must be reached in order that the work of government now being performed by existing governments, North-South Korea, may be carried by the provisional government without loss of efficiency. Included are such problems as transportation, communications, finance, food collection and distribution, communications, etc. (See Enclosure 1 for clarification.)

2. In order that early and thorough consideration may be given to evolving plans pointing to solution of these problems, it is suggested that the Russian members of Subcommission No. 3 meet with the American members and perfect an organization for and a method of proceeding to proper solutions of the problems listed and similar problems which may be involved in the overall consideration of the assumption by the provisional government of the work responsibility of the existing governments, North - South Korea.

3. It may be considered advantageous by you that these problems be discussed in a general manner by the Joint Commission prior to reference to Subcommission No. 3 for consideration. The American Delegation is prepared to assume the responsibility for proper performance of this task in such manner as you may suggest.

/s/ Albert E. Brown
ALBERT E. BROWN,
Major General, U. S. Army,
Chief Commissioner.

Enclosure
(1) Suggested problems of government.

The Enclosure:

I. Transportation.
   1. Railways.
   2. Merchant Marine.
   3. Bus Lines.

II. Communications.
   1. Telephone System.

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2. Telegraph.

3. Postal Service.

III. Finance.

1. Currency.

2. Financial Institutions.

3. Foreign Exchange.

IV. Food Collection and Distribution.

V. Commerce.

1. Price Levels.

a. Price Controls.

b. Relative supply levels in North and South.

2. Customs Regulations.

3. Import and Export Controls.

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SOVIET DELEGATION
JOINT SOVIET - AMERICAN COMMISSION

17 June 1947

Lieutenant General Albert C. Wedemeyer
Head of the American Delegation
Joint Soviet - American Commission
Seoul, Korea

I received your memorandum of 16 June 1947. In your memorandum you suggest to start for on the problems concerning the transportation, communication, the collection and distribution of food products, etc. We, also, suggested that could exchange opinion to. I not start the for on these points.

The Soviet delegation, after studying your proposal taking into consideration the content of those problems which are given out by the commission, considers that the problems, mentioned in your memorandum, do not in first [illegible] of this stage of the work of the commission.

In our opinion we have only [illegible] first to which our governments the [illegible] in accordance with the right to [illegible] of the Moscow decision. It is this very agenda will help to study the problems proposed by you [illegible] could retract from the Joint Commission and in particular the Joint Subcommission from fulfillment of urgent problems. Namely, the working out of recommendations on the selection of the personnel of the provisional Korean democratic government, on the order of the taking over the authority by the provisional Korean democratic government, and on the order of the selection of the personnel for this government.

The Soviet delegation considers that these questions are immense and serious, that they will take much time, that the study and the solution of these problems [illegible] you in your memorandum are to be taken by the Joint Commission in the provisional Korean democratic government.

In view of the above mentioned I do not consider it appropriate to submit the problems set in your memorandum for the discussion by the Joint Soviet - American Commission.

Head of Soviet delegation
Colonel General
T. F. Shtikov

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1 September 1947

US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

THE COAL SITUATION
IN SOUTH KOREA

The attached study, above subject, is circulated for the information of the members of US Subcommission 3.

E. E. MILLER
Captain, AGD
Secretary

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NND 760090
By NARS, Date

THE COAL SITUATION IN SOUTH KOREA

COAL RESOURCES

South Korea is in an extremely unfavorable position in regards to coal resources, due to the fact that no bituminous coal or coking coal deposits are known or mined in South Korea and the coal that is mined ranges in quality from an inferior grade of anthracite to amorphous graphite. Analyses indicate that the fixed carbon is generally from 60-80%, volatile matter from 3 to 5% and ash from 10 to 25%. 95% of the coal mined tends to disintegrate into powder because of lack of coherence between particles, due to the friable nature and graphitic character of the coal. This disintegration takes place in mining, stockpiling and shipping. Because of the low volatile matter and difficult burning it is necessary to briquette at least 50% of all coal mined adding 10% bituminous coal and 2% pitch as inflamable materials. In this manner the heating value of the anthracite coal is increased from approximately 5,000 to 6,000 BTUs and the coal is in a form more readily useable. However, to obtain this objective it is necessary to import both the pitch and bituminous coal.

There are approximately 35 known anthracite coal and lignite deposits which are mined more or less extensively. These range from small outcroppings mined as a local enterprise to extensive mining, washing and loading operations. Six coal and lignite areas have sufficient production to warrant collection of production records. Of these areas the largest enterprise is located in the Sam Chok area where six mines are in operation. This area produces approximately 50% of the coal mined and is the most semi modern of all the

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mining areas in loading and handling equipment. It is serviced by a standard gauge railroad with terminals at Mako 40 miles distant on the Japanese sea at which point are located ship loading facilities.

The proven coal reserves in South Korea are not well established although in the Sam Chok area it is estimated that 35 million tons are available and in the Chasoon area 20 million tons. These two areas are the most important in so far as quality of coal and present handling and loading equipment is concerned. Considering present available information on other deposits the total proven reserves are estimated at approximately 60 million tons.

COAL PRODUCTION

The present imports of bituminous coal from Japan has averaged 51,423 tons per month in the first seven months of 1947. If this rate continues for the rest of the year 617,136 tons will be received from Japan.

The amount of anthracite coal mined is increasing each month in South Korea and for July increased approximately 50% from a year ago but even with this increase in production the total amount is somewhat less than 40,000 tons per month. It is estimated that with present loading facilities approximately 35,000 tons of coal per month is the maximum amount of anthracite coal that can be mined and transported to consumers.

The amount of coal transported from the mines is also increasing each month due to improved railroad operations and marine service. The increase in July was approximately 300% from a year ago and exceeded the amount mined by approximately 40%. A total of approximately

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60,000 tons a month. This indicates that the mine stock piles accumulated by the Japanese are being depleted and it is estimated that at the present rate of coal movement these reserves will be depleted in from 6 to 8 months.

REQUIREMENTS

South Korea has always been a coal deficite area and in the past depended on imports of bituminous coal mainly from Japan and Manchuria and anthracite coal from North Korea to supplement an inadequate supply of local coal. From available published Japanese data for all of Korea, it is indicated that in the years 1941-1944 an average of 2,835,000 metric tons of bituminous coal was imported per year. In the same years an average of 5,421,000 metric tons of anthracite coal was allocated to all activities. No accurate past figures are available as to the amount of coal consumed in South Korea but it should be recognized that in the years in which past usage was obtained were war years for Japan and many consumer goods factories were not allowed to operate. South Korea was not particularly developed for war industries as most of the heavy industries which are large consumers of coal were located in North Korea. Consumer goods industries are comperatively small users of coal. However, it should also be recognized that the railroads were operating at manimum capacity inthose years, and it is estimatee that approximately 50% of the trackage of Korea is located in South Korea. Taking all factories into consideration it is estimated that from 25 - 40% of all coal mined and imported was consumed in South Korea. At the present time approximately 50,000 tons/ month of bituminous coal is imported from Japan and 60,000 tons/ month of arthracite coal is moved to consumers. The railroads at the present rate

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of operation consume approximately 50% of all coal imported and moved from the local mines. Of this amount 90% is used in moving 400,000 tons per month of freight and 10% in passenger movement. Approximately 15% of all coal availabilities is used for military installations. The remainder or 35% is available for the Korean industrial economy and for general heating purposes.

CONCLUSIONS

South Korea is a coal deficit area and must import bituminous coal to maintain operations of the railroads, coke and gas plants, metal smelters and other essential activities which require high volatile coal. South Korea is dependent on Japan for this type of coal.

Within approximately 6 months the amount of coal mined in Korea must be increased at least 40% to maintain even the present industrial level since the Japanese mine stockpiles will be depleted. This will necessitate vigorous action by all concerned to rehabilitate the present mining and loading equipment, open additional coal veins, obtain experienced American supervisors and train Korean operators and managers.

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18 August 1947

US SUBCOMMISSION 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

GENERAL REPORT ON METALS

MINING INDUSTRY

The attached report is circulated for the information of the members of US Subcommission 3.

E. E. MILLER
Captain, AGD
Secretary

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By _____ NARS, Date _____

HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Department of Commerce
Bureau of Mining
Seoul, Korea

18 August 1947

SUBJECT: General Report on Metals Mining Industry

TO : National Economic Board

I. Minerals

1. General

Korea's mineral resources were of vital importance to Japan during the war; and their exploitation in many cases was carried well beyond economic limits. Marginal ores were mined with the encouragement of subsidies, and total production assumed proportions far greater than would be possible except under contions of war-time necessity. The value of minerals mined in Korea increased from $12,389,207 in 1933 to $43,185,000 in 1937, and to $94,600,000 in 1941, an increase of 700 per cent in eight years. As is illustrated in Inclosure 1, mineral production in Korea reached its peak in 1944. Korea has a relative abundance of iron ore, graphite, magnesite, fluorspar, silica, tungsten, gold, silver, copper, and anthracite coal, but deposits are in general of low grade.

2. Gold

Korea has been one of the leading producers of gold in the Far East; and Korean gold was utilized by Japan as an important source of foreign exchange in the past. Production reached a peak of over twenty-six metric tons in 1940, when heavy subsidies were paid to encourage gold production. Gold should become an important source of foreign exchange for Korea. Since Korea is relatively well supplied with native gold-mining engineers and technicians, lack of qualified personnel should not be as important a limiting factor in this field as in most other phases of industry and mining.

3. Iron Ore

The production of iron ore increased from an average of 550,000 tons in the years 1934-1936 to a peak of 3,300,402 metric tons in 1944. Expansion of iron-ore production resulted mainly from the discovery and exploitation of the Musan iron mine in northeastern Korean. Although containing only low-grade ore of about thirty-five per cent iron content, this mine is probably the largest iron deposit in the Far East. Its reserves are estimated to be about 1,200,000,000 tons of magnetite ore.

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War-time iron and steel capacity was estimated at about 850,000 to 900,000 tons of pig iron, and 350,000 to 400,000 tons of steel. Korea should be able to export significant quantities of iron ore and pig iron in the future.

4. Lead

Production of lead increased steadily in the decade 1934 to 1944, reaching a peak of 21,200 metric tons in 1944. However, imports have exceeded exports consistently, with a deficit averaging approximately 2,000 metric tons over a six-year period preceding 1940. With the reduced demand for lead in the post-war period, Korea should have a surplus of lead for export.

5. Graphite

Korea is among the largest graphite producers in the world, and 103,000 metric tons were produced in 1944, including 75,000 of amorphous graphite and 28,000 of crystalline graphite. In 1940 a total of 80,000 metric tons valued at ¥6,000,744 was exported.

Annual production could again reach 1944 levels by 1951, with little difficulty, at an estimated investment of ten to fifteen per cent of the total value of produced graphite. An important factor in limiting exports of graphite, however, is that its large unit volume and comparatively low cost per unit make it difficult to export with profit to distant markets.

6. Copper

The quality of copper ore in Korea is generally poor, the metal concentrate averaging about 1.5 per cent. Most of the large copper mines are located in northern Korea. Production of copper metal reached its peak in 1940 with 12,944 metric tons. Until 1940, however, imports of refined copper exceeded exports. Korea has exported copper ore to Japan consistently, and these exports reached their peak in 1940 with 9,750 metric tons of copper ore valued at ¥68,662,412.

The copper-mining program of Korea in the past has always been an adjunct to the gold-mining program. By far the larger portion of mining overhead was met from the sale of gold found in the copper ores, averaging approximately ten grams of gold per ton ofcopper ore.

During 1946, in the American-occupied zone of Korea, a total of 2,000 tons of copper ore was produced. Minimum requirements in 1947 for southern Korea alone are estimated to total 6,000 metric tons of pure copper, the bulk of which will be required for the rehabilitation of electrical utilities.

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Subj: General Report on Metals Mining Industry, Bur. of Mining, 18 Aug 47

Copper-mill concentrate production, averaging around ten per cent metallic copper, should reach 10,000 metric tons by 1951. The production could be financed from the proceeds of sales of the gold found as a by-product of copper ore. Imports of pure copper must be anticipated for a number of years.

7. Tungsten

Production of tungsten increased twenty-two fold in the eleven-year period from 1934 to 1944, reaching a peak of 8,402 metric tons of pure tungsten in 1944. About 400 tons of sixty per-cent tungsten (WO_3) was mined in southern Korean in 1946. By 1951 it should be possible to have a production of about 4,000 tons of tungsten (WO_3) annually. To reach this level of production, however, it must be anticipated that at least thirty to forty percent of the foreign exchange realized from one year's production will have to be set aside to rehabilitate the tungsten mining industry.

8. Zinc

Before the end of the war, Korea exported part of its zinc ore to Japan and imported pure zinc from Japan. Installed smelter capacity for zinc is approximately 36,000 metric tons of ore annually, or approximately fifty percent of installed mining capacity.

Korea should be able to meet its domestic requirements, estimated at 6,000 metric tons of pure zinc, by 1951 and achieve a surplus of 4,000 metric tons of zinc ore for export. It is estimated that thirty per cent of the foreign exchange realized from one year's production would be required for the rehabilitation of the zinc mining industry.

9. Silica Sand

Korea has been a consistent exporter of silica sand; her exports have averaged approximately ¥600,000 annually over the period from 1934 to 1940. Production could reach 200,000 metric tons by 1951, of which 190,000 metric tons can be anticipated to be surplus for export. To realize a production level of 200,000 metric tons, it is estimated that ten per cent of the value of one year's production must be diverted into buying necessary mining equipment required for the rehabilitation of the industry.

James G. Hays Jr

JAMES G. HAYS, JR.
Major FA
Advisor

3 Incl
Incl 1 - Production of Minerals In Korea
Incl 2 - Exports of Minerals from Korea
Incl 3 - Production of Metals & Minerals, South Korea

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Incl 1

PRODUCTION OF MINERALS IN KOREA
(1934, 1936, 1940, 1944 and 1951 Estimate)

Mineral	Unit	1934	1936	1940	1944	1951 Estimate
Anthracite Coal	MT	982,370	1,051,853	3,153,175	4,530,263	2,500,000
Bituminous Coal	"	none	none	none	none	none
Lignite Coal	"	706,279	1,230,140	2,587,766	2,518,513	2,000,000
Graphite	"	28,862	35,065	73,161	74,879	50,000
Copper	"	1,434	3,627	12,944	5,193	10,000
Tungsten	"	368	1,707	4,525	8,402	6,000
Zinc Ore	"	2,882 2/	2,455 2/	9,028 2/	20,113 2/	10,000
Silica Sand	"	72,279	50,955	173,160	3/	150,000
Iron Ore	"	176,008	234,400	453,718	3,300,402	2,000,000
Lead	"	1,806	2,740	13,045	21,200	6,000
Silver	KG	31,287	58,820	113,885	3/	60,000
Fluorite	MT	12,099	8,740	27,046	75,227	30,000
Gold	KG	12,427	17,489	26,464	6,342	20,000
Alunite	MT	56,330	114,569	37,479	18,951	80,000
Barite	"	5,935	5,113	17,604	5,690	8,000
Kaoline	"	23,421	24,712	48,287	3/	50,000
Pyrophylite	"	9,614	11,645	60,227	50,226	50,000
Limestone	"	3/	3/	3/	384,847	350,000
Magnesite	"	3,136	14,258	73,546	157,745	150,000
Pyrite	"	40,024	78,036	209,791	246,003	240,000
Mica	"	102	70	80	422	100
Molybdenite	"	103 1/	79 1/	190 2/	760	400
Manganese	"	3/	3/	681	33,584	5,000
Talc	"	3/	3/	3/	3/	2,000

Source: Bureau of Mining, Dept of Commerce, USAMGIK

1/ Ore
2/ Metal
3/ Figures not Available

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Incl 2

Exports of Minerals from Korea
(in metric tons)

Item	1946	1947	Destination
Copper ingots	--	1,000	U.S.A.
Copper, electrolytic		200	In Kunsan awaiting shipment
Lead, ingots	--	1,500	U.S.A.
Lead, Base Bullion (contains Au and Ag)	--	292	U.S.A.
		100	Hong Kong
		300	Japan
Lead Concentrates (contains Au and Ag)	--	200	In Pusan awaiting shipment Japan
Zinc, concentrates (contains Au and Ag)	--	150	Hong Kong
		300	In Pusan awaiting shipment Japan
Tungsten, concentrates (60% WO_3)	--	782	U.S.A.
		210	Awaiting shipment U.S.A.
Tungsten, Ferro	--	69	Hong Kong
Fluorite	500	--	Japan
Graphite, Amorphous	3,711	3,125	Japan
	--	1,800	To move to Japan after Aug. 29
Graphite, Crystalline	2,326	2,057	Japan
	--	210	In Pusan awaiting shipment
Magnesia Clinker	5,000	11,998	Japan
Mica, sheet	--	9.5	Japan
Molybdenite	--	46.5	Hong Kong
Pyrophyllite	1,040	--	Japan
Talc	593	600	Japan

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PRODUCTION OF METALS AND MINERALS
South Korea
1946 and 1947
(metric tons)

	1946	1947[1]
Tungsten	360 (60%)	600 (60%)
Copper	1,320 (12%)	1,800 (12%)
Lead	240 (50%)	1,200 (50%)
Zinc	360 (40%)	2,400 (45%)
Graphite, crystalline	600 (80%)	720 (80%)
Graphite, amorphous	0	1,200 (80%)
Talc	360 (90%)	720 (90%)
Pyrophyllite	1,040	0
Gold[2]	900 Kg. 900 to 1000 fine	1,200 Kg. 900 to 1000 fine

1 First five months of 1947 expresses as an annual rate.

2 The production of gold being illegal, the figures are rough estimates.

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18 August 1947

US Subcommission 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

LABOR SITUATION IN
SOUTHERN KOREA

The inclosed study, above subject, is circulated for the information of the members of US Subcommission 3.

E. E. MILLER
Captain, AGD
Secretary

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By NARS, Date

HEADQUARTERS
UNITED STATES MILITARY GOVERNMENT IN KOREA
Department of Labor
APO 235, Unit 2

18 August 1947

LABOR SITUATION IN SOUTHERN KOREA

Introduction

Although Korea claims to have a cultural history of 4,000 years, it has never known freedom or democracy in its elementary forms. Her people have always lived either under the domination of another power or a feudalistic society controlled by a handful of tryannical Koreans. Industrially Korea is only one step from a feudal economy; and the Koreans themselves are industrially in a state of "Alice in Wonderland". It has been relatively a few years ago that the Japanese built factories and towns overnight, where before only rice paddies held forth. The same is true of the railroad system and the system of electrification. These factories, railroads and power plants were financed and managed by the Japanese, the Koreans merely supplied the cheap coolie labor. The Japanese did everything in their power to keep these masses from improving themselves, and in this effort the Japanese were most successful. Therefore, with liberation the Koreans were miserably unprepared to assume the responsibilities of governing themselves and filling the industrial role in Korea formerly assumed by the Japanese, who were expatriated immediately after the occupation by the Americans.

History of Labor in Korea

The labor movement prior to 15 August 1945 falls briefly into two periods: the first from 1925 to 1930. This was relatively a free period and unionism was the strongest among the long shoremen and seamen. In 1930 the Japanese broke

94

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NND 760090
By NARS, Date

up all unions because of the long shoremen strike which was held to voice objection to the Japanese-Manchukuo war. It was at this point that the labor leaders went underground and they merged forces with the communists purely on the basis that they both were anti-Japanese. With this brief background in labor organization it is easy to understand why the Korean labor leaders and workers failed to grasp the meaning and purpose of a free and democratic labor movement. With the majority of their history spent in underground activity they came to feel that their primary purpose in life was to be anti-management, anti-government and anti everything that existed in the present society.

Tactic of the Commerce Department

After the fall of the Japanese there was a period of six to eight weeks before the United States Army landed and deployed. During this time the workers in various plants formed Peoples Committees, "to protect and manage their plants". This was their conception of freedom. The Americans were opposed to these committees and broke them up. The Commerce Department of Military Government placed managers in these plants who were not all efficient. There was no incentive for these managers to be sincere and efficient, salaries were pitifully low, therefore, there was no maintenance of existing plants and equipment, no replacement of parts and there was a dissipation of existing stock piles. Many of these managers resorted to frauds such as selling raw materials, machinery and finished products on the black market. The only incentive for these managers to accept their job was the social position it gave them, "he was master of his workers". In many instances he used company funds for lavish entertainment of other Korean officials, with the hope of gaining special privileges or concessions for himself. There were many strikes during the first year of occupation

DECLASSIFIED
NND 760090
By NARS, Date

due primarily to inefficiency and for acts mentioned above, no clear cut factory regulations regarding discipline, hiring and firing, scheduling, etc., unqualified American personnel finding themselves assigned as administrators of large industrial holdings, and the self-made labor policies of junior officers. For example, at a textile factory at Yong Dong Po, an officer fired 750 workers in May of 1946 because they participated in a May Day demonstration. At Inchon another officer discharged approximately 450 workers without cause in the same month.

Korean Labor Unions

In November 1945 the Chun Pyung labor federation was formed at a convention held in Seoul. This convention was merely a meeting of a group of men who were supposedly interested in labor. At this convention it was agreed to send several hundred organizers out into the provinces to organize unions in the factories. Like everything else in the Orient, this was done backwards. In other words they tried to organize a labor union from the top down, instead of from the bottom up. This federation was controlled by the extreme leftist political group and instead of concentrating its efforts along economic lines, its primary aims were political. In short the Chun Pyung labor federation immediately became and still is one of the strong arms of the communist party. It used terrorism against all those who did not follow them. Its principle of organization at the plant level was on a communist cell basis. Its policy has been to refuse to cooperate with Military Government in its efforts in Korea; for example, it does not recognize the legislature, refuses to participate in elections to determine the bargaining agent in factories, refuses to utilize the Mediation Board machinery.

DECLASSIFIED
NND 760090
By NARS, Date

In April 1946 the extreme rightist political groups formed the Tai Han labor federation as their political counter-measure to the communist-dominated Chun Pyung. This organization was also formed from the top down, its leaders however, were inexperienced and the organization did not become important numerically until the general strike in September 1946. Its part in the back-to-work movement in this strike gave it favorable public support and there was a large shift in rank and file from the Chun Pyung to the Tai Han federation. As soon as Tai Han became the dominant union, it began to play the role of one of the strong arms of the rightist political groups, using terrorism on all suspected leftists. At present the best evidence shows that in the Seoul-Inchon area, which is the largest industrial area in South Korea, the labor field is dominated by this union, with the Chun Pyung strength mainly in the southernmost provinces.

The Position of Labor in Government

Labor was originally a bureau in the Department of Commerce at the national level. At the provincial level the industry officials and the labor officials were the same men. Therefore, any labor policy established was considered secondary to a short-sighted policy which emphasized production but which in the long run defeated its own purpose. The labor bureau was finally given departmental status on 28 July 1946. However, in many provinces, labor's position has remained unchanged.

Police Activity

It is apparently difficult for the National police to relinquish the authority they held during the rule of the Japanese. Under the Japanese there was a special section of police who were responsible for handling labor disputes, and even exercised some control over hiring and firing of the workers. Naturally, it is difficult for them to give up this power. It is apparent that the police

DECLASSIFIED
NND 760090
By NARS, Date

force is rightist in its political leanings, therefore, charges are continually made by Chun Pyung that in disputes involving both unions favoritism is shown to Tai Han.

Legislation

Ordinance No. 19 was passed 30 October 1945, Section II of that Ordinance states:

"The right of any individual or group of individuals to accept employment and to work unmolested shall be respected and protected. Any interference with this right is unlawful.

"In the interest of preventing suspension or reduction of output in industries which are declared by the Military Government of Korea to be essential to the people's livelihood, disputes arising over terms and conditions of labor will be settled by a mediation board set up by the Military Government of Korea whose decision will be final and binding on all parties. Until the matter is presented to the Labor Mediation Board and a decision is reached, production will continue".

This piece of legislation seems to have been a direct result of a meeting held 19 October 1945 by Major General Arnold and Brig General Sheets. At this meeting when the question of unionism and labor's rights were discussed, Commander Williams, a medical officer of the United States Navy, who is the son of Korean missionaries, made the following recommendations which were accepted: "The simple fact is we are dealing with Oriental labor accustomed to direction rather than self-control. The immediate purpose is to get people to work, registration won't do this, it requires complete control immediately. We need to: (a) publish a simple direct order declaring a state of emergency telling

DECLASSIFIED
NND 760090
By NARS, Date

labor that they must work when and where if necessary . . . . . .".

When there was labor difficulty, there was often interference by the police. For example, the chief of police at Inc on told representatives of the Department of Labor that during the winter of 1945-46 there had been disturbances in three different textile factories in that area. The disturbances were nothing more than workers in these factories organizing and presenting demands to management. The police in each instance were called in, the leaders were arrested. That seemed to be the pattern of labor activity and application of police for the first year and a half of the occupation, namely workers began to organize - present demands to management - leaders arrested - members of the union discharged - end of labor dispute.

Ordinance #121 establishes a 48 hour week. It also prohibits the employment of any employee for more than 60 hours a week, with time and a half for those hours worked from 48 to 60. This 60 hour maximum might appear to be a bit impracticable for Korea until one becomes familiar with the unemployment problem. (See Appendix 1 attached). There are more people unemployed in South Korea today than there ever were industrial jobs in all of Korea at the time of peak employment under the Japanese.

Public Act #4, the Child Labor law, is the result of Ordinance #112 which was passed in September of 1946. At that time the Americans were the active administrators of this government and the law was written by Americans. Both leftist and rightist unions and of course management bucked this law when its final provisions were to become effective in February 1947. Therefore, the last of January 1947 the law was temporarily suspended and it was placed before the new Interim Legislature for revision. The re-write of this law was completed and

DECLASSIFIED
NND 760090
By NARS, Date

passed by the Legislature in May 1947. Its provisions are: (1) No industrial employment for children under 14. (2) A six (6) hour day for children under 16. (3) An eight (8) hour day for children under 18. (4) Educational, recreational and physical standards established.

Ordinance #121 and Public Act #4 although fairly good pieces of legislation lose their effectiveness due to the immature Korean government administrators and their decided extreme political views. For example: a manager violates either or both of the laws - the labor officials learn of the violation - the manager writes a letter of apology to the Director of the Department of Labor and all is forgiven - the case never gets to court.

Present Plans and Policies

1. Safety and Health - The safety and health conditions in Korean factories range from very bad to fair. Welder, grinders and chipers often work without eye protection. Textile workers walk around unguarded machinery. Machine tools are without safety devices. Plant hospitals are usually poorly staffed, equipped and operated. In a country as poor as Korea in skilled workmen the protection of the health and safety of those workers who are skilled is not a matter of mere good will but of sheer economic necessity. This Department is encouraging labor and management to improve safety and health standards in proportion to the availability of necessary supplies which are usually very scarce or entirely lacking.

2. Wages - The wage problem can only be solved as the economic health is maintained. All aspects of the economy must be considered in approaching a solution to this problem. If wage increases merely result in greater inflation, workers will not be advanced. A thorough study is being made of the wage and

DECLASSIFIED
NND 760090
By NARS, Date

cost of living picture in Korea. It is hoped by using this study as a guide, a regular and continuing program should be inaugurated whereby a minimum wage level will be maintained through a combination of wage-money payments and premium price consumer goods sales to industrial workers. We further hope to implement this program by the encouragement of consumers cooperatives among industrial workers.

F. Social Security - It is not too early to begin to guide Korea toward a sound social security program. This cannot be done by a clumsy effort to make an overnight application of theory that works well in America, but would be a burden on Korean facilities. However, there are certain principles in modern social security theory that can be applied if the problem is approached with understanding not only of the essentials of sound theory but also the economic facts and social customs of Korea. Therefore, the approach of the Department of Labor has been to encourage the inclusion of social insurance in its collective bargaining contracts and through group insurance plans. A proper survey of the problem is being planned in order to obtain the data necessary to enact legislation needed to cover these risks.

G. Development of Industrial Skills - No consistent program now exists for the training of industrial workmen. Korea's future depends in large part on the speedy rectification of this lack. This Department has requested appropriate American personnel needed in instituting an apprentice training program necessary to meet the industrial needs of this country.

6 Inclosures
Incl #1 - Unemployment in South Korea, 1946
Incl #2 - Ordinance #19
Incl #3 - Ordinance #34
Incl #4 - Ordinance #97
Incl #5 - Ordinance #121
Incl #6 - Public Act #4

DECLASSIFIED
NND 760090
By NARS, Date

Unemployment in South Korea, November 1946

Summary:

During the month of November 1946, there were approximately one million unemployed persons in South Korea. Over half were repatriates or other refugees and three out of four persons in need of jobs were men. Nearly a third of the unemployed population was formerly employed in manufacturing or construction establishments while a fifth was formerly employed on farms. By number as well as by percentage, unemployment was greatest in the two Southeastern provinces.

Method:

The data in this report were gathered by the Provincial Labor Bureaus. Representatives of the Bureaus collected this information through guns, myuns, and blocks, and final compilation was made by the Employment Section of the National Department of Labor. For purposes of this study, an unemployed person was defined as one who is able and willing to work but unable to find a job.

Unemployment by Industry - Table I:

[illegible] November 1946 totaled 1,050,927 persons or approximately one out of every seven who constitute South Korea's labor force of an estimated seven million 1/ was without a job. In non-agricultural occupations as many as 840,650 persons or about 45 percent of the non-agricultural labor force were unemployed. In agriculture 210,000 workers were unemployed but they constituted less than five percent of the agrarian labor force; nearly three-fourths of the occupied population in South Korea are engaged in agriculture. Unemployment was exceptionally high among workers formerly employed in manufacturing and construction establishments; it totaled almost 330,000 workers which is 31 percent of all unemployed persons in November although these industries account for only an estimated seven percent of all occuped persons. Reconversions, partial or complete shut-downs of plants because of material and power shortages were responsible for a large portion of unemployment in manufacturing concerns. Shut-downs of mines likewise caused widespread lay-offs.

Unemployment by Province - Table II:

It is significant that 868,750 persons or over 80 per cent of South Korea's unemployment in November 1946 was located in the Southern provinces although Cholla Namdo, Cholla Pukto, Kyongsang Namdo, and Kyongsang Pukto account for slightly over half of the population. The Kyongsangs alone accounted for 66 percent of all unemployment. However the four provines which experienced the greatest unemployment also experienced the greatest population increases during the past two years; between 1944 and 1946 the population increased by 377,215 persons or 18 percent in Cholla Pukto to 867,686 or 37 percent in Kyongsang Namdo. A very large portion of this rise was caused by the influx of repatriates who arrived by ship in Pusan from Japan, China, and Formosa, and apparently have remained in Kyongsang Namdo and neighboring provinces.

The City of Seoul had the fifth largest population increase (315,648 persons) between 1944 and 1946 although unemployment in this city amounted to only 39,232 in November. Evidentally the capital was better able to absorb additional inhabitants than were the rural Southern provinces. In Seoul, there are greater opportunities for employment in the government service, wholesaling and retailing, contract construction with the occupational forces, direct employment with the occupational forces and unfortunately not to be dismissed are activities such as street trades, black marketing and other illegal occupations.

Prepared by Statistical Section, Dept of Labor

1/ Korea's Population and Labor Force, USAMGIK, Seoul, Korea August 1946.

-1-

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Table 1

UNEMPLOYMENT IN SOUTH KOREA BY INDUSTRY
SEX AND REFUGEE STATUS, NOVEMBER 1946

Industry	Unemployment					
	Total	Percent	Male	Female	Refugees	Other
Total - All Industries	1,050,937	100.0	762,466	288,471	587,260	463,677
Agriculture	210,287	20.0	150,914	59,373	125,594	84,693
Manufacturing	187,955	17.9	134,302	53,653	106,877	81,078
Mining	122,598	11.7	100,126	22,472	79,353	43,245
Transportation	39,965	3.8	32,313	7,652	18,784	21,171
Construction	141,784	13.5	119,271	22,513	67,599	74,185
Office, Commercial	111,347	10.6	80,550	30,797	62,983	48,364
Miscellaneous	237,001	22.5	144,990	92,011	126,060	110,941

DECLASSIFIED
NND 760090
By NARS, Date

Table II

POPULATION 1944, 1946,[1] and UNEMPLOYMENT, NOVEMBER 1946[2]
IN SOUTH KOREA BY PROVINCE

Province	Population			Unemployment					
						Sex		Refugee Status	
	1944	1946	Percent Increase	Number	Percent	Male	Female	Refugee	Other
South Korea - Total	15,879,110	19,369,270	22.0	1,050,937	[illegible]	[illegible]	[illegible]	587,260	[illegible]
Seoul City	826,118	1,141,766	38.2	39,232	3.7	32,179	7,053	16,773	22,459
Kyonggi do	2,264,336	2,486,369	9.8	14,933	1.4	12,953	1,980	6,883	8,050
Chungchong Pukto	970,623	1,112,894	14.7	39,954	3.8	30,276	9,678	24,209	15,745
Chungchong Namdo	1,647,044	1,909,405	15.9	43,716	4.2	37,213	6,503	19,993	23,723
Cholla Pukto	1,639,213	2,016,428	23.0	65,764	6.3	45,430	20,334	37,045	28,719
Cholla Namdo	2,486,188	2,944,842	18.4	106,977	10.2	78,845	28,132	70,283	36,694
Kyongsang Pukto	3,561,251	3,178,750	24.1	350,077	33.3	224,234	125,843	152,239	197,838
Kyongsang Namdo	2,318,146	3,185,832	37.4	345,932	32.9	272,185	73,747	234,578	111,354
Kangwon Do	946,643	1,116,836	18.0	21,322	2.0	15,954	5,368	4,609	16,713
Cheju Do	219,548	276,148	25.8	23,030	2.2	13,197	9,833	20,648	2,382

1/ Dept of Public Health and Welfare "Population of South Korea by Geographical Divisions and Sex", September, 1946, Hqs. USAMG IK.
2/ Dept of Labor.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SOUTH KOREAN INTERIM GOVERNMENT
Seoul, Korea

PUBLIC ACT
NUMBER 4

16 May 1947

CHILD LABOR LAW

SECTION I. *Purpose.* The purpose of this Act is to regulate child labor and to prohibit, limit, improve and mediate conditions of child labor so as to protect children from harmful or dangerous occupation or heavy labor, guarantee healthy development of life and body as well as just compensation, and thus secure the welfare of society.

Rules and regulations necessary to implement this Act shall be issued and enforced in accordance with the terms of this Act by the Director of the Department of Labor, hereinafter referred to as "the appropriate Director".

SECTION II. *Definition of "Children".* For purposes of this Act the term "children" means children, both male and female, under the age of eighteen (18) years. In the computation of age, a child shall be considered one year old one full calendar year after date of birth.

SECTION III. *Prohibition or Limitation of Employment or Labor. a.* Employment of children under the age of twelve (12) years in any occupation or under any labor conditions is prohibited.

b. Children under the age of fourteen (14) years shall not be engaged or employed in any business or work listed below; *provided, however,* that the provisions of paragraph *a* of Section III of this Act shall apply to children under fourteen (14) attending public school.

c. Children under the age of sixteen (16) years shall not be engaged or employed in any business, work or occupation dangerous to life or limb or injurious to health or morals.

d. The provisions of paragraph *c* of Section III of this Act shall also apply to children under the age of eighteen (18) years.

e. The scope of occupations prohibited or limited by the several paragraphs of this Section is as follows:

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

(1) *Occupations Prohibited for Children under 14 Years.* Occupations in any of the following workshops or facilities (except assistance in or about the child's own home): (*a*) mill, (*b*) factory, (*c*) workshop, (*d*) mercantile or mechanical establishment, (*e*) store, (*f*) office, (*g*) office building, (*h*) restaurant, (*i*) bakery, (*j*) barber shop, (*k*) hotel, (*l*) apartment house, (*m*) bootblack or shoeshine stand or establishment, (*n*) public stable, (*o*) garage, (*p*) laundry, (*q*) place of amusement, (*r*) club, (*s*) occupation as a driver, (*t*) occupation in any brick or lumber yard, (*u*) occupation in the construction or repair of buildings, (*v*) occupation in the transmission of messages.

(2) *Occupations Prohibited for Children under 16 Years.* (*a*) Adjusting any belt to any moving machinery, (*b*) sewing or lacing machine belts in any workshop or factory, (*c*) oiling, wiping or cleaning machinery in motion or assisting therein, (*d*) operating or assisting in operating any of the following machines: (*1*) circular or band saws, (*2*) wood shapers, (*3*) wood jointers, (*4*) planers, (*5*) sandpaper or wood polishing machines, (*6*) wood turning or boring machinery, (*7*) picker machines or machines used in picking wool, cotton, hair or any other material, (*8*) carding machines, (*9*) paperlace machines, (*10*) leather-burnishing machines, (*11*) job or cylinder printing presses operated by power other than foot power, (*12*) boring or drill presses, (*13*) stamping machines used in sheet metal and tinware or in paper and leather manufacturing, or in washer and nut factories, (*14*) metal- or paper-cutting machines, (*15*)corner-staying machines in paper box factories, (*16*) corrugating rolls, such as are used in corrugated paper, roofing or washboard factories, (*17*) steam boilers, (*18*) dough brakes or cracker machinery of any description, (*19*) wire or iron straightening or drawing machinery, (*20*) rolling mill machinery, (*21*) power punches or shears, (*22*) washing, grinding or mixing machinery, (*23*) calendar rolls in paper manufacturing, (*24*) laundering machinery, (*c*) occupation in proximity to any hazardous or unguarded belts, machinery or gearing, (*f*) occupation upon any railroad, whether steam, electric or hydraulic, (*g*) occupation upon any vessel or boat engaged in navigation or commerce, (*h*) occupation in, about or in connection with any processes in which dangerous or poisonous acids are used, (*i*) the manufacture or use of dangerous or poisonous dyes, (*j*) the manufacture or packing of paints, white or red lead, (*k*) occupation causing dust in injurious quantities, (*l*) the manufacture or use of compositions of lye in which the quantity thereof is injurious

DECLASSIFIED
NND 760090
By NARS, Date

to health, (*m*) occupation on scaffolding, (*n*) occupation in any distillery, brewery or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled, (*o*)occupation on or in connection with any dam, smeltery, reverberatory furnace, refinery, dressing and reduction plant, X-ray machinery, or any activity involving use of or exposure to any radioactive element or substance, (*p*) heavy work in the building trades, (*q*) occupation in any tunnel or excavation, (*r*) occupation in, about or in connection with any mine, coal breaker, coke oven or quarry, (*s*) assorting, manufacturing or packing tobacco, (*t*) operating any automobile, motor car or truck, (*u*) occupation in any bowling alley, pool or billiard room, (*v*) occupation upon the stage of any theatre or concert hall or in connection with any theatrical performance or other exhibition or show, (*w*) any other occupation dangerous to the life or limb, or injurious to the health or morals of such child.

(3) *Heavy Industry or Work Prohibited for Children under 18 Years.* (*a*) Occupation in, about or in connection with blast furnaces, docks or wharves, (*b*) occupation in the outside erection and repair of electric wires, (*c*) occupation in the running or management of elevators or lifts (unless equipped with suitable safety devices), (*d*) occupation in, about or in connection with hoisting machinery, or dynamos, (*e*) occupation in oiling or cleaning machinery in motion, (*f*) occupation in the operation of emory wheels or any abrasive, polishing or buffing wheel where articles of the baser metals or iridium are manufactured, (*g*) switch tending, (*h*) gate tending, (*i*) track repairing, (*j*) occupation as brakeman, fireman, engineer, motorman or conductor upon a railroad, (*k*) occupation as railroad telegraph operator, (*l*) occupation as pilot, fireman or engineer upon any boat or vessel, (*m*) occupation in or about any establishment wherein nitroglycerin, dynamite, dualin, guncotton, gunpowder or other high or dangerous explosives are manufactured, compounded or stored, (*n*) occupation in the manufacture of white or yellow phosphorus or phosphorus matches, (*o*) occupation in any cement mill, (*p*) occupation in any hotel, theatre, concert hall, place of amusement, or any establishment where intoxicating liquors are sold, (*q*) occupation in, about or in connection with any race track or any gaming, betting or gambling establishment or enterprise. No female child under 18 shall be employed in any mine, quarry or coal breaker (except in the office thereof).

DECLASSIFIED
NND 760090
By NARS, Date

SECTION IV. *Prohibition of Burdensome Work.* No individual, group of individuals, or juridical person, hereinafter called "employer", employing children shall impose burdensome work upon such children, irrespective of the consent of the parties or the conditions of work. Employers shall give due regard to the physical development of such employees and shall permit proper rest. More especially, no night work or overtime work shall be imposed upon children; provided, however, that hours for night work may be determined for personal occupations by the appropriate Director. For purposes of this Act, with reference to burdensome work of children under twelve (12) years, the parents, guardian or custodian of such children, hereinafter referred to as the "person in parental authority", shall be deemed to be employers.

SECTION V. *Limitation of Working Hours.* Working hours for children under sixteen (16) years, including children under fourteen (14) years, shall not exceed six (6) days in any one week or seven (7) hours in any one day. Working hours for children under eighteen (18) years shall not exceed six (6) days in any one week or nine (9) hours in any one day) *provided*, that within the working hours prescribed by this Act the employer shall permit proper rest hours and meal hours in accordance with the character of the work or labor.

SECTION VI. *Employment Contract or Agreement. a.* All employment contracts of children (including collective agreements) shall be accompanied by a permit issued in accordance with this Act (including regulations issued by the appropriate Director pursuant to the authority granted in Section I of this Act). Such contract shall be legally effective from the date the permit is issued.

b. Any employment where the consideration for the work is an advance made to the employee or any other person prior to the work, or whereby the employee is required to engage in personal relations, is hereby prohibited notwithstanding any contract.

c. The term of an employment contract shall not exceed one year. When a contract is renewed a new permit shall be required.

SECTION VII. *Application for Permit.* Any employee who applies for a permit to enter into an employment contract in accordance with Section VI hereof shall present the application for such permit to the factory inspector who has jurisdiction over that district or the government official in charge of

DECLASSIFIED
NND 760090
By NARS, Date

the enforcement of this Act (hereinafter referred to as "supervising authorities"), in accordance with the following procedure:

a. The applicant and the person in parental authority shall be present in person.

b. The application shall contain the following items and be accompanied by the following documents:

(1) *Bonjuk* (permanent domicile), address, name, sex and date of birth of employee.

(2) *Bonjuk*, present address, name, occupation and relation to the employee, of the person in parental authority.

(3) Address, name (trade name or juridical name), occupation (or profession) of the employer.

(4) Duration of the employment contract, wage (in case of piece-work, the method and amount of compensation), nature and description of the work and work place, any special conditions connected with the contract, and whether the contract is a renewal contract and if so the period of renewal.

(5) Date of application.

(6) Written consent of the person in parental authority.

(7) Proof of age (an abstract of *Hojuk*, birth certificate, or similar certificate issued by the appropriate government official).

(8) School record or certificate, or *curriculum vitae*.

(9) Medical certificate.

(10) Labor contract, or preparatory agreement or letter of consent.

c. The application shall contain a statement, signed, sealed and sworn to by the parties and the person in parental authority, that they will not violate the provisions of this Act.

d. The application for renewal of an employment contract may omit all or part of the accompanying documents provided for in section *b*, items 6-10, of this Section VII.

e. When the name of the employer is changed, the application to

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

change the name of the employer in the permit may also omit all or part of the accompanying documents.

SECTION VIII. ***Employment Permit.*** *a.* Upon approval of the application the appropriate supervising authority shall, within thirty (30) days from the date of receiving the application, issue the permit herein described.

b. The permit may be revoked for illegality or fraud.

c. The permit shall be retained by the employer for the duration of the employment.

d. If the employer fails to retain the permit or to show it to the supervising authority or any other person, the employment pursuant to such permit shall be illegal.

e. The permit shall contain the following items:

(1) Address, name, sex, date of birth, and physical characteristics of the employee.

(2) Address, name, occupation, and relation to the employee, of the person in parental authority.

(3) Address, name (trade name or juridical person), occupation (or profession) of the employer.

(4) Duration of employment contract, wage (in case of piecework, method and amount of compensation), kind and nature of the work and work place, any special condition connected with the contract, and whether it is a renewal contract and if so the duration of the renewal.

(5) Date of receiving the application.

(6) Date of issuing the permit.

f. The permits shall be numbered in a single annual series, and the supervising authority shall state under seal that he examined the series and found it in accordance with this Act.

g. The permit shall be made in duplicate. One copy shall be given to the applicant and the other shall be kept by the supervising authority. When a new permit is needed because of the loss or defacement of a permit,

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

the party may apply for the reissuance of the permit.

h. When a party applies for reissuance, he shall state the permit number, date of issuance, and the reason for application. He shall apply in writing to the supervising authority, attaching a copy of the original, where available.

i. When the supervising authority examines the case and finds good reason to reissue, he shall compare the copy attached to the application with the original copy kept by the supervising authority and, if there is no discrepancy, he shall endorse under seal a verification on the copy. This shall constitute the reissuance.

j. In the case of application for renewal of permit and for change of name in the permit, the examination of the contents of the application and procedure for issuance may be simplified.

k. In the application of this Act to children employed by the head of a government office or public juridical person, the permit of employment of that organization shall be regarded as the permit prescribed in this Section.

SECTION IX. *Termination, Cancellation or Dissolution of the Employment Contract.* *a.* The employment contract shall be terminated or cancelled for any of the following reasons:

(1) The expiration of the term of the contract.
(2) The cancellation of the permit.
(3) The death, bankrupty, or dissolution of the employer.
(4) The disappearance of the enterprise establishment as result of a disaster.
(5) The confirmation of dissolution of the contract by consent of the parties.

b. A party may request the dissolution of the contract for any of the following reasons:

(1) When the other party does not fulfill the contract.
(2) When the employee is unable to work because of sickness or other physical hindrance.
(3) When the employee misbehaves and there is no hope of repentance.
(4) When the employee is absent without notice for more than twenty (20) days.
(5) When the employer requests burdensome labor or treats the

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

employee so cruelly that the employee cannot endure the employment, or when the employer does not fulfill his duties prescribed in this Act.

c. A request for dissolution of the contract must be answered in writing within twenty (20) days.

d. The employer shall, within sixty (60) days prior to the expiration of an employment contract, notify the employee whether he will agree to a renewal.

e. When the parties fail to reach agreement as to the dissolution of a contract, or when the reason for the request for dissolution by one party is considered to be improper by the other party, the matter may be submitted to arbitration by the supervising authority in accordance with regulations prescribed by the appropriate Director.

f. When a contract has expired or has been cancelled, the employer stating that fact, shall return the permit to the supervising authority within seven (7) days after such expiration or cancellation.

SECTION X. *Employer's Duty to Employees.* *a.* Every employer who employs two or more children shall post and keep posted in a conspicuous place in every room where any child is employed, a list of the names, addresses, sex, age, nature of occupation and the date of commencement of employment of each child. He shall keep a duplicate copy as part of his records.

b. Every employer who employs five (5) or more children shall post and keep posted, in the same manner, the working regulations showing the weekly and daily working hours of each child, the hours of commencing and stopping work, the hours allowed for meals, and other important matters. The employer shall keep a copy as part of his records.

c. An employer who employs ten (10) or more children (hereinafter referred to as an "authorized factor") shall keep, as part of his records, the detailed plan for the education and protection of his employees.

d. An employer who provides a dormitory establishment shall post, in a conspicuous place in the dormitory, the employees' general schedule during non-working hours.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

e. The employer shall not request the child to stay in the dormitory, factory or in any designated place on a non-working day, holiday, or during non-working hours; *provided, however,* that proper supervision or restriction of behavior, for the sake of all the employees, may be imposed.

SECTION XI. *Physical Examination and Medical Treatment. a.* Irrespective of the nature of the work, the employer shall provide physical examinations at the beginning of the employment and at intervals of three (3) months thereafter by a physician designated by the supervising authority.

b. When physical examination discloses that any sickness or ill health is caused by such employment, the employer shall provide treatment and relief therefor, and shall report the results to the supervising authority.

c. All expenses necessitated by the provisions of this Section shall be borne in full by such employer.

d. The employer shall file in his records the reports of physical examinations.

SECTION XII. *Sick Leave, Pregnancy, Child-bearing and Nursing. a.* Employees shall be entitled to not less than two and one-half (2 1/2) days of sick leave per month at full pay (regular wage, allowance and other pay), which sick leave may be accumulated during the employment period. Employees may, in appropriate cases, be required to notify the employer in writing one day prior to the date of absence where the absence is expected to be for two days or more.

b. Pregnant employees shall be granted sixty (60) days leave without pay for purposes of rest, *provided, however,* that an employer shall be required to grant such pregnancy leave only in case the employee has been in his employ for at least six (6) months.

c. In case of child-bearing, a female employee shall be entitled to sixty (60) days leave with regular pay immediately before and after the child-bearing.

d. As to nursing required for the infant, appropriate facilities and opportunities shall be afforded to such women employees.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

e. Employees may be required to furnish documentary proof in case of any claim of absence due to sickness, pregnancy, or childbearing.

SECTION XIII. *Education, Sports and Recreation for Employees. a.* Authorized factories shall provide education, sports and recreation for employees under eighteen (18).

b. At least four (4) hours a week shall be devoted to general educational instruction not connected with the employment. At least two (2) hours a week shall be devoted to sports and recreation.

c. All the expenses and facilities necessitated by the provisions of this Section shall be borne or provided by the employer.

d. The detailed regulations for the education and recreation necessitated by this Section shall be prescribed by the appropriate Director in cooperation with the Director of the Department of Education and the Director of the Department of Public Health and Welfare.

SECTION XIV. *Issuance of Detailed Regulations by the Appropriate Director.* In addition to the special provisions for the detailed regulations in this Act, the appropriate Director shall enact enforcement regulations concerning the following matters:

(*a*) Form of application for employment permit for children (Section VII).
(*b*) Form of employment permit (Section VIII).
(*c*) Form of list to be posted (Section X).
(*d*) Fom of working regulations (Section X).
(*e*) Form of report of the result of physical examinations (Section XI).
(*f*) Details of education and recreation in the authorized factories (Section XIII).
(*g*) Forms of report concerning arbitration (Section IX).
(*h*) Forms of report concerning violations (Sections XVII and XVIII
(*i*) Any other matter requiring detailed regulations.

SECTION XV. *Appointment, Powers, Duties and Reports of the Supervising Authority. a.* The supervising authority shall be appointed by the appropriate Director. He shall be supervised primarily by the local administrative official, and secondarily by the appropriate Director. The organisation

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

of the supervising authority shall be determined separately by the appropriate Director.

b. The supervising authority shall have the power to issue orders, conduct investigations, and make dispositions necessitated by the provisions of this Act. In addition, he shall have the following duties:

(1) The investigation of local customs concerning the employment of children.

(2) The investigation of the maximum working hours of specific industries and enterprises, or generally.

(3) The investigation of working conditions and maximum and minimum wages.

(4) The inspection of industrial and commercial businesses.

(5) The inspection of facilities for, and practice concerning, education and recreation in authorized factories.

(6) Concerning matters of improvement of working conditions.

(7) Concerning other matters necessary for the enforcement of this Act.

c. The supervising authority shall, before the tenth of each month, report to the appropriate Director on the matters set forth in paragraph *c* of this Section. The supervising authority may, at any time, present his opinion concerning matters pertinent to his duties.

d. The foregoing report and opinions shall be presented through the local administrative officials.

e. Reports shall contain the following information:

(1) Name-list of employees.

(2) Disposition and results of violations.

(3) Results of inspection of businesses, industries, and authorized factories.

(4) Results of physical examinations.

(5) Other comments pertinent to duties of the supervising authority.

f. The supervising authority shall keep whatever records and files are necessary for the performance of his duties, and shall make such records and files available to the local administrative officials and the appropriate Director, upon their request.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECTION XVI. *Rights of Recovery. a.* Any person injured by the violation of this Act may recover from the offender such damages as he may sustain thereby. In any suit by or on behalf of any child illegally employed hereunder, contributory negligence, assumption of risk, or negligence by fellow employees shall not be a defense and may not be pleaded or proved either by way of defense or mitigation, nor shall misrepresentation of age by the person securing the employment or by the person employed be a defense or matter in mitigation.

This shall not apply in case of fraud or tort to gain the benefit of recovery.

b. Any person illegally employed hereunder shall be entitled to recover a sum equivalent to ten times the agreed amount of wages earned or ten times the legal minimum wage, whichever is greater.

c. In case the employer is other than a juridical person, all members of such employer-body shall be liable as employers under the provisions of this Section.

d. None of the provisions of this Section may be waived, and any release of any rights hereunder shall be ineffective to bar any recovery hereunder.

e. No suit may be maintained under this Section for any period of employment which occurred two years prior to the filing of the suit.

SECTION XVII. *Juvenile Delinquency. a.* When a child violates any provisions of this Act, or refuses to obey the order or report of, or permit investigation by the supervising authority, or makes any false statements, the supervising authority may take the following steps depending on the nature of the offense:

(*1*) Admonish and exhort the child to repent.
(*2*) Request that the schoolmaster and/or person in parental authority admonish the child and furnish a letter of guarantee.
(*3*) Request a written oath of repentance.
(*4*) Cancel the employment permit or reject the application.

The above steps may be taken either separately or jointly.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

b. In case the steps mentioned above do not correct the behavior of the child, such child shall be conducted forthwith before the juvenile court which has jurisdiction over that district; or, if there is no such court in that place, before any court or judicial officer having jurisdiction over offenses committed by children.

c. In the treatment of offenses committed by children, special care and caution shall be taken and a constant effort made to guide the child.

SECTION XVIII. *General Penalties.* *a.* Any person who permits, procures or suffers the violation of the provisions of Sections III and IV of this Act shall be punished by penal servitude not exceeding six (6) months or a fine of not less than one thousand won (₩ 1,000).

b. Any employer who violates the provisions of Sections V or VI-*b*, or who refuses to permit investigation by, or obey the order or report of the appropriate Director or the supervising authority, or makes any false statements, shall be punished by confinement of less than thirty (30) days or a fine of not less than five hundred won (₩ 500).

c. Any employer who wilfully or continuously violates any of the provisions of this Act shall be punished with penal servitude of not less than one year.

SECTON XIX. *Interim Provisions.* *a.* Any employer employing children in permitted occupations at the effective date of this Act shall, within sixty (60) days, apply for an employment permit, and may continue such permitted employment while the application is pending.

b. Where children over fourteen (14) years are employed in work prohibited or limited in Section III of this Act, on the effective date thereof, the employer or the supervising authority shall within sixty (60) days allocate them to permitted work consistent with the purpose of this Act.

c. If such allocation is impossible because of the nature of the work and the difficulty in providing other work, an application for a permit shall be filed in accordance with Section VII of this Act. The application may be granted on a temporary basis by special action of the appropriate Director, regardless of the provisions of Section III, *provided, however*, that such temporary employment shall not exceed one year.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECTION XX. *Repeal of Inconsistent Laws and Effective Date.* *a.* Ordinance Number 112 (*Regulation of Child Labor*), dated 18 September 1946, and all other ordinances, regulations or any order having the effect of law, inconsistent or in conflict with the provisions hereof, are hereby repealed.

b. This Act shall be effective thirty (30) days after the date of approval.

Duly enacted by the Korean Interim Legislative Assembly:

KIM KIU SIC
Chairman, Korean Interim
Legislative Assembly

APPROVED 16 May 1947:

ARCHER L LERCH
Major General United States Army
Military Governor in Korea

SEAL
USAMGIK

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By _____ NARS, Date _____

Official Gazette, USAMGIK Ordinance No 121 7 November 1946

HEADQUARTERS
UNITED STATES ARMY MILITARY
GOVERNMENT IN KOREA
Office of the Military Governor
Seoul, Korea

ORDINANCE
NUMBER 121

7 November 1946

MAXIMUM WORKING HOURS

SECTION I. *Purpose.* The purpose of this ordinance is to regulate and limit maximum working hours in industry, commerce and governmental work, so as to maintain and protect the health, efficiency and general well-being of workers.

SECTION II. *Maximum Hours.* No employer shall, except as otherwise provided in this section, employ any of his employees engaged in industry, commerce or governmental work for more than forty-eight (48) working hours in any workweek.

An employee may be employed for not more than sixty (60) working hours in any workweek, *provided*, that in all such cases where employment is in excess of forty-eight (48) hours in any workweek, the employee shall receive compensation for all hours in excess of forty-eight (48) at a rate not less than one and a half times his regular rate of compensation, and *further provided*, that :

a. Employment for such time in excess of 48 hours is pursuant to a collective bargaining agreement entered into between the employer and a labor union or organization duly authorized to represent the employee, *or*, in the absence of a collective agreement,

b. Employment for such time in excess of 48 hours is pursuant to specific agreement between the employer and the employee.

Each legal holiday, except Sunday or other legal day of rest, shall count as eight hours of the permitted total hours of employment. Every employee subject to the provisions of this ordinance shall be entitled to not less than twenty-four consecutive hours of rest in each workweek.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECTION III. *Exemptions.* There shall be exempt from the provisions hereof, to the extent set forth:

a. Employees engaged in industries which are seasonal in nature. Such exemption shall be in whole or in part. The Director of the Department of Labor shall determine which industries are so exempt, and the extent of such exemption;

b. Employees engaged in agriculture, as fishermen or sailors, as domestic servants or in piece work in their own homes;

c. Employees employed in a *bona fide* executive, administrative or professional capacity, as hereinafter defined;

d. Employees employed on the national railway system; but the Director of the Department of Labor shall, after consultation with the Director of the Department of Transportation, formulate and issue published regulations in accordance with the spirit of this ordinance, fixing maximum hours of employment for employees of the national railway system, and providing that all employment in excess of forty-eight (48) hours per workweek shall be compensated at the rate of one and a half times the regular rate of payment;

e. Employment in excess of sixty (60) hours per workweek, where such work is necessary in cases of extreme emergency to protect life or property; *provided*, that the employer shall, before requiring any employment in excess of sixty (60) hours, in each case first secure the consent of the Director of the Department of Labor or his authorized representative. The Director of the Department of Labor shall have the power, by written order, in the event of any emergency caused by fire, famine or flood, or by other extraordinary event or condition creating danger to life or property, to suspend either generally or in stated areas the provisions of this ordinance limiting the maximum number of working hours, for the duration of such emergency. All employment in excess of sixty (60) hours per workweek, where permissible pursuant to this subsection, shall be compensated at the rate of one and a half times the regular rate of payment.

SECTION IV. *"Executive", "Administrative" and "Professional" Defined.*

a. The term "employee employed in a *bona fide* executive *** capacity" means any employee:

(*1*) Whose primary duty consists of the management of the establishment in which he is employed or a customarily recognized department or

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

subdivision thereof, *and*

(*2*) Who customarily and regularly directs the work of other employees therein, *and*

(*3*) Who has the authority to hire or discharge other employees or whose suggestions and recommendations as to the hiring or discharge and as to the advancement and promotion or other change of status of other employees will be given particular weight, *and*

(*4*) Who customarily and regularly exercises discretionary powers.

b. The term "employee employed in a *bona fide* **** administrative*** capacity" means any employee:

(*1*) Who regularly and directly assists an employee employed in a *bona fide* executive or administrative capacity (as such terms are defined in this ordinance), where such assistance is non-manual in nature and requires the exercise of discretion and independent judgment; *or*

(*2*) Who performs under only general supervision, responsible non-manual office or field work, directly related to management policies or general business operations, along specialized or technical lines requiring special training, experience or knowledge, and which requires the exercise of discretion and independent judgment; *or*

(*3*) Whose work involves the execution under only general supervision of special non-manual assignments and tasks directly related to management policies or general business operations involving the exercise of discretion and independent judgment.

c. The term "employee employed in a *bona fide* *** professional capacity" means any employee who is engaged in work:

(*1*) (*a*) Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work, *and*

(*b*) Requiring the consistent exercise of discretion and judgment in its performance, *and*

(*c*) Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, *and*

(*2*) (*a*) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic

DECLASSIFIED
NND 760090
By NARS, Date

education and from an apprenticeship and from training in the performance of routine mental, manual or physical processes, *or*

(*b*) Predominantly original and creative in character in a recognized field of artistic endeavor as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training, and the result of which depends primarily on the invention, imagination or talent of the employee.

SECTION V. *Enforcement, Investigations, Inspection and Records.*

a. Enforcement of the provisions of this ordinance shall be under the supervision of the Department of Labor. The Director of the Department of Labor or his designated representatives may investigate and gather data regarding the hours and other conditions and practices of any employment subject to this ordinance, and may enter and inspect such places and such records (and make transcripts thereof and excerpts therefrom), question such employees, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of this ordinance, or which may aid in the enforcement of the provisions of this ordinance.

b. Every employer subject to any provision of this ordinance or of any regulation or order issued pursuant to this ordinance shall make, keep and preserve such records of the persons employed by him and of the wages, hours and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and make such reports to the Director of the Department of Labor as he shall prescribe by regulations published in the *Official Gazette* upon approval of the Military Governor, or by order directed to any specific employer.

SECTION VI. *Regulations.*

a. In addition to the other powers and duties of the Director of the Department of Labor under this ordinance, he shall:

(*1*) Make such regulations or orders as are necessary or appropriate to carry out any of the provisions hereof;

(*2*) Regulate the maximum number of hours any employee may work in any workday;

(*3*) Define such terms not defined herein as may require definition, and amplify or amend any terms, definitions or amended definitions as may be necessary.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

b. Such regulations shall, when published in the *Official Gazette* upon approval of the Military Governor, have the force and effect of law.

SECTION VII. *Definitions.* As used in this ordinance:

a. Person means an individual, partnership, association, corporation, legal representative, governmental department, bureau or agency, or any organized group of persons.

b. Commerce includes trade, transportation, transmission or communication.

c. Industry includes a trade, handicraft, business, industry or branch thereof, or group of industries, in which individuals are gainfully employed.

d. Agriculture includes farming in all of its branches and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

e. Employer includes any person acting directly or indirectly in the interests of an employer in relation to an employee, including governmental departments, bureaus and agencies, at the national, provincial and local levels.

f. Employee includes any individual suffered or permitted to work by an employer.

g. Employ includes to suffer or permit to work.

h. Wage paid to any employee includes the reasonable cost to the employer of furnishing such employee with board, lodging or other facilities, if such board, lodging or other facilities are customarily furnished by such employer to any of his employees.

i. Workday means any period of twenty four consecutive hours.

j. Workweek means any period of seven consecutive days.

k. Working hours includes all hours during which the employee is present at his place of employment at the direction of his employer, whether or not work is actually performed (except meal and rest periods), and all hours during which, after reporting to his usual place of employment, the

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

employee is in transit to a place other than his usual place of employment, in order to perform labor or other required duty, and all hours during which the employee is required by an employer to travel to report for work at a place other than his usual place of employment.

SECTION VIII. *Relation to Other Laws.* No provision of this ordinance shall excuse non-compliance with any other law establishing a maximum workweek lower than the maximum workweek established under this ordinance or established by collective agreement.

SECTION IX. *Criminal Penalties.* Any person who wilfully violates any of the provisions of this ordinance or of any regulation issued pursuant hereto and having the effect of law shall, upon conviction of a first offense, be subject to a fine of not less than ₩20,000 and not more than ₩100,000, and shall, upon conviction of a second offense, be subject to a fine of not less than ₩20,000 and not more than ₩200,000 or to imprisonment for not more than six months, or both. Upon conviction of a third or subsequent offense, he shall be subject to such punishment as a Military Occupation Court shall determine, but in no event less than three times the fine or imprisonment, or both, imposed upon his last previous conviction under this ordinance or any regulation issued pursuant hereto and having the effect of law.

SECTION X. *Effective Date.*— This ordinance shall be effective on the tenth day after the date appearing hereon.

SEAL
USAMGIK

ARCHER L LERCH
Major General United States Army
Military Governor in Korea

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NND 760090
By _____ NARS, Date _____

HEADQUARTERS
UNITED STATES ARMY FORCES IN KOREA
Office of the Military Governor
Seoul, Korea

ORDINANCE
NUMBER 19

30 October 1945

Re-Printed Copy

SECTION

DECLARATION OF NATIONAL EMERGENCY..... I
PROTECTION OF LABOR..... II
PROTECTION AGAINST PROFITEERING..... III
PROTECTION OF THE PUBLIC AGAINST ACTS PREJUDICIAL TO THE PEOPLE'S WELFARE.....IV
REGISTRATION OF NEWSPAPERS AND OTHER PUBLICATIONS..... V
PENALTY VI
EFFECTIVE DATE OF ORDINANCE.....VII

SECTION I DECLARATION OF NATIONAL EMERGENCY

After four long years of war, from which they emerged victorious, American Forces landed upon your shores the friends and protectors of the Korean people. They came for the avowed purpose of requiring the complete and permanent eviction of all Japanese military forces from Korea and eliminating all Japanese militaristic and nationalistic ideology. In addition to that objective, the Military Government was instructed to take steps to effect complete political and adminstrative separation of Korea from Japanese social, economic, and financial control; to facilitate development of a sound Korean economy and to work towards the restoration of a free, independent and responsible Korea. The program of Military Government included taking over all Japanese property as rapidly as possible for the benefit of the Korean people, relieving labor from the condition of absolute servitude under which it had existed for the last forty years, returning to the farmers the lands which had been wrested from them by Japanese guile and treachery, and giving to the farmer a fair and just proportion of the fruits of his sweat and labor, restoring the principles of a free market, giving to every man, woman and child within the country equal opportunity to enjoy his just and fair share of the great wealth which this beautiful nation has been endowed.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Upon the arrival of the American Forces the Americans found that to support the war Japan drained food and other living commodities from Korea until she was weak from starvation. Production of consumer goods had all but ceased. There was a wholesale embezzlement of Government funds. The currency had been deliberately inflated.

Law and order was immediately established. All seized property that could possibly be of benefit the Korean people was preserved for their use. Grain was moved to areas where starvation existed.

Because of the long continued exploitation of Korea's wealth and the oppression of her people, and the fact that the people had been prohibited from carrying out during the years of Japanese oppression those pursuits of life and happiness which are normal to a rich and aggressive race, the people have not been able to produce goods fast enough to prevent widespread malnutrition, disease, and suffering during the coming winter. In addition, certain groups, with the sole idea of acquiring the wealth of the Korean people for themselves, have prevented labor from returning to employment, children from returning to school, and farmers from selling the produce of their lands. Such conditions have created within Korea an emergency which for the sole protection of the people can only be met by extraordinary measures which will inure to their benefit. As all of the people know the American Nation is a powerful nation. Its people, however, are gentle with the true gentleness that comes only through an appreciation of their own good fortune and in their desire to protect others against adversity. At this time the representatives of the American people in Korea foresee that their friends, the Korean people, are threatened in their security and right to be warm and well fed during the coming winter. Facilities, raw materials, and labor are available within the country which, if utilized properly, will prevent suffering. Rigid emergency controls are therefore hereby established, in order to prevent such conditions from existing which will harm the people. Such temporary measures will be withdrawn as quickly as the emergency ceases.

SECTION II PROTECTION OF LABOR

The right of any individual or group of indivduals to accept employment and to work unmolested shall be respected and protected. Any interference with this right is unlawful.

In the interest of preventing suspension or reduction of output in industries which are declared by the Military Government of Korea to be essential to the people's livelihood, disputes arising over terms and conditions

DECLASSIFIED
NND 760090
By NARS, Date

of labor will be settled by a mediation board set up by the Military Government of Korea whose decision will be final and binding on all parties. Until the matter is presented to the Labor Mediation Board and a decision is reached, production will continue.

SECTION III PROTECTION AGAINST PROFITEERING

To aid in assuring an equitable distribution of commodities necessary to the livelihood of the people, at a price within the financial resources of the people, the hoarding of essential commodities and/or their sale at an excessive price, which would result in profiteering at the expense of the people, is hereby declared unlawful.

SECTION IV PROTECTION OF THE PUBLIC AGAINST ACTS PREJUDICIAL TO THE PEOPLE'S WELFARE

The following acts are hereby declared unlawful:

a. Knowingly making any false statement orally or in writing to any member of or person acting under the authority of USAFIK or the Military Government of Korea in a matter of official concern or in any manner attempting to defraud the Military Government of Korea.

b. Since the program of the Military Government of Korea is for the people's welfare, the obstructing, attempting to obstruct, or contravening any orders or announced program of the Military Government of Korea whether by acts, conspiracies, intimidation, corruption, or bribery of any person.

c. Prejudicing the People's Welfare by directing or participating in acts of discipline, threats, coercion, or any other form of intimidation or victimization (including boycotting) against any person cooperating in any form directly or indirectly with USAFIK or the Military Government of Korea.

SECTION V REGISTRATION OF NEWSPAPERS AND OTHER PUBLICATIONS

In order that freedom of speech and freedom of the press may be preserved and safeguarded without being perverted to unlawful and subversive purposes, the registratration of every organization engaged in printing of books, pamphlets, papers, or other reading materials in Korea south of 38° North Latitude sponsored, owned, directed, controlled, or managed by any natural or juridical person is hereby ordered. Such registration will be accomplished within ten (10) days after the effective date of this order or in the case of new publications not less than (10) days before publication, by

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

filing in duplicate by registered mail addressed to the Military Government of Korea, Capitol, Seoul, the name of the organization; the places where printed and published, the name of the persons employed in the printing and publishing; the name of each person sponsoring, owning directing, controlling, managing or otherwise influencing the organization, its activities or operations or the material printed and published; an accurate description of every form printing and publishing used or proposed to be used by the organization, including exact facsimiles of the format, character and size of each type of printed matter the financial backing, capital, funds, property, and assets of the organization including the amount of critical essential supplies on hand and intended future sources in such detail as to reflect the financial ability of the organization to operate and maintain the news and editorial services proposed to be rendered, the name and address of each person financially interested in the organization or enterprise.

SECTION VI PENALTY

Any person violating the provisions of this ordinance shall, upon conviction by a Military Occupation Court, suffer such punishment as the court shall determine.

SECTION VII EFFECTIVE DATE ORDINANCE

This ordinance is effective immediately.

BY DIRECTION OF THE COMMANDING GENERAL
UNITED STATES ARMY FORCES IN KOREA

A. V. ARNOLD
Major General United States Army
Military Governor of Korea

Date of publication: 28 December 1945.

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By _____ NARS, Date _____

HEADQUARTERS
UNITED STATES ARMY FORCES IN KOREA
Office of the Military Governor
Seoul, Korea

ORDINANCE
NUMBER 34

8 December 1945

ESTABLISHING LABOR MEDIATION BOARDS

SECTION I. In order to effectuate the policy of protection of labor and mediation of labor disputes in the existing emergency declared by Sections I and II of Ordinance Number 18, there are hereby established:

a. A National Labor Mediation Board, consisting of five voting members and a permanent non-voting Secretary. An officer of the National Labor Department of Korea will be the Advisor. A staff of seven Field Representatives will be appointed and all of the foregoing will hold office until replaced by the Military Governor. The Board will meet in Seoul.

b. A Provincial Labor Mediation Board in each province, consisting of three or five voting members and a permanent non-voting Secretary. A local Military Government Labor Officer will be the Advisor, and all of the foregoing will hold office until replaced by the Provincial Governor. The Governor is authorized to establish such additional Boards as he deems necessary in his province and to appoint, compensate, suspend and remove additional officials and employees of the Boards. The Boards will meet in places designated by the Governor.

SECTION II. The Boards will have the following powers:

a. To adopt, amend and require the observance of rules and regulations of the Board.

b. To require the attendance of witnesses and the production of documents or other evidence, to punish for contempt, and to issue process for enforcing orders or decisions of the Board.

SECTION III. The Boards will have the following jurisdiction:

a. National Board: Mediation of labor disputes extending over two or more provinces and of all other labor disputes referred to it by the National Labor Department.

21

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

b. Provincial Boards: Mediation of labor disputes in their respective provinces, in places designated by the Governor.

SECTION IV. The Boards will observe procedures prescribed by National Labor Department, Bureau of Mining and Industry of the Military Government of Korea.

SECTION V. This Ordinance is effective upon its publication in the Official Gazette.

BY DIRECTION OF THE COMMANDING GENERAL
UNITED STATES ARMY FORCES IN KOREA

A. V. ARNOLD
Major General, United States Army
Military Governor of Korea.

Date of Publication : 24 December, 1945

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NND 760090
By _____ NARS, Date _____

在朝鮮美國陸軍司令部軍政廳

法令第三十四號

勞働調停委員會設立에關한件

第一條　法令第十九號第一條及第二條로宣布한現存非常時에勞働保護及勞働爭議調停政策의遂行을爲하야玆에

(一)　五名의議決委員及一名의議決權없는常任幹事로構成된中央勞働調停委員會을設立함

軍政廳勞務課의將校를顧問으로하고七名의中央勞働調停委員會代表員을任命함、上記全職員은軍政長官이此을更迭할때까지職務를執行할事

(二)　三名또는五名의議決委員及一名의議決權없는常任幹事로構成된道勞働調停委員會를各道에設立함

地方軍政廳勞務官을顧問으로함、上記職員은道知事가此를更迭할때까지其職務를執行할事、道知事는所管道內에必要하다고認定할때에는別히勞働調停委員會를設立하고調停委員會官吏、雇員의任命、給料의支拂、停職、解職의權限을附與함、道勞働調停委員會은道知事의指示한場所에會合할事

第二條　勞働調停委員會는左記權限을有함

(一)　勞働調停委員會의規則　規定을採用修正하고其遵守를要求할事

(二)　證人의出席　文書其他證據物의提出를要求하고其要求에違反할때는處罰하고、勞働調停委員會의命令又는決定을施行하기爲하야令狀을發令할事

第三條　勞働調停委員會는左記管轄權을有함

(一)　中央勞働調停委員會

二道以上에걸친勞働爭議의調停及軍政廳勞務課의委託을바든其他諸般勞働爭議의調停

(二)　道勞働調停委員會

道知事의指示한場所에서所管道內의勞働爭議의調停

第四條　勞働調停委員會는朝鮮軍政廳鑛工局勞務課가規定한手續을遵守할事

第五條　本令은官報에公布함과同時에有効함

一九四五年十二月八日

在朝鮮美國陸軍司令官의指令에依하야

朝鮮軍政長官

美國陸軍少將　에·베·아ㅣ놀드

DECLASSIFIED
NND 760090
By NARS, Date

在朝鮮美國陸軍司令部軍政廳

法令第三十四號

勞働調停委員會設立ニ關スル件

第一條　法令第十九號第一條及ビ第二條ニテ宣布シタル現存非常時ニ於ケル勞働保護並ニ勞働爭議調停政策遂行ノ爲茲ニ

（イ）　五名ノ議決委員及ビ一名ノ議決權ナキ常任幹事ヲ以テ構成セル中央勞働調停委員會ヲ設立ス

軍政廳勞務課ノ將校ヲ以テ顧問トシ七名ノ中央勞働調停委員會代表員ヲ任命ス可キモノトス、上記全職員ハ軍政長官ガ此ヲ更迭サレル迄職務ヲ執行スルモノトス

（ロ）　三名又ハ五名ノ議決委員及ビ一名ノ議決權ナキ常任幹事ヲ以テ構成セル道勞働調停委員會ヲ各道ニ設立ス

地方軍政廳勞務官ヲ以テ顧問トス。上記職員ハ道知事ガ此ヲ更迭サレル迄其ノ職務ヲ執行スルモノトス、道知事ハ所管道內ニ於テ必要ト認ムル時ハ更ニ勞働調停委員會ヲ設立シ且ツ調停委員會所屬官吏、雇員ノ任命、給料ノ支給、停職、解職ヲナス事ヲ得。道勞働調停委員會ハ道知事ガ指示セル場所ニ於テ會合ス

第二條　勞働調停委員會ハ左記權限ヲ有ス

（イ）　勞働調停委員會ノ規則　規定ヲ採用修正シソノ遵守ヲ要求スル事

（ロ）　證人ノ出席　文書其ノ他ノ證據物ノ提出ヲ要求シ要求ニ違反シタル場合ハ處罰シ、勞働調停委員會ノ命令又ハ決定ヲ施行スル爲令狀ヲ發スル事

第三條　勞働調停委員會ハ左記管轄權ヲ有ス

（イ）　中央勞働調停委員會

二道以上ニ亘ル勞働爭議ノ調停並ニ軍政廳勞務課ガ委託セル其ノ他總テノ勞働爭議ノ調停

（ロ）　道勞働調停委員會

道知事ノ指示セル場所ニ於テ所管道內ノ勞働爭議ノ調停

第四條　勞働調停委員會ハ朝鮮軍政廳鑛工局勞務課ガ規定セル手續ヲ遵守スベシ

第五條　本令ハ官報ニ公布ト同時ニ効力ヲ生ス

一九四五年十二月八日

在朝鮮美國陸軍司令官ノ指令ニ依リ

朝鮮軍政長官

美國陸軍少將　エ　ヴイ・アーノルド

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NND 760090
By _____ NARS, Date _____

HEADQUARTERS
UNITED STATES ARMY MILITARY
GOVERNMENT IN KOREA
Office of the Military Governor
Seoul, Korea.

ORDINANCE
NUMBER 97 — 23 July 1946

PUBLIC POLICY IN LABOR MATTERS DECLARED:
DEPARTMENT OF LABOR ESTABLISHED

SECTION I. *Declaration of Policy.* The public policy of the United States Army Military Government in Korea in labor matters is hereby declared as follows:

a. The development of democratic labor organizations shall be encouraged;

b. Workers shall have the right through self-organization to form and join labor unions, to give aid to and receive assistance from other labor organizations, and to designate representatives of their own choosing for the purpose of negotiating terms and conditions of their employment contract, without interference from employers, or their agents;

c. Peaceful negotiations between employers and labor organizations resulting in written employment contracts specifying agreed wages, hours of work, and other conditions of employment shall be encouraged.

SECTION II. *Department of Labor Established.* To effectuate the foregoing labor policy and to assist the efficient functioning of the economy of Korea, the Department of Labor is hereby established in the Government of Korea. The Bureau of Labor of the Department of Commerce of the Government of Korea is hereby disestablished. All duties and functions of the Bureau of Labor are hereby transferred to the Department of Labor so as effectuate the carrying out of the purposes herein described. All records, funds, property and Korean personnel of the Bureau of Labor shall be transferred to the Department of Labor, in accordance with orders to be issued by the Director of the Department of Commerce in coordination with the Office of Korea Civil Service and the Budget Bureau of the Department of Finance of the Government of Korea. The purpose of the Department of Labor shall be to aid the efficient functioning of the economy of Korea, to foster, promote, and develop the welfare of the wage earners of Korea, to improve their working conditions, and to advance their opportunities for profitable employment.

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By NARS, Date

SECTION III. *Functions and Duties of the Department of Labor.* The Department of Labor shall have the following functions and duties:

a. To formulate labor policies and programs and to exercise general supervision over conditions of employment, labor relations with employers and with the government, and any other factors affecting the welfare of labor, under the direction of the Military Governor and within the limitations of Ordinance Number 90, dated 28 May 1946, the declared public policy of Military Government in labor matters, and other requirements of law;

b. To supervise and control Labor Mediation Boards and all that pertains to the same so as to effectuate the mediation of labor disputes in accordance with Ordinance Number 34, dated 8 December 1945, the declared public policy of Military Government in labor matters, and other requirements of law;

c. To supervise or administer a national employment service and a labor information service;

d. To recommend to the Military Governor labor laws to effectuate the declared policy of the Military Government in labor matters, to assist the efficient functioning of the economy of Korea, and to promote the welfare of labor;

e. To prepare for issuance in the Official Gazette upon approval by the Military Governor all necessary regulations for the administration of this ordinance and other labor laws which it may be charged with administering, or for carrying into effect the purposes of the Department;

f. To perform all other functions and duties necessary to effectuate the purposes of the Department and the declared public policy of the Military Government in labor matters, under the supervision and direction of the Military Governor and within the scope of existing laws.

SECTION IV. *Penalties.* Any person violating the provisions of any regulation of the Department of Labor issued pursuant to this ordinance, and having the force and effect of law upon publication in the Official Gazette with approval of the Military Governor, shall, upon conviction by a Military Occupation Court, suffer such punishment as the court shall determine.

SECTION V. *Effective Date.* This ordinance shall be effective on the date appearing hereon.

ARCHER L. LERCH
Major General United States Army
Military Governor in Korea.

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의有能한機能을助長하고勞働의福祉를增進하기爲하야勞働法을
軍政長官에게推擧할事

(마) 軍政長官의認可를得하야 此法令及施行할其他勞働法의施
行又는本部의目的을遂行하기爲하야必要한모든規則을官報에發
布할準備를할事

(바) 本部의目的及勞働問題에關하야軍政廳이宣布한公共政策을
軍政長官의監督指示下及現行法律의範圍內에서遂行하기爲하야
必要한모든職能及任務를實行할事

第四條 罰 則

此法令에準하야發布되고軍政長官의認可를得하야官報에發布된法
律의効力이有한勞働部規則條項에違反한者는陸軍占領裁判所의有
罪決定에依하야裁判所가決定한罰을受함

第五條 有效期日

本法令은公布日로부터有效함

一九四六年七月二十三日

朝鮮軍政長官

美國陸軍少將 아ㅣ취・엘・러ㅣ취

ORDINANCE NO. 97

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By NARS, Date

在朝鮮美國陸軍司令部軍政廳

法令第九十七號

勞働問題에關한公共政策公布勞働部設置

第一條 政策宣布

在朝鮮美國陸軍軍政廳은勞働問題에關한公共政策을玆에左와如히宣布함

(가) 民主主義的勞働組合의發展을奬勵할事

(나) 勞働者는自律的勞働組合을通하야勞働聯合會를組織하고加入하며 他勞働組合을援助하고又는援助를受하는權利가잇는同時에雇傭主와其代理人의干涉을受치안코、雇傭契約의期間及條件을協定할目的으로自己가選擧한代表者를指名할權利가有할事

(다) 雇傭契約書에잇서雇傭主와勞働組合間의合意된勞賃、勞働時間及其他雇傭條件을明記한平和的協定을奬勵할事

第二條 勞働部設置

勞働部는左記의任務及職能을有함

(가) 勞働政策及計畫을系統的으로記述하고軍政廳이宣布한公共政策及其他法律의要求하는範圍內에서雇傭條件、雇傭主及政府와의勞働關係又는勞働의福祉에影響을밋이는其他要素에關하야一般監督을할事

(나) 一九四五年十二月八日附法令第三四號及勞働問題에關하야軍政廳이公布한公共政策及其他法律의要求에依하야勞働爭議의調停을有效히達成하기爲하야勞働調停委員會及同委員會에屬하는人員을監督、管理할事

(다) 國家雇傭事務及勞働情報事務를監督又는管理할事

(라) 軍政廳이勞働問題에關하야宣布한政策을遂行하고朝鮮經濟를하야勞働部에移管할、勞働局의모든書類、資金、財產及朝鮮人은商務部長과人事行政處及朝鮮政府財務部司計局과의對等한權限으로서發한命令에依하야勞働部에移管할、勞働部는朝鮮經濟의有能한機能을助長하고朝鮮의貨銀勞働者의福祉를助成、增進、發展시키며其勞働條件을改良하고有利한雇傭에對한機會를進步시킬目的으로함

第三條 勞働部의任務及職能

勞働部는左記의任務及職能을有함

(가) 勞働政策及計畫을系統的으로記述하고軍政廳이宣布한公共政策及其他法律의要求하는範圍內에서雇傭條件、雇傭主及政府와의勞働關係又는勞働의福祉에影響을밋이는其他要素에關하야一般監督을할事

(나) 一九四五年十二月八日附法令第三四號及勞働問題에關하야軍政廳이公布한公共政策及其他法律의要求에依하야勞働爭議의調停을有效히達成하기爲하야勞働調停委員會及同委員會에屬하는人員을監督、管理할事

(다) 國家雇傭事務及勞働情報事務를監督又는管理할事

(라) 軍政廳이勞働問題에關하야宣布한政策을遂行하고朝鮮經濟

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SECRET
III US 10
20 August 1947

US Subcommission 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

INDUSTRY

The inclosed study on Industry in South Korea is being circulated for the information of members of Subcommission 3.

E. E. MILLER
Captain, AGD
Secretary

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INDUSTRY

[illegible] Government has been able to secure a good [illegible] but information is still lacking on the following:

[illegible]

[illegible]

[illegible]

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An industrial census (including utilities and construction firms) taken in November 1946 for South Korea indicated that 5,249 establishment employing 162, 159 people were operating. In comparing this with the 1944 census for the same area, it indicates that 55.5 per cent of the establishments are operating and 44 per cent of the people employed. An interesting fact noted from this census is that 69 per cent of all industrial establishments employ less than 50 people. To date, South Korea's industry is still in bad shape. The partial reopening of trade channels will solely dependent upon governmental imports for continued operation. This condition will exist as long as parallel 38° separates North and South Korea. The situation has improved, however, since the beginning of the American occupation. The following show the status by industry. No attempt is made to show production figures. Since that are available are given in the publication of Economic Activities for South Korea, July 1947.

(a) Cement and Glass:

The ceramic industry is a favored industry in that it is fairly dependent on indigenous raw materials and only requires fuel, crucibles and chemicals for firing and coloring oxides. Three (3) plants are at present engaged in the manufacture of ceramic products. These plants are curtailed in the winter months due to freezing temperatures and difficult mining operations. Shortages of fuel and the lack of experienced supervision are handicaps.

The pottery industry is limited to the manufacture of earthenware dishes and low tension electrical insulators.

Many different types of glass products are manufactured and, while crude and rough, supply local demand for bottles, electric light bulbs and containers. No window or plate glass is manufactured.

Various sizes and types of crucibles are manufactured from refractory clay. Other refractory shapes are bricks are also manufactured and are of fair quality.

One cement factory at Sonchok (the only one in South Korea) has been shut for the past year for the lack of repair parts. This plant was reopened 1 August 1947, and production of cement is expected to reach 5,000 tons per month. This plant supplies only a small part of South Korea cement requirements. Continued imports of gypsum and bituminous coal are necessary. North Korea has 7 large cement plants with capacity ample for all Korea's

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[illegible] requirements are 1,0[illegible] tons/mo and bituminous coal, 1,[illegible] tons/mo.

(b) Processed foods:

The production of manufactured foods and beverages at the present time in South Korea is small in comparison with the size of the population. It is estimated that 40 per cent of the food processing plants are operating at the present time. Canneries are not operating because of the lack of cans [illegible]. Approximately 200 food processing factories employing more than 10 workers are operating under supervision of military government. The principal products are soy sauce, bean paste, cider, flour, rice jelly, noodles, ice, biscuits, bread and candy. South Korea could well build up an export trade of canned fruits and fish. Nearly a quarter of 250 tons of sugar, 300 tons of hydrochloric acid, and 2[illegible] tons of hardened oils are necessary to continue production of processed foods.

(c) Heavy and light manufacturing:

(Over 11 operations in South Korea [illegible] report of these are operating at approximately 12 per cent of capacity. The stock of two hundred [illegible] thirty industrial installations ranging from 10 to 1100 people are now supervised by the government of Korea. There are no rolling mills in South Korea and [illegible] by production is limited to casting, forging, and fabrication. The machine tool industry (the key to industrial production) is [illegible] and recently [illegible] for lack of technical and [illegible] experts. Inspection and inspection procedures are especially [illegible]. [illegible] industry [illegible] operations are [illegible] installed. Light industry [illegible] such articles, [illegible] clothing, [illegible] textiles, soap, [illegible], [illegible] from [illegible] totals is required [illegible]. There is one mill [illegible] which numbers miles throughout South Korea is becoming self-sufficient in this country. Efforts are being made to overcome the present machine tool deficiency with machine tools from [illegible] part of reparations. Plant [illegible] import requirements are: 600 tons [illegible] steel, 200 tons of hot stock, 300 tons of wire rod, 1,000 tons of tinplate, and 10,000 tons bituminous coal.

(d) Textiles:

In November 1945, the first [illegible] mill was erected and light production. By June 1946, 11 of the 14 prewar mills had reopened. [illegible] all of the mills operating, production reached a high of 1,600,000 lbs/mo. The paper produced in a cheap

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[illegible] Of the mills in active service, the Johnson Paper Mill produces 60 per cent of the total paper products. The equipment of all plants is stretched beyond normal use, and there is a critical shortage of pulp and newsprint operations are 65 per cent of maximum capacity. June 1947 production was 497,000 lbs. With the Johnson Mill closed down, no local pulp. Prior to the division of the country, North Lorain purchased sufficient pulp. Ten thousand tons/yr of pulp, pulp, 1200 tons of cattle feed, and 600 tons of [illegible] are the minimum requirements which must be imported.

(a) Projected Imports:

[illegible] in obtaining started. [illegible] of the mills [illegible] for operation, obtain [illegible] North Lorain [illegible]. In addition, technical personnel, refinement mills, [illegible] necessary. [illegible] operation in the chemical [illegible] is [illegible] of [illegible].

[illegible] [illegible] [illegible] [

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(f) Textiles:

The textile industry [illegible] are [illegible] in [illegible] of the textile industry [illegible] 700 units in rural [illegible] in Burma, Java, [illegible] textiles utilizing wool, silk, rayon, cotton, hemp, [illegible] production of these [illegible] to be [illegible] started in small [illegible] modern [illegible] textile industry [illegible] in [illegible] in [illegible] textiles [illegible] in [illegible] of finished [illegible] in [illegible] in [illegible] in

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SECRET
III US 11
15 August 1947

US Subcommission 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

ELECTRIC POWER

The attached study on Electric Power is circulated for the information of the members of US Subcommission 3.

E. E. MILLER
Captain, AGD
Secretary

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By _____ NARS, Date _____

ELECTRIC POWER

IMPORTANCE OF ELECTRIC POWER TO SOUTH KOREA

In 1934, all Korea's electric supply exceeded one billion kwh for the first time (1,444,055,000 kwh) with a peak of 309,604 kw. There was a continuous increase in load and peaks until 1943 when the maximum load was reached of 5.7 billion kwh with a peak of 1,240,000 kw. No information is available now for loads north of 38° for any period. Loads south of 38° are available only since Jan. 1945 and are shown by months on the attached graph.

South Korea has an anticipated peak demand for the coming winter months of 200,000 kw. For the prevention of disease and unrest only, it is estimated 130,000 KW will be the demand. Our present generating capacity in South Korea for winter months is a possible 60,000 if requests for material and finance are fulfilled in time to be utilized for rehabilitation. The 50,000 kw additional that we receive from North Korea will bring us still far below the disease and unrest status.

Due to natural resource shortages, and increasing fuel shortages, electric power and electro-chemical processes are presently essential and economical to domestic life, transportation, communications, and manufacturing throughout Korea.

SOURCES OF POWER IN KOREA

About 90% of all generation of electric power in Korea takes place North of 38° and is hydro-generation. At the present time we are dependent on North Korean sources for 75% of our electric power in the winter months and between 50% and 60% during our wet summer months. North Korea has signified their willingness to furnish us with more power to help meet our demands, but at present they are unable to furnish us with additional power because existing transmission facilities limit the capacity of the power being delivered to South Korea. It is therefore much to our advantage to furnish the necessary equipment to North Korea to permit them to open the transmission bottleneck and increase our power deliveries from there. The furnishing of such equipment is also serving a two-fold purpose as it is to be used in settlement of our power bill from North Korea from August 1945 till May 31, 1947.

Lets explore our power production capacity of South Korea, plant by plant, and see what the outlook may be for the future. We have three steam plants that can be operated at any time of the year,

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but in their present condition, none of them can stand continual operation. Yong-Wol is the largest generating plant in South Korea and can be utilized in any present emergency for a short period of time only. It is presently off the line and under repair and overhauling such as materials will allow. Coal from the adjoining mine is being stock piled now so as to assure an adequate coal supply for the winter months when it will be necessary to operate the Yong-Wol Plant. We are limited in our work of rehabilitation at the plant because of slow action on delivery of materials from Japan, but in face of this limitation, a lot has been accomplished and we can depend on Yong-Wol for more power than it has delivered since liberation in 1945. Much could be expected of it if material and personnel could be supplied.

The Pusan Steam Plant is capable of operating and producing 12,000 KW, but it is inoperative at present because of no coal. During this season of rain it is not necessary to have the Pusan Plant, except for emergency use, but when the wet season is over and the winter loads accumulate it will be an essential operation. At that time coal must be delivered or we will lose a potential 12,000 KW in our power system. There is not enough coal on hand in Pusan plant yards now to allow a test run of the plant before it is called on for continued operation, nor enough coal to allow us to operate the plant for any emergency that may arise.

The Tojin Ri Plant in Seoul is used as a stand by at all times that we can assure an adequate supply without it. Tojin Ri is good for 20,000 KW, but will not stand continuous operation for too long a period without a maintenance shut-down.

Our other plants, Chung Pyung at 38,000 KW, Unam at 5,000 KW, Sam Jin Gang at 12,000 KW and Posong Gang at 3,000 KW, are all hydro-plants and their production is cut in half, or completely dropped, during our peak demand winter months. At present, one of the generators at Chung Pyung is down for repair due to poor maintenance and the absence of American personnel to properly train the Koreans the care of their equipment.

Should all our plants in South Korea be called upon to furnish capacity output on a continuous basis, we would be embarrassed in a very short time, because the lack of proper maintenance, lack of materials, and lack of American personnel will not permit capacity operation without major breakdowns to the equipment.

TRANSMISSION AND DISTRIBUTION SYSTEM

The transmission and distribution systems of South Korea are in a poor state of maintenance and repair in addition to being somewhat poorly engineered. They were planned without foresight of a system flexible enough to permit sectionalizing in case of emergency. As a result, if need be for South Korea to curtail

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NND 760090
By _____ NARS, Date _____

power consumption by rationing, it would be impossible to separate the present distribution into a breakdown of priority users. The system is so constructed as to feed large areas and anyone within that area would be a potential user. Both rehabilitation and revamping are necessary to give Korea a flexible transmission and distribution system for efficient and economical operation with a minimum outage requirement for maintaining the system.

SPECIFIC REQUIREMENTS OF SOUTH KOREA POWER PLANTS AND ELECTRIC POWER NETWORK

The Electric Power System in South Korea has been one of the most neglected phases of South Korean economy from the date of our liberation of Korea until the early part of this year.

As late as January of 1947 there were still but three American personnel assigned to the Bureau of Utilities, and today, with an approved personnel requirement list of sixty eight, there are only thirteen in the Bureau, and two of this number have arrived in Korea within the past week. Several officers have been assigned to the Bureau at various times only to be withdrawn in a few weeks. This was a gesture of lending assistance to the Bureau, but it has taken the valuable time of our present existing personnel to acquaint those officers with a job on which they have never stayed long enough to fulfill.

Our power system is in grave need of immediate maintenance attention by well qualified technicians. We are not yet successful in procuring the necessary materials for rehabilitation of our generating plants, transmission line, and distribution system, therefore we must properly maintain the inadequate remnants of the existing system. The continued delivery of electric power is directly dependent upon our ability to maintain the system in it's present status until we are able, from technical and financial help, to rehabilitate our system and train the Korean people to continue quality maintenance.

It is true that we must rehabilitate the economy but to do so we must first rehabilitate the electric utilities. This means that the United States must furnish millions of dollars in money, equipment, materials and engineers. Since all of these items are scarce, and will be paid for by the U. S. taxpayer, they must be used as economically as possible. In this respect it seems there is an imparative necessity for stepping into the Koreanization program with qualified engineers and accountants to show the Koreans how to efficiently run the important electric utilities, in the public

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

interest for at least a limited period of time.

PREDICTION OF FUTURE DEVELOPMENTS OF KOREAN POWER SYSTEM

Should Korea become reunited and again use all her facilities of power generation and transmission as one system, it will still be industrially and economically important that rehabilitation will have been carried out. The entire system is near collapse from lack of attention for the past few years. The bottlenecks that now effect the delivery of power to South Korea will still prevent industrial economy after Korea is united, unless the present rehabilitation and corrective measures are followed thru to completion.

Should Korea remain divided for an indefinite time it is imperative that we now provide for as much generation in South Korea as is possible, even in the face of all obstacles of personnel, finance, equipment, and materials. Electric Powe can be generated at a given cost per KWH and the profit and loss statement reflects the ifficiency of operations, but should we be thrown on our own to provide electrical power for South Korea it puts us in the position of not being able to figure costs as compared to the failure or success of the American mission in Korea.

Time is our only saving grace and it is getting quite late to depend on time.

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NND 760090
By _____ NARS, Date _____

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III US 12
15 August 1947

US Subcommission 3
American Delegation
US-USSR JOINT COMMISSION
Seoul, Korea

Procedure for the Assumption of Powers by the Korean Provisional Democratic Govt.

The inclosed report is submitted for the information of the members of US Subcommission 3.

III US 12

E. E. MILLER
Captain, AGD
Secretary

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NND 760090
By _____ NARS, Date

ENCLOSURE II

SECRET

TOWARD INTEGRATION

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By NARS Date

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[illegible]	Minimum Preliminary Steps to be taken before Korean Provisional Government [illegible]	[illegible] to effect [illegible]
[illegible]	1. [illegible]	
	2. [illegible] of [illegible]	
	a. [illegible]	
	b. [illegible]	
[illegible]	1. [illegible]	
[illegible]	1. [illegible]	
	2. [illegible]	
	3. [illegible] existing [illegible] 15 August 1945.	
[illegible]	1. [illegible] 15 August 1945 [illegible] on deposits [illegible] until Korean Provisional Democratic Government [illegible]	
[illegible]	1. The budgets of South Korea Interim Government and North Korea Provisional Government [illegible] to make the budget of the [illegible] Democratic Government. [illegible] in effect for remainder of fiscal year.	
	2. South Korea Interim Government and North Korea Provisional Government [illegible] appropriations shall be provisionally assigned to Korean Provisional Democratic Government departments prior to unification.	
	3. [illegible] on which of the national taxes in the two zones	

Name: [illegible]

[illegible]:

From North Korea:
1 Russian, 1 [illegible]

From South Korea:
1 American, 1 [illegible]

SECRET

DECLASSIFIED
NND 760090
By NARS Date

SECRET

	Minimum Preliminary Steps to be taken before Korean Provisional Democratic Government takes over	Committees to be created to effect Preliminary Agreements
[illegible] (continued)	[illegible]	
[illegible] Controls	1. [illegible] Operations Controls [illegible] [illegible] [illegible] [illegible] [illegible]	Name: [illegible] Committee Membership: From North Korea: 1 [illegible] From South Korea: 1 [illegible]
[illegible] Controls	1. [illegible] exchange assets of [illegible] Interim Government [illegible] Commercial Bank [illegible] North Korea [illegible] Government. 2. [illegible] Trade Controls).	Name: Foreign Trade and [illegible] Controls Committee Membership: From North Korea: 1 [illegible] From South Korea: 1 [illegible]
[illegible] Controls	1. [illegible] Export/Import [illegible]. 2. [illegible] continuous [illegible] order stations. 3. [illegible] of [illegible] service.	
[illegible]	1. [illegible] a. [illegible] and amounts needed. b. [illegible] of [illegible]. c. [illegible] of financial [illegible].	Name: [illegible] Committees [illegible] Membership: From North Korea: 2 [illegible] From South Korea: 2 [illegible]

SECRET

DECLASSIFIED
NND 760090
By

SECRET

Service	Minimum Preliminary Steps to be taken before Korean Provisional Democratic Government takes over	Committees to be created to effect Preliminary Proposals
[illegible]		
Rail [illegible] Operation	1. Unification of railroad communications system. 2. Preparation of operating schedules for unified system. 3. Regrouping of operating districts [illegible] Headquarters.	Name: [illegible] Membership: From North Korea: 1 [illegible], 1 [illegible] From South Korea: 1 [illegible], 1 [illegible]
[illegible] Telegraph	1. [illegible]-establishing [illegible] - [illegible] - [illegible] - [illegible] subterranean cable.	Name: Communications [illegible] Membership: From North Korea: 1 [illegible], 1 [illegible] From South Korea: 1 [illegible], 1 [illegible]
[illegible] Operation	1. Consolidation of r[illegible] broadcasting facilities under JCOK with equal [illegible] to political parties. 2. Uniform licensing system for [illegible] with no pre-censorship. 3. Uniform licensing system for [illegible].	Name: Public Information Committee Membership: From North Korea: 1 [illegible], 1 [illegible] From South Korea: 1 [illegible], 1 [illegible]

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

[illegible]	Minimum [illegible] Steps [illegible] be taken before Korean Provisional Democratic Government takes over	Committees to be [illegible] to effect preliminary [illegible]
[illegible]	1. [illegible] on [illegible], size, organization, and degree of [illegible]ization under Korean Provisional Democratic Government. 2. [illegible] Korean Provisional Democratic Government. [illegible] powers a. [illegible] basic policy agreements. b. Order Mobilization. c. [illegible], replace, and transfer personnel	Name: Police [illegible] [illegible]: [illegible] North Korea: 1 Russian, 1 [illegible] [illegible] South Korea: 1 American, 1 [illegible]
[illegible]	1. [illegible] on [illegible], size, organization, and degree of [illegible]ization under Korean Provisional Democratic Government. 2. [illegible] South Korea Interim Government Constabulary and North Korea Provisional Government [illegible] their integration by Korean Provisional Democratic Government. [illegible] to have following powers a. [illegible] basic policy agreements. b. Order Mobilization. c. [illegible], replace, and transfer personnel.	[illegible] Constabulary [illegible] Membership: From North Korea: 1 Russian, 1 [illegible] From South Korea: 1 American, 1 [illegible]
[illegible]	1. [illegible] under Korean Provisional Democratic Government. 2. [illegible] Coast Guard [illegible] South Korea Interim Government and North Korea Provisional Government Coast Guard pending their integration by Korean Provisional Democratic Government. Board to have following powers a. Integrate and reorganize Coast Guard in compliance with basic policy agreements. b. [illegible], replace, and transfer personnel.	Name: Coast Guard [illegible] Membership: From North Korea: 1 Russian, 1 [illegible] From South Korea: 1 American, 1 [illegible]

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

Minimum Preliminary Steps to be Taken
[illegible] Korean Provisional Government takes over

1. [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

5. [illegible]

- [illegible]
- [illegible]

1. [illegible]

2. [illegible]

3. [illegible]

[illegible]:

[illegible] North Korea:
1 Russian, 1 [illegible]

[illegible] South Korea:
1 American, 1 [illegible]

[illegible]: Civil Service [illegible]

[illegible]:

[illegible] North Korea:
1 Russian, 1 [illegible]

[illegible] South Korea:
1 American, 1 [illegible]

[illegible]: [illegible]

[illegible]:

2 [illegible]

2 [illegible]

SECRET

Subcommission # 3
(See Index)

(Departments of Govt.)

80
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DECLASSIFIED
NND 760090
By
NARS, Date

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

INDEX

1. National Economic Board
2. Office of Administration
3. Office of Foreign Affairs
4. Office of Korea Civil Service
5. National Food Administration
6. National Price Administration
7. Office of Property Custody
8. Services of Civilian Supply
9. Department of Agriculture
10. Department of Finance
11. Department of Communications
12. Department of Education
13. Department of Finance
14. Department of Public Health and Welfare
15. Department of Internal Security
16. Department of Justice
17. Department of Labor
18. Department of Police
19. Department of Public Works
20. Department of Transportation

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

ALPHABETICAL INDEX

Administration, Office of 2
Agriculture, Department of 9
Civil Service, Office of 4
Civilian Supply, Services of 8
Commerce, Department of 10
Communications, Department of 11
Economic Board, National 1
Education, Department of 12
Finance, Department of 13
Food Administration, National 5
Foreign Affairs, Office of 3
Internal Security, Department of 15
Justice, Department of 16
Labor, Department of 17
Police, Department of 18
Price Administration, National 6
Property Custody, Office 7
Public Health & Welfare, Department of 14
Public Works, Department of 19
Transportation, Department of 20

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
APO 235 UNIT 2

6 June 1947

SUBJECT: Amalgamation of Interim Governments of North and South Korea.

TO : Chairman, US Sub-Commission No. 3
American Delegation, US-USSR Joint Commission

THRU : Chief Advisor, United States Army Military Government in Korea

1. The proposed governmental structure for South Korea, as recommended by the joint Korean-American committee and approved by the Military Governor, is the product of several months of study and conferences. Amalgamation of the two interim governments would naturally have a tremendous impact, especially as applies to Commerce, Agriculture, Public Health and Welfare, and control agencies such as National Food Administration and National Price Administration.

2. Pending any definite statements from the Joint Commission, and with no knowledge of the type of organization to be desired, my only overall recommendation can be to project the structure of the interim government here to include the operations north of the 38th parallel, taking into consideration, of course, the necessarily increased activities of the aforementioned departments and agencies.

3. Reports, studies, and policies as established by the National Economic Board have been predicated upon an agricultural economy receiving strong outside support in the form of imports under the Civilian Supply Programs. Critical shortages in certain items will disappear, or be alleviated to a great extent; while other items will prove to be insufficient to carry the load for both sections and shortages will develop.

4. The Import Requirements Division of the National Economic Board will have to recast its programs to fit the needs of the adjusted economy. It is strongly felt that as long as the United States is the contributing agency the control of the import program remain in the hands of the Americans.

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

5. Reports and studies as rendered by the National Economic Board will have to be redesigned to meet the changed conditions and requirements. The National Economic Board is woefully understaffed to meet such an emergency, but is undertaking a realignment of its organization and personnel to attempt to be ready for the amalgamation.

6. It is felt that the amalgamation can best be accomplished by a transitional control board. The board to operate as an overall reviewing and approval body, with sub-committees set up to handle designated areas within the amalgamation.

7. If the general "advisory" principle is followed, the board would be one-half Korean, one-quarter Russian, one-quarter American, the total number not to exceed sixteen. A sub-committee would be chairmaned by a member of the Board, with the sub-committee members being drawn from the agencies concerned. These sub-committee would operate under the general policies and directives as laid down by the Board.

8. Brunt of the amalgamation will be borne, within the National Economic Board, by all its divisions -- Import Requirement, Statistics, Staff Advisors, and Special Reports -- with, perhaps Requirements needing the greatest readjustment.

WILHELM ANDERSON
Acting Chairman
National Economic Board

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Office of Administration
APO 235 Unit 2

3 June 1947

SUBJECT: Recommendations

TO : Mr. Stewart Meacham

1. It is recommended that all National level design, construction and repair of buildings be centralized in the Construction Bureau, Department of Home Affairs.

2. It is also recommended that the Korean National Housing Administration be placed under the Bureau of Construction.

3. Recommend that a single coordinating officer with assistants be used to accomplish amalgamation. Such an arrangement would expedite the process through direct deslings with all concerned, eliminating long board meetings and fruitless debates.

A. W. MELCHIOR
Lt. Col. Inf.
Adviser
Office of Administration

SECRET

2

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Office of Foreign Affairs
Seoul, Korea

4 June 1947

SUBJECT: Information on Present Governmental Structure and Function

TO : United States Subcommission No. 3 American Delegation, U.S. - U.S.S.R. Joint Commission, Seoul, Korea.

THROUGH: OCA

1. In compliance with request for information contained in your letter of 22 May 1947, this Office suggests Foreign Affairs be organized as indicated on the attached chart (incl. #3) and submits the following views in answer to questions contained in basic communication:

a. QUESTION (Ref. par. 3a): Any departmental functions not now being performed, which should be performed by the provisional Government.

ANSWER: If it is contemplated that the provisional Government will govern Korea for several years, then the following assumptions are considered reasonable:

(1) During the period when the provisional Government is in power, Korea will be opened to foreign trade (however limited) and foreign travel (however restricted). Commercial relations with foreign nations normally demand an overseas establishment capable of providing the ordinary consular services. The opening of Korea to trade and travel would seem to lead logically to the establishment of more complete overseas representation than has been deemed possible or desirable under USAMGIK. Some form of representation would seem desirable in each of the following places, China, Manchuria, Japan, United States, South Pacific Area, and Russian Asia.

(2) During the period when the provisional Government is in power, demands will surely arise for that Government to provide some measure of diplomatic protection to the large Korean populations in Manchuria and Japan. The Koreans in these two countries are living under difficult conditions and in Korean eyes they are being persecuted. It is almost certain that pressure of public opinion will force the provisional Government to take some steps to protect the interests of Korean minorities beyond the borders of the homeland. A diplomatic mission to China and one to Japan would therefore seem to be the answer.

3

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Ltr. fr. OFA, USAMGIK, to U.S.Subcommission No. 3 American Delegation, U.S.-U.S.S.R. Joint Commission, subj: "Information on Present Governmental Structure and Function", dtd 4 June 1947.

b. QUESTION (Ref. par. 3b): Any present departmental functions which should be eliminated?

ANSWER: The Bureau of Commercial Relations (see incl. #1) is in large part a duplication of functions performed by the Department of Commerce. This bureau, as such, should be eliminated and its functions distributed as follows:

(1) The Foreign Trade Section and the International Economic Section should be combined into a single section, the Economic and Commercial Section, and added to the Bureau of Foreign Service.

(2) The Treaty Section should be combined with the Research and Drafting Section of the Bureau of Administrative Services (to be created, see par. d below).

(3) The Superintendent Section should be cut down as follows:

A. Korean Property Abroad Sub-Section (which is concerned only with Korean Government Buildings abroad) should be eliminated and its functions taken over by the Administrative Unit.

B. Repatriation and Immigration Sub-sections should be combined into a single section and added to the Bureau of Administrative Services.

C. The 38th Parallel Sub-Section should be eliminated.

c. QUESTION (Ref par. 3c): Any present departmental functions which should be combined?

ANSWER: The Bureau of International Information should be eliminated and its functions distributed as follows:

(1) The International Cultural Affairs Section should be added to the Bureau of Foreign Service.

(2) The functions of the other three sections, Information Section, Research and Analysis Section and Public Relations Section should be transferred to the Department of Public Information. There is no need for such an elaborate information service in the Department of Foreign Affairs. The three sections would constitute a potential propaganda agency and might prove embarrassing to a 'democratic' foreign minister.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

d. **QUESTION** (Ref par. 3d): Where it is felt that under the Provisional Government, very widespread and drastic changes in structure of a department or an important division thereof should be made, describe fully and submit a chart.

ANSWER: In accordance with USAMGIK policy, the Department of Foreign Affairs has encouraged the Korean staff to work out its own ideas of a departmental organization. The existing organization (see Incl. #1) represents the innovations which the Korean staff has introduced in recent months. This organization was acceptable under conditions as they existed under USAMGIK but it is not recommended that this organizational sturcture be continued under the provisional Government. Because of the intimate relationship between ideology and organizational structure in the work of this department, a very conservative policy is recommended. The organizational structure which we recommend (see chart Incl #2) adequately provides for the performance of all the functions which we feel the Department of Foreign Affairs will be called upon to perform under the Provisional Government. For reasons justfying this conservation see paragraph *f* below.

e. **QUESTION** (Ref par. 5): How can amalgamation best be accomplished? A transitional control board versus a single coordinating officer.

ANSWER: Interpreting this question as applying to amalgamation on a national level (rather than on departmental), it is recommended that a single coordinating officer with assistants, would be more desirable. Amalgamation is essentially an effort to accomplish unity. A single officer represents a definitely unifying force. Successful amalgamation will be achieved by a myriad of compromises. A single officer would seem to be in a better position, acting as an arbiter to give and take and thereby avoid the danger of a deadlock, which is inherent in the operation of a board. If amalgamation is the goal, it seems that a single officer would have a better chance of achieving succes than a board.

f. **QUESTION** (Ref. par. 6): Where the structure of your departmental function would be vitally affected by possible conflict between basic ideologies, point up these aspects of your function where a concession as to structure might well involve a dangerous concession in basic principle.

ANSWER: The foreign offices set-up under such ministers as Von Papen, Ciano and Molotáv have very definite similarity. The foreign offices established by the western democracies, France, England, and the United States are also very similar in form and function. The contrast between the two patterns is distinct and even startling. Authoritarian governments without exception have set up an organization admirably equipped to serve as propaganda agencies, espionage systems, and special police

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

forces. (And without exception have used them for such purposes.) The Western democracies have foreign service organizations which do not provide either personnel or money readily available for such uses.

It is important therefore that the structure of the Department of Foreign Affairs should be such as to provide for such organization and personnel as are necessary to render those well defined services customarily performed by similar departments in the governments of the Western democracies. Great care should be taken to guard against the following potentially dangerous structural patterns:

I - Propaganda:

An organizational structure which provides for large information services and public relations personnel would mean that the foreign service could easily become a propaganda agency.

II - Spying:

An organizational structure which included liberal provisions for information gathering services would be capable of rapid conversion into an espionage system.

III - Control of Foreigners:

If the organizational structure provided (a) elaborate registration machinery for controlling foreigners in Korea and (b) a section for special liaison with the police, then the pre-requisites would be present for that type of control of "foreigners", which has become identified with the "police state". This type of control stifles normal international relations. It is dangerous because the Koreans, familiar with Japanese methods, would consider it as natural and customary, while the Russians could not conceivably offer any objections to it.

IV - Cultural Promotion:

The Cultural Relations Section should be circumscribed by careful regulations designed to prevent the growth of the false "Greater East Asia" type cultural network which the Japanese set up. If it is desired to emphasize and develop cultural contacts on a great scale, the Cultural Relations Section should provide the channels for communication and processing, but the program should be developed by private groups and societies. The Department of Education working in close cooperation with the professional societies, would provide a reasonable agency to initiate and develop a program of international cultural exchange, if government assistance were thought necessary. Cultural promotion as a government program is feasible only if there is no danger of ideological bias. Those nations which in the past have set up huge cultural associations have, with few exceptions, used such organizations for much less worthy purposes. In Korea, under the provisional Government, culture would best be left in the hands of private agencies.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Ltr. fr OFA, USAMGIK, to U.S.Subcommission No. 3 American Delegation, U.S.-U.S.S.R. Joint Commission, subj: "Information on Present Governmental Structure and Function", dtd 4 June 1947.

6. QUESTION (Ref. par. 4): Which do you feel are the principal aspects of your governmental function that are likely to present special difficulties in solving the problems of amalgamation?

ANSWER: The principal problems of amalgamation will revolve around the status of the USAMGIK Liaison Offices in China and Japan. At present the Department of Foreign Affairs maintains two offices in Japan (Tokyo and Osaka) and two in China (Shanghai and Tientsin). In Japan, our two offices have the character of ordinary military liaison offices. The American officer in charge of each office is on temporary duty with MG Section of 8th Army. They are liaison officers from one U.S. Army Headquarters to another. Their Korean staffs were admitted to Japan as civilian employees of USAMGIK, travelling on orders of Hq XXIV Corps. In China, the situation is very similar. Lt. Ibragimoff at Tientsin is on temporary duty with the 1st Marine Division as Liaison Officer from Hq USAMGIK. Mr. Parker at Shanghai is attached to American Consul as a Liaison Officer from Hq USAMGIK. Therefore, as soon as the Provisional Government takes over from USAMGIK, the status of our overseas offices will be subject to immediate review. It is not possible that existing arrangements would continue after Hq USAMGIK ceased to exist. It is entirely possible that since they could no longer be considered military liaison officers, our liaison personnel overseas would have to be recalled until other arrangements could be made to accredit them as regular missions.

To the best of our knowledge the North Korean government does not maintain any liaison offices abroad.

WM. F. CHAMBERS
Colonel AGD
Adviser to the
Director

2 Incls:
1-Existing Organization with Chart.
2-Chart of Recommended Organization.

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NND 760090
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HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Office of Korea Civil Service
Seoul, Korea

AGS 3 June 1947.

SUBJECT: Present Structure and Function of Korea Civil Service and Recommendations for Similar Function in the Provisional Government for Korea.

TO : U.S. Subcommission 3, American Delegation, US-USSR JOINT COMMISSION, Seoul, Korea.

1. In compliance with request made in Par. 3, letter from U.S. Subcommission 3, American Delegation, US-USSR JOINT COMMISSION dated 22 May 1947, report from Korea Civil Service is included in the following paragraphs.

2. The functions of Korea Civil Service as established by Ordinance 69 dated 20 April 1946 are considered all inclusive for any sound system of government personnel administration. The one function mentioned in this ordinance which has not been performed by this office in the past is the administration of the retirement system for government employees. This function should be included under the civil service system of the provisional government.

3. All present functions listed in Ordinance 69 should be continued in the personnel office of the provisional government.

4. None of the functions listed in Ordinance 69 should be combined with functions of any other governmental agency.

5. It is not considered advisable nor desireable for widespread or drastic changes to be made in the structure or particularly the outline of major functions as described by the present organizational structure of Korea Civil Service.

6. Amalgamation of the functions of personnel administration existing in north and south Korea at present can best be accomplished by a transitional control board, or "civil service commission" composed of an equal number of members presently employed in personnel administration from north and south Korea, and in addition a chairman of this commission to be selected from outside either present group of government officials. It is recommended that two present personnel administration employees be selected from north Korea and two of the same from south Korea; making a total of five officials of the commission.

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

...da to Subcommission 3 Sub: Present Structure and Function of ... etc. dated 3 June 47. (Contd)

7. The basic concepts of democracy which are applicable to the selection of individuals to serve in the Korean government and which must not be compromised by American members of the Joint Commission in establishment of the provisional government will depend largely upon the application of sound principles of personnel selection and not primarily upon the physical structure of the personnel system.

8. It is strongly recommended, therefore, in light of the statement made in paragraph 7 above that most careful consideration be given to the establishment of the system of personnel selection. It is of the greatest importance that safeguards be established to insure that individuals are selected for the government service on the basis of their actual qualifications, to include; education, experience, character and loyalty, and aptitude for the particular duties to be performed -- and that no preference be given because of religious belief, political ideology or social status.

9. It is not the duty of a government personnel office to "appoint" individuals to government positions, but rather to furnish heads of governmental agencies with an eligible list of qualified applicants for each position. Qualifications of applicants with reference to education, experience and character must be thoroughly investigated and in addition adequate mental and physical examinations for particular types of positions must be given before an individual is included in an eligible list.

10. It is recommended that persons be selected for the provisional government as follows:

a. That initially, the chief executive and deputy chief executive be elected by popular vote in a manner prescribed by the Joint Commission and after eligible candidates are approved by the Joint Commission; that national department heads, commissions etc. be selected by the Joint Commission, (as employees of individuals to fill each position may be secured from the national personnel offices from north and south Korea); that heads of all geographical subdivisions of the provisional government be elected by popular vote within respective areas at the same time the chief executive and deputy chief executive are elected -- the Joint Commission to approve candidates for provincial chief executives only.

b. That all lesser employees be selected, (or present employees in the north or south Korean governments be approved for retention), in accordance with similar provisions as indicated by Ordinance 133 dated 19 March 1947, with the Joint Commission confirming such actions, and insuring that this adjustment is made gradually to prevent disruption of governmental functions.

H. H. B...,
Lt Col., A.G.D.,
Advisor to the Director ...

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NND 760090
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HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
APO 235 Unit 2

MGFFA

31 May 1947

SUBJECT: Reply to Request for Information on Present Governmental Structure and Functions of National Food Administration

TO : Chief Advisor
Hq United States Army Military Government in Korea
APO 235 Unit 2

TO : Chairman, U.S. Subcommission #3
American Delegation
US-USSR Joint Commission
Seoul, Korea

1. At the present time the American advisors to the National Food Administrator know of no departmental functions not now being performed which should be performed by the Provisional Government. [illegible] know of any departmental function which should be eliminated or combined with other existing departmental functions.

2. It is respectfully suggested that the realization of the functions of collecting and distributing food in north and south Korea can best be accomplished by means of the establishment of a transitional central board. Such a control board should be composed of a representative of the USA who is thoroughly familiar with the food situation in north Korea, a Korean official who has been actively engaged in the collection and distribution of food in north Korea, the National Food Administrator of south Korea and the American advisor. In the event of inability to reach a majority decision the specific matter could then be submitted to the appropriate Subcommission of the Joint Commission. The control board should be empowered to call upon the respective officials and their assistants in north and south Korea for any and all information pertaining to the collection and distribution of food.

3. The inequitable distribution of food in north Korea offers a special difficulty. It is reported that many of the Koreans north of the 38th parallel have had to do without an adequate amount of food. Those in charge have followed a policy which granted special consideration to all of the essential laboring groups at the expense of others. It is also reported that all of the land is not being cultivated and that

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(ltr to Chairman, U S Subcommission #3, American Delegation, US-USSR Joint Commission, Subj: Reply to Request for Information on Present Governmental Structure and Functions of National Food Administration, dtd 31 May 1947)(Continued)

in many instances Koreans have deserted their farms. On the basis of information now at hand it is reasonable to suppose that the amount of food per capita in north Korea at the present time is considerably less than that for south Korea.

5. It is not believed that the functions of the National Food Administration in south Korea would have to be drastically changed or that any special difficulties would have to be overcome in case of the establishment of a Provisional Government.

CARLTON J. [illegible] HILTON
Colonel, Cavalry
Deputy Advisor to
National Food Administrator

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HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Office National Price Administration
APO 235 U.S. 2

3 June 1947

SUBJECT: Information on Structure and Function of Price Administration in South Korea

TO : Chairman, US Subcommission No. 3
American Delegation, US-USSR Joint Commission

THRU : Chief Advisor, United States Army Military Government in South Korea

1. The Office of National Price Administration was organized to function within the overall policies formulated by the National Economic Board in contributing to the establishment and maintenance of economic stability, and in particular the establishment of which has been the development of a stable price structure at an economically sound and socially desirable level.

2. At present the work of Price Administration consists of:

a. Establishing prices in consultation with interested governmental agencies on materials manufactured in vested plants or in privately owned factories utilizing military government owned raw materials.

b. Establishing buying and selling prices on imports received under Civilian Supply Program.

c. Recommending selling prices on goods to be sold by Material Control Corporation.

d. Investigation of proposed prices to be paid for purchase of locally produced materials to be used for occupational personnel to prevent profiteering and undue fluctuations in the price level.

e. Inspection of controlled distribution channels to insure compliance with price regulations, memoranda, and selling agreements and to prevent leak of materials into unauthorized hands.

3. In general a rational price policy has been built up by using the same formula utilized in determining the current price of rationed rice, viz. 56 x the average of the (1947-1938-1935-1934) year prices.

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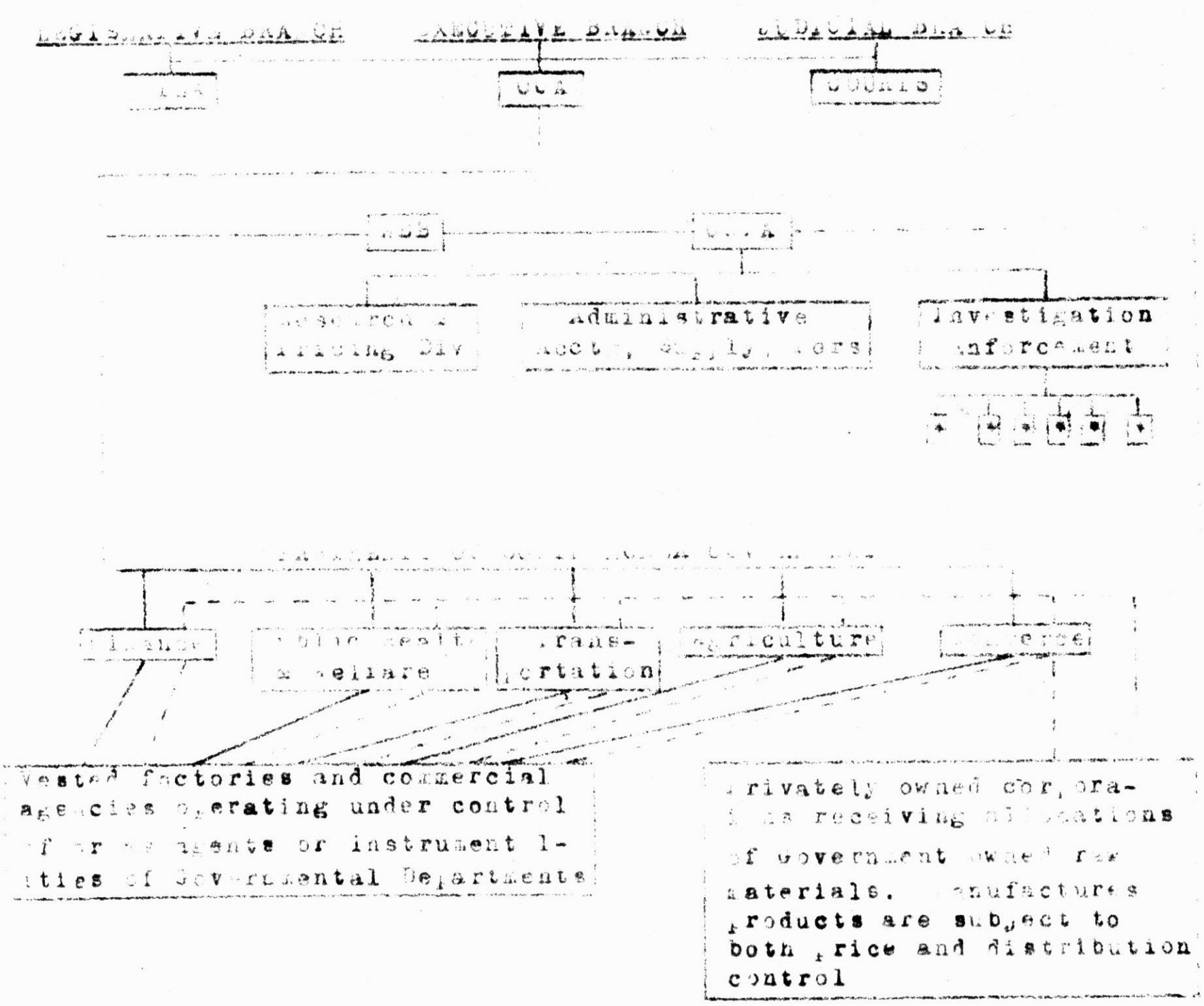
(ltr, SCAP, Hq USAMGIK, dtd 3 June 47, con't)

However, due to the dislocations caused by the war, disruptio of international trade and most important - the separation of North and South Korea many exceptions to this general rule have necessarily developed.

. Diagram showing organization of OIA and its relationship to other governmental agencies vested and non-vested facilities.



*Provincial Investigation Enforcement Branch Offices

----Dotted line represents channels thru which price controls are exercised.

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c. Information available to this office concerning the policy, organization, and administration of price controls in North Korea is not only incomplete but also of questionable accuracy and reliability. Reports indicate that pricing functions along with authority for allocating are exercised by the local Commerce Department officials whose decisions are based upon recommendations of the factory manager concerned, which are limited by his cost production figures. These prices are subject to approval by the local peoples committee while in the case of large factories or essential materials, price determination and authority for deciding distribution is exercised by officials on the national level of Dept of Commerce, subject to approval of the central peoples committee.

d. In as much as the economy of North and South Korea is largely under state control and requires a great deal of aid, in the form of raw materials, technical advice and industrial equipment, both now and in the foreseeable future, it is felt the present economic controls will be maintained.

e. As it is proposed to merge the existing political departments and agencies of North and South Korea, it would appear that the present organization of price controls would be able to continue to operate effectively.

f. It must be borne in mind that it will be difficult to maintain the policy of both Americans and Russians to encourage the development of a government that will be friendly to their country and its interests, this will necessarily entail different objectives if not an actual operating procedure. For this reason it is felt that a transitional control board composed of Korean members from North and South Korea with American and Russian advisors. It is felt that a single coordinating officer with assistants will not be practical because the diverse interests of the participating countries could not be reconciled in one official. Another aspect to considered here is the desirability of retaining the pricing policy on the large volume of imports under the Civilian Supply Program in the hands of the American advisor to this board. The Korean composition of the unified price administration organization could be increased by the addition of new members from North Korea, their number to be proportional to the population of North Korea. Since approximately 1/3 of the population lies north of the 38th parallel, that proportion could exist in the members of the other major political

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(ltr, MIA, H, USAMGIK, dtd 3 June 47, con't)

3. Some factors to be considered that will probably present special difficulties are:

a. Attitude of North Korea members on price control on production of private industry. Policy in South Korea is to create a free market on all commodities not manufactured in vested plants or from Government owned raw materials. In operation this should not be insurmountable a viewpoint to reconcile as price controls on private industry are found to be unenforceable in South Korea and reports from North Korea indicate that a flourishing black market exists on most items not actually in the hands of governmental agencies.

b. Available information indicates an appreciable difference in price and wage levels in North and South Korea. Consideration should be given to the problems arising from this inequality.

Attached are copies of directives pertaining to operations of this office.

[illegible] M. Fields
Captain [illegible]
Asst Advisor to
the Director

Encl:
Incl 1 Ord #30
Incl 2 Ord #120
Incl 3 NKA #1
Incl 4 NKA #2 (Not approved by MG as of 4 June 47)

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HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Office of Property Custody
Seoul, Korea 4 June 1947

SUBJECT: Office of Property Custody Structure and Functions.

TO : Commanding General
United States Army Military Government in Korea
APO 235 Unit 4
ATTN: Chief Advisor, USAMGIK

1. The Property Custodian, USAMGIK, is responsible to the Military Governor for all Property Custody activities in Korea South of 38° North Latitude. This trust, covering all property in which Japan or any Japanese citizens had an interest, is fundamentally an American concern having little to no way on the Korean governmental structure or functions. The duties and responsibilities of the Property Custodian, USAMGIK, are subject only to the checks of the Military Governor and/or higher American headquarters. As such, it is the belief of the Property Custodian that his function should be one of the first to be taken over by the State Department.

2. Due to the probability that administration of [illegible] in Korea north of 38° North Latitude is fundamentally different from that [illegible] in this zone, the Property Custodian, USAMGIK, is of the opinion that consolidation of his Office and that of the Property Custodian's Office prior to action by the Four Powers is inadvisable if not impossible.

3. It, therefore, appears that the objective should be:

a. Maintenance of separate Property Custody organizations in each zone.

b. Establishment of a strong and well staffed liaison office to work out problems arising out of conflicting interests.

c. Establishment of a Korean Provisional Government Property Custodian to whom property can be transferred by Custodians from both zones as rapidly as directives of appropriate authority permit.

4. From a business point of view, the Property Custodian, USAMGIK, will be constantly harassed by the Communistic ideology which, basically, is opposed to the American free enterprise viewpoint. Examples of problems which will arise are:

a. The President or Board of Directors of Korean companies with head offices in Seoul and owning property North of 38° North Latitude will wish to see their property.

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BASIC: Ltr. dtd 4 June 47 to C/G, USAMGIK, Subject: "Office of Property Custody Structure and Functions".

4. b. In many cases a second cause for difficulty will be cases where banks located in Seoul have loaned funds to plants and/or companies located North of 38° North Latitude.

c. Stock ownership will permit Russians to request balance sheets and income statements while preventing Korean managers from checking the physical assets of the companies located North of 38° North Latitude.

d. The change in Custody Order #8 to that of Custody Order #9 in which the Korean Department Head runs vested businesses may well embarrass the Property Custodian, USAMGIK, in the operation of his properties should a Korean sponsored by the Russians become head of a Provincial Korean Government Department which operates businesses for the Property Custodian.

HARRY D. BISHOP
Lt. Col. FA
Property Custodian

Incl:
Secret III US 2, 23 May 47
Copy No. 9 (3 pages)

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HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
SERVICES OF CIVILIAN SUPPLY
APO 235 UNIT 2

5 June 1947

SUBJECT: Request for Information on Present Governmental Structure and Function

TO : Chairman, Sub-Commission #3, American Delegation, US-USSR Joint Commission, Hqs, USAMGIK, Seoul, Korea

1. Pursuant to secret letter, U. S. Sub-Commission #3, American Delegation, US-USSR Joint Commission, File III, U. S. II, subject: "Request for Information on Present Governmental Structure and Function", of 22 May 1947, the following plan for combining Services of Civilian Supply with department activities under favorable decision of the US-Russian Joint Commission for North and South Korea to be consolidated into a Provisional Government, is presented.

2. STEP ONE. To form a high level policy committee for civilian supply in Seoul, Korea, consisting of:

One representative of the XXIV Corps
One representative of the Soviet Command
The Advisor to the National Economic Board
The Chairman of the National Economic Board
The Advisor to the Dept. of Commerce
The Director of the Dept. of Commerce
The Advisor to the Dept. of Agriculture
The Director of the Dept. of Agriculture

The representatives of the United States Army Command and the Soviet Command to be, preferably, a newly created G-5 post filled by an army officer of Colonel or higher rank, or a qualified civilian of comparable rank, and not to be connected with the military tactical supply mission of either force.

8

3. STEP TWO. Reference paragraphs 3, 5, and 7, above subject letter:

Reference para. 3. a. All of the activities of USAMGIK Services of Civilian Supply under a State controlled economy, are such that can and should be performed by a department of the Provisional Government; i. e.,

(1) Procurement processing and expediting should normally be performed by or under the direct supervision of the Dept. of Commerce thru the Bureau of Foreign and Domestic Commerce.

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By _____ NARS, Date _____

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Subject: Request for Information on Present Governmental Structure and Functions, dtd 22 May 1947

(2) The port warehousing and forwarding operations of USAMGIK Services of Civilian Supply are normally performed by private enterprise in a democratic government. Under a State controlled economy, and due to the mission of training Koreans to operate import/export enterprise, it can and should be performed by or under direct supervision of the Bureau of Foreign and Domestic Commerce, with the proposed organization and functions as follows:

(a) Maintain the organization and functions of USAMGIK Services of Civilian Supply in its present form.

(b) Change the title of USAMGIK Services of Civilian Supply to "Korea Commercial Corporation" or some other suitable commercial name.

(c) Place the Korea Commercial Corporation under the jurisdiction of the Bureau of Foreign and Domestic Commerce, Dept. of Commerce, as a non-profit operating import/export corporation.

(d) Transfer export functions now performed by Bureau of Foreign Commerce to the responsibility of the Korea Commercial Corporation.

(e) Integrate the economic section of the Bureau of Economics within the framework of the Procurement Branch, Korea Commercial Corporation.

(f) Korean-ize all levels of the Korea Commercial Corporation and train Korean counterparts during the Provisional Government period, to carry on import and export transactions when the permanent government is finally organized.

3. b. There are no departmental functions in USAMGIK Services of Civilian Supply to be eliminated.

3. c. All present functions should be combined with the Dept. of Commerce.

3. d. It is not considered drastic or widespread changes in the structure of the Bureau of Foreign and Domestic Commerce or Services of Civilian Supply will be necessary in the amalgamation. However, it is felt that procurement action and operations now carried on by the National Economic Board should be discontinued and these responsibilities all be vested in the Dept. of Commerce, with policy and planning supervision by the National Economic Board as provided for in Ordnance 90, subject: "Economic Controls", Sections 1 and 2, dated 28 May 1946.

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Subject: Request for information on Present Governmental Structure and Functions, dtd 22 May 1947.

Reference para. 5. b. It is believed integration of USAMGIK Services of Civilian Supply with Dept. of Commerce can be accomplished by single coordinating officer and assistants, and will not require a Transitional Control Board.

Reference para.7. In the opinion of the undersigned, there are no governmental functions performed by USAMGIK services of Civilian Supply that should present special difficulties involving the problems of amalgamation. In the event USAMGIK services of Civilian Supply is analgamated with the Dept. of Commerce as above recommended, and the activity be continued as a governmental supervised non-profit corporation, it should function efficiently and with a minimum of administrative difficulty while being operated as a State controlled activity, and should at any time be so organized to be divorced from the control of government and become a private operating import/export corporation, or furnish from its personnel trained koreans for the establishment of several import/export agencies and/or warehousing (forwarding) companies.

4. The above plan of amalgamation is based upon the assumption the Soviet Government's import and export organization and functions practiced north of the 38° parallel are comparable to the basic import and export functions practiced in South Korea, Japan and United States, and should not entail added confusion and administration under a unified Korea.

5. In view of the American and Soviet Army Commands having specific administrative responsibility in regard to the civil administration of Korea, it is considered advisable that the high level staff above referred to should be organized and concerned only with civilian supply policies and activities, and should be responsible for the coordination of all civilian matters between the army commands and military government. It is the opinion of the undersigned this is especially important in view of the possibility of having both American and Soviet advisors to military government activities.

6. In the event the armies of the United States and Russia should withdraw from civil administration in Korea, it is the opinion that such a committee should continue to function, the military representatives being replaced by members representing the major departments of the American and Russian governments having administrative responsibility over the Korean Provisional Government.

[redacted] J. [redacted]
Colonel, [redacted]
Director

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NND 760090
By _____ NARS, Date _____

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HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Department of Agriculture
APO 235 Unit 2

SUBJECT: Request for Information on Present Governmental Structure and Function

THRU : Chief Advisor, USAMGIK

TO : Chairman, U.S. Subcommission No. 3
American Delegation US-USSR Joint Commission
Seoul, Korea

1. In answer to request contained in paragraph 3, letter your office, subject as above, dated 22 May 1947, the following comments are offered for consideration:

a. The only function foreseen at this time not now being performed by the Department of Agriculture but which should be included under unification, is the establishment of a type of agricultural Extension Service designed to (1) increase production of farmlands; (2) to raise living standards of the farmers; (3) disseminate agricultural information; (4) train farmers in improved practices.

b. No elimination of Departmental functions is foreseen other than those already covered by the recent reorganization. Unification should not present any big problems as far as the logical functions of the Department of Agriculture are concerned.

c. Comments of previous sub-paragraph also apply to the question of combining present Departmental functions. This has been accomplished by the recent reorganization and should not be materially affected by unification.

d. No drastic changes in structure are foreseen as concerns unification.

e. It is believed that amalgamation could be accomplished most expeditiously through the use of a transition

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BASIC LTR: Hq USAMGIK, Dept of Agri, Subj: Request for Info on Present Governmental Structure and Function, dtd

control board composed of the following:
1 American
1 Russian
1 Korean (from South Korea)
Since South Korea is predominately agricultural, especially as compared to North Korea, we feel that the Korean member should be from South Korea.

f. As far as departmental structure is concerned, we do not foresee any conflicts incident to amalgamation. This is based on the assumption that the structure of Agriculture Department, North Korea, is substantially the same as ours in South Korea. The functions are no different.

g. There are obstacles to smooth amalgamation which may present difficulties. It is felt that differences in basic idealogy will be evidence in the land reform problem, private ownership, private enterprise, methods of controlling and enforcing production, and in the matter of political propaganda being disseminated via the extension service. Other obstacles may be encountered in matters of financing irrigation works and in the administration of vested property.

2. Inclosed are additional comments and recommendations of various advisers in the Department of Agriculture. These are submitted as a supplement to comments contained here.

C. M. TATUM
Major AC
Adviser

1 Inclosure
Incl 1 - Additional comments by 14 advisers of the Department.

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NND 760090
By _____ NARS, Date _____

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SUBJECT: Amalgamation of Departments of Agriculture under Unification.

TO: Major Whitehouse

1. The only Departmental function envisioned, not now being performed by the South Korean Department of Agriculture, but should be under a unified Department, is the establishment of a type of extension service to increase the production and standard of living of the rural populace.

2. There are no Agricultural Departmental functions that should be eliminated due to unification. The functions now being performed are deemed necessary and will be just as necessary when the country is unified.

3. There are no functions forseen that should be combined that have not been already considered in the recent reorganizations.

4. It is believed that amalgamation could best be achieved by a transitional central board representing U. S., Russia, and the Korean Provisional Government.

5. I can see no reason for dangerous conflictions within the Department of Agriculture so far as amalgamation is concerned. That is, based on the assumption that their organizations and functions are similar to ours. There is quite apt to be a conflict however, on such specific problems as a land reform, political propaganda dissemination thru and extension service, methods employed in controlling and enforcing production, private ownership and enterprise, etc.

6. No specific difficulties are envisioned in the amalgamation within the Bureau of Agricultural Economics. It is believed that the Administration of Korea as a whole, will require additional personnel. If the organization in North Korea is similar, the Bureau should be able to absorb many persons now functioning as rural Economists. Necessary attrition will result, dependent upon the political party in power as decided by the free elections of a Provisional Government.

7. It is believed that the work of American and Russian advisory personnel should be established around a system whereby the Department of Agriculture would have an administrative advisory staff, employing both American and Russians and assisted by both American and Russians operating as inspectors and on the spot advisors. These persons could make inspections and advise the joint Administrative staff as to recommended action necessary by the Korean Department of Agriculture.

WILFRED C BECHER
Maj, FA
Bureau of Agr. Econ.

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NND 760090
By NARS, Date

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SUBJECT: Comments on Government Structure and Function for U.S. Sub-Commission

In considering amalgamation of the North and South Governments of Korea it is believed that a Transitional Board is the only acceptable solution for control. While a single head as a commissioner with advisors would probably account for greater efficiency, I would not think of the Americans agreeing to giving this position to a Russian, and for the same reason we could hardly expect the Russians to give this position to an American. The Board is a compromise.

Amalgamation will require a large increase in personnel - very likely a 100$ increase. This will allow the Russians to place in whole their present North Korea Communist Government along side the present South Korea Government. The Russians will, of course, not lose any contact by this transfer. The North Korea Government has most likely been selected largely for its political belief while professional ability was given high priority in the South Korea Government. We, have further been placed at a disadvantage by our low civil service rates and insistence on no privileges for government employees.

There is a great need for a closely organized Agricultural Extension Service in Korea. Should such an organization be filled with communists it could wield much influence for it would be far reaching in the every day life of a large percentage of the population.

ISOM DESHOTELS
Acting Advisor
Bureau of Agricultural Prod.

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3. a. (1) Establishment of an Agricultural Extension Service Program to aid in the education of the rural people and the dissemination of techniques and methods for better living and efficient agricultural production.

(2) Establishment of factoral operations of vocational agricultural education throughout the middle schools of Korea. Put into effect the "Learn to do by doing" slogan. This may conflict with oriental philosophy but is of paramount importance.

5. b. By a single co-ordinating officer with assistants.

Why? One good officer can function so much better than a control board and he can select assistants well qualified to work under his directions. Russian or American of Korean??

7. Choice of advisors should be based on proven ability and training regardless of nationality. The idea of trying to keep a balance according to country may introduce difficulties.

R. E. CULBERTSON
E. M. MEADER
Livestock Section
Horticulture Section

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NND 760090
By _____ NARS, Date _____

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SUBJECT: Suggestions Regarding Confidential Memo of Sub-Commission #3

1. The functions of the Veterinary Section should be in the Department of Agriculture. This is in line with the procedure in the United States, and is practical in Korea, in that it puts Livestock and the activities of the Health of Livestock in the same department.

2. The College of Agriculture should be co-ordinated more closely with the Central Experiment Station.

3. There should be a well organized Extension Service to carry to the Korean framers the methods, varieties, and techniques that the Experiment Station has proved to be better than the existing ones.

(The comments above would be pertinent to South Korea, but are more especially important in the light of the amalgamation of North and South Korea).

4. The problem of implementation of the amalgamation, as touched on in Paragraph 5 of the memo, is a very complicated one. One approach would be to have a transitional board of control at the policy-making level, composed of equal numbers of American and Russian Military and civilian personnel. In the actual field of operations the present line could be maintained during the transition with the Americans functioning in the area south of the 38th Parallel, but with more freedom of travel from one section to the other.

5. There will undoubtedly be many special difficulties that will arise in the course of the amalgamation. All will be underlain by mutual distrust of the Americans, the Russians, and the Koreans. As a means of eliminating, or, at least, ameliorating this distrust, the initial planning should be done with the utmost frankness on the part of all concerned. This may hurt some feelings at the outset, but will lead eventually to a real understanding between groups involved.

G. H. BANKS
Acting Advisor
Production Section

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By _____ NARS, Date _____

HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Department of Agriculture
Bureau of Agricultural Production
APO 235 Unit 2

2 June 1947

SUBJECT: Unification Program

TO : Advisor, Bureau of Production
Department of Agriculture

1. New activities which should be included under the unification program.

The Department of Agriculture should work towards the establishment of an Agricultural Extension Service to be closely co-ordinated with the Experiment Stations and Agricultural Schools.

2. Unification plan

I can think of no organizations that would be effective under the many difficulties that will be encountered. Perhaps a joint American-Russian advisory board could be appointed to work with the Koreans on National agricultural policies. This board could also co-ordinate the work of various agricultural technicians, such as, agronomists, horticulturalists, entomologists, pathologists, etc., which are so critically needed in Korea. The nationality of the technicians would depend upon the recommendations of the Korean Department and the Advisory board.

E. M. CRALLEY
Farm Supply Section

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HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Department of Agriculture
Bureau of Agricultural Production
APO 235 Unit 2

2 June 1947

SUBJECT: Provisional Government

TO : Advisor, Bureau of Production
Department of Agriculture

1. Suggest that an Extention Service be organized and operated by appropriation only.

2. Large-scale business transactions should be handled insofar as possible by private agencies, rather that by such organizations as KAA and FFA.

3. More emphasis should be placed on research and the dissemination of information. In this connection a section for horticultural crops would be valuable, rather than have these lumped with field crops.

4. Special difficulties may be encountered in handling government-controlled property in that there may be disagreement regarding the degree to which management policies are to be dictated by the government.

J. F. MARTIN
Cotton and Fiber Section

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By _____ NARS, Date _____

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HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Department of Agriculture
Central Agricultural Experiment Station
Suwon, Korea

2 June 1947

SUBJECT: Unification

TO : Advisor, Bureau of Production,
Department of Agriculture

1. In our opinion (if unification takes place) the following plan might be used in the National Department of Agriculture:

a. Two non-Korean advisors with one having charge of final decisions. This plan, of course, has the weakness that a dishonest Korean director could attempt to pit the two non-Korean advisors against each other for his own benefit.

b. If advisors are used for bureaus, one advisor for each bureau should be sufficient with an American being in charge of one bureau and a Russian in charge of another bureau within the Department, carrying this alternation through to sections where advisors are required.

2. We fell that the operation of the experiment station system under a unified program should not rase as many problems as the operation of other agencies of the Department because research and scientific principles are the same regardless of differences in nationalities. However, it is highly recommended that the experiment station system and the Agricultural College be placed under the same directorship and the agricultural program at Suwon broadened to include an extension service.

3. It is felt that the disposal of vested properties will permit difficulties under a unified plan because of differences in idealogy in respect to ownership of private properties.

FORD M. MILAM
Advisor

FLOYD R. OLIVE
Assistant Advisor
Agr Exp Sta

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AMALGAMATION

1 and 2.

A properly supervised election should be held to elect a Korean Chief Executive for all Korea; and Korean legislators from the Provinces on the basic of population, with Seoul as the Capitol city.

3. Production Bureau - Grains and Potatoes. Functions that should be added:

(a) Nationwide regulatory measures by statute for control of certain plant diseases, to increase production. For example - Vendors of seed sweet potatoes and sweet potato cuttings should offer for sale only reasonably disease free seed, and effectively treated cuttings to control sweet potato diseases. This is said to have been required under the Japanese with good results.

(b) A well planned effective program of importing disease resistant varieties of crop plants from the United States and other countries for trial on Experiment Stations in Korea is urgently needed.

(c) Government owned and operated storage facilities for the principal food crops needed for subsistence by the population - for rice, barley, wheat, Irish potatoes, and sweet potatoes.

(d) An Agricultural Extension Service should be established to aid in Agricultural and other problems such as outline above.

Item 5. Amalgamation.

a. By a transitional Board Composed as follows:

American - 3
Russian - 3
Korean - 3

Item 6. No collections of summer grains, rice, or other grains from farmers for rationing or othe purposes, shall be diverted for export to foreign countries without our consent of the Government.

Item 7. Special difficulties in solving the problems of amalgamation:

a. The advisory function must be exercised so as to promote Koreanization.

b. Unimpeded travel privileges as the work load demands to crop production areas and Experiment Stations in all Korea

VHF
2 June 1947

(N.B. - The Korean Government employee should be paid sufficient salary so as to discourage the temptation to engage in politics, or to engage in private business enterprises.)

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By _____ NARS, Date _____

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KOREA AGRICULTURAL ASSOCIATION
Seoul, Korea

2 June 1947

SUBJECT: Korea Agricultural Association

TO : Military Governor

THRU : Department of Agriculture

1. Based on the proposed unification of North and South Korea under an accepted government or anization in the near future, the following comments and recommendations are presented for consideration in utilizing (KAA) Korea Agricultural Association to an advantage.

Part I - History and Function of KAA

2. The Korea Agricultural Association (KAA) was authorized to reactivate and reorganize by direction of the Military Governor (reference letter from Hq USAFIK subject: "Reorganization of Korea Agricultural Association," 28 Feb 46). The reorganization to be guided by regulations set forth in Ordinance No. 1 of 1926.

3. KAA is a National institution well organized down to including the Gun level. Recommendations have been made to extend the organization down to Myun level. At present Myun level operations are supervised from the Gun office. (See accompanying charts)

4. Practically all landowners and farmers are members of KAA insofar as some phase of all agricultural enterprises is dependent on the association.

5. Sources of revenue are:

a. Membership fees
b. Small commissions for handling consumer goods and farm products
c. Government subsidies for special projects
d. Land tax (a sum equal to 25% of the government land tax)

6. Membership of KAA in the eight Southern Provinces in 1945 was estimated at 2,400,000 farm families.

7. KAA operates as a non-profit organization. The activities may be compared with the farm associations of the United States to include extension service, farm cooperatives, livestock associations, marketing bureau services etc.

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NND 760090
By NARS, Date

8. KAA functions are varied. It assists in farm census and statistical work, in the collection of rice and summer grains. It is an important factor in disseminating agricultural information by means of articles in the Farmers' Weekly, press and radio releases and lecture tours. It aids the farmers in securing livestock, feed for livestock, machinery, seeds, fertilizers and farm chemicals.

9. At the present time, two of KAA's major functions, in addition to routine duties, is the distribution of and collection of payments for all the imported fertilizers and the collection and sale of all straw products.

10. KAA is the government's most direct and most acceptable means of contacting the farmers of South Korea and could, with very little adjustment, expand this asset to North Korea.

Part II - Recommendations

11. In anticipating the unification of North and South Korea, it is recommended that the present KAA organization be retained and expanded.

12. That a KAA Council be appointed by the Military Governors of North and South Korea and shall consist of seven Military Government members who are familiar with KAA activities. The members of committee to be appointed from North and South Korea shall be based on the relative population of each section.

13. The duties of this Council will be to advise the Korean officials of the KAA organization on the most acceptable policies needed to coordinate functions in standardizing the KAA in all Provinces of North and South Korea.

14. In the present organization of KAA, the Province Governors are responsible for KAA activities in their respective Provinces and the Gun Masters are the heads of the KAA at the Gun level.

15. The success of any agricultural pursuit is dependent upon the proper dissemination of information pertaining to improved farm practices and rural living; thus it is recommended that KAA develop its present Education and Training or Farm Leading program along the lines of the U.S. Extension Service.

S/ James P. Jennings
JAMES P. JENNINGS
Lt. Col. AC
Advisor to the President

2 Incls:
1 - National Organization Chart
2 - National Level Organization Chart

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NND 760090
By _____ NARS, Date _____

Answer to Paragraph 5:

It is the suggestion of the Advisor of the Department that such an amalgamation should be accomplished by a transitional control board. It should be pointed out that this control board should have representation including at least one member each from the Soviet and the United States Command for each industry and function, but that the additional personnel should be in proportion to the location of the industry. Inspection will show that some industries are concentrated in the North and others are concentrated in the South of Korea. We dislike the idea of a single coordinating officer because the very basic differences in ideology will be centered in the Department of Commerce.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

In Answer to Paragraph 6:

In answering the questions requested, primary consideration must be given not to the individual questions but to the concept of whether or not there will personal property rights and individual enterprise.

Since basic ideology of U.S.S.R. is opposed to these two principals it is a matter of great concern as to whether any joint operation of the Department of Commerce shall be instructed to be a complete control bureau which owns and directs everything by means of gigantic trusts or whether or not there shall be private enterprise for the operation of manufacturing and other concerns.

To the best of our information at present the Soviet controlled area in Northern Korea has already nationalized industry of all type under direct control of what would correspond to our Department of Commerce. Our Department of Commerce has endeavored to work towards the disposing of all industrial concerns to the Korean individuals or companies.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Answers to Paragraph 3 of Basic Communications:

a. No additional departmental functions should be performed by the provisional government unless it is contemplated that there will be a nationalization of all property and controlled by a manufacturing trust. If this is true, an entirely new Department of Commerce would have to be created.

b. The function of property management (vested property) should be discontinued as fast as is possible and preferably before any such provisional government is formed since the operation of industry by individual companies would provide a solid basis for a democratic system.

c. No departmental functions should be combined.

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NND 760090
By _____ NARS, Date _____

Answer to Paragraph 7:

This is best answered by same answer as to Paragraph 6.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

S E C R E T

HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Department of Communications
Seoul, Korea

4 June 1947

MGCOM

SUBJECT: Planning Factors for Unification of Department of Communications Activities of North and South Korea for Consideration of Joint US-Soviet Commission

THRU : Chief Advisor, USAMGIK

TO : Mr. Calvin N. Joyner, Chairman, Subcommission 3

1. GENERAL:

a. The unification of Department of Communications activities of North and South Korea will involve six types of agreements of which two can be handled jointly, two must be handled separately and the other two are dependent upon agreements of the other four. These encompass:

(1) Communications - radio telegraph, radio telephone, telephone and radio broadcasting.

(2) Postal Service - handling of the Korean mail, such as letters, post cards and parcel post both domestically and internationally.

(3) Postal Savings - involves those interest bearing funds paid by the public through the post offices to the National Government as a savings item and the monetary bookkeeping of all accounting involving postmasters.

(4) National Life Insurance - items of premium collection, policy payment, and policy writing of those citizens participating in the National System.

(5) Technical Supply - involving the supply of radio parts, telephone parts, wire, etc., involved in the technical funds of the Department.

(6) Fiscal - budgetary and disbursing activities for and of funds appropriated for the support of the Department.

b. One of the first items to be surmounted is the establishment of a common means of exchange between the now existing portions of Korea. Beyond a short transitional period, monetary collection cannot be made in one zone with the expenses paid in the other or any combination thereof.

2. COMMUNICATIONS:

a. Telephone and telegraph (radio telegraph to be integrated by agreement later).

S E C R E T

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

(1) Plans should be made for re-establishing toll circuits north and south, particularly the circuits in the Seoul-Antung cable to Pyong Yang, the circuits in the Seoul-Wonsan cable and, eventually, for re-establishing the telephone and telegraph circuit between all principal points in North and South Korea. This should be accomplished by the Koreans in North and South Korea and their advisors, collaborating and arranging for the North Koreans to work south to the 38th parallel and the South Koreans to work north to the 38th parallel. As circuits are established they can be made available for official business only and later, at a time to be determined by a committee of the Joint Commission, commercial telephone and telegraph service between North and South Korea can be resumed.

(2) Plans should be made as soon as possible for meetings between the Bureau Chiefs and Advisors of North and South Korea to discuss and bring about the necessary changes in the organization in North Korea so that it can be united with the organization in South Korea to form, from the start, a smoothly operating communications system. Before the occupation of Korea, the National Headquarters of the Communications System, as well as the hub of operations, were in the city of Seoul. The plants are engineered on that basis, and these features of organization should be considered and retained during any discussion for organization changes, preparatory to unification of telecommunications in North and South Korea.

(3) Transitional periods, after unification, during which two kinds of currency would be in use, or major organization changes would have to be made, or utility rates would have to be adjusted, or employees classified in order to establish determining rates of pay under Civil Service laws, should, so far as possible, be avoided. This would leave for the Communications Bureau for the period after unification, minor organizational changes and reconstruction plans which, in themselves, will prove enormous to an organization already depleted of engineers and technicians by the repatriation of the Japanese.

b. Korean Broadcasting Corporation

(1) The Korean Broadcasting Corporation is a juridical corps organized in Seoul, Korea, in 1926. Since 9 August 1945 that part of its property south of 38 deg. N. Lat., has been vested in the Military Government of Korea. (Ordinance #33), dated 6 Dec 45. At present the National Property Custodian exercises over-all supervision, delegating to the Director, Department of Communications, direct management and operation. (Property Custody Order #9, 31 Mar 47).

(2) At the time of surrender by the Japanese, the Corporation owned facilities in the following cities and towns north of

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Ltr, Hqs. USAFIK, Dept of Communications, Subj: "Planning Factors for Unification of Dept of Comm Activities of N. & S. Korea", dtd 4 Jun 47 - Contd.

38 deg. N. Lat: Chonjin, Songjin, Hamhung, Kogen, Wonsan, Sinuijin, Pyongyang, Chimmanpo, and Heeju, consisting of broadcast transmitters and associated technical and commercial equipment, housed on owned or leased property. The unification of this property with that of the parent corporation in Korea south of 38 deg. N. lat., under a joint property custodianship which is presumed to be required for the supervision of all vested property in all of Korea, will be a necessity.

(3) The integration of the production of programs is a subject for study by other agencies, presumably the Department of Public Information, USAFIK, or the Public Information Offices, XXIV Corps.

(4) The Corporation has no reliable knowledge as to the condition of its former facilities or real property in North Korea. Neither has it accumulated supplies or equipment with which to rehabilitate its facilities there. The procurement of such supplies must await determination at high level of policies concerning the procurement of supplies for the rehabilitation of all plant and facilities in North Korea; also, determination by inspection and consultation with representatives of the authority now operating the broadcasting facilities in North Korea, as to what rehabilitation is required.

(5) The Department of Communications and the Korean Broadcasting Corporation stand ready to consult with, and advise a board or commission which may be established to supervise the technical operation and administration of the Corporation's facilities in the two zones pending and working toward complete integration under a Korean Provisional Government, of ownership, operation and administration, and production.

3. POSTAL SAVINGS AND NATIONAL LIFE INSURANCE SYSTEM:

a. (See Inclosure No. 1, which well sets forth the problems of this activity).

4. POSTAL:

a. During the transitional period very little change in handling mail can be achieved. At the present time mail is exchanged between North and South Korea every two weeks, and this appears to be satisfactory to all concerned. This should be continued during the transitional period.

b. International mail for Korea (both zones) is accepted from all countries and no transit charges made for handling mail for North Korea. Terminal charges for handling incoming parcel post (there is no outgoing parcel post) is credited to South Korea and this offsets the expense of handling the outgoing mail for North Korea. At the present time, mail passing between the two zones is subject to examination by the Military authorities

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Ltr, Hqs. USAFIK, Dept of Communications, Subj: "Planning Factors for Unification of Dept of Comm Activities of N. & S. Korea", dtd 4 Jun 47 - Contd.

in each zone. No money order nor postal savings business is carried on between the two zones.

c. During the transitional period, domestic parcel post might be exchanged between the two zones under such regulations as agreed upon for carrying on trade and transporting merchandise by freight or express. If such arrangements should be made, it is recommended that each zone accept parcels from the other and make no charges for transportation. Obviously more parcels would be mailed in South Korea than North Korea, and more postage collected in South Korea, but the distance of haul would be greater for South Korea and this would offset the difference in postage. Each zone should continue to collect postage on matter mailed therein.

d. Before amalgamation of the two zones is accomplished, a uniform rate of postage, money order business and postal savings business must be worked out during the transitional period, and ready to put into operation when the united country begins to operate as such. The designs of postage stamps, and whether or not any of the stamps now in use will continue to be valid for postage, will have to be determined. This should be done by agreement between representatives of North and South Korea with advisers from the Joint US-Soviet Commission.

e. Wages and hours of duty, perhaps, differ greatly between the two zones. A uniform wage and hour law will be necessary and should be worked out jointly with Koreans from both zones. Adjustments should be brought about by Koreans from each zone with advisers from US-Soviet staffs.

f. The methods of accounting for funds differ greatly in each zone and probably both systems have good features. On the other hand, there are, no doubt, many objectional features in each zone. A uniform system of accounting should be worked out by Koreans from each zone with joint US-Soviet advisers, if needed. It is believed that control by provincial governors should be eliminated in North Korea and local bureaus eliminated insofar as postal service is concerned in South Korea, but this might be left to the Koreans. Any system must be uniform for both zones.

g. In South Korea there are first, second, third, fourth and fifth class postoffices. In North Korea, it is understood, the old system of ordinary postoffices and extraordinary postoffices is still in operation. A uniform system of classifying postoffices should be worked out and ready to be put into operation when the country is united.

h. Postmasters should have a uniform method of operating their offices and all be subject to the same regulations, and the regulations given by the national head of the Communications Bureau, or on his authority. Many of the regulations should be enacted into law by the Korean Legislature.

5. SUPPLY:

a. In the absence of information as to maintenance status of equipment in North Korea, any knowledge of their needs, information as to

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

a source of supply and the future plans for credits for supplies are most difficult to make. Supplies for South Korea are arriving and others are on requisition for rehabilitation and maintenance, covering a period of one and one-half years in advance. Supply of such a technical plant is second only in importance to qualified personnel. Before any steps toward supply can be taken, some measure of agreement on the five questions below must be taken:

(1) Who will supply North Korea and who will supply South Korea?

(2) What is the present stock on hand? What equipment and supplies are on order? What plans or programs for future equipment and supplies have been made? When unification takes place will equipment and supplies on hand flow north or south?

(3) Where is the source of supply: Korea? Japan? United States? Russia?

(4) How will cost of equipment and supplies be adjusted? An exchange rate is particularly important in that most of the items of the communications equipment of Korea are of Japanese manufacture. Maintenance parts and materials are, therefore, of Japanese manufacture.

6. FISCAL AND BUDGETARY:

a. Following the establishment of a common currency and leading to unification of Governmental support, the following budgetary procedures - or modification thereof - might be necessary:

(1) Phase One: Functions to be performed jointly.

(a) Each zone to submit a detailed budget to joint-committee.

(b) Budget to be approved and funds appropriated from each zone's Dept of Finance.

(c) Units to operate within approved budget.

(d) Monthly budget reports to be submitted to joint-committee for review.

(2) Fiscal Procedures.

(a) Each zone to have a central Fiscal agency which will work through Postal Savings Directorates in Seoul and Pyong Yong.

(b) Each Postal Savings Directorate to advance funds for payment of budget expenses and be designated to receive

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

all Communications income and transfer to Central Bank.

(c) Method of reimbursing Pyong Yong Postal Savings Directorate for funds advanced to be worked out by North Koreans. Suggest a system similar to ours.

(d) Until a single medium of exchange exists in the two zones, each section will have to operate separately and keep accurate Fiscal records pertaining thereto.

(e) Until the Department of Finance has complete control over the United Korean Treasury, money order records, postal savings balances, and other funds should be kept in each zone and amounts should be carried as book balances by each Postal Savings Directorate and a consolidation be made at time a single medium of exchange is set up. South Korea to manage the International Mail Account in US Treasury.

(f) No Postal Savings or Postal Insurance to be recognized out of zone.

(g) Issues of stamps to be controlled by joint-committee.

(3) Phase Two would be approached and entered after the completion of Phase One. Functions to be under single agency. This cannot go into effect until the two sections of the country have a common medium of exchange and the National Bureau of Budget has assumed authority over an "all Korean" Budget.

(a) Budget procedures, as designated by Bureau of Budget, National Government.

(b) Fiscal Procedures, as now handled by Postal Savings Directorate and Fiscal Bureau.

7. Information in South Korea, and it is believed in North Korea as well, (following the old Japanese system) reveals that each postmaster performs many functions outside of handling the mail. Some of these functions are as follows:

a. Is financing paymaster for all Department personnel and performs contractual service in the vicinity of his post office whether they belong to the Postal Bureau or not.

b. In towns where there is a telephone exchange in his office (and most of them are) he serves as local manager of the telephone, telegraph and radio telegraph system.

c. Collects national and provincial taxes and receives payments for such taxable products as tobacco, drugs (narcotics), and jinseng. Receives payments of licenses involved in handling same.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Ltr. Hqs. USAFIK, Dept of Communications, subj: "Planning Factors for Unification of Dept of Comm Activities of N. & S. Korea", dtd 4 Jun 47 - Contd

d. Sells revenue stamps to the public for use in paying documentary taxes and court fines.

e. Furnishes the only means of small money transfers.

f. In conjunction with regular duties, is receiving and paying agent, operating a bookkeeping transfer savings system.

g. In some localities, acts as receiving agent for broadcast receivers licenses fee.

h. Is the direct agent between the public and the Government in the Postal Savings System.

i. Acts as local agent for sales, premium collections, payments of death benefits and other cash disbursements to policy holders of the National Life Insurance System.

j. Performs a like service in the Postal Annuity System.

k. Disburses pensions to retired Government employees.

8. In South Korea there are 646 post offices. It is not definitely known how many remain in existence in North Korea but it is presumed to be between 350 and 370.

9. Inasmuch as the scope of activity of the Department of Communications covers such a wide field of diversification and is the collecting source, in excess of one-half of the national wealth in taxes and other revenues, it can be foreseen that unification will be most difficult to accomplish. It is believed it will be far more difficult than that of Transportation, Justice, Commerce and many other activities of the Government. It is, therefore, <u>strongly</u> recommended that early representation and information be had that the vital functions embraced in Communications have an opportunity of contributing direct support to any unification activity.

1 Incl.
Recommendations re Postal Savings & Ins Bureau

ROY C. ELLIONS
Colonel, Sig C

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NND 760090
By NARS, Date

HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Department of Education
APO 235 UNIT 2

3 June 1947.

SUBJECT: Department of Education Plans.

TO: U.S. Sub-Commission 3
American Delegation
US-USSR Joint Commission.

THRU: OCA.

1. (3a) Departmental Functions not now performed which should performed by Provisional Government:

a. Standarization of teacher training and teacher certification should be carried out as soon as possible. Abnormal conditions have made this impossible thus far.

b. Preparation of educational tests and measurements and the use of the same throughout the school system.

c. Improvement, instruction and direction of school architecture.

d. Development of special classes for children handicapped by special mental and physical defects, or by lack of development.

12

2. (3d) Change in structure:

a. Under an amalgamation of present governments of North and South Korea it would seem desirable from the U.S. point of view to separate the Adult Education from the Bureau of Culture.

b. A detailed chart is not necessary for structurally simple change. Adult Education could be included under responsibilities of the Bureau of Schools. Under such a plan its curricula and content of educational materials could be better supervised and better coordinated with total plan of education.

3. (5) A detailed plan for "amalgamation" was prepared by former Advisor to the Director and is attached herewith. However no such plan should originate with USAMGIK; nor should two conflicting plans, one originating in North Korea and one in South Korea have to be adjusted to fit each other. Recommend:

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

a. That a transitional Control and Planning Board be appointed.

b. That said Board be composed of:

(1) 4 Korean representatives of the Department of Education of South Korea.
(2) 3 Korean representatives of the Department of Education of North Korea.
(3) 1 American Advisor.
(4) 1 Russian Advisor.

c. That the said Board temporarily direct the continued functions of the existing educational structures and organs with as little disturbance of these functions as possible.

d. That the Board be authorized to employ American, Russian, or other foreign educational specialists as advisors on special problems.

e. That said Board prepare a plan for a National Department of Education and a National Educational system, this plan to be submitted to the Korean Provisional Government for approval.

4. (7) The Idealogical conflict will be acute in all phases of education. It seems probable that it will be most acute in:

a. Textbooks where there may be an attempt to indoctrinate through content.

b. Adult Education where again mass instruction of illiterates will offer opportunity for special indoctrination.

c. Normal Education, where there will be an attempt to control the future teachers of the country.

In view of above it would be desirable to demand that as a basic principle political indoctrination shall not be carried on through the school system.

H. Underwood

HORACE H. UNDERWOOD
Advisor to the Director
Department of Education

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NND 760090
By _____ NARS, Date _____

SECRET

HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Department of Finance
APO 235 Unit 2

2 June 1947

SUBJECT: Structure and Functions of the Department of Finance

TO : U.S. Sub-Commission No. 3,
American Delegation
US - USSR Joint Commission,
Seoul, Korea

ATTN : Chief Advisor, United States Army Military Government in Korea,
APO 235 Unit 2.

1. Present structure. The Department of Finance is composed of five bureaus:

a. Monopoly Bureau is responsible for: (1) the processing and distribution of tobacco products; (2) production and distribution of salt; (3) and control and distribution of ginseng. (The fourth state monopoly, opium, has been abolished since liberation. Cultivation of opium poppies is prohibited in southern Korea and the control of narcotics for medical purposes has been transferred to the Department of Public Health and Welfare.) The Monopoly Bureau continues to be a major source of revenue for the government.

13

b. Financial Institutions Bureau is responsible for supervising the operations of all banks, financial associations and insurance companies. The Bureau controls the operations of the Bank of Chosen, the bank issue, and administers the foreign exchange regulations.

c. Bureau of Accounts is responsible for maintaining complete records of all national income and disbursements.

d. Bureau of Internal Revenue is responsible for supervising the collection of all national taxes, direct and indirect.

e. Bureau of Customs is responsible for inspection of incoming goods and collection of customs duties.

2. The Bureau of the Budget works in close cooperation with the Department of Finance but is an independent co-ordinating and planning agency attached to the Office of the Civil Administrator. Attachment I shows the organization of the Department of Finance.

3. Changes necessary in Establishing the Provisional Government. All present functions of the Department of Finance should be continued by the Provisional Government. The responsibilities of the Department are logically divided among the bureaus on a functional basis and no

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

VII: Structure and Function of the Department of Finance (Cont'd)

Changes in structure or transfers of responsibility appear to be necessary or desirable. The Bank of Chosen, however, does a commercial banking business and a new government-owned central bank should be established to perform central banking functions exclusively. Administration of the foreign exchange controls might logically be delegated to the central bank.

4. Problems of Amalgamation. It is essential to the integration of the Korean economy that a uniform financial system be established. The following steps are necessary:

a. A uniform currency
b. A central bank
c. Re-establishment by the head offices of financial institutions of control over all their respective branches in Korea and unrestricted clearance of checks and drafts throughout Korea.

d. Uniform foreign exchange controls
e. Uniform tax system
f. Uniform credit policies
g. Nation-wide budget

5. The solution likely to prove most difficult to reach is the treatment to be accorded financial institutions. In the South, military Government has vested Japanese interests in the institutions but has not disturbed the rights of creditors and depositors. In the North, branches of the institutions (all have head offices in Seoul) have reportedly been merged into new banks established by the Interim People's Committee of North Korea. The final disposition of the assets of the banks and claims of their depositors and creditors in the two zones will present an extremely complicated problem. It is recommended that the U.S. Delegation insist that assets of the financial institutions be returned to Seoul and that in turn, creditors rights be recognized. Taxes, customs, budget, exchange controls, establishment of a central bank and conversion of the currency are inherently less difficult and might be worked out largely on a technical level. A uniform currency and unrestricted clearance of checks are the first essentials of normal trade throughout the peninsula. They might be instituted even in the absence of agreement or more complete unification at this time. Past payment of taxes to the two zonal administrations and past expenditures of the two interim governments might be recognized and the uniform system of public finance inaugurated as of a given date. The factor most likely to cause a difference of opinion to develop in this field is the type of obligations to be assumed by the Provisional Government. It is recommended that the American Delegation insist that the future Korean Government assume all obligations for normal governmental expenditures in the two zones with settlement for occupation expenditures and for supplies provided Korea by the occupying powers postponed for the time being.

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

SUBJ: Structure and Function of the Department of Finance (Cont'd)

4. Method of Transition. Recommend the appointment of a Korean Minister of Finance with one American and one Soviet advisor (plus staffs as they require) to assist him in implementing the policies established by the Joint Commission. Zonal agencies would continue to function until actual amalgamation could be effected by the ministry in each field of activity.

ALLAN IOFFE
Advisor to the Director
Dept. of Finance

I Incl:
Organization Chart for the Department of Finance

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HEADQUARTERS
SOUTH KOREA INTERIM GOVERNMENT
Department of Public Health and Welfare
APO 235 UNIT 2

MGPHw

4 June 1947

SUBJECT: Information on Governmental Structure and Function, Department of Public Health and Welfare

TO : Chairman, Subcommission No. 3, American Delegation, US-USSR Joint Commission, Seoul, Korea

1. In reply to your letter of 22 May 1947, the following information is submitted:

2. With reference to paragraph 3 of your letter, the following recommendations are made, based on the assumption that the recently approved reorganization of the South Korea Interim Government has already been accomplished:

a. No departmental functions not now being performed should be performed by this department in the Provisional Government.

b. No present departmental functions should be eliminated, except certain supply functions described below in paragraph 5b.

c. No present departmental functions should be combined.

d. No important changes in the structure of the department should be made. This statement applies to Korean personnel only, not American advisers.

3. With reference to paragraph 5 of your letter, it is impossible for me to state any ideas as to how the amalgamation can best be accomplished as it pertains to this department, unless we first discuss an overall plan for the amalgamation of the entire government structure, and then base our department plan on the overall plan.

4. It is suggested that in the overall plan the following provisions might be made:

a. All U.S. advisers now assigned to the various departments, bureaus, and offices of the South Korea Interim Government will be relieved from their present assignments prior to Amalgamation Day.

DECLASSIFIED
NND 760090
By NARS, Date

b. A small proportion of the present U.S. advisers will then become members of the American Delegation to a rather large Joint US-USSR Commission which will become the advisory and control body of the Provisional Government for such period of time as may be agreed. Included in this American Delegation will be committees representing each department of the government, and the USSR Delegation would be constituted in the same manner.

c. The Office of Services of Civilian Supply will remain under a U.S. director, will not be a part of the Provisional Government, will be redesignated the Director of American Supplies for the Rehabilitation of Korea, will be under direct control of the Chief of the American Delegation, will have full authority to control all matters involving procurement, receipt, storage, distribution, and accounting for all supplies obtained from U.S. appropriated funds, will have in each province and directly under his orders at least three U.S. officials whose duty it will be to inspect and control the distribution of such supplies.

d. On Amalgamation Day, the present governments of both North and South Korea will be dissolved, the new Provisional Government of Korea will be constituted in the capitol at Seoul, the organization will be essentially the same as that of the South Korea Interim Government, all present Korean officials of the South Korea Interim Government will initially retain their positions in the Provisional Government, but within sixty days, a specified number of persons, for each department, separate bureau and office, now engaged in national governmental positions of North Korea, will be employed by the Provisional Government, with the discharge, if necessary, of a similar number of persons now employed in the South Korea Interim Government. The rating and relative position of the North Korea officials to be employed in the Provisional Government will be determined solely upon individual qualifications, with any changes in department directors subject to approval by the Chief Executive.

e. At the provincial level, some reorganization may be necessary in order to achieve an identical organization for the provinces of both North and South Korea, but generally the present governors and other Korean officials will remain in office, while the Chief Civil Affairs Officer and all of his staff of American advisers will be withdrawn from the provinces of South Korea on Amalgamation Day, concurrent with the withdrawal of all Russian officials connected with the provincial governments of North Korea. The only U.S. personnel to remain in the provinces will be the representatives of the Director of American Supplies for the Rehabilitation of Korea, plus necessary personnel for Property Custodian and reparations work, plus whatever security forces are provided.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

f. The U.S. Government may make available, upon the request of the Provisional Government, a certain number of U.S. personnel who are especially qualified in certain technical fields of knowledge or activities, such personnel to provide technical advice and assistance but to have no authority or responsibility in the control of governmental activities.

5. Based upon the overall plan envisioned above, the following recommendations are made concerning the amalgamation as it pertains specifically to the Department of Public Health and Welfare:

a. The committee which represents this department in the American delegation to the joint US-USSR Commission (Advisory and Control Body to the Provisional Government) should consist of three physicians, trained in public health and two social work consultants. All five of these persons could be either military or civilian, the corresponding committee of the USSR Delegation would be similarly constituted, the committee would require at least one stenographer, an English-Russian interpreter of U.S. citizenship, and necessary motor transportation.

b. The following departmental supply functions should be transferred completely including U.S. personnel, Korean assistants, and warehouses, to the office of the Director of American Supplies for the rehabilitation of Korea:

(1) Welfare Supply Section, including LARA supplies

(2) Medical Supply Section of the Bureau of Pharmaceutical Affairs, the section which handles the sale to commercial agents and controls the distribution of medical supplies procured through the civilian supply program.

c. The number of public health and welfare officials currently employed in the government of North Korea and to be incorporated into this department in the Provisional Government might be fixed at a minimum of ten.

d. At the provincial level, it is not essential that any U.S. Army Medical Corps officers be retained in connection with public health activities.

e. If any American technical advisers are to assist in the rehabilitation of Korea, at the request of the Provisional Government in accordance with the provisions of paragraph 4f above, it is recommended that the following U.S. personnel might be provided, all of these being in fields in which there are no Koreans fully qualified to carry out, unassisted, a modern program of government activity:

DECLASSIFIED
NND 760090
By NARS, Date

2 Public Health Nurses
2 Doctors of Veterinary Medicine
1 Bacteriologist, experienced in Vaccine Production
1 Pharmaceutical Manufacturing Expert
1 Vital Statistics Expert
1 Sanitary Engineer
2 Welfare Institution Consultants
1 Social Insurance Consultant
2 Welfare Public Assistance Consultants

6. With reference to paragraph 6 of your letter, the function of this department which is most likely to involve a conflict in basic ideologies is that of the distribution of supplies imported on our civilian supply program, especially the welfare supplies. If Russian representatives were to acquire any control of the distribution of these supplies, they could well use this as a powerful weapon for political purposes, misrepresenting the source of such supplies, and restricting the recipients to persons who are adherents to their own ideology. We have proposed a plan designed to avert this danger.

7. Another matter in which there may be some conflict of ideologies is that of determining to what extent shall free medical care and hospitalization be provided. The Russians may advocate an extensive program of free medical care and hospitalization for workers. Such a program would involve enormously increased expenditure of government funds or a large compulsory insurance scheme. It is my personal feeling that there is a definite need in Korea for what might be called an extension of "socialized medicine". At present, in South Korea, we have not progressed along this line nearly as far as we have in the United States, nor as far as has been the case in Japan. I believe that an agreement on these matters can be reached with the Russians and that some concessions to accord with their ideas on this problem need not compromise our position with respect to basic ideology.

8. With reference to paragraph 7 of your letter, we have considered many difficulties which may arise in connection with the amalgamation, and have attempted to devise a plan (outlined in paragraphs 4 and 5 above) which may meet many of these problems. A few of these problems will be discussed now:

a. The problem of what Koreans are to hold positions initially in the new Provisional Government. It seems reasonable that in general present incumbants should hold their positions, that the proportion of people from North and South of the 38th parallel should be roughly proportional to population North and South of that parallel (or 1:2), and that in determining whether an official comes from North or South Korea the determining factor should be his permanent residence prior to September 1945. In our department, in the South Korea Interim Government, there are many employees who formerly lived North of the 38th parallel. The key positions in this department must be held by persons educated on the highest professional levels, and it is believed that

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NND 760090
By _____ NARS, Date _____

a large proportion of such persons who formerly lived in North Korea have now moved South. It, therefore, seems inadvisable to attempt to incorporate into the department any large number of present officials of public health and welfare activities of North Korea, but we have suggested that at least ten be included because we know that at least some of these must be included.

b. The problem of what to do about the present U.S. personnel extensively assigned to the South Korea Interim Government in advisory capacity. If we were to retain these people, and have an influx of a comparable number of USSR personnel, the numerous difficulties (minor conflicts of opinion, language barrier, housing, etc.) are so obvious that we immediately rejected the possibility. We have suggested a minimum number of public health and welfare U.S. personnel to be included in a centralized board or commission, strict U.S. control of all American supply matters under one office, plus a limited number of technical advisers or consultants to be provided only at the request of the Provisional Government and such consultants to exercise no authority over the government.

FOR COLONEL KERNEY, ADVISER TO DIRECTOR:

WM. B. STRYKER
Lt. Colonel, MC
Assistant Adviser

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By _____ NARS, Date _____

SECRET

HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
DEPARTMENT OF INTERNAL SECURITY
SEOUL, KOREA

III US 2

4 June 1947

SUBJECT: Request for Information on present Governmental Structure and Function.

TO : U. S. Subcommission No. 3, AMERICAN DELEGATION, US-USSR JOINT COMMISSION, Seoul, Korea.

Thru : Chief Advisor, United States Army Military Government in Korea, APO 235 Unit 2.

1. In compliance with directive of 22 May, following report is submitted. References are to subject directive.

"3. a. Any departmental functions not now being performed which should be performed by the Provisional Government."

(1) Off-shore patrol should be performed by Korean Coast Guard (at present only in-shore patrol by the Korean Coast Guard).

(2) Manufacture of ordnance or procurement externally.

(3) Engineering control of harbors, rivers, and navigable waters.

(4) Organization of a necessary Air Force.

"b. Any present departmental functions which should be eliminated."

(1) None.

"c. Any present departmental functions which should be combined."

(1) At present all departmental functions are carefully coordinated.

"d. Where it is felt that under the Provisional Government very widespread and drastic changes in structure of a department or an important division thereof should be made, describe fully and submit a chart."

(1) No structural change necessary. A regiment for each province in North Korea and proportionate increase in the Constabulary overhead is all that is needed.

(2) Additional bases and ships may be necessary as well as taking over the present North Korea Coast Guard.

15

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NND 760090
By _____ NARS, Date _____

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Basic: Ltr 4 June from DIS in answer to ltr 22 May 47 fr U.S. Subcommission No. 3, Thru Chief Advisor USAMGIK, subj: "Request for Information on present Governmental Structure and Function."

"4. In approaching this task, make the following assumptions:

"a. That the Provisional Government will be initially an amalgamation of existing structures North and South.

"b. In the absence of contrary information, that the departmental structure in North Korea is roughly analogous to that in South Korea."

(1) The analogous structure in the North is known to be differently organized, armed, advised and fed. It is believed that the structure of South Korea should be adopted as a base with modifications as suggested above because of keeping the organization within limitations easily maintained by the national economy.

"c." Omitted.

"5. In addition, let us have your ideas on how amalgamation can best be accomplished.

"a. By a transitional control board?" Yes. "If so, how composed?"

One or two officers apiece from the U.S. and the U.S.S.R. are sufficient at first. Later these officers to call in Koreans for advice by mutual agreement.

"b. By a single coordinating officer with assistants?" No. "Why?"

Due to differences in ideology a single officer from either country would have difficulty in getting agreement from the rest of the Government.

"6. Some governmental functions are largely technical in character and will be essentially the same regardless of basic ideology. Others will depend for their structure on the basic concepts which characterise the Provisional Government. Where the structure of your departmental function would be vitally affected by possible conflict between basic ideologies, point up those aspects of your function where a concession as to structure might well involve a dangerous concession in basic principle."

a. Universal military training, apparently enforced in North Korea, would be ruinous to the economy of South Korea. Some concession might be made by having regular/reserve establishments within the economic limitations imposed by the economy of the country.

b. Political commissars with troops are not acceptable to our ideology.

c. A Military Police, secret or otherwise, which has the unquestioned power of life and death is not acceptable to our ideology.

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Basic: Ltr 4 June from DIS in answer to ltr 22 May 47 fr U. S. Subcommission No. 3, Thru Chief Adviser USAMGIK, subj: "Request for Information on present Governmental Structure and Function."

"7. Which do you feel are the principal aspects of your governmental function that are likely to present special difficulties in solving the problems of amalgamation?"

a. Feeding of troops and families of troops at the expense of the public and at a greater rate than the public allocation.

b. Decreasing the size of the North Korea Kyung Bi Dai and Coast Guard to correspond to the size of the South Korea Constabulary and Coast Guard or acceptance of universal military training for the South with greatly increased need of supplies, arms, shelter and feed.

c. Possible amalgamation of Youth movements with the Department of Internal Security.

d. Former Japanese officers in the lower levels of the Constabulary and Coast Guard will probably be objectionable to the Russians.

Merrill E. Price

MERRILL E. PRICE
Colonel Cav
Advisor to the Director
Department of Internal Security

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HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Department of Labor
APO 235, Unit 2
Seoul, Korea

3 June 1947

SUBJECT: Information on Present Government Structure and Function.

TO : U.S. Sub-Commission No. 3, American Delegation US-USSR Joint Commission, Seoul, Korea.

1. Replies to the questions contained in letter to this Department dated 2 May 1947, subject, "Request for Information on Present Governmental Structure and Function", are as follows:

Para. 3 (a)

(1) A survey of accidents and diseases should be made with the idea of establishing a proper industrial compensation law in Korea. To accomplish this, this Department has requested a safety engineer and a compensation expert.

( ) The transfer of the Industrial Health Section of the Department of Health and Welfare makes it necessary to establish that Section in the Bureau of Labor Standards of this Department. It is believed that this is contrary to the set up of the Russian organization but feel that the logical place for said Section is in the Labor Department.

(3) It is recommended that Ordinance #107 be rewritten and that the industrial functions of the Womens Bureau be transferred to the Department of Labor under the Womens and Childrens Section and that the political, social, and health and welfare functions remain with the present Womens Bureau.

(b) None

(c) None

(d) None

Para. 4 None

Para. 5 (a)

It is believed that a transitional control board should administer the affairs of the Labor Department, Justice and K.C.S., because the present system of the Russians and Americans are so diametrically opposed. If these departments could have a representative from each of the four major powers coordinating their amalgamation a diplomatic victory would have been gained.

Para. 6 From an internal structural point of view the present functions of the Labor Department cannot be changed so long as the Department of Labor continues to be on a cabinet level.

17

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NND 760090
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Ltr. to U.S. Sub-Commission No. 3, American Delegation US-USSR Joint Commission, Seoul, Korea, re, Information on Present Government Structure and Function, 3 June 1947.

Para. 7 It can easily be seen from Section I, Ordinance #97,

"a. The development of democratic labor organizations shall be encouraged;

b. Workers shall have the right through self-organization to form and join labor unions, to give aid to and receive assistance from other labor organizations and to designate representatives of their own choosing for the purpose of negotiating terms and conditions of their employment contract, without interference from employers, or their agents;

c. Peaceful negotiations between employers and labor organizations resulting in written employment contracts specifying agreed wages, hours of work, and other conditions of employment shall be encouraged."

and the translation of the North Korea labor law Ordinance #26 which is attached that the objectives of the two labor departments are conflicting. We must stand on the right of labor to organize as many unions and amalgamations of unions as they desire without employer or political interference. We must protect the democratic principle of labor elections to determine which union shall represent workers for bargaining purposes in a given plant.

Section II, Ordinance #13: "The right of any individual or group of individuals to accept employment and to work unmolested shall be respected and protected. Any interference with this right is unlawful.

In the interest of preventing suspension or reduction of output in <u>industries which are declared by the Military Government of Korea to be essential to the people's livelihood</u>, disputes arising over terms and conditions of labor will be settled by a mediation board set up by the Military Government of Korea whose decision will be final and binding on all parties. Until the matter is presented to the Labor Mediation Board and a decision is reached, production will continue."

Industries to be declared essential should be clearly defined before amalgamation takes place because it would be an easy matter to declare all industries essential thereby denying labor the right to strike, creating a government controlled labor movement which is the same as exists in Northern Korea.

L. A. SHAW
Lt Col Inf
Advisor to the Director,
Dept of Labor.

1 Incl.
North Korea Labor Law
Ordinance #26

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HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Department of Police
Seoul, Korea

31 May 1947

SUBJECT: National Police Plan for Integration

TO : Chairman, Sub Commission No. 3, American Delegation U.S.-U.S.S.R.

THRU : Chief Advisor, United States Army Military Government in Korea, APO 235, Unit 2

1. In compliance with letter your headquarters dated 22 May 1947, subject: "Request for Information on present Governmental Structure and Function", the following is submitted: (Paragraph numbers and letters refer to those in your letter)

3. a. None

b. None

c. None

5. Report and charts attached.

7. Powers and limitations of police. Functions, practices and procedure must be agreed upon to avoid the establishment of a "police state".

L. H. MAGLIN
Col. CMP
Advisor to the Director

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DEPARTMENT OF THE ARMY/JRF/ees
(UNITED STATES MILITARY GOVERNMENT IN KOREA)
Department of Police
Seoul, Korea

381.4 (6) -7) 10 April 1946

SUBJECT: National Police Sub-Committee Plan for Integration

TO : Chairman, Liaison Committee

1. The purpose of this plan is to provide unified procedure for organization and administration of the National Police Department of Korea.

2. The National Police Department of Korea shall be organized with Headquarters in Seoul, Korea and shall consist of National Headquarters and thirteen Divisions of Police, lettered alphabetically from "A thru M", each Division with jurisdiction coextensive with the several provincial boundaries. Reference is made to map of Korea, attached, marked Exhibit "A". Each Division of Police shall be divided into Police Districts to conform to preexisting districts, with Headquarters at each district station.

3. The organization, administration and channels for administrative procedure and maintenance of law and order are fully set forth on the Organizational Chart for National Police Headquarters and a typical Police Division, marked Exhibit "B".

4. Consideration of specific policy matters.

a. Such control shall be exercised at Headquarters, National Police, in the Office of the Director of the Department of Police and in the Bureau of Communications, Detective, Uniformed Police and Administration, as represented in attached chart, Exhibit "B".

b. Dual control shall be exercised at Headquarters of Police Divisions only in the Office of the Chief of Police.

c. Direct contact with tactical troop commanders only at Headquarters, National Police, except in cases of extreme emergency when Division Chiefs of Police may contact local tactical commanders. Lateral liaison shall be established at Headquarters of National Police Department with all tactical commanders for the purpose of coordination. When Division Chiefs of Police contact local tactical commanders, reports of such emergency, stating the reasons therefor, shall be transmitted by the most expeditious means possible to the Director, Department of Police in Seoul.

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NND 760090
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d. Military Government Officers shall perform only in an advisory capacity at all levels.

W.F. MAGLIN
Col, CMP
Director

2 Incl
1-Exhibit 1, Map of Korea
2-Exhibit 2, Organizational Chart of Department of Police

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HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
Department of Public Works
APO 235 Unit 2

5 June 1947

SUBJECT: Information on Present Departmental Structure & Function

THRU : Chief Adviser, USAMGIK, APO 235 Unit 2

TO : United States Sub-commission No. 3, American Delegation, US - USSR Joint Commission, Seoul, Korea.

19

1. In accordance with request contained is letter, United States Sub-commission No. 3 American Delegation, US - USSR Joint Commission, Seoul, Korea, file III US 2, subject: Request for Information on Present Governmental Structure and Function, the following information and recommendations are offered:

a. Department of Public Works present functions consist of:

(1) Highway construction and maintenance.
(2) River Control and Protection Works.
(3) City Planning and City Waterworks.
(4) Coast and Geodetic Survey and Mapping.

All of these functions should be performed by the Provisional Government.

b. In my opinion, each of the above functions are necessary and vital to the welfare of the Country and should not be eliminated.

c. Each of the above functions are a separate field in themselves and could not readily be combined.

2. Information offered by technical persons that have come down from North Korea, indicates that public works has been handled along with other related construction works by one agency, a governmental construction division. Actually, very little work has been accomplished and public works are in a bad state of repair. This latter condition probably results from either lack of construction materials or the practice of shipping such materials out of the Country, or both.

3. There are good features in the North Korea pattern of combining all construction agencies of government under one office; example:

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NND 760090
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a. More efficient use can be made of critical construction materials by utilizing such materials on a priority project basis supervised by one (1) agency.

b. Qualified Korean technical personnel are few in number and can be used more efficiently.

c. Overhead and administrative cost of many construction agencies is eliminated. At the same time, South Korea has a well established system for handling public construction works and it is recommended that no change be contemplated unless necessary.

4. In my opinion, amalgamation can best be accomplished by a transitional control board composed of one (1) American and one (1) Russian -- each with assistants, combining each field of activity, such as Public Works.

a. Differences of opinion that cannot be solved by discussion within this two-man board, should be forwarded to a central committee, along with briefs of the situation, for that committees final decision.

b. The two-man transitional control board, after completing their work will submit amalgamation plan for their particular activity to the central committee for approval and incorporation in the Provisional Goverument.

HERBERT W. POLLOCK
Adviser

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HEADQUARTERS
UNITED STATES ARMY MILITARY GOVERNMENT IN KOREA
APO 235 Unit 2

5 June 1947

SUBJECT: Request for Information on Government Structure and Functions

THRU : Chief Adviser to South Korea Interim Government

TO : Chairman, US Subcommission 3
American Delegation
US-USSR Joint Commission
Seoul, Korea

20

1. In response to the request contained in letter dated 22 May 1947 from US Subcommission 3, Subject: same as above, the following information is furnished.

2. Organizational thinking within this Department, both Korean and American, has consistently taken into consideration eventual elimination of the 38th degree boundary and amalgamation of the two zones. Therefore, with respect to the inquiries contained in paragraph 3 of your letter, the answers to sub-paragraphs a, b, c, and d are all negative.

3. With respect to the inquiry on how amalgamation can best be accomplished, it is recommended that the Joint Commission, especially the American side, take as its point of departure the results of the first Joint US-USSR Conference held in Seoul, Korea, during January 1946. Item three (3) of the joint agenda of that conference considered transportation. As a result of negotiation an agreement was reached on eleven (11) points, and this agreement was approved by Generals Hodge and Chistiakov. Copy of the agreement is attached.

4. Attention is invited to Point 11 providing for the establishment of a Joint Transportation Commission. Subsequent to that conference, correspondence was exchanged between the Commands of the two zones which eventuated in the appointment by the two Commanders of the Joint Transportation Commission. The undersigned was nominated to head up the American side of that Joint Commission, but, as to date, no meetings have been held.

5. In attempting to visualize the manner in which the amalgamation of the two zones can be effected, the following may serve as a guide:

Phase 1: Operation of transportation facilities in the two zones by the respective commands with a minimum of co-ordination being effected by the Joint Transportation Commission on an inter-zonal level.

Phase 2: Same as above, with the addition of Korean representatives to be added to the Commission.

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BASIC: Ltr, USAMGIK, Dept of Trans, Subj: Request for Information on Government Structure and Functions, Dtd: 5 June 47.

Phase 3: Elimination of zonal responsibility by the two Commands and substitution therefor of joint technical assistance down to and including the regional organization. (For example, in the Southern Zone, the Railroad consists of a Bureau Headquarters and at present five (5) operating regions, soon to be reduced to three (3). It is assumed that a similar organization exists North of the 38th degree parallel.) This phase contemplates the amalgamation of the two bureau headquarters into one, and the readjustment of regional boundaries so as to provide for approximately six regions. This phase further contemplates that joint technical assistance would be provided by the Commands to the bureau headquarters and to the headquarters of the six operating regions to insure uniformity of technical practices and procedures.

Phase 4: The withdrawal of the joint technical assistance from the regional level.

Phase 5: The withdrawal of technical assistance from the bureau level.

Phase 6: Withdrawal of American and Soviet participation in the Joint Transportation Commission. Simultaneously, therewith, the elimination of the Commission and substitution therefor of a unified Department of Transportation responsible for the development and operation of transportation facilities in Korea.

6. Inasmuch as transportation is entirely technical in character, it is not contemplated that it will be effected by any conflict between the basic ideologies.

7. One problem that may present some difficulty at the time of amalgamation is the ability of the transportation system to function effectively in each zone. In the American zone, we have been working aggressively since September 1945 to improve transportation facilities. Considerable progress has been made by the use of American technical help and by imports of equipment and materials. It is believed that rail transportation, for example, is in much better shape in the South than in the North. It is further believed that the Soviets will seek to have deployed from the South to the North certain facilities, such as rolling stock and motive power, to reenforce transportation in their zone. If their efforts are concurred with in any substantial amounts, it will adversely effect the ability of the American Command to carry out its rehabilitation program in the Southern Zone.

1 Incl:
Cy of Agreement

A. J. CORNELSON
Lt Col, Inf
Adviser to Director
Dept of Transportation

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US-USSR

JOINT COMMISSION

SEOUL KOREA

REPORT

OF THE

UNITED STATES DELEGATION

20 AUGUST 1947

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Table of Contents

	Pages
Introduction (Paragraphs 1 thru 7)	1 - 2
First Session (1946) (Paragraphs 8 thru 13)	2 - 7
Interim Correspondence (Paragraphs 14 thru 21)	7 - 12
Current Session (1947) (Paragraphs 22 thru 38)	12 - 21
Results and Conclusions (Paragraphs 39 thru 45)	21 - 29
Authentication	29
* * * * *	
Index to Exhibits	30 - 35
Exhibits	36 - 175

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US-USSR JOINT COMMISSION
Seoul, Korea

20 August 1947

REPORT OF U.S. DELEGATION

INTRODUCTION

1. The U.S.-U.S.S.R. Joint Commission reconvened on 21 May 1947 under the April-May 1947 agreement reached by the U.S. Secretary of State and the U.S.S.R. Foreign Minister. The present report covers the progress of the Joint Commission through the 53d Meeting held on 12 August. This report is rendered in accordance with War Department Radio 83983, 12 August 1947 (Exhibit 1, Page 36). The U.S. Delegation was not able to obtain agreement from the Soviet Delegation to the preparation of a joint report; the Soviet Delegation stated it had received no instructions from its government.

2. The Cairo Declaration of 1 December 1943 participated in by the United States, China, and the United Kingdom pledged independence to Korea in due course (Exhibit 2, Page 37). This pledge was reaffirmed at Potsdam on 26 July 1945 (Exhibit 3, Page 38) and subscribed to by the U.S.S.R. upon its declaration of war on Japan.

3. The agreement of the Allied Powers to permit American and Soviet troops to enter Korea for the purpose of accepting the surrender of Japanese forces (Exhibit 4, Page 39) caused an arbitrary and unforeseen division of Korea largely because of the policy initiated and pursued by the Soviet Union of creating a barrier at the 38th parallel which completely separated the two economically interdependent halves of Korea.

4. On 27 December 1945 the Foreign Ministers of the United States, the Soviet Union, and the United Kingdom

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NND 760090
By _____ NARS, Date _____

announced the Moscow Agreement, Section III (Exhibit 5, Page 40) of which was designed to implement the declarations made at Cairo and at Potsdam providing for Korea's independence. The Moscow Agreement on Korea was subsequently subscribed to by China.

5. The Moscow Agreement provided for the establishment of the U.S. - U.S.S.R. Joint Commission which was charged with the re-establishment of Korea as an independent state free from domination of any foreign country, the formation of a Provisional Korean Democratic Government, and elaborating methods of aiding and assisting (trusteeship) the political, economic, and social progress of the Korean people, the development of democratic self-government, and the establishment of the national independence of Korea.

6. For the purpose of establishing a Provisional Korean Democratic Government, the Moscow Agreement provided that the Joint Commission consult with the representatives of Korean democratic political parties and social organizations. Detailed methods of evolving a Provisional Government were not defined.

7. Methods to be followed in evolving measures of aid and assistance (trusteeship) were to be elaborated by the Joint Commission with the participation of the Korean Provisional Government and of the Korean democratic organizations.

FIRST SESSION (1946)

8. With the Moscow Agreement as the only terms of reference, the US-USSR Joint Commission convened in Seoul on 20 March 1946. Ensuing difficulties, which led to adjournment sine die of the Joint Commission on 8 May 1946, arose from the following factors:

a. The Soviet Delegation had as its objective

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NND 760090
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(Quotations from opening address Chief Commissioner, Soviet Delegation, 20 March 1946):

(1) Creation of the future government of Korea on a basis of "wide unification of all the democratic parties and organizations supporting the Moscow Agreement".

(2) Denying any participation in the future government to "reactionary and anti-democratic groups and certain elements whose object is to undermine the work of creating and firmly establishing a democratic system in Korea".

(3) To create Korea as "a true democratic and independent country, friendly to the Soviet Union, so that in the future it will not become a base for an attack on the Soviet Union".

b. To accomplish this objective the Soviet Delegation:

(1) Attempted to define to its advantage such basic terms as "consultation" (Exhibit 6, Page 42) and "democratic" (Exhibit 7, Page 43) which were not defined in the Moscow Agreement on Korea.

(2) Insisted on excluding from participation in the formation of the provisional government:

(a) Korean democratic parties and social organizations and their

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NND 760090
By _____ NARS, Date _____

leaders who do not fully support, without any reservation, the Moscow Decision (Exhibit 8, Page 44).

(b) Specifically those Korean democratic parties and social organizations and their leaders who voice opposition to "trusteeship" (Exhibit 9, Page 45).

(3) Insisted on including for consultation a sufficient number of parties and organizations of the Democratic People's Front of South Korea so that, when the organizations of North Korea were added, the Democratic People's Front would have a majority participating in the formation of the provisional government (Exhibit 10, Page 46).

c. The U.S. Delegation strongly assisted the attempt of the Soviet Delegation to read its own unilateral interpretation into the Moscow Agreement.

(1) The U.S. Delegation maintained that the word "democratic" as referring to parties and organizations does not apply exclusively to those belonging to schools of social thought favoring certain classes in the community over others (Exhibit 11, Page 49), and that the word "democratic" can be applied only as in common usage throughout the world (Exhibit 12, Page 50).

(2) There is no provision in the Moscow Agreement that requires parties and organizations

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NND 760090
By _____ NARS, Date _____

to be consulted by the Joint Commission to support the Moscow Agreement blindly and without reservation; that this was a Soviet addition to the Moscow Agreement to suit their own strategy (Exhibit 13, Page 51).

(3) That Koreans may freely express their wishes and desires in the formation of their own government, including their opposition to an as yet undefined concept of "trusteeship" (Exhibit 14, Page 52).

9. In an effort to resolve the differences between the positions of the two delegations, an agreement was reached on 17 April 1946 and published as Joint Communique No. 5 (Exhibit 15, Page 53) which included a declaration to be signed by applicants for consultation, guaranteeing that they would:

a. Uphold the aims of the Moscow Agreement on Korea as stated in paragraph No. 1 of that Agreement;

b. Abide by the decisions of the Joint Commission in its fulfillment of paragraph No. 2 of the Moscow Agreement; and

c. Cooperate with the Joint Commission in the working out of proposals concerning measures foreseen by paragraph No. 3.

10. However, in working out the detailed application of Joint Communique No. 5, difficulties arose regarding the composition of the list of signatory parties and organizations to be consulted. The Soviet list for North Korea contained only Communist dominated Democratic People's Front parties; at the same time, the Soviet Delegation attempted to revise the

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NND 760090
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U.S. list of signatory organizations in such a way as to substitute member organizations of the Communist dominated Democratic People's Front for various large and influential organizations suggested by the U.S. Delegation (Exhibit 16, Page 56). Discussion culminated in Soviet repudiation of the agreement contained in Joint Communique No. 5. Because of a statement that Joint Communique No. 5 did not preclude the right of an organization to express opposition to trusteeship, made by the Acting Chairman of the Representative Democratic Council of South Korea, a body composed entirely of the principal rightist parties and organizations, the Soviet representative in Subcommission No. 1 insisted that member organizations of the Council should not be accepted for consultation with the Joint Commission. This contention was supported by the Soviet Delegation in the Joint Commission (Exhibit 17, Page 57). No agreement concerning consultation could be reached. Failing agreement on the formation of a Provisional Government, the U.S. Delegation then attempted to initiate discussion concerning the unification of the two zones of occupation. The Soviet Delegation refused to discuss the matter until the issue of consultation had been clarified (Exhibit 18, Page 58). In the same meeting (6 May 1946) the U.S. Delegation proposed that the Joint Commission adjourn pending clarification of consultation (Exhibit 19, Page 59). This meeting was the last session of the Joint Commission in 1946.

11. In order to clarify the issue and place it on the record, on 7 May 1946 the U.S. Delegation sent a proposed draft agreement to the Soviet Delegation to the effect that no party or organization was to be excluded "because of the exercise of their right of freedom of expression in re trusteeship, the Moscow Decision, or any other political issue". The Soviet Delegation did not reply to the proposal.

12. On the morning of 8 May 1946, the Commanding General,

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NND 760090
By NARS, Date

United States Army Forces in Korea, re-examined the U.S. and Soviet stands with the Chief Commissioner of the Soviet Delegation. The latter emphasized that "the main reason why the Soviet Delegation insisted on barring certain persons in consulting and taking part in consulting, General Hodge, it is clear that Russia is a close neighbor to Korea and, because of this, is interested in establishing in Korea a provisional democratic government which would be loyal* to the Soviet Union." In addition, the Chief Commissioner of the Soviet Delegation requested that action on a unilateral press release proposed by the Commanding General, USAFIK, await reception of word from his superiors (Exhibit 20, Page 60).

13. In the evening of 8 May 1946, the Chief Commissioner of the Soviet Delegation informed the Commanding General, USAFIK, that he had "received instructions from [his] Military Commander to terminate the work [of the Soviet Delegation] and go back [to Pyongyang]". The return of the Soviet Delegation to Pyongyang on 9 May 1946 marked the effective adjournment sine die of the Joint Commission.

INTERIM CORRESPONDENCE

14. On the same day, 9 May 1946, the Commanding General, USAFIK initiated an exchange of correspondence with the Soviet Commander in Korea (Exhibit 21, Page 62) in an attempt, which continued to 28 February 1947, to find a formula for the resumption of the work of the Joint Commission. After an exchange of views, on 1 November 1946, the Commanding General

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*Note. The Soviet interpreter used "friendly to the Soviet Union", but the American interpreter pointed out that on two occasions in the conversation the word used was not the usual word for "friendly", but connoted actual loyalty.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

USAFIK, proposed to the Commanding General of the Soviet Forces:

"It is agreed to interpret paragraphs 2 and 3 of the declaration in Communique No. 5 of the US-USSR Joint Commission dated 17 April 1946, to mean that such individuals, parties and social organizations shall not foment or instigate mass opposition to the work of the Joint Commission or the fulfillment of the Moscow Decision. Those individuals, parties and social organizations which do foment or instigate such opposition shall be excluded from further consultation with the Joint Commission. The decision excluding such individuals, parties and social organizations shall be by agreement of the Joint Commission.

"In consideration of this interpretation of the declaration published in Communique No. 5 of the Joint Commission dated 17 April 1946, both delegations agree that they will not oppose consultation with any individual, political party or social organization which subscribes to and abides by the declaration published in Joint Communique No. 5."

15. On 26 November 1946 the Commanding General, Soviet Forces in North Korea, countered this proposal with the following proposal:

"1. The Joint Commission must consult with those democratic parties and organizations which uphold fully the Moscow Decision on Korea.

"2. Parties or social organizations invited for consultation with the Joint Commission must not nominate for consultation those representatives who have compromised themselves by actively voicing opposition to the Moscow Decision.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

"3. Parties and social organizations invited for consultation with the Joint Commission must not and will not voice opposition nor will they incite others to voice opposition to the Moscow Decision and the work of the Joint Commission. If such be the case, such parties and social organizations by mutual agreement of both delegations will be excluded from further consultation with the Joint Commission."

16. On December 24, 1946, the Commanding General, USAFIK, replied:

"Proposal No. 1 to be interpreted as follows: Signing the declaration in Communique No. 5 will be accepted as a declaration of good faith with respect to upholding fully the Moscow Decision and will make the signatory party or organization eligible for initial consultation.

"Proposal No. 2.—I consider it the right of a declarant party or organization to appoint the representative which it believes will best present to the Joint Commission its views on the implementation of the Moscow Decision. However, should such representative for good reason be believed to be antagonistic to the implementation of the Moscow Decision or to either of the Allied Powers, the Joint Commission may after mutual agreement require the declarant party to name a substitute spokesman.

"Proposal No. 3. It is suggested that it be reworded as follows: 'Individuals, parties and social organizations invited for consultation with the Joint Commission shall not after signing the declaration contained in Communique No. 5 foment or instigate active

DECLASSIFIED
NND 760090
By NARS, Date

opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision. Those individuals, parties and social organizations which after signing the declaration contained in Communique No. 5 do forent or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision shall be excluded from further consultation with the Joint Commission. The Decision excluding such individuals, parties and social organizations shall be by agreement of the Joint Commission.'"

17. In a reply of 28 February 1947, to the letter of the Commanding General, USAFIK, of 24 December 1946, the Soviet Commander in North Korea countered with proposals which in fact returned the Soviets to their original position of 1946 (Exhibit 22, Page 80).

18. The views presented in the correspondence outlined above, while apparently narrowing the divergent viewpoints, resulted in no definite agreement through which the differences causing adjournment of the Joint Commission could be resolved. The inability of the United States and Soviet Commanders in Korea to resolve the divergent viewpoints led to an effort initiated by the Secretary of State, George C. Marshall, to find a suitable formula on a governmental level.

19. As a result of exchange of correspondence in April and May 1947 between the United States Secretary of State, George C. Marshall, and the Soviet Minister of Foreign Affairs, V. M. Molotov (Exhibit 23, Page 81), proposals contained in the letter of the Soviet Forces in North Korea of 26 November 1946 (Exhibit 24, Page 96) as amended by the counter proposals contained in the letter of the Commanding General, USAFIK, of

DECLASSIFIED
NND 760090
By NARS, Date

24 December 1946 (Exhibit 25, Page 97), were finally accepted as a basis for reconvening the Joint Commission (Exhibit 26, Page 98).

20. In his letter of 19 April 1947 Mr. Molotov advocated "the establishment of a Provisional Democratic Korean Government on the basis of a wide-scale participation of Korean democratic parties and social organizations". To this statement Mr. Marshall replied 2 May 1947 that "establishing a Provisional Democratic Korean Government on the basis of wide-scale participation of Korean democratic parties and social organizations has from the beginning been accepted by the United States Government as a basis to its policy of assisting in the establishment of a self-governing sovereign Korea, independent of foreign control and eligible for membership in the United Nations". Moreover, Mr. Marshall pointed out that "Korean representatives of democratic parties and social organizations shall not be excluded from consultation with the Commission on the formation of a Provisional Korean Government because of opinions they might hold or may have expressed in the past concerning the future government of their country, provided they are prepared to cooperate with the Commission". Mr. Molotov did not take exception to this position.

21. The Commanding General, USAFIK, realized from the correspondence which he had exchanged with the Soviet Commander in North Korea that the difference in viewpoints between the Soviet and the American position had not been resolved. In a radio to the War Department 11 May 1947, the Commanding General, USAFIK, recommended that the Secretary of State in his negotiations with the Foreign Minister of the Soviet Union obtain specific agreement which might serve as a

DECLASSIFIED
NND 760090
By NARS, Date

practicable basis for the resumption of negotiations by the Joint Commission (Exhibit 27, Page 99). The suggestion contained in this radiogram was not followed, and the proposal of the Commanding General, USAFIK, in his letter of 24 December 1946 (Exhibit 28, Page 101), which was not acceptable to the Soviet Commander in North Korea, became the basis for the resumption of negotiations by the Joint Commission.

CURRENT SESSION (1947)

22. Reconvening on 21 May 1947 in Seoul on the basis of the Marshall-Molotov agreement, the Joint Commission resumed its initial, assigned task of establishing a Provisional Korean Democratic Government.

23. From 21 May 1947 until 21 August 1947 thirty-one meetings of the Joint Commission were held.

24. Agreement on internal procedural matters and the program of work, largely on the basis of decisions reached in the 1946 sessions, was effected in the early meetings of the Commission (Exhibit 29, Page 102).

25. In attempting to prepare a Joint Decision concerning consultation, early indications of the divergent positions of the two delegations, which later led to the impasse in the Joint Commission, were evident in Subcommission No. 1 and in the Joint Commission.

26. In Subcommission No. 1, which was charged with drafting the text of a Joint Decision on consultation for the approval of the Joint Commission, the Soviet Delegate's first proposal prescribed the narrowing of consultation to about thirty organizations (Exhibit 30, Page 116). The U.S. Delegate considered the Soviet proposal to be in violation of the principle of broad consultation discussed in the

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

correspondence between the commanders and specifically proposed by Mr. Molotov and agreed to by Mr. Marshall (Exhibit 31, Page 117). Furthermore, attempts made by the U.S. Delegate in Subcommission No. 1 to arrive at definitions of "social organizations" and "political party", and to establish criteria as a basis for the elimination of local and small organizations from consultation, were refused by the Soviet Delegate as unnecessary (Exhibit 32, Page 118). In addition, the Soviet Delegate contended that organizations to be consulted by the Joint Commission must fully uphold the Moscow Agreement, including every paragraph (Exhibit 33, Page 119). The U.S. Delegate, of course, could not accept this unilateral interpretation of the Moscow Agreement which returned the Soviet Delegation to its 1946 position and vitiated the Marshall-Molotov agreement (Exhibit 34, Page 120). He also pointed out in the second meeting of Subcommission No. 1 on 27 May 1947 that there could be no unilateral exclusion under the terms upon which the Joint Commission was reconvened (Exhibit 35, Page 121).

27. Early disagreements in Subcommission No. 1 resulted in discussion in the Joint Commission of the means of implementing consultation. The positions of both Delegations were amplified by the respective Chief Commissioners in accordance with the stands taken by the Delegates in Subcommission No. 1. During the discussion of the Joint Commission Decision No. 12 (Exhibit 36, Page 122) the Soviet Delegation repeatedly proposed that Joint Communique No. 5 be immediately published in order that those desiring to be consulted by the Joint Commission might apply for such consultation (Exhibit 37, Page 123). They insisted that it was useless to await decision on Joint Commission Decision No. 12 and that the Soviet

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Delegation needed advance information of those parties and organizations which desired to be consulted by the Joint Commission. It was the opinion of the American Delegation that this information was desired by the Soviet Delegation in order to write into Joint Commission Decision No. 12 a proposal which would guide consultation in a manner favorable to the Soviet Delegation's political objectives. The U.S. Delegation rejected the proposal on the grounds that organizations which might desire consultation with the Joint Commission should be cognizant of all details of the implementation of consultation before they were requested to sign the declaration contained in Communique No. 5 (Exhibit 38, Page 124).

28. In spite of the underlying divergence of opinion regarding implementation of consultation outlined above, agreement was reached on Joint Commission Decision No. 12, "The Order of Consultation with Korean Democratic Parties and Social Organizations" on 7 June 1947 (Exhibit 39, Page 125). In agreeing to the principles under which Joint Commission Decision No. 12 was prepared, the Soviet Delegation at the conclusion of the 31st meeting, 6 June 1947, unexpectedly receded from its position of narrow oral consultation and, by specific statement, agreed to broad consultation (Exhibit 40, Page 133).

29. Publication of Joint Commission Decision No. 12 on 12 June 1947 resulted in the application of only 53 parties and organizations in South Korea through 20 June 1947. From 20 June through 23 June 1947, the deadline for application, 372 additional parties and organizations submitted their applications. The large influx of applications during the last three days, especially on the afternoon of June 23rd,

DECLASSIFIED
NND 760090
By NARS, Date

was viewed with misgivings by the Soviet Delegation. Its expressed concern (Exhibit 41, Page 134) coincided with an almost immediate change of tactics in the form of a retreat from the principle of broad consultation agreed to in Joint Commission Decision No. 12 (Exhibit 42, Page 136).

30. The repudiation by the Soviet Delegation of Joint Commission Decision No. 12 first occurred in Subcommission No. 1. The U.S. representative, in compliance with paragraph 5 of Joint Commission Decision No. 12, compiled a complete list of all applicant parties and social organizations in South Korea applying for consultation with the Joint Commission which had signed the declaration contained in Communique No. 5. The Soviet representative prepared a similar list of all applicants from North Korea. These two lists were exchanged, and the U.S. representative proposed that the Subcommission review the combined list of applicants to obtain agreement as to which parties should be excluded by mutual agreement and the standards of exclusion (Exhibit 43, Page 137).

31. After studying the list of applicants from South Korea, the Soviet representative proposed that small local organizations without branches (Exhibit 44, Page 138) and non-social organizations (Exhibit 45, Page 139) not be accepted for oral consultation. After some days of discussion the Soviet representative further stated categorically that he would not include in the list for consultation any party or social organization which was a member of the Anti-Trusteeship Committee because such did not fully uphold the Moscow Decision (Exhibit 46, Page 140).

32. All these Soviet proposals had one thing in common. The wording was such that they eliminated a large number of

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

rightist organizations and few or no organizations associated with the Democratic People's Front (Exhibit 47, Page 141). This was in keeping with the Soviet objective and tactics of 1946.

33. These proposals were all refused by the U.S. representative on the grounds that they were contrary to the agreement in Joint Commission Decision No. 12 promising the Korean people broad consultation (Exhibit 48, Page 142).

34. At this point the Soviet representative made it quite clear that he considered no list for consultation existed and that a party or social organization could only be included on a new list if mutually agreed upon (Exhibit 49, Page 143). This position meant that the Soviet representative proposed to exercise a veto power which could exclude from consultation all parties and social organizations suspicious to the Soviet Delegate (Exhibit 50, Page 144).

35. At this stage and prior to discussion of the differences occurring in Subcommission No. 1, the Joint Commission, in compliance with Joint Commission Decision No. 12, held formal meetings with the representatives of organizations eligible for consultation, in Seoul on 25 June 1947 and in Pyongyang on 1 July 1947, and outlined the procedure for broad consultation.

36. The Joint Commission took up the question not resolved by Subcommission No. 1 in the 37th meeting in Pyongyang on 2 July 1947. From that date until the conclusion of the 53d meeting, 12 August 1947, the Joint Commission was engaged in considering a series of proposals and in continuous debate of the divergent views.

37. The position of the Soviet Delegation was as

DECLASSIFIED
NND 760090
By NARS, Date

follows:

a. The fact that an organization is eligible for consultation under the Marshall-Molotov agreements, as published in Joint Commission Decision No. 12, does not mean that it must be admitted for consultation by the Joint Commission (Exhibit 51, Page 145).

b. In order for an organization to be included on the list for consultation, it must be acceptable to both Delegations. In other words, the Soviet Delegation could exclude any organization from consultation unilaterally by failing to agree to its inclusion in the list (Exhibit 52, Page 146).

c. Organizations falling, according to the dictates of the Soviet Delegation, within the following categories should not be included in the list for initial consultation:

(1) "Non-social" organizations (Exhibit 53, Page 151).

(2) District and purely local organizations (Exhibit 54, Page 152).

(3) Organizations which do not intend to uphold fully the Moscow Decision on Korea, especially members of the Anti-Trusteeship Committee and similar organizations (Exhibit 55, Page 153). Such organizations would be considered for consultation only if they publicly withdrew from membership in the Anti-Trusteeship Committee or similar organizations (Exhibit 56, Page 154).

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

d. Signatures on the applications for consultation (Joint Communique No. 5) by member organizations of the Anti-Trusteeship Committee were not given in good faith and therefore were invalid because the organizations maintained membership in a committee formed solely to "struggle against" the Moscow Agreement (Exhibit 57, Page 155).

e. The Chief Commissioner of the Soviet Delegation adhered throughout this debate to the objective announced by him in 1946 and followed in general the tactics used in that year.

38. The position of the U.S. Delegation was as follows:

a. In accordance with point number 1 of the agreed proposal for reconvening the Joint Commission (Marshall-Molotov correspondence), "signing the Declaration in Communique No. 5 will be accepted as a declaration of good faith with respect to upholding fully the Moscow Decision and will make the signatory party or organization eligible for initial consultation".

b. Organizations signing the declaration in Communique No. 5 are automatically eligible for consultation and are automatically placed on the list for consultation as provided in paragraph No. 5 of Joint Commission Decision No. 12 (Exhibit 58, Page 156). Organizations may be excluded from the list for consultation only by mutual agreement of the two Delegations

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

as provided in point No. 3 of the Marshall-Molotov correspondence. Therefore the arbitrary line of distinction drawn by the Soviet Delegation between "eligibility for consultation" and "admission for consultation" nullifies the agreements reached by Mr. Marshall and Mr. Molotov and by the Joint Commission and gives the Soviet Delgation the veto power over any applicant it dislikes (Exhibit 59, Page 157).

c. The Moscow Agreement on Korea does not define "social organization" and because of the Soviet Delegation's refusal to define basic concepts, Joint Commission Decision No. 12 contains no definition of "social" - or any other term. However, the U.S. Delegation was willing to exclude from consultation, by mutual agreement, any organization which could not be considered "social" within the definitions to be found in the dictionaries of the world (Exhibit 60, Page 158).

d. District and purely local organizations are not barred from consultation by any provision of the Moscow Agreement, the Marshall-Molotov agreements, or Joint Commission Decision No. 12. However, to expedite the work of the Joint Commission, the U.S. Delegation made several proposals which, if accepted by the Soviet Delegation, would have eliminated a large number of truly local organizations from consultation (Exhibit 61, Page 159).

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

e. The U.S. Delegation was willing to exclude from consultation, by mutual agreement, fraudulent organizations, provided that no such organization should be excluded where the sole claim of fraud was exaggeration of membership, a factor evident in some applications of both north and south Korean organizations (Exhibit 62, Page 160).

f. Organizations which are members of the Anti-Trusteeship Committee and similar organizations are manifestly eligible for initial consultation under the Marshall-Molotov agreements if they have applied for consultation and have signed the required declaration (Exhibit 63, Page 161). They remain eligible unless and until they are, by mutual agreement, excluded after indictment as provided by point No. 3 of the Marshall-Molotov correspondence (Exhibit 64, Page 165). Failure of the Soviet Delegation to bring charges, supported by adequate evidence, against member organizations of the Anti-Trusteeship Committee and similar organizations, while insisting arbitrarily on their exclusion, nullified the spirit and letter of point No. 3 of the Marshall-Molotov correspondence (Exhibit 65, Page 166). Therefore, the Soviet Delegation's attempt unilaterally to deprive organizations of the right to initial consultation by omitting them from a list of organizations to be consulted constituted, in effect, an attempt to arrogate a veto power to itself

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

(Exhibit 66, Page 171). There is no provision in any of the agreements binding upon the Joint Commission which provides such a veto power, while there are two specific agreements which state that exclusion shall be by mutual agreement (Exhibit 67, Page 172).

RESULTS AND CONCLUSIONS

39. The specific results of the Soviet and U.S. positions above quoted become evident after a consideration of the following facts:

a. Under the urging of their leaders Rhee, Syngman and Kim, Koo, the following four groups of extreme rightists with a total claimed membership of over 10,800,000 refused to apply for consultation with the Joint Commission: National Society for Rapid Realization of Korean Independence, Independent Farmers and Laborers Party, Great Korean Youth League for Rapid Realization of Independence and Women's Nationalist Party. In addition, the Independence Party split on the subject of consultation, and a segment under the leadership of Kim, Koo with a claimed membership of about 450,000, failed to apply. Thus at the outset, 11,250,000 rightists eliminated themselves by refusal to participate in the work of the Joint Commission.

b. Of 460 groups which applied for consultation, (excluding three applicants both delegations agreed to exclude for fraud), 38, all representing the Democratic People's Front, were from North Korea, while 422, representing all shades of political views, were from South Korea.

c. These 460 groups can be roughly and approximately classified: People's Front - 136 groups, 27,296,000 claimed members, 41% of claimed membership; Moderates - 72 groups, 14,785,000 claimed members, 22%; Right - 252 groups, 24,920,000 claimed membership, 37%.

d. The Soviets submitted a list of 146 parties

DECLASSIFIED
NND 760090
By NARS, Date

and organizations of both North and South Korea with membership in excess of 10,000 whose eligibility for consultation they were willing to discuss. This list failed to include 24 parties and organizations stated by the Soviets to be members of the Anti-Trusteeship Committee. Acceptance of this list would give the following political alignment:

(1) People's Front and other leftists - 75 groups, claimed membership - 32,417,000.

(2) Right and moderate - 71 groups, claimed membership - 18,587,000.

(3) Eliminated right and moderate right - 24 groups, claimed membership - 15,286,000.

(4) Eliminated left - none.

e. Adding the 15,286,000 claimed membership of the 24 rightist groups proposed for elimination by the Soviets to the 11,250,000 Kim Koo - Rhee, Syngman faction which eliminated itself by failing to apply, a total of 26,500,000 rightist or approximately 40% of total claimed membership of all Korea would be omitted from participation in the formation of the provisional government.

f. Acceptance by the U.S. Delegation of the Soviet proposals would have driven from consultation further support of the Joint Commission the majority of the 71 rightist groups with claimed membership of 18,587,000. There would have remained only Democratic People's Front groups from which to form the government.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

g. While the Soviet Delegation consistently denied that it was their purpose to eliminate rightist parties and social organizations, the effect of agreement by the U.S. Delegation with their proposal would have resulted in a complete dependence by this Commission on the Communist-dominated Democratic People's Front for the formation of the provisional government. Even if the remaining right and moderate groups had continued to cooperate with the Joint Commission the Democratic People's Front would have held a large majority.

40. The following general results, contrary to the international commitments, with respect to Korea, would eventuate should the U.S. Delegation accept the contentions of the Soviet Delegation:

a. Direct violation of specific agreements binding upon the Joint Commission.

b. Negation of the broad consultation principle embodied in the Moscow Decision on Korea, the Marshall-Molotov Agreements and Joint Commission Decision No. 12.

c. Denial of freedom of expression to representatives of political parties and social organizations.

d. Unjust discrimination between major political factions in Korea, depriving nearly every influential nationalistic group of the Rightist and Centrist persuasion which had applied for consultation from its rightful place in the formation of their first

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democratic government; by the same token, instituting, contrary to the wishes of the Korean people, a complete domination of such a government by leftist groups led by Soviet-oriented Communists.

e. Recognition, in effect of paramount influence of the USSR in Korea in detriment to both the national interests of Korea and those of the other signatory powers to the Moscow Agreement.

41. Acceptance of the U.S. Delegation's position by the Soviet Delegation would have brought about the following results:

a. Upholding of specific agreements binding upon the Joint Commission.

b. Broadest possible consultation in the spirit and letter of the Moscow Decision, the Marshall-Molotov Agreements, and Joint Commission Decision No. 12.

c. Assurance to the representatives of organizations eligible for consultation of their right to freedom of expression in accordance with the above agreements.

d. Just, proportional representation in the formation of a Provisional Korean Democratic Government of the widest possible range of Korean opinion.

e. Fulfillment of the Moscow Agreement.

42. It is the opinion of the U.S. Delegation that the objectives of the Soviet Delegation's positions were:

a. To insure a Democratic People's Front control of a Provisional Korean Democratic Government

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

similar to that established in North Korea.

b. To establish a Communist controlled satellite state on the border of the USSR which, in the words of the Soviet Chief Commissioner, at the opening meeting in March 1946, "will not become a base for attack on the Soviet Union", and which will outflank a hoped-for Communist Manchuria.

43. To effect the realization of its objectives, the Soviet Delegation relied upon the following:

a. Supression of all opposition to the Democratic People's Front in North Korea through Soviet occupational policies with the result that only Democratic People's Front organizations could apply for consultation.

b. Exclusion from consultation of major non-Democratic People's front organizations in South Korea.

c. Strategic aid to communist-dominated groups in South Korea (fifth-column activities) (See Exhibit 69, Page 174).

44. Failing to obtain agreement as to consultation, the U.S. Delegation attempted to find a basis for continuation and progress of the work of the Joint Commission in the following proposals submitted as stated:

a. At the 48th meeting, held 29 July 1947:

"That the Soviet Delegation conduct consultation with these political parties and social organizations of North Korea and the American Delegation consult with these political parties and social organizations of South Korea."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

b. At the 50th meeting, held 1 August 1947:

"That consultation be jointly conducted north and south of the 38th /parallel7 with those parties which the Soviet Delegation is willing to hear, and that the American Delegation conduct unilateral consultation south of the 38th with those parties they /the Soviet Delegation7 claim are suspicious to them. Such consultation by the American Delegation will be considered consultation with the Joint Commission."

c. At the 53rd meeting, held 12 August 1947:

"The American Delegation, mindful of the solemn obligations of its government under the Moscow Agreement and conscious of its duty to the Korean people to establish as early as possible a Provisional Korean Democratic Government, makes the following proposals to overcome the present impasse regarding consultation:

"1. Oral consultation shall be dispensed with and the questionnaires submitted by Korean political parties and social organizations shall be accepted as consultation under the Moscow Agreement.

"2. Directive to be issued to Subcommission No. 2 to complete and present to the Joint Commission a provisional charter and political platform for the Provisional Korean Democratic Government. This charter to specify which offices are appointive and which are elective.

DECLASSIFIED
NND 760090
By NARS, Date

"3. The Joint Commission shall in the charter proposed to the Four Powers include a provision for an immediate general election to elect a national legislature and such other individuals of the government as the charter may specify, which election shall be held with free electioneering, secret and multi-party ballots, under international supervision. That Subcommission No. 2 be directed to prepare detailed plans for such a general election in North and South Korea to be presented to the Four Powers with the proposed charter.

"4. That Subcommission No. 3 be directed to prepare a plan for the selection of appointive personnel for the Provisional Korean Democratic Government together with a plan for the integration of the existing governmental functions of North and South Korea.

"By making this proposal the American Delegation feels that the opinion of the Korean people which cannot be obtained through oral consultation on a broad basis can be expressed through the medium of a general election where a clear and free election under international supervision is guaranteed."

The Soviet Delegation rejected the first two proposals (Exhibit 68, Page 173). It has not yet replied to the third proposal. In the opinion of the American Delegation, this proposal has been referred to Moscow.

45. The U.S. Delegation concludes:

a. The Soviet objective was announced by the Soviet Chief Commissioner to the Joint Commis-

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

similar to that established in North Korea.

b. To establish a Communist controlled satellite state on the border of the USSR which, in the words of the Soviet Chief Commissioner, at the opening meeting in March 1946, "will not become a base for attack on the Soviet Union", and which will outflank a hoped-for Communist Manchuria.

43. To effect the realization of its objectives, the Soviet Delegation relied upon the following:

a. Supression of all opposition to the Democratic People's Front in North Korea through Soviet occupational policies with the result that only Democratic People's Front organizations could apply for consultation.

b. Exclusion from consultation of major non-Democratic People's Front organizations in South Korea.

c. Strategic aid to communist-dominated groups in South Korea (fifth-column activities) (See Exhibit 69, Page 174).

44. Failing to obtain agreement as to consultation, the U.S. Delegation attempted to find a basis for continuation and progress of the work of the Joint Commission in the following proposals submitted as stated:

a. At the 48th meeting, held 29 July 1947:

"That the Soviet Delegation conduct consultation with those political parties and social organizations of North Korea and the American Delegation consult with those political parties and social organizations of South Korea."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

b. At the 50th meeting, held 1 August 1947:

"That consultation be jointly conducted north and south of the 38th [parallel] with those parties which the Soviet Delegation is willing to hear, and that the American Delegation conduct unilateral consultation south of the 38th with those parties they [the Soviet Delegation] claim are suspicious to them. Such consultation by the American Delegation will be considered consultation with the Joint Commission."

c. At the 53rd meeting, held 12 August 1947:

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DECLASSIFIED
NND 760090
By _____ NARS, Date _____

"3. The Joint Commission shall in the charter proposed to the Four Powers include a provision for an irrediate general election to elect a national legislature and such other individuals of the government as the charter may specify, which election shall be held with free electioneering, secret and multi-party ballots, under international supervision. That Subcommission No. 2 be directed to prepare detailed plans for such a general election in North and South Korea to be presented to the Four Powers with the proposed charter.

"4. That Subcommission No. 3 be directed to prepare a plan for the selection of appointive personnel for the Provisional Korean Democratic Government together with a plan for the integration of the existing governmental functions of North and South Korea.

"By making this proposal the American Delegation feels that the opinion of the Korean people which cannot be obtained through oral consultation on a broad basis can be expressed through the medium of a general election where a clear and free election under international supervision is guaranteed."

The Soviet Delegation rejected the first two proposals (Exhibit 68, Page 173). It has not yet replied to the third proposal. In the opinion of the American Delegation, this proposal has been referred to Moscow.

45. The U.S. Delegation concludes:

a. The Soviet objective was announced by the Soviet Chief Commissioner to the Joint Commis-

SECRET

DECLASSIFIED
NND 760090
By NARS, Date

sion in March 1946. This objective is:

(1) To create the Provisional Korean Democratic Government by a wide unification of all "democratic parties and organizations supporting the decisions of the Moscow Conference of the Ministers of Foreign Affairs";

(2) Through such a government, to eliminate "reactionary, pro-Japanese, anti-democratic elements" and "to carry out radical measures of economic and political reform";

(3) To establish a Korea "friendly to the Soviet Union so that in the future it will not become a base for an attack on the Soviet Union".

b. The Soviet government and its agents have followed the Soviet objective as above announced during:

(1) The 1946 sessions of the Joint Commission;

(2) The exchange of correspondence between the commanders;

(3) The 1947 session of the Joint Commission.

c. The Moscow Agreement, the Marshall-Molotov correspondence, and Joint Commission Decision No. 12 constitute adequate and detailed terms for conducting consultation and for the implementation of the establishment of a Provisional Korean Democratic Government.

d. The Soviet Delegation to the 1947 sessions

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

of the Joint Commission shows no intention of divergence from the objectives announced by the then and present Chief Commissioner of the Soviet Delegation at the opening session of the Joint Commission in 1946.

e. Unless and until the Soviet government directs the Soviet Delegation to the Joint Commission to follow policies other than those announced by the Chief Commissioner of the Soviet Delegation in 1946 as the Soviet objective, it will be impossible to draft any agreement with the Soviet government which will lead to successful evolvement of Korean independence through the medium of the Joint Commission.

Albert E. Brown,
ALBERT E. BROWN
Major General, U.S. Army
Chief U S. Commissioner

Arthur C. Bunce
ARTHUR C. BUNCE
Minister, U.S.A.
U.S. Commissioner

John W Weckerling
JOHN WECKERLING
Brigadier General, U.S. Army
U.S. Commissioner

Owen T. Jones
OWEN T. JONES
U.S. Commissioner

Thomas M Watlington
THOMAS M. WATLINGTON
Colonel, U.S. Army
U.S. Commissioner

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

INDEX TO EXHIBITS *

Exhibit No.		Description	Page
1		War Department Radio 83983 12 August 1947	36
2		Extract from Cairo Declaration	37
3		Extract from Potsdam Declaration	38
4		Extract from GHQ, AFPAC "Operations Instruction No. 4" 15 August 1945	39
5		Moscow Agreement, Part III - Korea	40
6		Note on consultation including extract from transcript, 5th Meeting, Joint Commission	42
7	(a)	Extract from transcript 22nd Meeting, Joint Commission and Note	43
	(b)	Extract from letter, Commanding General, Soviet Forces in Korea, 26 October 1946	43
8	(a)	Extract from transcript, 8th Meeting, Joint Commission	44
	(b)	Extract from speech of Chief Commissioner, Soviet Delegation, Opening Session, Joint Commission, 20 March 1946	44
9		Extract from transcript, 8th Meeting, Joint Commission	45
10	(a)	Extract from transcript, 13th Meeting, Joint Commission and Note	46
	(b)	Note on exclusion and substitution of parties and organizations	46
	(c)	Note and extract from speech of Chief Commissioner, Soviet Delegation, Opening Session, Joint Commission, 20 March 1946	46
	(d)	Extract from transcript of Meeting, 29 April 1946, Chief Commissioners of U.S. and Soviet Delegations and Note	47
11		Extract from transcript, 12th Meeting, Joint Commission and Note	49

* Note:

These Exhibits contain documents and representative extracts from pertinent official records together with notes which have been added wherever it was deemed that a commentary would be desirable.

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Exhibit No.		Description	Page
12		Extract from transcript, 12th Meeting, Joint Commission	50
13	(a)	See Exhibit No. 5	51
	(b)	Extract from transcript, 10th Meeting, Joint Commission	51
	(c)	Extract from transcript, 12th Meeting, Joint Commission	51
14		See Exhibit No. 13	52
15		Joint Communique No. 5, 17 April 1946, Joint Commission	53
16		See Exhibit No. 10 (b)	56
17	(a)	Extract from transcript, Meeting of Subcommission No. 1, Joint Commission, 6 May 1946.	57
	(b)	Extract from transcript, 24th Meeting, Joint Commission	57
18	(a)	Extract from transcript, 24th Meeting, Joint Commission	58
	(b)	Extract from transcript, 24th Meeting, Joint Commission	58
19		Extract from transcript, 24th Meeting, Joint Commission	59
20		Transcript of Conference, Commanding General, USAFIK, and Chief Commissioner, Soviet Delegation, 8 May 1946	60
21		Correspondence between the Commanding General, USAFIK and the Commanding General, Soviet Forces in Korea	
	(a)	9 May 1946, from Commanding General, USAFIK	62
	(b)	15 June 1946, from Commanding General, USAFIK	63
	(c)	12 July 1946, from Commanding General, USAFIK	64
	(d)	6 August 1946, from Commanding General, Soviet Forces in Korea	65
	(e)	12 August 1946, from Commanding General, USAFIK	66
	(f)	26 October 1946, from Commanding General, Soviet Forces in Korea	68

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Exhibit No.		Description	Page
21	(g)	1 November 1946, from Commanding General, USAFIK	71
	(h)	26 November 1946, from Commanding General, Soviet Forces in Korea	73
	(i)	24 December 1946, from Commanding General, USAFIK	76
	(j)	28 February 1947, from Commanding General, Soviet Forces in Korea	78
22		See Exhibit No. 21 (j)	80
23		Correspondence between Secretary of State Marshall and Foreign Minister Molotov	
	(a)	9 April 1947, from Marshall	81
	(b)	19 April 1947, from Molotov	84
	(c)	2 May 1947, from Marshall	89
	(d)	7 May 1947, from Molotov	91
	(e)	13 May 1947, from Marshall	94
	(f)	16 May 1947, from Molotov	95
24		See Exhibit No. 21 (h)	96
25		See Exhibit No. 21 (i)	97
26		See Exhibit No. 23 (d)	98
27		Radio, ZPOL 625, 11 May 1947, Commanding General, USAFIK to War	99
28		See Exhibit No. 21 (i)	101
29		Joint Commission Decisions	
	(a)	No. 1, Method of Operation of the Commission	102
	(b)	No. 2, Joint Press Releases	106
	(c)	No. 3, Joint Agreement on Program of Work	107
	(d)	No. 7, Method of Operation of the Commission	108
	(e)	No. 8, Joint Agreement on Program of Work	112
	(f)	No. 9, Joint Press Releases	113

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

Exhibit No.		Description	Page
29	(g)	No. 11, Joint Press Releases	114
	(h)	No. 17, Method of Operation of the Commission	115
30		Extract from written proposal of Soviet Delegation, presented at First Meeting of Subcommission No. 1	116
31		Extract from transcript, 2nd Meeting, Subcommission No. 1	117
32		Extract from transcript, 3rd Meeting, Subcommission No. 1, and Note	118
33		Extract from transcript of a meeting between the American and Soviet Delegates to Subcommission No. 1, 28 May 1947	119
34	(a)	See Exhibit No. 33	120
	(b)	Further extract from transcript mentioned in above	120
35		Extract from transcript, 2nd Meeting, Subcommission No. 1	121
36		See Exhibit No. 39	122
37		Extract from transcript, 27th Meeting, Joint Commission	123
38		Extract from transcript, 27th Meeting, Joint Commission	124
39		Joint Commission Decision No. 12, The Order of Consultation with Korean Democratic Parties and Social Organizations in Northern and Southern Korea	125
40	(a)	Extract from transcript, 28th Meeting, Joint Commission	133
	(b)	Extract from transcript, 31st Meeting, Joint Commission	133
41		Extracts from transcript, 39th Meeting, Joint Commission	134
42		See Exhibits No. 43, 44, 45	136
43		Extract from transcript, 10th Meeting, Subcommission No. 1	137
44		Extract from transcript, 10th Meeting, Subcommission No. 1	138

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

Exhibit No.		Description	Page
45		Extract from transcript, 11th Meeting, Subcommission No. 1	139
46		Extract from transcript, 12th Meeting, Subcommission No. 1	140
47		Extract from transcript, 14th Meeting, Subcommission No. 1	141
48		Extract from transcript, 14th Meeting, Subcommission No. 1	142
49		Extract from transcript, 14th Meeting, Subcommission No. 1	143
50		Extract from transcript, 14th Meeting, Subcommission No. 1	144
51		Extract from transcript, 39th Meeting, Joint Commission	145
52	(a)	Note on exclusion and extract from transcript, 46th Meeting, Joint Commission	146
	(b)	Extract from transcript, 46th Meeting, Joint Commission	147
	(c)	Extract from transcript, 46th Meeting, Joint Commission	147
	(d)	Note	148
	(e)	Joint Commission Decision No. 16, Order of Compilation of the List of Parties and Organizations	150
53		Extract from transcript, 39th Meeting, Joint Commission	151
54		Extract from transcript, 37th Meeting, Joint Commission	152
55		Extract from transcript, 39th Meeting, Joint Commission, and Note	153
56		Extract from transcript, 43rd Meeting, Joint Commission	154
57		Extract from transcript, 43rd Meeting, Joint Commission	155
58		See Exhibit No. 39	156
59		See Exhibit No. 52	157
60		Extract from transcript, 40th Meeting, Joint Commission	158

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Exhibit No.		Description	Page
61	(a)	Extract from transcript, 42nd Meeting, Joint Commission	159
	(b)	See Exhibit No. 32	159
62		Extract from transcript, 40th Meeting, Joint Commission	160
63	(a)	See Exhibit No. 39	161
	(b)	Extract from transcript, 44th Meeting, Joint Commission	161
64		See Exhibit No. 39	165
65	(a)	Note, including Extract from transcript, 41st Meeting, Joint Commission	166
	(b)	Note, including Letter to the Chief Commissioners from the member organizations of the United Council, 28 July 1947	167
66		See Exhibits No. 35, 50, 52, 53, 54, 55, 59, 63	171
67		See Exhibits No. 23 (d) and No. 39	172
68	(a)	Extract from transcript, 48th Meeting, Joint Commission	173
	(b)	Extract from transcript, 51st Meeting, Joint Commission	173
69	(a)	Note	174
	(b)	Note	174
	(c)	Extract from address by the Soviet Chief Commissioner, 27 July 1947	174
	(d)	Excerpt from Radio ZGGG 957 of 27 July 1947, CG USAFIK to CINCFE	174

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 1

War Department Radio 83983, 12 August 1947 was as follows:

"REF WAR 83671 AND ZGCG 998 AUG 47 STATE DEPT HAS TODAY INSTRUCTED AMBASSADOR IN MOSCOW TO DELIVER LETTER IN APPENDIX C OF SWNCC 176/30 TO SOVIET FOREIGN MINISTER. COPIES SIMULTANEOUSLY BEING SENT TO BRITISH AND CHINESE GOVTS. COPIES WILL BE RELEASED PUBLICLY IN WASHINGTON ON NOTIFICATION TO STATE DEPT THAT LETTER HAS BEEN DELIVERED TO SOVIET GOVT. YOU WILL BE INFORMED AT ONCE IN ORDER THAT YOU MAY MAKE SUCH RELEASE AS APPEARS APPROPRIATE IN KOREA. ONLY CHANGE IN TEXT IS THAT DATE BY WHICH UNITED STATES GOVT DESIRES JOINT COMMISSION REPORT HAS BEEN CHANGED TO AUG 21. STATE DEPT DESIRES THAT ON PUBLICATION OF THIS LETTER, UNITED STATES DELEGATION ENDEAVOR TO ACHIEVE AN AGREED UNITED STATES-SOVIET REPORT ON STATUS OF JOINT COMMISSION NEGOTIATIONS. IF THIS CANNOT BE ACHIEVED BY 20 AUG, STATE AND WAR DEPTS AGREE THAT UNITED STATES DELEGATION SHOULD MAKE UNILATERAL REPORT TO UNITED STATES GOVERNMENT."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 2

"Extract from the Cairo Declaration"

"The Three Great Allies are fighting this war to restrain and punish the agression of Japan. They covet no gain for themselves and have no thought of territorial expansion. It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914, and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be restored to the Republic of China. Japan will also be expelled from all other territories which she has taken by violence and greed. The aforesaid three great powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 3

"Extract from the Potsdam Declaration."

"(8) The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine."

EXHIBIT NO. 3

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 4

Extract from GHQ, AFPAC "Operations Instructions No. 4", August 15th, 1945.

"2 a. The United States Army Forces Pacific, by joint overseas operations in conjunction with the United States Pacific Fleet, will occupy JAPAN proper (exclusive of KARAFUTO) and KOREA (south of 38° North latitude), establish Military Government therein and impose the terms of surrender."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 5

MOSCOW AGREEMENT,

III - Korea

"1. With a view to the re-establishment of Korea as an independent state, the creation of conditions for developing the country on democratic principles and the earliest possible liquidation of the disastrous results of the proctracted Japanese domination in Korea, there shall be set up a Provisional Korean Democratic Government which shall take all the necessary steps for developing the industry, transport and agriculture of Korea and the national culture of the Korean people.

"2. In order to assist the formation of a Provisional Korean Government and with a view to the preliminary elaboration of the appropriate measures there shall be established a Joint Commission consisting of representatives of the United States Command in Southern Korea and the Soviet Command in Northern Korea. In preparing their proposals the Commission shall consult with the Korean Democratic parties and social organizations. The recommendation worked out by the Commission shall be presented for the consideration of the governments of the Union of Soviet Socialist Republics, China, the United Kingdom and the United States prior to final decision by the two governments represented on the Joint Commission.

"3. It shall be the task of the Joint Commission with the participation of the Provisional Korean Democratic Government and of the Korean Democratic organizations to work out measures also for helping and assisting (trusteeship) the political economic and social progress of the Korean people, the

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

development of democratic self-government and the establishment of the national independence of Korea. The proposals of the Joint Commission shall be submitted following consultation with Provisional Korean Government for the joint consideration of the governments of the United States, Union of Soviet Socialist Republics, United Kingdom and China for the working out of an agreement concerning a four power trusteeship of Korea, period of up to five years.

"4. For the consideration of urgent problems affecting both Southern and Northern Korea and for the elaboration of measures establishing permanent coordination in administrative-economic matters between the United States Command in Southern Korea and the Soviet Command in Northern Korea, a conference of the representatives of the United States and Soviet Commands in Korea shall be convened within a period of two weeks."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Note:

As a means of implementing consultation, the Chief Commissioner of the American Delegation suggested a consultative union, a concept upon which he did not elaborate. The Chief Commissioner of the Soviet Delegation insisted upon compiling lists of parties and organizations to be consulted and asserted in the 5th Meeting (27 March 1946) of the Joint Commission:

> "It is a thing which cannot be avoided, the compilation of lists. I do not recognize any consultative body because the existence of any consultative body intended for consultation contradicts the letter and the spirit of the Decision."

The Moscow Agreement did not define the means of implementing consultation (See Exhibit No. 5). Therefore, the American Delegation's proposal was just as valid as the Soviet Delegation's.

Later, lists of organizations to be consulted were compiled and the Soviet Delegation attempted to use the compilation in a manner insuring that only organizations acceptable to it would appear on the lists (See Exhibit No. 10).

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

(a) Statement of the Chief Commissioner of the Soviet Delegation in the 22nd Meeting (3 May 1946) of the Joint Commission:

"The Moscow Decision presents a document which guarantees Korea democracy and development along democratic lines, and those who oppose the Moscow Decision also oppose at the same time democracy in Korea."

Note:

In other words, persons and organizations who oppose the Moscow Agreement are not "democratic".

(b) In summarizing the Soviet Delegation's attitude toward "democratic", the Commanding General, Soviet Forces in North Korea, stated in his letter of 26 October 1946 to the Commanding General, USAFIK:

"Inasmuch as the Moscow Decision has outlined the necessary measures for the democratic reconstruction of Korea, it is the opinion of the Soviet Delegation that the attitude of different parties and groups towards the Moscow Decision is the most important criterion of their true democratic nature and of their striving to see Korea a democratic state."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

(a) Statement of the Chief Commissioner of the Soviet Delegation in the 8th Meeting (3 April 1946) of the Joint Commission:

"It is self-evident that the Commission must invite for consultation, and take under advisement the opinions and proposals of only such parties and organizations which agree with the Moscow Decision and support it fully."

(b) The Soviet Delegation's attitude relative to support of the Moscow Decision was foreshadowed in the speech of its Chief Commissioner in the opening session of the Joint Commission on 20 March 1946:

"The future Provisional Korean Democratic Government must be created on a basis of wide unification of all the democratic parties and organizations, supporting the decisions of the Moscow Conference of the Ministers of Foreign Affairs.

"Only such a government will be able to abolish entirely the remnants of the former Japanese domination in the political and economic life of Korea, to launch a decisive battle with reactionary anti-democratic elements inside the country, to carry out radical measures in the rehabilitation of economic life, to give political liberties to the Koreans and fight for peace in the Far East.

"The Soviet Union has a keen interest in Korea being a true democratic and independent country, friendly to the Soviet Union, so that in the future it will not become a base for an attack on the Soviet Union."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 9

Statement of the Chief Commissioner of the Soviet Delegation in the 8th Meeting (3 April 1946) of the Joint Commission:

"The Moscow Decision as a document is an organic unit; it is the political program of actions of the Allies in Korea, and we cannot artificially break it into two parts. This Decision must be supported as a whole. But the Joint Commission has nothing about which to consult with those parties and organizations which voice opposition to any part whatever of the Moscow Decision and do not support it, including the provision for helping and assisting (trusteeship) the political, economic, and social progress of the Korean people, the development of democratic self-government, and the establishment of the national independence of Korea."

EXHIBIT NO. 9

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 10

(a) A statement of the Chief Commissioner of the Soviet Delegation in the 13th Meeting (11 April 1946) of the Joint Commission made it clear, in part, why the Soviet Delegation desired to consult solely with member organizations of the Democratic People's Front:

> "The Soviet Delegation has once more assured itself in the correctness and in the rightness of its proposal; namely, to consult those who support the Moscow Decision and those who strive to its fulfillment. The newspapers of the parties who form the United Democratic National (People's) Front of South Korea declare in each issue about their readiness to support the Moscow Decision and they also declare their readiness to render assistance to the Joint Commission. They express all kinds of favor towards the measures taken by the Allies to create a provisional government. At the same time newspapers of other parties continue to oppose the Moscow Decision and at the same time they oppose the Joint Commission."

Note:

(b) On the grounds that they opposed the Moscow Decision, in particular, the concept of trusteeship, the Soviet Delegation attempted to exclude virtually all organizations appearing on the list for consultation submitted by the American Delegation. In their place the Soviet Delegation attempted to substitute a solid block of Democratic People's Front organizations.

Note:

(c) In view of his policy throughout the sessions of the Joint Commission, the Chief Commissioner of the Soviet Delega-

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

tion obviously had the Democratic People's Front in mind when he said in his address in the opening session of the Joint Commission on 20 March 1946:

"The future Provisional Korean Democratic Government must be created on a basis of wide unification of all the democratic parties and organizations, supporting the decisions of the Moscow Conference of the Ministers of Foreign Affairs.

"Only such a government will be able to abolish entirely the remnants of the former Japanese domination in the political and economic life of Korea, to launch a decisive battle with reactionary anti-democratic elements inside the country, to carry out radical measures in the rehabilitation of economic life, to give political liberties to the Koreans and fight for peace in the Far East.

"The Soviet Union has a keen interest in Korea being a true democratic and independent country, friendly to the Soviet Union, so that in the future it will not become a base for an attack on the Soviet Union."

(d) In an interview with the Chief Commissioner of the American Delegation on 29 April 1946, the Chief Commissioner of the Soviet Delegation stated:

"The Soviet people have shed their blood for the Korean people and have the right to see in the Korean government people who are loyal to the Soviet Union, and we will not consult with those who mislead the Korean people by slandering the USSR. It will likewise object to the inclusion of such people in the government. We know Koreans

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

have never been inimical to Russia. Consequently, we have no basis to admit to the government those who are against us. We do not regard enmity towards the Soviet Union as a sign of patriotism. Consequently, Korean parties and organizations should be able to furnish people who are loyal to the Soviet Union. We are not selfish. We too are a democratic country and will defend democracy. Therefore, the Joint Commission cannot consult with those opposing the Moscow Decision or the Allies. . . Let General Arnold understand this once and for all. Korea is a neighbor of the Soviet Union. We wish the Korean government to be loyal to the Soviet Union. There are some leaders who from the very birth of the Soviet Union disliked it and agitated against it. Our people have had enough trouble with Japanese imperialism. In the present era, the Soviet people have sacrificed much in the war against Germany and Japan and have the right to peace and to security of their boundaries. Consequently, we shall not agree that people inimical to the Soviet Union participate in consultation, and still less that they participate in the government."

Note:

The Chief Commissioner of the Soviet Delegation could have had in mind only organizations of the Democratic People's Front as they were the only ones supporting the Soviet Delegation's position.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

In regard to the Soviet Delegation's position on the word "democratic" (See Exhibit No. 7), the Chief Commissioner of the American Delegation stated in the 12th Meeting (9 April 1946) of the Joint Commission:

> "The U. S. Delegation will not require democratic parties and social organizations to declare support of the Moscow Decision as a condition of consultation since this is not in conformity with our definition of the word 'democratic'."

Note:

As the Soviet Delegation's working definition of "democratic" applied only to organizations of the Democratic People's Front it clearly applied to organizations which were dominated by the Communist philosophy of a "dictatorship of the proletariat".

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

In the 12th Meeting (9 April 1946) of the Joint Commission, the Chief Commissioner of the American Delegation attempted to give a broad definition of "democratic" when he said:

> "We will not go into the political philosophy of our country other than to give the definition of the word 'democratic', which is (1) pertaining to or characteristic of democracy as a principle of government; (2) pertaining to or characteristic of democracy as a social principle, maintaining and manifesting equal rights and privileges, hence freedom from forced inequality or servility, being on a common level."

He added:

> "With this definition, we consider that all democratic parties have equal rights in the formation of their own government. Therefore, we consider that all parties have the right of expressing their views, that they have the right of consultation."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

(a) See Exhibit No. 5.

(b) In the 10th Meeting (6 April 1946) of the Joint Commission, the Chief Commissioner of the American Delegation stated:

"Our conception of free speech and free thought here in South Korea is something we cannot change, will not change. We therefore will not go along with any agreement, and we have stated this a number of times, which punishes any group or individual for his expression of political beliefs. We have expressed in a number of different proposals an agreeable statement which takes care of the political parties, the democratic parties' and social organizations' actions in the future. We will not approve any punitive proposal. I will repeat the first statement of this which was satisfactory to the U. S. Delegation and which was a compromise. All these parties and organizations consulted must declare that they will recognize the Moscow Decision on Korea and they will support its implementation by the Joint Commission. The one which we have just proposed is in the same vein. Because of our conception of democracy we cannot agree on a statement which will punish parties or organizations for free speech or free thought."

(c) In the 12th Meeting (9 April 1946) of the Joint Commission, the Chief Commissioner of the American Delegation said:

"May I read General Shtikov the text of some instructions we received yesterday from Washington? 'Korean dislike for a provision of the Moscow Agreement cannot be used as a criterion to exclude Korean parties from consultation.' Needless to say, our Delegation is fully in agreement with these instructions..."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 14

See Exhibit No. 13

EXHIBIT NO. 14

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 15

17 April 1946

JOINT COMMUNIQUE NO. 5

The U.S. - Soviet Joint Commission continued discussion on the question of conditions of consultation with democratic parties and social organizations. COLONEL GENERAL T. F. SHTIKOV, Chief of the Soviet Delegation, was chairman at sessions held on 8, 9. 11 and 13 April 1946, in the Tuk Soo Palace, Seoul, Korea, and MAJOR GENERAL A. V. ARNOLD, Chief of the United States Delegation, was chairman at the session 17 April 1946.

As a result of thorough investigation and analysis of the points of view of the Soviet Delegation and the Delegation of the United States, the Joint Commission reached the following decision on the first point of the joint program of work covering the conditions of consultation with democratic parties and social organizations:

"DECISION

"The Joint Commission will consult with Korean democratic parties and social organizations which are truly democratic in their aims and methods and which will subscribe to the following declarations:

'We _____ declare that we will uphold the aims of the Moscow Decision on Korea as stated in paragraph 1 of this decision, namely:

"'The reestablishment of Korea as an independent state,

The creation of conditions for developing the country on democratic principles, and,

The earliest possible liquidation of the

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

disastrous results of the protracted Japanese domination in Korea'.

Further, we will abide by the decisions of the Joint Commission in its fulfillment of paragraph 2 of the Moscow Decision in the formation of a Provisional Korean Democratic Government;

Further, we will cooperate with the Joint Commission in the working out by it with the participation of the Provisional Korean Democratic Government, of proposals concerning measures foreseen by paragraph 3 of the Moscow Decision."

Signed _____

Representing the _____ Party or Organization

The procedure for inviting representatives of Korean democratic parties and social organizations to consult with the Joint Commission is being worked out by Joint Sub-Commission No. 1. When details of the procedure are completed, it will be announced publicly.

Joint Sub-Commission No. 2, taking into consideration the proposals of the Korean democratic parties and social organizations with which it will consult, will prepare for the Joint Commission a charter on the structure and principles of organization of the Provisional Korean Democratic Government at all levels. This charter will designate the various agencies of government that will exercise executive, legislative and judicial authority, with their duties and functions.

Joint Sub-Commission No. 3 has been directed to work out a political platform and other appropriate measures for the

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

future Provisional Korean Democratic Government.

The Sub-Commission, also, will consult with the Korean democratic parties and social organizations.

The platform will be a document stating the aspirations and objectives of the Provisional Korean Democratic Government in the political, economic and cultural fields. It will be comprehensive enough to embrace such questions as industry, agriculture, transportation, finance, public education, and freedom of speech and press, etc.

/s/ A. V. Arnold
/t/ A. V. ARNOLD
Major General, U.S.A.
Chief of U.S. Delegation

/s/ T. F. Shtikov
/t/ T. F. SHTIKOV
Colonel General
Chief of Soviet Delegation

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 16

See Exhibit No. 10 (b)

EXHIBIT NO. 16

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 17

(a) In Subcommission No. 1, the Soviet Delegate stated in the meeting of 6 May 1946:

"Such an official declaration from the Korean Representative Democratic Council, stating the conditions as they are understood by it, is an obvious contradiction of both the Moscow Decision and Communique No. 5. The Soviet Delegation insists that the parties affiliated with the Representative Democratic Council should not be consulted."

(b) In the 24th Meeting (6 May 1946) of the Joint Commission, the Chief Commissioner of the Soviet Delegation stated:

"The declaration states that in the light of Communique No. 5, Dr. KIM, Kiu Sik, on behalf of the Representative Democratic Council stated the following about his position: 'After detailed discussion of Communique No. 5, we reached the following, that the signing of the declaration means the joint action together with the American-Soviet Joint Commission in the matter of creation of a provisional government, and that after this government is created we can voice opposition against trusteeship.' I add that the last words mean nothing but the maneuver that they can be against the trusteeship after the provisional government will be created and this means that they see in the Moscow Decision just a piece of paper."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

(a) The Chief Commissioner of the American Delegation stated in the 24th Meeting (6 May 1946) of the Joint Commission:

> "...it is clear that the question of consultation and therefore the formation of a Provisional Korean Government will be indefinitely delayed pending clarification of our position. In view of this delay, I move therefore that we go on to the discussion of the removal of the thirty-eighth parallel. On the 6th of April, the U. S. Delegation moved that the parallel be removed by the 1st of May. I now move that the boundary be removed by the 1st of June and that immediate steps to that end be initiated by the Joint Commission."

(b) To this the Chief Commissioner of the Soviet Delegation replied in the same meeting:

> "...regarding the thirty-eighth parallel, this is just like teasing a child with candy. The Koreans understand well that if the government will be created, it will be a united Korea. If there won't be any provisional government created, it will not be a united Korea. Koreans have not only feelings but opinions. The suggestion of General Arnold regarding the thirty-eighth parallel proves about the direct wish of the American Delegation to postpone the question of creation of the Provisional Korean Government."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 19

The Chief Commissioner of the American Delegation stated in the 24th Meeting (6 May 1946) of the Joint Commission:

"Since the Soviet Delegation will not in the meantime discuss the other half of our work under paragraph 2 of the Moscow Decision, the unification of the country by the removal of the thirty-eighth parallel, we have no other alternative but to adjourn."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 20

Conference between General Shtikov (the Chief Commissioner of the Soviet Delegation) and General Hodge (Commanding General) Headquarters, United States Army Forces in Korea, 10:00 AM, 8 May 1946.

Extract from stenographic transcript.

General Shtikov:

"When the Moscow Decision was published in Korea, there were such leaders which raised their voices against, or objected to the Moscow Decision in the substance. We consider that objections were reactionary objections. These leaders led astray the part of Korean people. They attempted to slander the Moscow Decision and Allies who signed Moscow Decision. Because they could not be objective, they could not give advice. Soviet Delegation didn't understand a correction made by General Hodge (in a press release of 22 April 1946 concerning the Joint Commission) on the subject that Koreans might raise their voices or object on part of Moscow Decision -- particularly the trusteeship part. We consider that this gave a chance to these parties and leaders to begin their objections against the Moscow Decision. These parties used this statement and made a decision the Democratic Council published on the 1 May and declared their opposition to the Moscow Decision. They raised their voices against the Moscow Decision. I don't know what instruction you got, General Hodge, from your superior command or maybe it is your personal opinion, but this is a unilateral interpretation of Moscow Decision -- that Moscow Decision can be changed .....

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

The main reason why the Soviet Delegation insisted on barring certain persons in consulting and taking part in consulting, General Hodge, it is clear that Russia is close neighbor to Korea and because of this interested in establishing in Korea provisional democratic government which would be loyal to the Soviet Union. The leaders who objected to Moscow Decision and raised their voices against the Soviet Union, slandered the Soviet Union and spread it with mud. If they would seize power in the government, the government wouldn't be loyal to Russia and its people would be instrumental in organizing hostile actions on the part of the Korean people against the Soviet Union."....

. . . . . .

"I reported in detail to my superior command about the situation and about the results of the meeting on the 6th of May. I asked for the necessary instructions. As soon as I receive these instructions, I will immediately inform General Hodge. These instructions, I expect to receive today. I don't exclude the possibility and I presume - I believe that my command in their turn will ask the instructions from their superior command and because of this, the answer may be received not today, but tomorrow. I cannot decide this question alone. ....I would like for General Hodge not to undertake any unilateral actions concerning the work of the Joint Commission until that time I receive instructions from my superior command."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 21 (a)

HEADQUARTERS
UNITED STATES ARMY FORCES IN KOREA
Seoul, Korea

9 May 1946

Guard Colonel General I. M. Chistiakov
Commanding General, XXV Army
Soviet Forces in Korea
Pyongyang, Korea

Dear General Chistiakov:

I assume you are fully aware of the differences of opinion that have arisen within the Joint U. S. - Soviet Commission. I regret very much that any block to fast progress has arisen, but the American delegation cannot agree to exclusion of Korean democratic parties and social organizations and their leaders from consultation concerning the future of their nation because of expression of their political views on the Moscow Decision.

For your information as to my attitude on the subject, I am enclosing a transcript of the conference between General Shtikov and myself on 8 May 1946.

The Americans stand ready and willing to continue the work of the Commission in carrying out fully the Moscow Decision upon one day notice. All accommodations used by the Soviet Delegation remain open for their use.

If there remain other issues to be cleared up before the Commission reconvenes, I suggest that we meet for a personal conference at such place and time as you suggest. I will gladly come to Pyongyang for such a meeting, or I will be delighted if you would accept my long standing invitation to visit me in the Korean metropolis of Seoul.

Respectfully yours,

JOHN R. HODGE
Lieutenant General, U. S. Army
Commanding

EXHIBIT 21 (a)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 21 (b)

HEADQUARTERS
UNITED STATES ARMY FORCES IN KOREA
Seoul, Korea

15 June 1946

Guard Colonel General I. M. Chistiakov
Commanding General, XXV Army
Soviet Forces in Korea
Pyongyang, Korea

Dear General Chistiakov:

Although it has been more than one month since I wrote you suggesting that we meet to discuss and clear-up between us any misunderstood points of difference between our two delegations on the U.S. - Soviet Joint Commission, I have not had the honor of a reply.

As indicated in my letter, the American Command stands ready to resume negotiations in the Joint Commission at any time you suggest, in order fully to carry out the Moscow Decision in accordance with the principles of freedom of expression as enunciated in the Atlantic Charter. Therefore, I reiterate the invitation indicated in my letter of May 9, that you return your delegation to Seoul at any early date to resume negotiations for the complete fulfillment of the terms of the Moscow Decision in the cooperative spirit in which that Decision was made.

Should you decide to accept this invitation, I request advance notice of arrival of the Soviet Delegation in order to rearrange for their housing and messing.

I will appreciate an early reply.

Respectfully yours,

JOHN R. [illegible]DGE
Lieutenant General, U. S. Army
Commanding

EXHIBIT NO. 21 (b)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 21 (c)

HEADQUARTERS
UNITED STATES ARMY FORCES IN KOREA
Seoul, Korea

12 July 1946

Guard Colonel General I. M. Chistiakov
Commanding General, XXV Army
Soviet Forces in Korea
Pyongyang, Korea

Dear General Chistiakov:

Over two months have now elapsed since the discontinuance of the work of the Joint United States - Soviet Commission. Since I have received no reply from you to my letters of 9 May and 14 June, I must now amend the conditions for future meetings.

In my letter of 9 May I stated that the American delegation is now ready and willing to reconvene upon one day's notice. I must amend that stipulation and increase the period to ten day's notice. I am sure you will realize that the reason for this is the necessity for utilizing on other tasks temporarily the services of the personnel previously allocated to the Commission, and the necessity for using certain housing facilities which have remained vacant during the absence of the Soviet Delegation.

The above condition of reopening the Joint Commission does not in any way change my views toward the desirability of reconvening as outlined to you in the above quoted letters.

Respectfully yours,

JOHN R. HODGE
Lieutenant General, U. S. Army
Commanding

EXHIBIT NO. 21 (c)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 21 (d)

HEADQUARTERS
XXV SOVIET ARMY IN NORTH KOREA
Pyongyang, Korea

6 August 1946

Lieutenant General John R. Hodge
The Commanding General
American Forces in South Korea
Seoul, Korea

Dear General Hodge:

I have received your letter of 15 June 1946 pertaining to reconvening the Soviet-American Joint Commission in Seoul.

Having studied the material of the work of the Soviet - American Joint Commission, I have come to the conclusion that the stand taken by the Soviet Delegation in its negotiations, which took place in Seoul, was correct.

The Soviet Delegation was motivated by the necessity for the exact fulfillment of the Moscow Decision of 3 Foreign Ministers on Korea, the only document in which is laid out the program of the Allies, foreseeing the creation of a democratic government in Korea and also the measures of assistance for developing Korea on democratic principles and the establishment of an independent Korean state.

As you know, the break in the work of the Joint Commission, fulfilling this decision, came about on the initiative and suggestion of the American Delegation.

Regretfully, your letter did not state whether the American Delegation in the Joint Commission will uphold the exact fulfillment of the Moscow Decision and consult only with those parties and organizations and their representatives, which fully, without any reservations, support this decision and did not compromise themselves by active opposition to this decision.

Upon receiving your consent to resume negotiations on the basis of the above mentioned, I am ready at any time to send a representative of the Soviet Command to the city of Seoul for conducting negotiations in the Soviet-American Joint Commission for the fulfillment of the Moscow Decision on Korea.

Respectfully yours,

I. M. CHISTIAKOV
Guard Colonel General
The Commanding General of the
Soviet Forces in North Korea

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 21 (e)

HEADQUARTERS
UNITED STATES ARMY FORCES IN KOREA
Seoul, Korea

12 August 1946

Guard Colonel General I. M. Chistiakov
Commanding General, XXV Army
Soviet Forces in Korea
Pyongyang, Korea

Dear General Chistiakov:

This is in answer to your letter of 6 August 1946 in regard to resumption of negotiations by the Joint U.S. - Soviet Commission in Korea.

I note with interest your statement that the Soviet delegation is motivated by the necessity for the exact fulfillment of the Moscow Decision. I take this opportunity to state that the exact fulfillment of the Moscow Decision is and always has been the mission of the American Delegation, and is exactly what it will try to accomplish when the Commission reconvenes.

However, there are certain factors in this connection that I am impelled to point out. These are:

a. There is nothing the U.S. Delegation can read into the Moscow Decision that requires or implies that only those parties and organizations are to be consulted by the Joint Commission which fully, without any reservations, support this decision and did not compromise themselves by active opposition to this decision. Reading this interpretation into the Moscow Decision is purely unilateral.

b. There is nothing in the Moscow Decision or in the general usage of the word "democratic" throughout the world that restricts its application only to organizations or parties belonging to schools of social thought favoring certain classes in the community over others, which seemed to be the interpretation given in practice to the word by the Soviet delegation. The American delegation can apply the word "democratic" only as it is applied in common usage throughout the world, which normally would exclude only parties or organizations opposed to popular rule by elected representatives and to equal rights for all classes of the people.

c. There is nothing in the Moscow Decision that prohibits Koreans in conferences with the Commission or elsewhere from expressing freely their wishes and desires in formation of their own government.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

d. There is nothing in the Moscow Decision that makes any predetermination of the terms of nature of the Four Power Trusteeship beyond the one provision imposing a limit of five years duration. On the contrary, the Moscow Decision states positively that "The proposals of the Joint Commission shall be submitted Following consultation with the Provisional Korean Government for the joint consideration of the *** (Four Powers)****for the working out of an agreement concerning a four power trusteeship of Korea for a period of up to five years. I see no reason for the Joint Commission or the Korean people to enter into commitments concerning a Four Power Trusteeship before the Korean Provisional Government is formed.

In view of the Soviet Delegation's interpretation of the Moscow Decision during the sessions last spring, that delegation might wish to restudy the Decision in the light of the views expressed above.

Since the Moscow Decision was made by our foreign Ministers in good faith and is the only legal vehicle for setting up the independence of Korea, the U.S. Delegation has not alternative but to carry it out exactly and in full, and has no intention of making changes in the Decision or of asking for any repudiation. However, I can assure you that the U. S. Delegation cannot be a party to any arbitrary exclusive or punitive tactics in dealing with the accredited representatives of the Korean people on grounds not specifically stated in the Moscow Decision itself, and inconsistent with the world-accepted definition of the word "Democratic".

On the basis given above, I not only welcome but invite the Soviet Delegation to return to negotiations of the Joint Commission and suggest that you send your representative to Seoul at an early date to make preliminary arrangements.

Respectfully yours,

JOHN R. HODGE
Lieutenant General, U. S. Army
Commanding

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 21 (f)

HEADQUARTERS
25TH SOVIET ARMY IN NORTH KOREA
Pyongyang, Korea

26 October 1946

Lt. Gen. John R. Hodge
Commanding General
Army Forces in South Korea
Seoul, Korea

Dear General Hodge:

In your letter of 12 August 1946 concerning the resumption of the work of the Joint Soviet-American Commission, you, speaking of the intentions of the American delegation to resume the discussions of the Joint Commission, at the same time have advised the Soviet delegation to restudy its position.

In answer to this, I must declare that the Soviet delegation is guided in its work by the terms of the Moscow Decision of the Three Foreign Ministers on Korea and intends to steadfastly adhere to this decision.

I again assure you that the Soviet Delegation is always ready to resume the work of the Joint Commission on the basis of strict fulfillment of the Moscow Decision on Korea.

As far as the question of the discontinuing of the work of the Joint Commission is concerned, as you well know it was the American Delegation itself which time after time in the course of the discussions suggested that the work of the Joint Commission be suspended, and finally at its suggestion the work of the Commission was suspended 5 May 1946.

In your letter you state that "the exact fulfillment of the Moscow Decision is and always has been the mission of the American Delegation".

I must however note that during the work of the Joint Commission the American Delegation did not, in fact, evince such a readiness and many times even declared that it did not quite understand the Moscow Decision on Korea.

Your assertion that the Soviet Delegation allegedly interprets unilaterally the Moscow Decision concerning the creation of a Provisional Korean Democratic Government and the consultation on the subject with Korean political parties and social organizations is unfounded.

In the decision on Korea reached by the Moscow Conference of the Three Foreign Ministers, a series of measures were laid out which aim at the re-establishment of Korea as an independent state, the creation of conditions for the development of the country on democratic principles and the speedy liquidation of the ruinous after-effects of long Japanese domination in Korea. Therefore, the Soviet Delegation, being guided by the aims and spirit of the Moscow Decision, deems that it would not be right to consult on the question of methods of fulfilling the Moscow

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Decision with those parties and organizations which are voicing opposition to this decision, or those, who for tactical considerations, although declaring their support of the decision, at the same time make such stipulations which convert their statement of support of the Moscow Decision into an empty declaration.

In regard to that part of your letter concerning the definition of the word "democratic", the Soviet Delegation would like to point out that in this question it is necessary to consider not the declarative announcements of the party, and not the names of separate parties and organizations, but the actual policies pursued by a given party.

Inasmuch as the Moscow Decision has outlined the necessary measures for the democratic reconstruction of Korea, it is the opinion of the Soviet Delegation that the attitude of different parties and groups towards the Moscow Decision is the most important criterian of their true democratic nature and of their striving to see Korea a democratic state.

Thus, the position of the Soviet Delegation on the question of consultation of the Joint Commission with the Korean democratic parties and organizations fully corresponds to the Moscow Decision.

At the same time it is impossible not to note that there is an obvious contradiction between the interpretation in your letter of the word "democracy" and the actual position which the American Delegation assumed during the period of the work of the Joint Commission.

It is well known that the American Delegation has included in the list of political parties and organizations for consultation with the Joint Commission on the question of the creation of the Provisional Korean Democratic Government, all political parties and organizations which had voiced their opposition against the Moscow Decision and only three democratic parties which upheld the Moscow Decision. It is completely obvious that the American Delegation, when it excluded from participation in consultation with the Joint Commission such democratic parties and organizations of mass character as the Korean National Revolutionary Party, the All-Korean Confederation of Labor, the All Korean Women's Union, the All-Korean Youth Union, the All-Korean Farmer's Union and a number of other organizations, was guided by other than their democratic principles.

As regards the freedom for the Koreans to express their position toward formation of the Korean Government or the realization of the Moscow Decision on Korea, the Soviet delegation has never anywhere made proposals directed against the freedom of expression by the representatives of Korean parties and organizations, wherever they may be, and it is accordingly understood that any party or group as well as any individual Korean citizen, can express similar ideas or present them to the Joint Commission.

I cannot agree with the interpretation set forth in your letter on the question of trusteeship because such an interpretation actually places in doubt the decision of the Moscow

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Conference on this question. As it is known the Moscow Decision states: "It shall be the task of the Joint Commission with the participation of the Provisional Korean Government and of the Korean democratic organizations to also work out measures for helping and assisting (on trusteeship) the political, economic and social progress of the Korean people, the development of democratic self-government and the establishment of the national independence of Korea."

Thus, among the tasks of the Joint Commission is included the preparation of proposals dealing with the establishment of a trusteeship in regard to Korea with the stipulation that these proposals relating to Korea for a period up to 5 years will after consultation with the Provisional Korean Government, be submitted for joint consideration to the governments of the Four Powers.

From the above it is clear that the question of the establishment of the trusteeship as a measure which must aid in the democratic transformation of Korea has been definitely decided by the Moscow Conference and on this basis there must be prepared concrete proposals for the eventual working out of the agreement on trusteeship.

During the interruption in the work of the Joint Soviet-American Commission many events have occurred in South as well as in North Korea.

All these events testify that the Korean people are striving to unite their country, to have a democratic government, and to carry out their democratic transformation.

It is the opinion of the Soviet Delegation that the delay in the formation of the Korean Provisional Democratic Government impedes the so necessary unification of Korea into a single state; it is having a negative effect on the economic and political situation of the Korean people and is holding back the realization of democratic transformation in all Korea.

The Soviet Delegation is greatly concerned that the negotiations of the Joint Commission, interrupted on the initiative of the American Delegation in May, 1946, have not yet been resumed and wishes to resume those negotiations as soon as possible on the basis of exact fulfillment of the Moscow Decision.

If after taking this into account, along with the foregoing statement, you will express your consent to resume the work of the Joint Commission, the Soviet Delegation will always be ready to resume that work.

Respectfully yours,

I. M. CHISTIAKOV
Guard Colonel General
Commanding General of the
Soviet Forces in North Korea

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 21 (f)

HEADQUARTERS
UNITED STATES ARMY FORCES IN KOREA
Seoul, Korea

1 November 1946

Guard Colonel General I. M. Chistiakov
Commanding General, 25th Army
Soviet Forces in Korea
Pyongyang, Korea

Dear General Chistiakov:

I thank you for your letter of October 26th, 1946, and agree with you that the continuation of the division of Korea into two parts works a great hardship on the Korean people. It also weakens the prestige of two great Allies who cooperated so fully to bring a victorious end to the bitterest war in history. Each added month of this division tends to make more difficult the implementation of the Moscow Decision on Korea made by the Foreign Ministers of the Allies last December.

For the purposes of reconciling the differences between the U.S. and the U.S.S.R. delegations, which are not fully resolved in your letter, I propose that the following basis of agreement for reconvening the Joint U.S. - U.S.S.R. Commission be accepted by both the Soviet and American delegations with a view to the early resumption of the sessions of the Joint Commission:

> It is agreed to interpret paragraphs 2 and 3 of the declaration in Communique #5 of the US-USSR Joint Commission, dated April 17th, 1946, to mean that such individuals, parties and social organizations shall not foment or instigate mass opposition to the work of the Joint Commission or the fulfillment of the Moscow Decision. Those individuals, parties, and social organizations which do foment or instigate such opposition shall be excluded from further consultation with the Joint Commission. The decision excluding such individuals, parties, and social organizations shall be by agreement of the Joint Commission.
>
> In consideration of this interpretation of the declaration published in Communique #5 of the Joint Commission, dated April 17, 1946, both Delegations agree that they will not oppose consultation with any individual, political party, or social organization which subscribes to and abides by the declaration published in Joint Communique #5.

In order to eliminate any possible future misunderstanding I believe it is advisable briefly to restate the position of the United States at this time.

(a) The United States has always favored the exact fulfillment of the Moscow Decision by the Joint Commission. This Decision obviously includes

EXHIBIT NO. 21 (g)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

the preparation of proposals "for the working out of an agreement concerning a four power trusteeship of Korea for a period of up to five years" which "shall be submitted for the joint consideration" of the Four Powers "following consultation with the Provisional Korean Government". However, there is nothing in the Moscow Decision which pre-determines the terms or nature of a Four Power trusteeship except that it shall be a method "for helping and assisting (trusteeship) the political, economic and social progress of the Korean people, the development of democratic self-government and the establishment of the national independence of Korea" to be worked out "with the participation of the Provisional Korean Democratic Government." and a limitation placed upon its duration.

(b) The United States has always favored the exercise of freedom of speech in Korea. The United States believes that all Korean democratic parties and social organizations should be permitted to make known their desires in the formation of their own government. The representatives of the United States see a great difference between (1) the instigation of mass opposition to the work of the Joint Commission and the fulfillment of the Moscow Decision; and (2) the proper exercise of freedom of expression by Korean individuals, democratic parties and groups concerning their wishes and desires in the formation of their own government.

On the basis of the United States position herein stated and the suggested interpretation of paragraphs 2 and 3 of the declaration in Communique No. 5 of the Joint Commission which I approved for the United States Delegation, the American Command proposes that the Joint Commission resume its work without delay and I again cordially invite the Soviet Delegation to return to Seoul at an early date for the purpose of resuming negotiations.

I shall be pleased to hear from you as early as possible in order that the necessary preliminary arrangements can be effected.

Respectfully yours,

JOHN R. HODGE
Lieutenant General, U. S. Army
Commanding

EXHIBIT NO. 21 (g)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 21 (h)

HEADQUARTERS
25th SOVIET ARMY IN NORTH KOREA
Pyongyang, Korea

26 November 1946

Lt. Gen. John R. Hodge
Commanding General
Army Forces in South Korea
Seoul, Korea

Dear General Hodge:

I acknowledge the receipt of your letter dated November 1st, 1946.

It is with regret that I have to conclude that the conditions upon which you propose to renew the negotiations of the Joint Soviet-American Commission in substance do not differ from the position laid down in your previous letters, which, in the opinion of the Soviet delegation is in contradiction to the Moscow Decision on Korea.

Actually, you propose that the Joint Commission should consult with any person, political party or social organization which adheres to and abides by the declaration published in Communique #5, moreover, such persons, parties or social organizations must not and will not instigate or foment mass opposition to the work of the Joint Commission or the fulfillment of the Moscow Decision.

Thus, according to this formula, the Joint Commission must consult not only with democratic parties and social organizations which uphold the Moscow Decision, but also with those parties and organizations which are hostile to this decision. Furthermore, these latter parties and organizations are even given an opportunity to continue their activities directed against the Moscow Decision with the exception that they should not instigate or foment mass opposition to the work of the Joint Commission or the fulfillment of the Moscow Decision.

The acceptance of such a proposal would appear, rather as a call to reactionary parties and groups not to retreat from their hostile position towards the Moscow Decision, but merely to curtail temporarily their activities directed against this decision so that they may have an opportunity to take part in the consultations with the Joint Commission. I must remind you that it was precisely in such manner that these parties accepted your public announcement of April 27, 1946 which contained an analogous interpretation of the agreement embodied in Communique #5.

The result was that the parties and organizations which had voiced their opposition to the Moscow Decision agreed to sign the declaration, but on the very second day after the termination of the work of the Joint Commission, prominent leaders of these parties and organizations again returned to an active fight against the Moscow Decision and its supporters.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

There is no doubt that participation by those elements in the consultations would be utilized by them with the aim of sabotaging the fulfillment of the Moscow Decision and would only facilitate their activities in that direction.

I must again declare that if we are aiming at actual and complete realization of the Moscow Decision on Korea, then in the opinion of the Soviet Delegation, it is impossible to consult on the question of methods of fulfilling this decision with those persons, parties and organizations who voice opposition to the above mentioned decision and who are aiming at sabotaging its fulfillment, but whom, for tactical considerations, may for the period of consultation with the Joint Commission temporarily and in part limit their activities directed against the Moscow Decision in order that they may renew these activities in full force as soon as consultation with the Joint Commission is terminated.

The foregoing in no way limits the freedom of Korean democratic parties, social organizations or individuals to express their position regarding the formation of the Korean government or other questions connected with the realization of the Moscow Decision on Korea.

In my previous letter I have already directed your attention to the fact that the Soviet Delegation has never made proposals directed against the freedom of individuals, parties or organizations to express anywhere their views on these questions and it is accordingly understood that any party or social organization as well as an individual Korean citizen can express similar views or present them to the Joint Commission.

Desiring to fulfill the Moscow Decision on Korea as speedily and as definitely as possible, the Soviet side advances the following proposals as a basis for the resumption of the work of the Joint Soviet-American Commission.

1. The Joint Commission must consult with those democratic parties and organizations which uphold fully the Moscow Decision on Korea.

2. Parties or social organizations invited for consultation with the Joint Commission must not nominate for consultation those representatives who have compromised themselves by actively voicing opposition to the Moscow Decision.

3. Parties and Social organizations invited for consultation with the Joint Commission must not and will not voice opposition nor will they incite others to voice opposition to the Moscow Decision and the work of the Joint Commission. If such be the case such parties and social organizations, by mutual agreement of both delegations will be excluded from further consultations with the Joint Commission.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 21 (h) (Cont'd)

In the event you should agree to the foregoing proposals the Soviet Delegation is prepared, without delay, to arrive in Seoul for the resumption of the negotiations of the Joint Commission.

Respectfully yours,

I. M. CHISTIAKOV
Guard Colonel General
Commanding General of the
Soviet Forces in N. Korea

EXHIBIT NO. 21 (h)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 21 (i)

HEADQUARTERS
UNITED STATES ARMY FORCES IN KOREA
Seoul, Korea

24 December 1946

Guard Colonel General I. M. Chistiakov,
Commanding General of the Soviet
Forces in Northern Korea,
Headquarters, 25th Soviet Army,
Pyongyang, Korea.

Dear General Chistiakov:

I wish to acknowledge receipt of your letter of 26 November 1946.

I have had attached to this letter a copy of your letter of 26 November 1946 with paragraphs numbered to facilitate reference.

From a careful reading of paragraphs II to VIII, both inclusive, the impression I receive is that the Soviet Delegation believes that proposals previously submitted by the United States Delegation appear to encourage "reactionary parties and groups" to continue hostile opposition to the Moscow Decision. I assure you that the United States Delegation has no such intention and desires to cooperate with you in preventing such hostile opposition. Paragraphs IX and X of your letter guarantee on the part of the Soviet Delegation complete freedom of expression to Korean political parties, social organizations and individuals "regarding the formation of the Korean government and other questions connected with the realization of the Moscow Decision on Korea." The views expressed in these paragraphs are identical with the position assumed by the United States Delegation.

The last three paragraphs of your letter numbered 1 to 3, although apparently in conflict with paragraphs IX and X nevertheless provide a basis for further discussion.

In view of the closeness of our positions, I suggest that your proposals with the following modifications be made the basis for reconvening the Joint Commission.

Proposal No. 1 to be interpreted as follows: Signing the declaration in Communique No. 5 will be accepted as a declaration of good faith with respect to upholding fully the Moscow Decision and will make the signatory party or organization eligible for initial consultation.

Proposal No. 2, I consider it the right of a declarant party or organization to appoint the representative which it believes will best present to the Joint Commission its views on the implementation of the Moscow Decision. However, should such representative for good reason be believed to be

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

antagonistic to the implementation of the Moscow Decision or to either of the Allied Powers, the Joint Commission, may after mutual agreement, require the declarant party to name a substitute spokesman.

Proposal No. 3, it is suggested that it be reworded as follows: "Individuals, parties and social organizations invited for consultation with the Joint Commission shall not after signing the declaration contained in Communique No. 5 foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision shall be excluded from further consultation with the Joint Commission. The decision excluding such individuals, parties and social organizations shall be by agreement of the Joint Commission."

I trust that the basis proposed above will be acceptable to you and that you will notify me so that I may make the necessary preliminary arrangements for reconvening the Joint Commission.

Respectfully yours,

JOHN R. HODGE
Lieutenant General, U. S. Army
Commanding, United States
Army in Korea

1 Incl.
Copy ltr of
Gen. Chistiakov
dtd 26 Nov 46

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NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 21 (i)

HEADQUARTERS
SOVIET ARMY FORCES IN NOTHERN KOREA
Pyongyang, Korea

28 February 1947.

Lieutenant General John R. Hodge
The Commanding General
American Forces in South Korea
Seoul, Korea

Dear General Hodge:

Confirming the receipt of your letter of December 24, 1946, it is with satisfaction I note that as a result of our correspondence the positions of both sides have actually drawn closer together.

1. I take note of your declaration that you are ready to accept as a basis for the resumption of the work of the Joint Commission, the proposals set forth in my letter dated November 26, 1946. I agree with your interpretation of proposal #1, bearing in mind that the matter may not and must not be confined merely to expressions of good intentions to uphold fully the Moscow Decision on the part of those parties and organizations which will sign the declaration contained in Communique #5. Subsequent actions of these parties and organizations who have signed the above mentioned declaration, and consequently have accepted the obligation to uphold fully the Moscow Decision on Korea, likewise must be consonant with that obligation.

2. In reference to paragraph #2 of my proposals, I should like to explain that the Soviet Delegation considers it expedient that parties and organizations which will take part in consultation with the Joint Commission be informed beforehand that they must not deisgnate for consultation such representatives who have compromised themselves by actively voicing opposition to the Moscow Decision.

Bearing this in mind, and taking into consideration your observations, I propose the following wording for paragraph #2:

"A PARTY OR ORGANIZATION SIGNATORY TO THE DECLARATION CONTAINED IN COMMUNIQUE #5 HAS THE RIGHT TO APPOINT SUCH A REPRESENTATIVE WHO IN ITS OPINION CAN BEST PRESENT TO THE JOINT COMMISSION ITS VIEWS REGARDING THE FULFILLMENT OF THE MOSCOW DECISION, AND WHO HAS NOT COMPROMISED HIMSELF BY ACTIVELY VOICING OPPOSITION TO THAT DECISION. HOWEVER, IF THE APPOINTED REPRESENTATIVE, FOR COMPLETELY VALID REASONS, BE CONSIDERED ANTAGONISTIC TOWARD THE FULFILLMENT OF THE MOSCOW DECISION OR TOWARD EITHER OF THE ALLIED POWERS, THEN THE JOINT COMMISSION, FOLLOWING MUTUAL AGREEMENT, MAY DEMAND THAT THE PARTY HAVING MADE SUCH A STATEMENT (DECLARATION) SHOULD DESIGNATE ANOTHER REPRESENTATIVE IN HIS PLACE."

DECLASSIFIED
NND 760090
By NARS, Date

3. I agree with your wording of proposal #3. I assume, however, that by the concept "individuals" shall be understood representatives of parties and social organizations invited to participate in consultations in accordance with the provisions set forth in paragraph #2 above.

I would deem it more expedient to substitute for the word "individuals" the words "and their representatives" with the result that the first sentence of your third proposal would be worded as follows:

"Parties and social organizations and their representatives invited for consultations," etc. according to the text.

The remainder of the wording of this proposal is accepted by me without change.

4. Concerning your observations regarding the alleged existence of conflict between paragraphs 9 and 10 of my letter, and the proposals set forth in that letter, I must say that I do not discern any such conflict.

I hope that agreement by us on the conditions of consultation will assure a speedy and successful resumption of the work of the Joint Commission.

Respectfully yours,

I. M. CHISTIAKOV
Guard Colonel General
Commanding General of the
Soviet Forces in N. Korea.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 22

See Exhibit No. 21 (j)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT 23 (a)

April 9 dispatched following letter to Molotov text of which he is releasing to press Moscow April 11, 11 a.m. Moscow time:

I wish to call your attention to the situation in Korea. The representatives of the Soviet Union and the United States on the Joint (U.S.-U.S.S.R.) Commission in Korea have been unable to make progress towards the establishment of a Korean Provisional Government. It has been 19 months since the Japanese surrender, yet Korea has profited little. The country is divided into two zones. The Soviet Commander in Northern Korea has refused to permit freedom of movement and free economic exchange between these zones. This has precluded freely Chosen political amalgamation of the Korean people and has resulted in grave economic distress. The policy of the United States toward Korea has the following basic objectives:

1. To assist in the establishment as soon as practicable of a self-governing sovereign Korea, independent of foreign control and eligible for membership in the United Nations.

2. To insure that the national government so established shall be representative of the freely expressed will of the Korean people.

3. To aid the Koreans in building a sound economy as an essential basis for their independent and democratic state.

The United States, in the Cairo Declaration of 1 December 1943, declared its determination that in due course, Korea should become free and independent. The United Kingdom and the Republic of China were parties to the same declaration. The Cairo Declaration was specifically reaffirmed by the three powers in the Potsdam Declaration which defined terms for the

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Japanese surrender. The U.S.S.R. in its declaration of war on Japan on August 8, 1945, declared its adherence to these declarations. Upon the surrender of Japanese forces in Korea the areas respectively South and North of a line arbitrarily assigned for this purpose, the 30-8 degree parallel. This line of demarcation became in effect a boundary between zones of occupation. At the conference of the Foreign Ministers of the U.S., U.K., and U.S.S.R. in Moscow in December 1945, the serious consequences of the bi-zonal division of Korea were discussed and an agreement regarding Korea was reached and published in Part 3 of the Communique of the Conference. The Republic of China subsequently subscribed to this agreement. March 20, 1946, the Joint (U.S.-U.S.S.R.) Commission appointed under the terms of the Moscow Agreement met and began its task, as outlined in the agreement, of assisting in the formation of a Provisional Korean Democratic Government as a 1st step in assuring the establishment of an independent and sovereign Korean nation. It was the hope of the Government of the United States that speedy action would be taken by the Joint Commission, a Provisional Korean Government would rapidly be established, the unfortunate results of the line of demarcation between the United States and the Soviet Forces would be overcome and Korea could be started on the way to attaining an independent and democratic government. Unfortunately the work of the Joint Commission became stalemated after a short time through failure to agree on the definition of the word "democratic" as it pertained to the representatives of the parties and social organizations mentioned in the Moscow Agreement to be consulted by the Joint Commission in its task of assisting in the formation of a provisional government. As it became evident that no

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

agreement could be reached at the time, the Joint Commission adjourned sine die on May 8, 1946. The United States Commander in Korea has several times suggested to the Soviet Commander that the Commission reconvene and get on with its work. However, the Soviet Commander has insisted on a formula which would result in eliminating the majority of representative Korean leaders from consultation as representatives of Korean democratic parties and social organizations and has reiterated this position in a letter to the American Commander as recently as February 28, 1947. It has therefore been impossible to agree upon a basis for reconvening the Commission. Now in April 1947, almost 16 months since the agreement pertaining to Korea was reached in Moscow, there has still been no real progress made toward the implementation of that agreement. In fulfillment of the intent of the agreement and declaration made at Moscow in December 1945, the Government of the United States desires to finish the work of establishing a free and independent Korea without additional delay. To this end I ask that our Governments agree to instruct our respective Commanders in Korea to reconvene the Joint Commission as soon as possible and charge it with expediting its work under the terms of the Moscow Agreement on a basis of respect for the democratic right or freedom of opinion. I further suggest that a mutually acceptable date during the summer of 1947 be fixed for a review by the two Governments of the progress made to that date by the Joint Commission. In the meantime, the United States, mindful of its obligations under the Moscow Agreement, has no alternative to taking without further delay such steps in its zone as will advance the purposes of that Agreement. I am furnishing copies of this letter to the British and Chinese Governments.

(Signed) Acheson

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 23 (b)

(Text of Letter from Molotov on Korea dated April 19.)

Dear Mr. Marshall:

In reply to your letter of April 8 on the question of Korea, I am communicating the following: At the Moscow Meeting of the Foreign Ministers of the Soviet Union, the United States of American and the United Kingdom in December 1945, an agreement was reached which determined the policy of the 3 powers with respect to Korea. A basis for this agreement were the proposals of the Soviet Government, to which the Government of the U.S.A. also agreed, having consequently abandoned its first intention not to establish a National Korean Government in Korea.

The Moscow Agreement held the establishment of a Provisional Democratic Korean Government which could take all the necessary measures for the development of Korean industry, transport, agriculture and the national culture of the Korean people, to be a problem of primary importance. Having made these proposals the Soviet Government deemed that the unification of Korea under the leadership for the Korean National Government was the most important prerequisite for the restoration of Korea as an independent state and the establishment of bases for the development of the country on democratic principles. The Soviet Government continues to adhere to this point of view and insists on a steadfast implementation of the Moscow Agreement on Korea, being certain that, on the basis of the execution of this agreement, Korea could be successfully developed along democratic principles and would become an independent and prosperous state and an equal member of the United Nations. However, the legislative program provided for Korea by the Moscow Agreement has not yet been carried out. A Provisional Democratic Government has not been established. The work of the Joint Soviet-American Commission, established for the purpose of collaborating in the establishment of a Provisional Democratic Korean Government was suspended as a result of the fact that the American Delegation on this Commission took a stand

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Exhibit No. 23 (b) (con't)

contrary to the Moscow Agreement on Korea. Furthermore, the American Command in Southern Korea did not agree to a serious consideration of the proposals by the Soviet Command in Northern Korea on the question of an economic exchange between the two zones, which made it impossible to reach an agreement on this question.

In the course of the work of the Joint Soviet-American Commission during the period from March to May, 1946 the Soviet Delegation made every effort to effect the execution of the aforementioned agreement on Korea and first of all, provide for a prompt establishment of a Provisional Democratic Korean Government and for the unification of Korea under its leadership. However, the Soviet Delegation met with not only difficulties in this connection, but also with direct counter-action on the part of the American Delegation, basing itself on the agreement of Korea, which provides that the Joint Commission, in formulating its proposals, should consult Korean democratic parties and social organizations. The Soviet Delegation insisted on a wide-scale attraction of such parties and organizations to consultation with the Commission. The American Delegation excluded participation by a whole series of large democratic organizations in Southern Korea and insisted on consultation with groups which had taken a stand in opposition to the Moscow Agreement, consultation with which, naturally could not facilitate the execution of this Agreement. The American Delegation included in the list of parties and organizations submitted by it for the consultation with the Joint Commission, 17 political parties and social groups of Southern Korea which took a stand against the Moscow Agreement, and only 3 democratic parties which supported the agreement. The American Delegation excluded such large democratic parties and social organizations as the All-Korean Labor Confederation, the All-Korean Peasant Union, the Korea National Revolutionary Party,

DECLASSIFIED
NND 760090
By NARS, Date

Exhibit No. 23 (b) (con't)

The All-Korean Youth Union, etc., from participation in consultations. Deeming it impossible to agree to this position of the American Delegation, the Soviet Delegation nevertheless did its utmost to find a way to reach an agreed decision. This, however, appeared impossible and the work of the Commission, on the suggestion of the American Delegation was curtailed.

The intolerance of the resulting situation is evident. As a result of this, as you know, it was necessary to take new measures in endeavoring to find a way out of such a situation. The Soviet Commander in his relations with the American Commander endeavored to find a basis for the renewal of the work of the Joint Commission. As a result of an exchange of letters, there has been a considerable reapproachment of the points of view of both sides, which fact was noted by both Commanders. It was expected that an agreement would soon be reached and the Joint Commission would begin its work very shortly. However, no reply has been received to date from the American Commander to the last letter of February 28, from the Soviet Commander and the proposed agreement was not reached. Disagreement of action was a serious obstalce for the opportune fulfillment of the program of measures proposed in the Moscow Agreement of Korea as a whole.

In connection with Northern Korea, during the period beginning with the capitulation of Japan, considerable progress was made in the field of democratic action, and also with respect to the restoration of national economy and culture. Wide democratic reforms have been made which guarantee political freedom and raise the standard of living of the population. I have in mind, first of all, the introduction of an over-all electoral right; a law on equal rights for women; the establishment of local authority agencies and the peoples committee of Northern Korea on the basis of free democratic elections; land reform, as a result of which 725,000 landless peasant farmers and those having little land received more than 1,000,000 hectares of free land, which

DECLASSIFIED
NND 760090
By NARS, Date

Exhibit No. 23 (b) (con't)

formerly belonged to Japanese colonists and their accomplices in Korea; the nationalization of former Japanese industries, the 8-hour work day, safeguarding of labor and social insurance; CIC educational reform, as a result of which the Korean language has been reestablished, the network of schools was increased and the number of students was increased, etc. However, such wide democratic reforms have been carried out only in Northern Korea, where there is only two-fifths of the population of Korea.

The Soviet Government, closely adhering their policy toward Korea to the program planned in the Moscow Agreement, believed the following to be points of primary importance:

Part. 1. The establishment of Provisional Democratic Korean Government on the basis of a wide-scale participation of Korean democratic parties and social organizations, in order to expedite the political and economic unification of Korea as a self-supporting state independent of foreign interference, which would do away with the division of the country into two zones.

Part. 2. The establishment of democratic authority agencies throughout Korea by means of free elections on the basis of a general and equal electoral right.

Part. 3. The aiding of Korean people in the restoration of Korea as an independent democratic state and in the development of its national economy and national culture.

In connection with the steadfast aspiration on the part of the Soviet Government for the prompt restoration of Korea as a united sovereign state and elimination of difficulties arising from the fact that Korea to date had not been unified and does not have a national government. I propose that the Joint Soviet-American Commission resume its work on May 20 of the current year in the City of Seoul on the basis of an exact execution of the Moscow Agreement on Korea, and that the Commission present the result of its work on the elaboration of recommendations with

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Exhibit No. 23 (b) (Con't)

respect to the establishment of a Provisional Democratic Korean Government for consideration by the two governments in July and August 1947.

I am sending copies of the present letter to Mr. Bevin and to the Chinese Ambassador in Moscow.

I beg you, Mr. Secretary of State, to accept the assurance of my very highest consideration.

V. MOLOTOV

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 23 (c)

TEXT OF MARSHALL'S LETTER TO MOLOTOV (2 May 1947)

Dear Mr. Molotov:

I have considered your letter of April 19, 1947, in which you accept our proposal to reconvene the US-USSR Joint Commission and suggest that the commission resume its work on May 20 of this year. I have also noted your statement that resumption of the commission's work shall be on the basis of an exact execution of the Moscow Agreement on Korea.

In order to avoid any future misunderstanding with respect to the phrase "exact execution" I wish to make clear my interpretation of the phrase. In my letter to you of April 8, I stated that the Joint Commission should be charged with expediting its work under the terms of the Moscow Agreement on a basis of respect for the democratic right of freedom of opinion. In making this statement I had and have in mind the well known position of the government of the United States and Korean representatives of Democratic parties and social organizations shall not be excluded from consultation with the commission on the formation of a Provisional Korean Government, because of opinions they might hold or may have expressed in the past concerning the future government of their country, provided they are prepared to cooperate with the commission.

You mention three points which the Soviet Government believes to be of primary importance in its policy towards Korea. Your statement concerning the importance of establishing a provisional Democratic Korean Government on the basis of wide scale participation of Korean Democratic parties and social organizations has from the beginning been accepted by the United States government as a basis to its policy of assisting in the establishment of a self governing sovereign Korea, independent of foreign control and eligible for membership in the United Nations.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Exhibit No. 23 (c) (Con't)

I interpret your second point with respect to the establishment of "Democratic Authority Agencies" throughout Korea as referring to local, provincial and national government agencies chosen, as you state, by means of free elections on the basis of a general and equal electorial right.

I welcome the assurance contained in your third point with regard to the importance you attach to aiding in the restoration of Korea as an independent democratic state and in the development of its national economy and national culture. The United States government has under consideration a constructive program for the rehabilitation of the economy of Korea and for its educational and political development.

In order that I may direct the United States Commander in Korea to make preparations for opening the sessions of the Joint Commission in Seoul on May 20, 1947, may I receive an early confirmation that we are mutually agreed as to the basis on which the commission shall resume its important work? I am furnishing copies of this letter to the governments of China and the United Kingdom.

Please accept, Mr. Minister, assurance of my highest esteem.

GEORGE C. MARSHALL

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 23 (d)

100305/May

FROM: STATE DEPARTMENT

TO : CG USAFIK (ATTN POLITICAL ADVISOR)

INFO: WAR CHIEF OF STATE

Molotov's reply (of 7 May 1947) received from Soviet Embassy today following:

Dear Mr. Marshall:

I acknowledge receipt of your letter of May 2 concerning the resumption of the work of the Joint Soviet-American Commission on Korea. Your proposal, as I understand it, is to the effect that before the resumption of the work of the Joint Commission an agreement should be reached concerning the conditions for consultation with Korean democratic parties and social organizations. This question was the subject of my exchange of correspondence between the Soviet and American Commanders in Korea as a result of which, as I already answered in my previous letter, the points of view of the two sides were brought considerably closer. The Soviet Commander in his letter of Nov 26, 1946, advanced the following proposals as a basis for the resumption of the work of the Joint Commission:

1. The Joint Commission must consult those democratic parties and organizations which uphold fully the Moscow Decision on Korea.

2. Parties or social organizations invited for consultation with the Joint Commission must not nominate for consultation those representatives who have compromised themselves by actively voicing opposition to the Moscow Decision.

3. Parties and social organizations invited for consultation with Joint Commission must not and will not voice opposition nor will they incite others to voice opposition to Moscow Decision and the work of the Joint Commission. If such be the case, such parties and social organizations by mutual agreement of both delegations will be excluded from further consultation with the Joint Commission.

The American Commander in his letter of Dec. 24, 46, agreed to

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Exhibit No. 23 (d) (con't)

accept these proposals of the Soviet Commander with the following changes as the basis for the resumption of the work of the Joint Commission:

"Proposal Number 1 to be interpreted as follows:

"Signing the declaration in Communique Number 5 will be accepted as declaration of good faith with respect to upholding fully the Moscow Decision and will make the signatory party or organization eligible for signing consultation.

"Proposal Number 2 - I consider it the right of a declarant party or organization to appoint the representative which it believes will best present to the Joint Commission its views on the implementation of the Moscow Decision. However, should such representative for good reason be believed to be antagonistic to the implementation of the Moscow Decision or to either of the Allied Powers, the Joint Commission may, after mutual agreement, require the declarant party to name a substitute spokesman.

"Proposal Number 3 - It is suggested that it be reworded as follows: Individuals, parties and social organizations invited for the consultation with the Joint Commission should not after signing the declaration contained in Communique Number 5 foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision. Those individuals, parties and social organizations which after signing the declaration contained in Communique Number 5 do foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision shall be excluded from furtner consultation with the Joint Commission. The decision excluding such individuals, parties and social organizations shall be by agreement of the Joint Commission."

With a view to expediting the resumption of the work of the

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Exhibit No. 23 (d) (con't)

Joint Commission and the creation of a temporary Korean democratic government, I am prepared to accept the amendments set forth above proposed by the American Commander. I hope that there will thus exist no further reasons for postponing the convocation of the Joint Commission. In your letter you stated that the Government of the United States is at the present time considering a constructive program for the reconstruction of Korean economy and its cultural and political development. I presume that the Joint Commission, in accordance with the Moscow Agreement on Korea, after the completion of the work connected with the formation of a Provisional Korean Democratic Government should consider with the participation of this government proposals from the American and Soviet sides concerning measures of aid and assistance for the political, economic, and social progress of the Korean people, the development of the democratic autonomy, and the establishment of the state independence of Korea and present agreed recommendations on these questions. I am sending a copy of this letter to the Governments of the United Kingdom and China. Please accept, Mr. Secretary of State, the assurance of my highest consideration.

V. Molotov

V. Molotov

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 23 (e)

13 MAY 1947

The text of Marshall's note on Korea was delivered to the Soviet Foreign Office early today:

"I have received your letter of May 7, 1947, and am pleased to note agreement of your government to reconvening of the Joint Commission on the basis of the proposals made in American Commander's letter of December 24, 1946, to the Soviet Commander in Korea. Those proposals authorized by this government are identical in purpose to the statement contained in the second paragraph of my letter of May 2, 1947. I am instructing the American Commander in Korea to make immediate preparations for reconvening the Commission in Seoul.

"A copy of this letter has been sent to the Government of the United Kingdom and China."

EXHIBIT NO. 23 (e)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 23 (f)

MOLOTOV LETTER TO SECRETARY MARSHALL DATED MAY 16, 1947:

Dear Mr. Marshall:

I acknowledge receipt of your letter of reply dated May 13, 1947. Your statement that you are instructing the American Commander in Korea to make immediate preperations for reconvening the Commission in Seoul, I regard as your agreement to my proposal to resume the work of the Commission on May 20, 1947.

For my part, I inform you that the Soviet Delegation to the Joint Commission is prepared to arrive in Seoul by that date.

I am sending a copy of this letter to the Governments of UK and the Chinese Republic.

Accept, Mr. Secretary of State, the assurances of my highest consideration.

V. Molotov

(From State Dept 171135/Z)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 24

See Exhibit No. 21 (h)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 25

See Exhibit No. 21 (i)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 26

See Exhibit No. 23 (d)

EXHIBIT NO. 26

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

EXHIBIT NO. 27

JOINT COMMISSION

COPY OF RADIO GIVEN MR. LANGDON ABOUT 1600
MAY 11 WITH REQUEST BE DISPATCHED WASHINGTON

(Z POL 625 WD Please pass to State)

Reference radio Moscow report transmitted by UP under London date line May eleven indicating that Molotov has accepted proposals contained in General Hodges letter to General Chistiakov of December 24 as basis for reconvening Joint Commission. In his reply of February 28, 1947, to General Hodges letter of December 24, 1946, General Chistiakov repudiated his apparent prior partial acceptance of the principle of freedom of expression as contained in his letter to General Hodge of November 26th, 1946, and as commented on in the third paragraph of General Hodges letter to General Chistiakov of December 24 by insisting in his proposal number two that those be accepted for consultation quote who has not compromised himself by actively voicing opposition to that decision end quote. There may be other points to give vent to possible confusion. Unless and until a simple clear definite and specific agreement can be reached with the Russians to accord freedom of expression of opinion to Koreans regardless of their vocal expression of non-agreement with certain principles of the Moscow Decision no concrete results can be expected by reconvening the Commission. Should the Joint Commission be reconvened without a definite and specific guarantee of freedom of expression, local conditions indicate a large exclusion of rightist leaders and political parties which will result largely in leftist consultation and may interfere with the work of the Joint Commission by creating local disturbances. In view of the differences in viewpoint contained in the several letters exchanged with the Russians and the necessity to avoid further opportunity for misunderstanding recommend that the basis of reconvening Joint Commission

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

be as stated in para two of reply by Secretary of State to Mr. Molotovs letter of April 19, 1947 and that the agreement be specifically worded and transmitted by both governments for guidance of the Joint Commission thus avoiding polemic reference to prior correspondence.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 28

See Exhibit No. 21 (i)

EXHIBIT NO. 28

DECLASSIFIED
NND 760090
By NARS, Date

EXHIBIT NO. 29 (a)

JOINT COMMISSION DECISION NO. 1

The Joint Commission established 20 March 1946 at Seoul, Korea, in accordance with Section III (Korea) of the Decision of the Communique of the Moscow Conference of the Three Ministers of Foreign Affairs, agreed upon the following points:

METHOD OF OPERATION OF THE COMMISSION

1. Operation of the Joint Commission.

   a. The Joint Commission shall be composed of one Chief Commissioner and four Commissioners for each of the two allies.

   b. The Chairmanship of the Commission will alternate weekly between the two Chief Commissioners but in exceptional cases alternations may take place more often by mutual agreement. As a rule the nationality of the Chairman of such Committees and subcommittees as it may be necessary to establish will alternate at corresponding intervals and will correspond to the nationality of the Chairman of the Commission. In the absence of the Chief Commissioner, he shall designate one of his Commissioners to act as his deputy.

   c. The Commission will meet in formal session as frequently as the two Chief Commissioners may decide. In case of necessity, either of the two Commissioners may request a special meeting.

   d. The following will attend meetings of the Commission: The Chief Commissioners (or in their absence, their duly authorized deputies), the Commissioners, and advisors and specialists. Representatives of Korean democratic political parties and social organizations may be present at meetings of the Commission by

DECLASSIFIED
NND 760090
By NARS, Date

special invitation as mutually agreed upon between the heads of the delegations.

e. Every meeting shall be preceded by the preliminary dissemination of proposed Agenda, draft resolutions, and other essential documents which shall have been submitted to the Responsible Secretaries (see below) for distribution in appropriate form and language 2-3 days before the meeting. Agenda are subject to final approval of the Commission at the commencement of each meeting, but each Chief Commissioner has the right to include in the Agenda any matter he may consider to be within the competence of the Commission determined by paragraph 2 and 3, Section III, Korea, of the Moscow Conference .

f. The following will constitute the principal documents of the Commission: Minutes of meetings, Agenda, resolutions, and decisions of the Commission, proclamations and press communiques.

g. All meetings will be carried on in English and Russian languages, and all documents will be distributed in the Commission in both languages by the Responsible Secretaries .

2. Operation of the Joint Secretariat.

a. Composition: (Decision withheld for a period of one week to permit the Secretaries of the delegation to submit their recommendations.)

b. The two Chief Secretaries shall alternate as Secretary General of the Commission, so that the nationality of the Secretary General corresponds to that of the Chairman of the Commission.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

c. It shall be the duty of the Responsible Secretaries:

(1) To prepare on the basis of instructions from the two Chief Commissioners, the Agenda of meetings, and to disseminate them 24 hours in advance of each meeting to each member of the Commission in the appropriate language.

(2) To prepare and disseminate for amendment and correction draft minutes should include brief resumes of discussions, as well as all decisions and conclusions of the Commission. Minutes will not be considered final and official until they have been submitted for amendment to and approved by the Chief Commissioners or their designated deputies. (Ordinarily the approval of the minutes of the previous meeting will be the first point on the Agenda of each subsequent meeting.)

(3) To assemble, translate, and disseminate to members of the Commission all documents submitted to it for discussion by either delegation. Such documents should ordinarily be distributed not later than 24 hours before the meeting at which they are to be discussed, in order that they may be adequately studied before the meeting.

(4) To translate, distribute, and publish in Russian, English, and Korean all such decisions, proclamations, Press Communiques, and announcements as the Commissioners may jointly authorize or direct.

(5) To notify all members of the Commission and all other persons, invited to attend jointly by

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Exhibit No. 29 (a) (con't)

the Commission, of the time and place of meetings.

(6) To perform all functions outlined in (1), (2), (3), and (5) for such committees and sub-committees of the Commission as it may be necessary to establish.

(Session 20 March 1946)

With reference to the decision on Agenda item number 3 of the Meeting of 20 Mar 46, the word "Joint" will be substituted for the word "Responsible" when referring to the principal secretaries of the Joint U.S. - Soviet Commission.

(Session 22 March 46)

A. V. ARNOLD
Major General, U.S.A.
Chief of U.S. Delegation
U.S. - Soviet Joint Commission

T. F. SHTIKOV
Colonel General
Chief of Soviet Delegation
U.S.-Soviet Joint Commission

EXHIBIT 29 (a)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 29 (b)

JOINT COMMISSION DECISION NO. 2

The Joint Commission established 20 March 1946 at Seoul, Korea, in accordance with Section III (Korea) of the Decision of the Communique of the Moscow Conference of the Three Ministers of Foreign Affairs, agreed upon the following points:

JOINT PRESS RELEASES

1. Inasmuch as the public in general and the Korean people in particular have the right to know as much as possible of the efforts of the Joint Commission to assist the formation of a Korean Government, the Commission resolves to issue detailed Joint Communiques to the press after the settlement of each question but not less than once each week.

(Session of 20 March 1946.)

2. All documents pertaining to the proceedings of Committees, Sub-committees and other subordinate agencies of the Commission shall be considered secret and shall not be divulged in the press except those mutually agreed to between the heads of delegations.

(Session of 22 March 1946.)

A. V. ARNOLD
Major General, U.S.A.
Chief of U.S. Delegation

T. F. SHTIKOV
Colonel General
Chief of Soviet Delegation

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 29 (c)

JOINT COMMISSION DECISION NO. 3.

The Joint Commission established 20 March 1946 at Seoul, Korea, in accordance with Section III (Korea) of the Decision of the Communique of the Moscow Conference of the Three Ministers of Foreign Affairs, agreed upon the following points:

JOINT AGREEMENT ON PROGRAM OF WORK

There shall be two stages of the Commission's activities:

1 - The fulfillment of paragraph 2, Moscow Decision on Korea.

2 - The fulfillment of paragraph 3, Moscow Decision on Korea.

The first stage of the Commission's activities shall concern itself with the following matters:

1. Conditions for and order of consultation with democratic parties and social organizations.
2. Elaboration of recommendations for the structure and principles of organization of the Provisional Korean Democratic Government and the local organs of authority (provisional charter).
3. The preliminary elaboration of a political platform and other appropriate measures for a future Provisional Korean Democratic Government.
4. Elaboration of recommendations for the personnel of the Provisional Korean Democratic Government.

A. V. ARNOLD
Major General, U.S.A.
Chief of U.S. Delegation
U.S. - Soviet Joint Commission

T. F. SHTIKOV
Colonel General
Chief of Soviet Delegation
U.S. - Soviet Joint Commission

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NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 29 (d)

JOINT COMMISSION DECISION NO. 7*

(Revision of Joint Commission Decision No. 1)

METHOD OF OPERATION OF THE COMMISSION

"1. Operation of the Joint Commission.

a. The Joint Commission shall be composed of one Chief Commissioner and four Commissioners for each of the two allies.

b. The Chairmanship of the Commission will alternate weekly between the two Chief Commissioners but in exceptional cases alternations may take place more often by mutual agreement. As a rule, the nationality of the Chairman of such Committees and subcommittees as it may be necessary to establish will alternate at corresponding intervals and will correspond to the nationality of the Chairman of the Commission. In the absence of the Chief Commissioner, he shall designate one of his Commissioners to act as his deputy.

c. The Commission will meet in formal session as frequently as the two Chief Commissioners may decide. In case of necessity, either of the two Commissioners may request a special meeting.

d. Attendance at meetings:

(1) All Commissioners, their advisors, and specialists;

(2) Others may be present at closed meetings by

*Approved 22 May 1947 with the understanding that persons attending closed meetings under paragraph 1 D (2) would be present as guests but not for the purpose of consultation (J.C. 25th Mtg., Item 2 page 3.)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

special invitation mutually agreed upon by heads of the delegations.

(3) Open meetings may be held with attendance limited to persons mutually agreed to by heads of the delegations.

e. Every meeting shall be preceded by the preliminary dissemination of proposed Agenda, draft resolutions, and other essential documents which shall have been submitted to the Responsible Secretaries (see below) for distribution in appropriate form and language 2-3 days before the meeting. Agenda are subject to final approval of the Commission at the commencement of each meeting, but each Chief Commissioner has the right to include in the Agenda any matter he may consider to be within the competence of the Commission determined by paragraph 2 and 3, Section III, Korea, of the Moscow Conference.

f. The following will constitute the principal documents of the Commission: Minutes of meetings, Agenda, resolutions, and decisions of the Commission, proclamations and press communiques.

g. All meetings will be carried on in English and Russian languages, and all documents will be distributed in the Commission in both languages by the Responsible Secretaries.

2. Operation of the Secretariat.

a. The two Chief Secretaries shall alternate as Responsible Secretary of the Commission, so that the nationality of Responsible Secretary corresponds to that of the Chairman of the Commission.

b. It shall be the duty of the Responsible Secretaries:

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

(1) To prepare on the basis of instructions from the two Chief Commissioners, the Agenda of meetings, and to disseminate them 24 hours in advance of each meeting to each member of the Commission in the appropriate language.

(2) To prepare and disseminate for amendment and correction draft minutes of all meetings of the Commission. These draft minutes should include brief resumes of discussions, as well as all decisions and conclusions of the Commission. Minutes will not be considered final and official until they have been submitted for amendment to and approved by the Chief Commissioners or their designated deputies. (Ordinarily the approval of the minutes of the previous meeting will be the first point on the Agenda of each subsequent meeting.)

(3) To assemble, translate, and disseminate to members of the Commission all documents submitted to it for discussion by either delegation. Such documents should ordinarily be distributed not later than 24 hours before the meeting at which they are to be discussed, in order that they may be adequately studied before the meeting.

(4) To translate, distribute, and publish in Russian, English, and Korean all such decisions, proclamations, Press Communiques, and announcements as the Commissioners may jointly authorize or direct.

(5) To notify all members of the Commission and all

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

other persons, invited to attend jointly by the Commission, of the time and place of meetings.

(6) To perform all functions outlined in (1), (2), (3), and (5) for such committees and subcommittees of the Commission as it may be necessary to establish.

Note: With reference to the decision on Agenda item number 3 of the Meeting of 20 Mar 46, the word "Joint" will be substituted for the word "Responsible" when referring to the principal secretaries of the Joint U.S. - Soviet Commission."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 29 (e)

JOINT COMMISSION DECISION NO. 8*
(Revision of Joint Commission Decision No. 3)

JOINT AGREEMENT ON PROGRAM OF WORK

"A. There shall be two stages of the Commission's activities:

(1) The fulfillment of paragraph 2, Moscow Decision on Korea.

(2) The fulfillment of paragraph 3, Moscow Decision on Korea.

B. The first stage of the Commission's activities shall concern itself with the following matters:

(1) Conditions for and order of consultation with democratic parties and social organizations.

(2) Elaboration of recommendations for the structure and principles of organization of the Provisional Korean Democratic Government and the local organs of authority (provisional charter).

(3) The preliminary elaboration of a political platform and other appropriate measures for a future Provisional Korean Democratic Government.

(4) Elaboration of recommendations for the personnel of the Provisional Korean Democratic Government.

(5) The procedure of the assumption of powers by the Provisional Government of Korea, and, the procedure of the selection of the personnel for the Provisional Democratic Government in Korea."

* Approved 22 May 1947 with the understanding that acceptance would not restrict power of decision of subcommissions or of Joint Commission to further determination as to method to be utilized in procuring any or all personnel of the Provisional Korean Government. (JC 25th Mtg., Item 3, page 7)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 29 (f)

JOINT COMMISSION DECISION NO. 9*

Joint Press Releases

The US-USSR Joint Commission accepted original Joint Decision No. 2 as agreed upon in the meeting of the Joint Commission, sessions of 20 March 1946, and 22 March 1946.

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* Approved 23 May 1947 with the understanding that nothing in this agreement will prevent the Chief Commissioner of either delegation from having press conferences as he sees fit, providing that in those conferences nothing of a secret nature is disclosed. (J.C. 26 Mtg., Item 1, page 5)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 29 (g)

JOINT COMMISSION DECISION No. 11*
(Revision of Joint Commission Decision No. 2)

JOINT PRESS RELEASES

(1) The Joint Commission issues joint bulletins after each session and publishes detailed joint communiques after the settlement of each major question or at other times decided by the Chief Commissioners.

(2) The heads of the delegations, at their discretion, may conduct press conferences and inform the representatives of the press of the work of the Joint Commission within limits of the joint bulletins and communiques, agreed upon, and other matters not of a secret nature.

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*Approved 31 May 1947 (JC 28 Meeting Item 1, Page 4).
(This decision supersedes Joint Commission Decision Nos. 2 and 9.)

EXHIBIT NO. 29 (g)

DECLASSIFIED
NND 760090
By NARS, Date

EXHIBIT NO. 29 (h)

JOINT COMMISSION DECISION NO. 17*
(Amendment of Joint Commission Decision No. 7)

METHOD OF OPERATION OF THE COMMISSION

Paragraph 2 b (2) of Joint Commission Decision No. 7 is amended to read as follows:

"To prepare and disseminate for amendment and correction draft minutes of all meetings of the Commission. These minutes should include full contents of the current discussions, as well as all decisions and conclusions of the Commission. Minutes will not be considered final and official until they have been submitted for amendment to and approved by the Chief Commissioners or their designated deputies. (Ordinarily the approval of the minutes of the previous meeting will be the first point on the Agenda of each subsequent meeting.)"

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* Approved 22 July 1947
(J.C. 45th Mtg., Item 2, Page 23).

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 30

Extract from Soviet Proposal #1 concerning consultation, titled "ON THE ORDER OF CONSULTATION WITH THE DEMOCRATIC PARTIES AND SOCIAL ORGANIZATIONS OF NORTH AND SOUTH KOREA", presented in 1st meeting (26 May 1947) of Subcommission No. 1:

"1. In accordance with the decision of the U.S. - U.S.S.R. Joint Commission concerning the conditions of consultation with the Korean democratic parties and social organizations, and also with the letter regarding this question by the Minister of Foreign Affairs of U.S.S.R., V. M. Molotov, of May 7, 1947, and with the letter of the U.S. Secretary of State G. C. Marshall, of May 13, 1947, Subcommission No. 1 prepares a general list of approximately 30 of the most important Korean democratic parties and social organizations, which signed the declaration, contained in Communique No. 5, representing different political beliefs in the North as well as in the South of Korea, taking into consideration the membership and, as far as possible, the influence of these parties and organizations and submit it for approval of the Joint Commission in Seoul."

EXHIBIT NO. 30

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 31

In the 2nd meeting (27 May 1947) of Subcommission No. 1, the American Delegate stated:

> "The American Delegation studied very carefully the proposals of the Russian Delegation . . ., and we all felt that in the proposal submitted by the Russian Delegation that the essential spirit of the agreement between Foreign Minister Molotov and Secretary of State Marshall was distorted because in the quotations from the letters presented in the Soviet proposals, certain quotations were omitted and some of them had words added to them. . . . . In the letter of April 19th, Mr. Molotov states: 'The establishment of a Provisional Democratic Korean Government on the basis of a wide scale participation of Korean democratic parties and social organizations in order to expedite the political and economic unification of Korea as a self-supporting state independent of foreign interference which would do away with the division of the country into two zones.' . . . . . "

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
EXHIBIT NO. 32

The American Delegate pointed out in the 3rd meeting (30 May 1947) of Subcommission No. 1:

> "I think that before we present a list of parties and organizations that it is necessary to establish the criteria which would be used in making a list of parties and organizations. For example, if we just ask for parties and organizations without any criterion at all we would have all the sub-parties scattered all through the country listed and it would run into thousands of small organizations.
> I think the first thing is to discuss the criterion."

NOTE: Realizing that broad definitions of "social organization" and "political party" could not be agreed upon, the American Delegate attempted to establish such arbitrary criteria as (1) all parties and organizations must have 1,000 members, or 2,000 members, or 3,000 members; (2) all parties and organizations must have branches in two or more provinces. All proposals of the American Delegate were refused by the Soviet Delegate as the final text of the Joint decision on consultation makes manifest (See Exhibit No.39.)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

EXHIBIT NO. 33

(a) In an interview between the American and Soviet Delegates in Subcommission No. 1 on 28 May 1947, the American Delegate asked:

> "I want a direct answer. Would you exclude from consultation anyone for holding certain opinions regarding the Moscow Decision?"

(b) The Soviet Delegate replied:

> "If a party has opposed Moscow Decision, saying that it is not correct, opposing it vehemently, and urging all Koreans to oppose it, this in my opinion would constitute active opposition. Opinions privately held or expressed are not active opposition. Opinions expressed in public are active opposition."

(c) The American Delegate then asked:

> "Do I understand correctly that in your view no party or organization may express opinions regarding Trusteeship, which you do not approve of?"

(d) The Soviet Delegate replied:

> "They may express their opinions as much as they wish. But if what they say opposes any paragraph of the Moscow Decision, we won't consult with them, because we want to consult with those who wish to take part in its fulfillment, not those who wish to oppose it."

EXHIBIT NO. 33

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

(a) See Exhibit No. 33 (d).

(b) In reference to Exhibit No. 3 (d), the American Delegate said:

> "This invalidates the Molotov-Marshall agreement. Secretary Marshall stated explicitly that in agreeing to Molotov's points he understood them consistent with his statement regarding the freedom of expression."

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

EXHIBIT NO. 35

In the 2nd meeting (27 May 1947) of Subcommission No. 1, the American Delegate stated:

"Further points which I consider extremely important are brought out in Mr. Molotov's letter of May 7 which Secretary Marshall accepted. Under a is this statement: 'Proposal #1 is to be interpreted as follows: Signing the declaration in Communique No. 5 will be accepted as a delcaration of good faith with respect to upholding fully the Moscow Decision and will make the signatory parties and organizations eligible for initial consultation'. In quoting this, the Soviet Delegation has added certain words which I consider superfluous. Proposal #2 reads as follows: 'I consider it the right of a declarant party or organization to appoint the representative which it believes will best present to the Joint Commission its views on the implementation of the Moscow Decision. However, should such representative for good reason be believed to be antagonistic to either the implementation of the Moscow Decision or to either of the Allied powers, the Joint Commission may after mutual agreement require the declarant party to name a substitute spokesman'. I would like to point out that the Soviet Delegation's proposal for some reason or other omits the first part of this paragraph, and I would further mention that this agreement means that there will be no unilateral exclusion from consultation, and exclusion can only take place after mutual agreement in the Joint Commission that a person may be excluded."

EXHIBIT NO. 35

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 36

See Exhibit No. 39

EXHIBIT NO. 36

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 37

In the 27th Meeting (29 May 1947) of the Joint Commission, the Chief Commissioner of the Soviet Delegation declared:

"... the Soviet Delegation insists upon the acceptance of the decision of the Joint Commission to publish now in the press the declaration which is set forth in Communique No. 5, ..."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 38

The Chief Commissioner of the American Delegation stated in the 27th Meeting (29 May 1947) of the Joint Commission:

"It is, ... considered useless and it is believed that confusion would be caused and harm would result to the work of this Commission if invitations were extended to certain Korean political parties and social organizations to sign Communique No. 5 and thereby qualify themselves for consultation with the Joint Commission, should the Joint Commission later decide to exclude from consultation certain parties or social organizations which have, by signing this declaration, qualified themselves for consultation."

EXHIBIT NO. 38

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 39

JOINT COMMISSION DECISION NO. 12*
(Revision of Joint Commission Decision No. 4)

THE ORDER OF CONSULTATION WITH KOREAN DEMOCRATIC PARTIES AND SOCIAL ORGANIZATIONS IN NORTHERN AND SOUTHERN KOREA

1. In consulting with Korean democratic parties and social organizations, the Joint Commission shall be guided by the conditions stated in the letter of Minister of Foreign Affairs of the U.S.S.R. V. M. Molotov, of 7 May 1947, and accepted by the Secretary of State of the U.S.A. George Marshall in his letter of 13 May 1947. The appropriate quotation from the letter of Foreign Minister V. M. Molotov is given below:

"The Soviet Commander in his letter of Nov. 26, 1946, advanced the following proposals as a basis for the resumption of the work of the Joint Commission:

'1. The Joint Commission must consult those democratic parties and organizations which uphold fully the Moscow Decision on Korea.

'2. Parties or social organizations invited for consultation with the Joint Commission must not nominate for consultation those representatives who have compromised themselves by active opposition to the Moscow Decision.

'3. Parties and social organizations invited for consultation with the Joint Commission must not and will not actively oppose nor will they incite others to actively oppose the Moscow Decision and the work of the Joint Commission. If such be the case, such parties and social organizations by mutual agreement of both delegations

*Approved 7 June 1947
(J.C. 32d Mtg., Item 1)
Supersedes Joint Commission Decision No. 4

EXHIBIT NO. 39

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

will be excluded from further consultation with the Joint Commission.'

"The American Commander in his letter of Dec. 24, 1946, agreed to accept these proposals of the Soviet Commander with the following changes as the basis for the resumption of the work of the Joint Commission:

'Proposal Number 1 to be interpreted as follows:

'Signing the declaration in Communique Number 5 will be accepted as declaration of good faith with respect to upholding fully the Moscow Decision and will make the signatory party or organization eligible for initial consultation.

'Proposal Number 2. I consider it the right of a declarant party or organization to appoint the representatives which it believes will best present to the Joint Commission its views on the implementation of the Moscow Decision.

'However, should such representative for good reason be believed to be antagonistic to the implementation of the Moscow Decision or to either of the Allied Powers, the Joint Commission may, after mutual agreement, require the declarant party to name a substitute spokesman.

'Proposal Number 3. It is suggested that it be reworded as follows: Individuals, parties and social organizations invited for consultation with the Joint Commission should not after signing the declaration contained in Communique Number 5 foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

'Those individuals, parties and social organizations which after signing the declaration contained on Communique Number 5 do foment or instigate active opposition to the work of the Joint Commission or to either of the Allied Powers or to the fulfillment of the Moscow Decision shall be excluded from further consultation with the Joint Commission.

'The decision excluding such individuals, parties and social organizations shall be by agreement of the Joint Commission.'

"With a view to expediting the resumption of the work of the Joint Commission and the creation of a provisional Korean democratic government, I am prepared to accept the amendments set forth above proposed by the American Commander."

2. The Joint Commission will consult with Korean democratic parties and social organizations which are truly democratic in their aims and methods and which will subscribe to the following declaration:

"We _____ declare that we will uphold the aims of the Moscow Decision on Korea as stated in paragraph 1 of this decision, namely:

> 'The reestablishment of Korea as an independent state, the creation of conditions for developing the country on democratic principles, and the earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea.'

Further, we will abide by the decisions of the Joint Commission in its fulfillment of paragraph 2 of the Moscow Decision in the formation of a Provisional Korean Democratic Government;

Further, we will cooperate with the Joint Commission in working out by it with the participation of the Provisional

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Korean Democratic Government, of proposals concerning the measures foreseen by paragraph 3 of the Moscow Decision.

Signed _____

Representing the _____ Party or Organization."

3. Democratic parties and social organizations of northern and southern Korea are hereby invited to submit their applications for participation in consultation with the Joint Commission. Every party and organization must submit only one application through its central zonal organ.

The application should be accompanied by a text of the declaration given in paragraph 2 above, duly signed and sealed with the seal of its central organ and also signed by the designated representative. The application shall contain the following information:

a. The full name of the party or organization, the address of its central office, the date of establishment, the number, membership, and location of branches, and total membership.

b. The full name of a designated representative given in Chinese characters and, where possible, in English and Russian transliteration, the place and date of birth, position held in the party or organization and home address.

Applications for participation in consultation shall be submitted to the Joint Commission at Duk Soo Palace, Seoul, or Dos Sanri 18, Pyongyang, Korea, by 23 June 1947.

4. Democratic parties and social organizations of Northern and Southern Korea which have signed the declaration contained in

EXHIBIT NO. 39

DECLASSIFIED
NND 760090
By NARS, Date

paragraph 2 may submit to the Joint Commission in written form their considerations regarding the structure and principles of organization of the Provisional Korean Democratic Government and local organs of authority (Provisional Charter) and also the political platform for this Government, in accordance with a questionnaire approved by the Commission. This questionnaire shall be published in the press and printed copies will be available at the Joint Commission headquarters, Duk Soo Palace, Seoul, and Dos Sanri 18, Pyongyang.

The aforementioned considerations shall be submitted to the Joint Commission at the above addresses by 1 July 1947.

5. Subcommission No. 1, upon receiving the applications for consultation, shall compile a list of all democratic parties and social organizations and their designated representatives of North and South Korea which have signed the declaration in paragraph 2.

6. Following the approval by the Joint Commission of the list of democratic parties and social organizations and their representatives mentioned in paragraph 5, the Joint Commission shall convene in Seoul on 25 June 1947 a joint meeting to which it shall invite the above mentioned representatives of parties and social organizations in South Korea. A similar meeting of representatives of parties and social organizations in North Korea shall take place in Pyongyang on 30 June 1947. The Chief Commissioner of the Soviet Delegation shall preside over the meeting in Seoul, and the Chief Commissioner of the American Delegation shall preside at the meeting in Pyongyang. At such meetings the Chief of the Delegation in whose zone the assembly is being held

DECLASSIFIED
NND 760090
By NARS, Date

will present a statement elaborated by the Joint Commission.

7. Representatives of parties and social organizations of both Northern and Southern Korea which are included in the list referred to in paragraph 5 above will be invited to individual oral consultation regarding the structure and principles of organization of the Korean Provisional Democratic Government and local organs of authority (Provisional Charter) and also regarding the political platform for this Government. For this purpose the Joint Commission will appoint the necessary number of subcommittees and shall notify each representative of the time and place he is to appear for consultation.

Oral consultation shall commence on 5 July 1947 and take place in Seoul and Pyongyang.

8. The Joint Commission will present the consideration and proposals received from the Korean democratic parties and social organizations of North as well as South Korea for study and elaboration of coordinated proposals to the corresponding subcommissions which will create, for this purpose, the necessary number of subcommittees. Advisors, experts and technical personnel for the work in the Joint subcommissions and subcommittees will be appointed by the heads of the corresponding delegations.

9. For the purpose of consultation and aiding the Joint Commission in elaboration of recommendations regarding the structure and principles of organization of the Korean Provisional Democratic Government and of the local organs of authority (Provisional Charter), and also the political platform for this government, representatives of parties and social organizations shall be invited from among parties and organizations included in the

DECLASSIFIED
NND 760090
By NARS, Date

list mentioned in paragraph 5.

The number of such representatives of various parties and organizations shall be determined by the Joint Commission in accordance with their membership and, as far as possible, taking into account their influence.

The Joint Commission shall convene joint meetings with such representatives and may also call upon them to take part in the elaboration of recommendations by subcommissions and subcommittees. The time and the agenda of the joint sessions of the Joint Commission with such representatives will be approved by the Chief Commissioners.

10. Democratic parties and social organizations of both northern and southern Korea shall have equal rights and opportunities in consultation with the Joint Commission.

11. The coordinated proposals elaborated by the subcommissions shall be submitted for consideration to the Joint Commission which shall examine such proposals and shall grant its provisional approval. Following this the Joint Commission shall appoint a drafting commission to which it shall give the necessary instructions regarding the compilation of the final text of the recommendations concerning the structure and principles of organization of the Korean Provisional Democratic Government and local organs of authority (Provisional Charter) and also the political platform for this government. The texts of recommendations elaborated by the drafting commission shall be approved by the Joint Commission.

12. Following the approval of the texts of recommendations submitted by the drafting commission, the Joint Commission shall

DECLASSIFIED
NND 760090
By NARS, Date

proceed with elaboration of recommendations regarding the personnel of the Korean Provisional Democratic Government.

DECLASSIFIED
NND 760090
By NARS, Date

EXHIBIT NO. 40

(a) In the 28th Meeting (31 May 1947) of the Joint Commission, the Chief Commissioner of the Soviet Delegation foreshadowed the position taken in the Joint Commission Meeting of 6 June 1947 (see below):

"The number thirty does not belong to the Soviet Delegation. The Soviet Delegation is not the author of this number thirty. This was the proposal made by the American Delegation. The Soviet Delegation agreed to this proposal, but now in consideration of the American Delegation's objection to such a stated number, the Soviet Delegation agrees not to limit the number of parties and social organizations."

(b) In the 31st Meeting (6 June 1947) of the Joint Commission, the Chief Commissioner of the Soviet Delegation stated, giving in substance his final agreement to broad consultation:

"It is the understanding of the Soviet Delegation that it would not be expedient in the session of the Joint Commission and in this document to limit or to set any criteria for parties and social organizations which are included in the list, by naming a number of members. This would contradict point 7 (of proposed Joint Decision on consultation). Point 7 was given such a wording by us that permits all democratic parties and social organizations which will sign the declaration stated in Communique No. 5 to participate in verbal consultation, inasmuch as it is not known to us the number of parties and social organizations which will express their wish to be consulted by the Joint Commission."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 41

(a) In the 39th Meeting (8 July 1947) of the Joint Commission, the Chief Commissioner of the Soviet Delegation objected to the American efforts to fulfill the principle of broad consultation agreed to by Mr. Marshall and Mr. Molotov and provided in Joint Commission Decision No. 12:

".....The Soviet Delegation is aware of the fact that the American Delegation exerted considerable effort to have as many organizations as possible submit their applications for participation in consultation. Newspapers of South Korea published announcements of the American Delegation in which, without any explanation, all the organizations were invited to submit their applications for participation in consultation; leaflets containing similar announcements were scattered, etc.

"The American Delegation attempted to present a large number of parties and organizations which submitted applications in South Korea as a positive fact. But how can such a fact be considered positive, considering that a large number of organizations which submitted applications did not have the right to participate in consultation according to the accepted decisions?"

(b) To that the Chief Commissioner of the American Delegation replied in the same meeting:

"With reference to the statement that the U.S. Delegation expended much effort to attract as many parties and organizations to registration as practicable, that statement is correct. The American Delegation accepted at face value the agreement of the Soviet Delegation to full consideration, believing that the Soviet Delegation when it

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

committed itself in written document to full consultation desired that consultation be full and not restricted. The American Delegation endeavored through the press to inform the Korean people of the agreement reached by the Joint Commission and to inform them of the fact that they would under the agreement be granted the privilege of full and free consultation."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

1357

EXHIBIT NO. 42

See Exhibits 44, 45, 46.

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

EXHIBIT NO. 43

In the 10th meeting (25 June 1947) of Subcommission No. 1, the American Delegation stated:

"This list submitted by the American Delegation is the result of an agreed program of work which was subscribed to by the Soviet Delegation at the time this was discussed in the Joint Commission, and also during the meetings of Subcommission I the American Delegation attempted to obtain from the Soviet Delegation a definition of what a social organization was and what parties would be consulted with, in order that a certain limitation could be placed on the number who would apply for oral consultation. The American proposals were not accepted by the Soviet Delegation. This list is a direct result of the position insisted upon by the Soviet Delegation. The American position is that we must in good faith follow out the commitments made in Joint Decision # 4. (Old number for Joint Commission Decision No. 12. If Mr. Tounkin feels there are certain objectionable and dangerous features in the list of the South Korea parties, I would like him to explicitly state what the objections are and what the Soviet Delegation proposes as a solution to any of the problems they may raise."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 44

The Soviet Delegate stated in the 10th Meeting (25 June 1947) of Subcommission No. 1:

"It seems to me that we have agreed that we would consult with the central zonal organizations, but not with the local provincial and city organizations. I think it would be better to exclude the provincial, city and local organizations from the list."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

EXHIBIT NO. 45

In the 11th Meeting (26 June 1947) of Subcommission No. 1, the Soviet Delegate stated:

"It is ... necessary to exclude such organizations which in any way could not be consulted as social organizations in the spirit of the Moscow Decision."

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

EXHIBIT No. 46

The Soviet Delegate stated in the 12th meeting (27 June 1947) of Subcommission No. 1:

"The Soviet Delegation insists in particular on elimination from the list of parties and organizations these parties and organizations which are members of the so-called Committee Against Trusteeship -- I understand that this is the name -- Anti-Trusteeship. It is well known that the Anti-Trusteeship Committee was organized with the specific purpose of fighting against the Moscow Decision, and that this Committee was carrying on and is carrying on active opposition against this decision."

SECRET

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 47

In the 14th meeting (2 July 1947) of Subcommission No. 1, the American Delegate declared:

"There is one thing that you have in common in every one of your suggestions. Every one of them would eliminate groups which are not associated with the People's Front in South Korea. It leads to one inevitable conclusion--that the Soviet Delegation is using the Joint Commission to interfere in Korean internal political matters on a partisan basis. I believe that this position is most undesirable and is unworthy of the work of the Joint Commission.

EXHIBIT NO. 47.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET
EXHIBIT NO. 48

The American Delegate declared in the 14th meeting (2 July 1947) of Subcommission No. 1:

"...according to all the documents we have signed exclusion can only come after signing Joint Decision No. 5 and exclusion can only be made by agreement of the Joint Commission. Mr. Tounkin is obviously trying to institute a method of unilateral exclusion by saying that, 'I will not agree to these people being on the list, therefore we cannot have a list, therefore, we cannot consult'. I think that this is a complete misinterpretation of all agreements we have had. It converts completely the agreement made between Mr. Molotov and Mr. Marshall. It is completely against the very intentions of Joint Decision No. 12...."

EXHIBIT NO. 48

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

EXHIBIT NO. 49

In the 14th Meeting (2 July 1947) of Subcommission No. 1, the Soviet Delegate stated:

"I don't understand what Mr. Bunce has in mind by saying about the one-sided exclusions from the list. First of all, the list has not yet been submitted. There is a decision of the Joint Commission that Subcommission No. 1 should submit an agreed list of parties and organizations after discussion. Now we have to deal with the discussion of this list. The matter is not of exclusion, but of inclusion of parties and organizations for submitting them to the Joint Commission."

DECLASSIFIED
NND 760090
By NARS, Date

SECRET

EXHIBIT NO. 50

The American Delegate stated in the 14th Meeting (2 July 1947) of Subcommission No. 1:

"It (the Soviet Delegate's position) is completely unacceptable to the U.S. Delegation, because according to all the documents we have signed exclusion can only come after signing Joint Decision No. 5 (i.e., Communique No. 5 contained in Joint Commission Decision No. 12) and exclusion can only be made by agreement of the Joint Commission. Mr. Tounkin is obviously trying to institute a method of unilateral exclusion by saying that 'I will not agree to these people being on the list, therefore we cannot have a list, therefore, we cannot consult.' I think that this is a complete misinterpretation of all agreements we have had. It converts completely the agreement made between Mr. Molotov and Mr. Marshall. It is completely against the very intentions of Joint Decision No. 12."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 51

In the 39th meeting (8 July 1947) of the Joint Commission, the Chief Commissioner of the Soviet Delegation stated:

"The signing of the declaration by these parties and social organizations cannot be accepted as an expression of good intention to support fully the Moscow Decision."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 52

(a) Note:

In contravention of Joint Commission Decision No. 12, the Soviet Delegation claimed that no list of organizations eligible for consultation existed. Its unsupported claim was made for the purpose of providing a vehicle for unilateral exclusion. By saying that no list existed, the Soviet Delegation could proceed to contend that an organization would not be admitted for consultation until included, by mutual agreement of the two Delegations, on a list. In other words, no organization would be admitted for consultation unless both Delegations agreed that it was eligible, which means that the Soviets could exclude any party by failing to agree to its inclusion on the consultation list. In fact, all organizations signing the declaration and complying with the provisions of Joint Commission Decision No. 12 were eligible and were automatically placed on a list. They could be excluded from that list for cause, but only by agreement of both Delegations as provided in the Marshall-Molotov agreements. To determine the Soviet Delegation's basis for its position, the Chief Commissioner of the American Delegation questioned the Chief Commissioner of the Soviet Delegation as follows in the 46th meeting (24 July 1947) of the Joint Commission.

"I would like to ask the Chief Commissioner of the Soviet Delegation on what document, or part of a document, does he base his statement that inclusion in the list is by

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

decision of the two Delegations?"

(b) The Chief Commissioner of the Soviet Delegation replied:

"This conclusion is based upon Joint Commission Decision No. 16, point 3." (See Joint Commission Decision No. 16 in Exhibit No. 51 (e).

(c) The Chief Commissioner of the American Delegation then pointed out:

"Joint Commission Decision No. 16 is headed 'Order of Compilation of the List of Parties and Organizations.' The American Delegation can read nothing in Joint Commission Decision No. 16 which would uphold the contention of the Chief Commissioner of the Soviet Delegation. That is simply another statement. It is not supported by any written document or by a fact ..... there is nothing in point 3 which states that the Chief Commissioner of the Soviet Delegation has stated. Paragraph 3 of Joint Commission Decision No. 16 does not state that inclusion in the list will be by decision of the two Delegations. It states that the list will be reviewed by the two Delegations, and following agreement will be submitted for approval to the Joint Commission. If the two

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Delegations cannot agree, which happened in this matter the entire list is submitted to the Joint Commission. There is nothing in that paragraph which authorizes unilateral exclusion. It may have been written in by the Soviet Delegation with that purpose in mind, but if they wrote it with that purpose in mind, they have committed a blunder.... The two Ministers have agreed to deny the principle of unilateral exclusion. For the Soviet Delegation to attempt at this late date to bring that contention in by an indirect statement in one paragraph of a decision that does not even relate to consultation cannot be accepted by the American Delegation. The question of consultation is fully covered in Joint Commission Decision No. 12, which states in detail exactly how the list shall be prepared and how consultation shall be held. Joint Commission Decision No. 16 cannot change in any respect Joint Commission Decision No. 12. It is simply a decision which the heading states is, 'The Order of Compilation of the List of Parties and Organizations.' It is purely an administrative decision."

(d) In attempting to base the "inclusion", or unilateral exclusion, principle on point 3 of Joint Commission

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

Decision No. 16 which in itself was inapplicable, the Soviet Delegation was clearly avoiding the exact provisions of the Marshall-Molotov agreement for mutaul exclusion and the provision of Joint Commission Decision No. 12.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 52 (e)

JOINT COMMISSION DECISION NO. 16*

ORDER OF COMPILATION OF THE LIST OF PARTIES AND ORGANIZATIONS

1. The applications for participation in consultation and signed copies of the declaration which are received by the representative of the American Secretariat in Seoul from the parties and organizations of South Korea shall be transmitted without delay as a copy or a translation to the Soviet Secretariat. The above mentioned documents received from the parties and organizations of Northern Korea by the representative of the Soviet Secretariat in Pyongyang shall be transmitted in the same manner to the American Secretariat.

2. The information submitted by the parties and organizations, after translation, will be forwarded by the Secretariats to the respective chairmen of Subcommission No. 1. On the basis of the aforementioned information, there shall be compiled a complete list of parties and organizations which have applied for consultation, and a separate list of their designated representatives.

3. The list of parties and organizations which had signed the declaration, as well as the list of their representatives, shall be discussed in Subcommission No. 1, and following agreement will be submitted for approval to the Joint Commission.

4. Following the approval of the list, the Joint Commission shall send to the parties and organizations included in the list notification of having been admitted to consultation, and extend an invitation to their representatives to attend the joint meeting.

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* Approved 18 June 1947
(J.C. 34th Mtg., Item 4)

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

The Chief Commissioner of the Soviet Delegation stated in the 39th meeting (8 July 1947) of the Joint Commission:

"The Soviet Delegation considers that organizations, as long as they are not social organizations, must not be admitted to consultation. The position of the American Delegation, which insists upon inclusion in the list of organizations which are not social in nature, in particular the inclusion of commercial and industrial companies (reference was to Chambers of Commerce and Industry and associations of manufacturers), contradicts the Moscow Decision."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 54

In the 37th meeting (2 July 1947) of the Joint Commission, the Soviet Delegate in Subcommission No. 1, reporting the Soviet position, said:

> "In the Joint Decision No. 12, it is stated that organizations submit their applications through their zonal central organs. That is why the Soviet Delegation proposed not to include into the list district organizations and other narrow local organizations of a narrow nature."

Note:

The word "zonal" in Joint Commission Decision No. 12 was used to denote geographical differentiation. In fact, a local organization, if it has but one office (i.e., no branch offices) has a central zonal organ.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 55

In the 39th meeting (8 July 1947) of the Joint Commission, the Chief Commissioner of the Soviet Delegation stated in reference to member organizations of the Anti-Trusteeship Committee:

> "The Soviet Delegation insists that those parties and social organizations which were created to fight against this decision be excluded from the list of parties and organizations."

EXHIBIT NO. 55

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 56

In the 43rd meeting (16 July 1947) of the Joint Commission, the Chief Commissioner of the Soviet Delegation stated:

"...the Soviet Delegation believes that parties and organizations which have signed the declaration and which are members of the Anti-Trusteeship Committee may be admitted for consultation only if they withdraw from this committee and cease their fight against the Moscow Decision."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 57

The Chief Commissioner of the Soviet Delegation stated in the 43rd meeting (16 July 1947) of the Joint Commission:

"The signature of declaration by these parties and organizations (members of the Anti-Trusteeship Committee) cannot be accepted as an expression of good faith to fully uphold the Moscow Decision inasmuch as the aims of the parties and organizations are inconsistent with the obligations contained in the declaration to fully uphold the Moscow Decision in Korea."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 58

See Exhibit No. 39.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 59

See Exhibit No. 52.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 60

In the 40th meeting (9 July 1947) of the Joint Commission, the Chief Commissioner of the American Delegation stated:

> "In view of the fact that the Moscow Decision is silent as to the definition of a political party or social organization, the American Delegation must be guided in its acceptance of those parties and organizations which claim eligibility for consultation by the normally accepted definitions of these terms throughout the languages of the world, rather than some narrow definition which the Soviet Delegation seems to be attempting to apply."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 61

(a) In the 42nd meeting (14 July 1947) the Chief Commissioner of the American Delegation stated:

"With regard to the question of local organizations, ...at prior sessions the American Delegation... strongly urged the Soviet Delegation to agree to a limitation of 1,000 as a minimum membership which an organization or political party must have in order to be accepted for consultation. (And the Chief Commissioner of the American Delegation had stated) 'The American Delegation is willing to again discuss the question of minimum limitation with the Soviet Delegation in order to save work, should the Soviet Delegation desire.'"

(b) See Exhibit No. 32.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 62

In the 40th meeting (9 July 1947) of the Joint Commission, the Chief Commissioner of the American Delegation indicated the American Delegation's willingness:

> "To eliminate parties (and social organizations) from the list prepared of those submitting properly signed and attested applications for consultation...upon acceptable evidence of specific cause such as fraud or serious misrepresentation of facts required as basis for registration--exaggeration of membership, having been generally committed in both North and South Korea shall not be an acceptable basis of elimination for fraud."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 63

(a) See Exhibit No. 39 which includes Marshall-Molotov agreement.

(b) In the 44th meeting (18 July 1947) of the Joint Commission, the Chief Commissioner of the American Delegation stated:

"The American Delegation does not regard expression of opposition to 'trusteeship' as fomenting and instigating active opposition to the Moscow Decision. The Moscow Decision is a broad document which by direct statement or by implication covers all requirements included in the creation and evolution of a government over a reunited Korea. As previously stated, every loyal Korean craves independence. All Koreans welcome the opportunity to secure that independence under the Moscow Decision. They fear and distrust but one concept of that Decision - the unknown implication of the word 'Trusteeship'. The Moscow Decision states in paragraph 1 the intent of the document - that is, 'to reestablish Korea as an independent state; to create conditions for developing the country on democratic principles and the earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea'. Unquestionably those who wrote it had not (the) intention by inserting in paragraph 3 the word 'trusteeship', to vitiate the provision of the entire document. How then can discussion of and statement of opinions against fancied or exaggerated meanings of this word be considered

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

as opposition to the document? Such a contention is untenable.

"The American Delegation does not regard membership by a political party or social organization in an anti-trusteeship committee or any similar organization as a bar to its admission for consultation by the Joint Commission. It is perfectly natural that political parties and social organizations should join together in committees for the discussion and consideration of the aid and assistance to be rendered to their country and should call themselves anti-trusteeship or similar named committees. As long as these committees confine their activities to free expression of opinion and stop short of fomenting and instigating active opposition, they are permitted under the agreement of our Ministers to express their opposition.

"As a matter of fact, paragraph 3 of the Moscow Decision assigns to the Joint Commission the task, with the participation of the Provisional Korean Democratic Government and of the Korean democratic organizations, to work out measures also for helping and assisting (trusteeship) the political, economic and social progress of the Korean people, the development of democratic self-government and the

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

establishment of the national independence of Korea. How can the Joint Commission expect any Korean who remains silent on this important matter to be of any assistance to the Joint Commission at the time when it must determine and resolve its responsibility under this requirement of paragraph 3 of the Moscow Decision. The Joint Commission has recently broadcast throughout Korea an invitation to all Koreans to freely express themselves as to the formation of their government, its charter and platform. This is an invitation to Koreans to think, discuss and present views on the future of Korea. After the Provisional Government is formed, one of the most vital and important topics involved in any such discussion, from the Korean point of view, is trusteeship. What are the Soviets trying to do? Goad patriotic Koreans to the point of actually fomenting and instigating active opposition so that they can discredit them from consultation with this Commission, or are they actually proceeding in good faith to attempt to evolve a Provisional Government and Korean Independence under the provision of the Moscow Decision? Do they intend to follow the signed agreement reached by their Ministers?

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 63 (Cont'd)

"There are different kinds of trusteeship. That exercised by the United Nations is one form known throughout the world. Before Japan annexed Korea it pretended to exercise another form, now hated and feared by all loyal Koreans. Trusteeship as prescribed in the Moscow Decision is not known nor can it be known until its definiton is worked out as provided under the Moscow Decision. When Koreans say that they object to Trusteeship, they are objecting to an imaginary concept or to the hated Japanese concept, not an actuality. It should be the effort of the Joint Commission to quiet the fears of the Koreans, to educate and guide them in proper understanding of this term and methods which will be employed in applying it, not to condemn them, to convict them without a hearing and to bar them from proper participation in what to them is the most vital interest of their life - the formation of a free and independent government for their country."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 64

See Exhibit No. 39 which includes paragraph 3 of the Marshall-Molotov Agreement.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 65

Note:

(a) In attempting to exclude organizations affiliated or allegedly affiliated with the Anti-Trusteeship Committee, the Soviet Delegation contended that they participated in and directed the Anti-Trusteeship Demonstration of 23 June 1947, a demonstration considered by the Soviet Delegation to be antagonistic to the Moscow Decision and the Joint Commission. Regarding this position of the Soviet Delegation, the Chief of the American Delegation said in the 41st meeting (10 July 1947) of the Joint Commission:

"....The Chief Commissioner of the Soviet Delegation states that the Soviet Delegation has given facts -- examples and proofs which have not yet been shown wrong. If the Soviet Delegation has given any facts, any examples, or any proofs, they have done so in such a tone of voice that they could not be heard by the American Delegation. The American Delegation has been requesting that the Soviet Delegation produce facts, and after all the three weeks of argument, the Soviet Delegation has not yet produced one fact. They have merely produced certain oral statements from the Korean press. The American Delegation today laid the facts on the table before the Soviet Delegation, which Delegation does not desire to believe them and apparently is not willing to accept

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

them. The Chief Commissioner of the Soviet Delegation asks if the Soviet Commander's demands are not legitimate. He does not state why he is repudiating the Agreement signed by his Minister nor is he stating why he is repudiating the agreement of the Joint Commission contained in Joint Commission Decision No. 12 and signed by him."

Note:

(b) As far as is known to the American Delegation, and as repeatedly stated to the Soviet Delegation, none of the organizations which signed the declaration making them eligible for consultation participated in or directed the 23 June 1947 demonstration. The letter signed by 15 of the organizations accused by the Soviet Delegation, printed in the "Statement to the Press by the Chief Commissioner of the American Delegation, Major General Albert E. Brown", 7 August 1947, makes this clear:

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 65 (Cont'd)

LETTER SUBMITTED BY THE MEMBER ORGANIZATIONS
OF THE UNITED COUNCIL

28 July 1947

TO: Chief Commissioners
Soviet and American Delegations
US-USSR Joint Commission

Gentlemen:

This is on behalf of the member organizations of the United Council, to express our sincere appreciation of the hard and fine work that you and your colleagues have been rendering in the US-Soviet Joint Commission for the cause of Korean independence, and, at the same time, to offer to you our loyal cooperation in every possible way to a successful conclusion of the great and difficult task that is, we feel, both yours and ours also.

We are informed that one of the issues upon which the U.S. and the Soviet delegations have not been able to come to an agreement is the membership in the so called anti-trusteeship committee of some of our member organizations. The position of the Soviet delegation as reported in the press is that certain parties who were formerly active in the anti-trusteeship committee should be excluded from consultation with the Joint Commission.

It is true that the anti-trusteeship committee had been formed with a view to oppose in the future the trusteeship that is foreshadowed but not explained in the Moscow Decision. However the basic right of free expression of opinion has been guaranteed to the Koreans, as you will readily agree, in the official letters exchanged between General Marshall, the U.S. Secretary of State and Mr. Molotov, the Soviet Foreign Commissar, prior to the reconvention of the Joint Commission at Seoul on May 21. Furthermore, we can assure you that the anti-trusteeship committee has never actively opposed or instigated active opposition to the

DECLASSIFIED
NND 760090
By NARS, Date

work of the Joint Commission. This [illegible] well proved by its action that, in the early part of June, the committee called its member organizations together in a great conference for discussion on the matter of the participation in the Joint Commission and upon the finding that the organizations could not come to an agreement it was decided that the matter of participation in the Joint Commission should be left to the free choice of each individual organization affiliated with the anti-trusteeship committee and that there should be no active opposition between those organizations which will consult with the Joint Commission and those which will not.

Furthermore none of the organizations which applied for consultation participated in any way in the so-called June 23 demonstration.

Those organizations which are members of the anti-trusteeship committee and have applied for consultation with the Joint Commission are definitely of the opinion that they should fully cooperate with the Joint Commission in the formation of a provisional government which is its task in the first stage, and, after the formation of the provisional government, in the discussion of the measures of aid and assistance that is its task in the second stage by expressing their honest opinions, and by expressing even an honest expression of difference to any measure should it infringe upon Korean national sovereignty or interfere with Korean internal politics. Apart from these reservations of right the organizations have never instigated, nor will instigate, any active opposition to the work of the Joint Committee. An active opposition to it is indeed contrary to their own policy of consultation with the Joint Commission.

(Signed with Seal By)

Yi, Yun Yung - Vice Chairman of
the United Council

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 65 (Cont'd)

for the Establishment of Provisional Government.

Yi Yun Yung, Vice Chairman of the Chosun Democratic Party.

Duk, Soo Chong, The Democratic Party of Korea.

Sim, Yi Sung, The Popular Party.

Son, Ta Hi, The Tehundo Kyo Bokik Party.

You, Hong, The 1919 Independence Declaration Memorial Association.

Ryu, Chin San, The General League of Young Men's Korea.

Sun, Chung Hi, The Korean Military Affairs Association.

Esther Whong, Union of All Women's Associations in Korea.

Pahk, Sang Ho, Women's Patriotic Association.

Choi, Yun Dong, The Kwang Bok Hoi.

Chun, Chin Han, General Labor League for the Korean Independence.

Chal, Tak Ryong, The Korean Independent Young Men's Association.

Choi, Hueng Cho, Korean Youngmen's Association.

Lee, Sun Keun, Young Korean Party.

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 66

See Exhibits 35, 50, 52, 53, 54, 55, 59, 63

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 67

See Exhibit No. 23 (d) and Exhibit No. 39.

EXHIBIT NO. 67

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

EXHIBIT NO. 68

(a) Regarding the proposal made by the American Delegation in the 48th meeting (29 July 1947) of the Joint Commission, the Chief Commissioner of the Soviet Delegation said in the 48th meeting:

> "...the proposal of the American Delegation, that the Soviet Delegation consult with parties and organizations of North Korea and the American Delegation consult with parties and organizations of South Korea is not a serious proposal."

(b) In the 51st meeting (5 August 1947) of the Joint Commission, the Chief Commissioner of the Soviet Delegation stated in reference to the proposal made by the American Delegation in the 50th meeting (1 August 1947) of the Joint Commission:

> "The proposals of the American Delegation on this question are contrary not only to Joint Commission Decisions 12 and 16 but to common sense. The acceptance of the American proposal would have led to the Joint Commission consulting with any party or organization which applied for consultation which the American Delegation found desirable to invite for consultation."

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

SECRET

EXHIBIT NO. 69

(a) Soviet support of the Democratic People's Front in the Joint Commission is illustrated by Exhibits 10-a, 10-c, and 10-d.

(b) The official party line of the People's Front parties as regards the Joint Commission has been consistently guided by the Soviet stand in the Commission.

(c) Another type of overt political support has been extended by the Soviet Delegation to the People's Front. The following example is from the Soviet Chief Commissioner's address at a public gathering in Seoul in support of the Joint Commission, 27 July 1947:

> "Great are the desserts of the Democratic People's Front which militates for full support of the Moscow Decision, explains to the masses the meaning and historical significance of the Moscow Decision, and in every way renders support and assistance to the Joint Commission. The Soviet Delegation expresses its appreciation to the parties and organizations of the Democratic National Front of South Korea, which further the success of the Joint Commission in its work on the fulfillment of the Moscow Decision."

(d) Excerpt from radio ZGCC 957 of 27 July 1947, CG USAFIK to CINCFE:

> "...In the meantime, while we drag out interminable and fruitless polemics with the Soviet Delegation

DECLASSIFIED
NND 760090
By _____ NARS, Date _____

here, we have about one hundred high powered Soviet organizers (members of the Soviet Delegation) and many of their imported Korean stooges working in our midst, who are doing high pressure business in local organization and propaganda for future use, and in espionage."

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