University of Maryland, College Park

ORAL HISTORY PROJECT

on the

ALLIED OCCUPATION OF JAPAN

Second Interview

Subject: Jules Bassin
Place: Washington, D.C.
Date: October 9, 1979
By: Marlene Mayo

Q: Mr. Bassin, when we left off we were talking about General MacArthur, and I wondered if you had any further thoughts about the general and how he interacted with his staff and with the Japanese?

JB: Yes, I have. In seeking to refresh my memory on these events, I discovered a letter I had written to a friend and colleague of mine who was then the U.S. District Attorney in the Canal Zone. This is a letter of February 1951 and I told him about the feeling in Japan about Korea and the uncertainty it created. And I said that the situation—this is in February 1951. "The situation in Korea has improved considerably, with the result that the jitters have disappeared from many of the people composing the foreign colony in Japan. For a while it looked as though we would be pushed out of Korea back into Japan, and I was seriously thinking of sending my wife and two children back to the States. However, MacArthur seems to have pulled another rabbit out of the hat, as he always does. Although I've never had the opportunity of talking to MacArthur personally, I have frequently talked with his personal aides and his close generals. There is no doubt that there is an intense
loyalty to the man and that this loyalty pervades the entire command. It is the most remarkable phenomenon I have ever seen."

Q: Do you have any further insights as to how General MacArthur was able to get that intense loyalty?

JB: Well, one would pick up various views on how we did it. Now whether he did this consciously or not, I don't know, but the people in his close staff, like Willoughby, Sutherland, Marquat, Courtney Whitney, who were his close advisors and who occupied key positions in the SCAP Headquarters, came with him from the Philippines. When he left General / Jonathan/ Wainwright behind, he took with him these so-called colonels. They were colonels at the time. He took them with him to Australia, and they formed the core of his military command. Then when he came to Japan, naturally he felt very comfortable with them and they, of course, were, I wouldn't say beholden, but they realized that he, MacArthur, had made them what they were today. And undoubtedly they had great talent or he wouldn't have kept them.

I think also that that is the way he got Sebold. When I first became aware of the Diplomatic Section, the chief was George Atcheson, who was an oldtime foreign service officer. And his deputy was Max Bishop. Bishop realized that with Atcheson on the job, that his career in Japan would just be static, it wouldn't move. And so he arranged to leave, and that put Sebold as the second man. And as the fates would have it, Atcheson was killed in an airplane crash off Hawaii. And MacArthur then insisted that Sebold be named as head of the Diplomatic Section. The Diplomatic Section was part of
the SCAP Headquarters, but it was in effect the State Department contingent giving political advice and guidance to MacArthur. And by insisting that Sebold be head of that section, it immediately elevated Sebold to a very top position. And in that way he was able to—Sebold moved ahead very quickly and rose to the very top of the Foreign Service in his career.

Now Sebold told me that no one will ever know the many problems he had with MacArthur and how MacArthur would push him aside and treat him roughly and very often give him the back of the hand. But he would do that with the others, and yet they stayed with him because they were loyal to him. Maybe he had this effect, he had this charisma that other people don't attract. MacArthur had a great many detractors. I read recently that his one-time aide, Eisenhower, didn't say many complimentary things about him after he died. This came out in some letters, but you'll find people saying this about Eisenhower.

But this was his way of operating and he commanded the loyalty, and I think also one other reason he did that is, at least on my level, which was perhaps the, I wouldn't say the second tier down from MacArthur but maybe the third and fourth tier down in the Headquarters, putting my boss, Carpenter, in the third tier, that he left the staff alone, particularly on the technical side. MacArthur was interested in dealing with the politics of being Supreme Commander, and I don't think any person in modern times has had the authority and the power that he did have. And perhaps from retrospect he failed to realize that he was at the end of a string that could be pulled on him at any
time. He probably felt that by being MacArthur and being a legendary figure in his own time, that nobody would pull the string. And it was. Truman yanked it, and he came down immediately.

You know, you asked the other day how did the Japanese take to MacArthur. Well, I wasn't on the route when MacArthur left his house. He lived in what is now the ambassador's residence in Tokyo. He lived in that house. But when he left that house to go to the airport at Hanada, a 15- or 18- or 20-mile drive from Tokyo to Yokohama, the roads, that street was lined with thousands of Japanese on both sides waving flags, and they weren't so happy to see him go. I think it was a bona fide and a heartfelt feeling for what he had done for them. He was the figure in Japan who fed them when they were starving in the early, the first two years of the occupation. He provided medicines for them, he provided security for them, and his troops behaved admirably. I don't think you'd find a better occupier, a better military governor, which in effect is what he was of the whole nation.

So I think, all told, that the story of MacArthur, so far as the occupation is concerned, is an admirable one and a laudable one. And from the very broad picture I have no faults to find with it.

Q: Do you have any recollection of squabbles among the generals, for example, Willoughby and Whitney vying for MacArthur's favor or getting MacArthur to support a policy that they wanted and the other perhaps did not?

JB: Well, you know, if there were squabbles of that kind—

Q: It didn't reach your level?
JB: No, it would have reached my level but I would have known about it only in terms of advocating positions as to what we should do or shouldn't do. Whether there were any squabbles on a personal basis is something I wouldn't get involved in and that I personally tried to stay away from because I have long discovered that once you get involved in personalized squabbles, it rubs off on you. Sure, it could have been matters in which MacArthur wanted some advice and any top officer will always have somebody that he talks to. I have long discovered that when I get a job or when I go to a new position and know who my boss is that the next question I ask is not who is his number two but who does he talk to, and that's the guy. Sometimes he talks to his secretary or sometimes he talks to a guy, a private person, and seeks advice.

Now I think that alter ego type of relationship was Whitney, that's the one that he relied on and who he listened to and who I understand in many ways wrote his speeches, although MacArthur was inclined to write his own. But you'll find a Whitney was the key man in this, and this was brought home to me in connection with Alfred Opler in his book, and I don't know if you remember his book. When Opler transferred from the Government Section to the Legal Section, this was toward the end of the occupation, around 1950. Opler doesn't mention this in his book, but one of the reasons why Whitney was beginning to decrease the size of the section was, I suspect, that he was getting ready to be able to leave at a moment's notice if MacArthur decided he wanted to run
for the presidency. So he began parceling out. Of course he also
would say that most of the work that I had done had been, most of
the work that I came out to do had already been finished. By 1948
the basic occupation directives had been carried out, and I can
read from some of my notes here about that.

So when Opler was to come over to the Legal Section, I naturally
as being a good bureaucrat, I wanted him to come to work under me
because Opler had been a chief in his own right. And he didn't want
to work under me because that would have meant a lower grade for him.
And my boss, Carpenter, couldn't care less as long as, you know, we
got more people, more bodies and we would begin performing the legal
work of the Japanese government.

Well, Opler went to Whitney and said that they don't want to
give him equal standing and Whitney called Carpenter. And Carpenter
said, "Of course we'll give it to him." And I couldn't care less
then because I was on my way out to the Diplomatic Corps by then also.
But I cite that just to illustrate the great power that Whitney had.

And Willoughby was an intelligence chief and his reports carried
a great deal of weight, and of course in the official life of MacArthur
and his staff, I don't think that Whitney and Willoughby would have
clashed. Now on the interpretation of some of these things or what to
do with Korea or things of that kind, they may have had different
opinions. I have somewhere in my notes different views on what the
judge advocate wanted to do, what Whitney wanted to do and all this
internal workings. You'll find that everywhere, you know, the
maneuvering and workings of a large bureaucracy. So this wasn't anything unusual.

But on a personal basis, I don't know. My own feeling is that if for any reason MacArthur had suspected that these people were in any way disaffected or disloyal or incompetent, he wouldn't hesitate to get rid of them.

Q: I have just one other question about MacArthur himself before moving back to the Legal Section and the Law Division. What about MacArthur and the State Department and the Army Department? Do you have any thoughts about that, how he got along with War and State, as well as the President? You've mentioned the President pulling the string.

JB: Yes. Not in a direct way except generally I had the impression that MacArthur didn't always see eye to eye with the State Department. My own feeling is that the State Department in Washington took the view of the, the diplomatic view. They probably foresaw that in a few years Japan would take its place among the nations, and they wanted a friend. MacArthur probably saw that, too, but he felt that he wasn't going to be dictated to by the people in Tokyo from the State Department or even by the State Department. And I think his orders came from the Joint Chiefs of Staff. And in Washington there was this Coordination Committee. In one particular instance involving--I wouldn't say confiscation--but involving the taking over of Chinese liberty ships, MacArthur had to get direct orders, I think, either from the Secretary of Defense or from the President to take a certain course of action. And I can go into that if you want to.
Q: Yes, I'd be very interested in that. That's the problem of setting up the admiralty courts?

JB: Of setting up the admiralty courts, to show you how this channel operated. The other thing, this is just a sideline, MacArthur, when he came to Japan, occupied the ambassador's residence. And I don't know if you have ever seen the compound of the Embassy and the residence at Tokyo.

Q: The present one I have seen.

JB: The present one is now a great big building, but before the present one was put up, there was a two-story chancellery building, that's the office building. And then there was a reflection pool and a swimming pool, and then there were two apartment houses on the other side of the reflection pool. And these apartment houses were used, when they were built in the prewar years, for the secretaries, and that took care of the whole contingent. Well, the chancellery had been bombed during the war and it was roofless when we got there. The ambassador's residence was whole and it's a gorgeous building. That whole compound, so the story goes, had been designed or landscaped by Mrs. Hoover in 1932, and the site of that embassy and the present embassy, too, is the site of our first embassy which had been destroyed in the 1923 earthquake.

Well, MacArthur immediately put a temporary tarpaper roof over the chancellery, the office building, and he put his honor guard or his personal security guard in there as a dormitory. And just probably to rub it in, on the second floor, which had been the ambassador's
office, is where he put the latrines and the showers, and the men lived down below. And of course this rankled our State Department friends no end, but be that as it may, they also felt that they should get their own property back and they should be occupying it. Of course MacArthur's position was, "I'm the chief and I'm the governor and I take whatever house I need for the occupation forces." So Sebold lived in a very nice house and so did the rest of the Diplomatic Section. They were treated just like anyone else of comparable rank on the military side, but they never got the house. And when MacArthur left in 1951, I believe, and he was succeeded by General Ridgway, Ridgway moved into the house for a small time until the peace treaty took effect.

Q: You've mentioned General Ridgway. I've been acting during this interview as though it was all MacArthur.

JB: No, no.

Q: I forgot of course that Ridgway came in when MacArthur was dismissed.

JB: Oh, yes.

Q: And so instead of moving on to the Legal Section, maybe we should pause for a minute and get your reflections on Ridgway and the problems that he encountered coming to replace someone like MacArthur.

JB: Well, Ridgway, I believe, came from Korea. He was in command when General Walker was killed in Korea commanding the Eighth Army. Then I think Ridgway, and I don't know where Ridgway came from, whether he came from the Far East Command or whether he was brought in from
the United States, but he was sent to Korea. And then from Korea he was brought in to take over, but by that time everything had been done. The war criminals had been tried, the government had been reformed. So what Ridgway was doing was really—and he knew that the peace treaty was in effect. So he was just there to command and you might say to close the door when we left.

I met him. I went to some parties at the Embassy at the time he was there.

Q: We talked a little bit last time about the Legal Section and the Law Division, and I wondered if you had any further comments to make about the head, General Carpenter? Or was he Colonel Carpenter during that time? And then about the size of your own division, the kinds of personnel you were able to recruit into that and so on?

JB: Very well. I first met Colonel Carpenter in 1945 when he interviewed me for the job as head of the Law Division, which in 1945 consisted of one second lieutenant, who was not a lawyer. And I was fortunate enough to have arrived at the right place at the right time.

Carpenter was born in 1901, and this would make him about 78 now and I've kind of lost track of him, so I don't know whether he's still alive or well. He came from Indiana and was a Harvard Law School graduate. At the time I met him he was 44 years old and he was a colonel in the Judge Advocate's Corps. And he had come up from Manila where he was head of the War Crimes Section. I did not know him in Manila. And he had with him as the head of the War Crimes Section, or I should say the War Crimes Investigating Unit
because as long as the fighting was going on, what this unit did in Manila and in the places before they got to the Philippines... . . .

END TAPE II, BEGIN TAPE III

... was to investigate war crimes. Then as they got all the facts together and as they moved on in, they became a prosecution unit. And this was the unit that came up to Tokyo.

Well, when the SCAP Headquarters was beginning to get organized, they took what was then a G5--have you ever heard the expression "G5?"

Q: I've heard G1,2,3,4,5, but I'm not really that clear about their meaning.

JB: All right. In the military headquarters, on the general staff level, they had--which we borrowed from the Germans, I think, around the turn of the century or thereabouts--we had four general sections and a number of special sections. G1 was Personnel, G2 was Intelligence, G3 was Operations, and G4 was Logistics. And then we added a G5, which was known as Military Government. And the G5 contained in Military Government, as in all the other G's, various units. So that in G5 there was a Legal Office, a Legal Section, a Legal Unit, there was Public Safety, Public Health and things of that--Government and so forth. This was designed, and this would go down to a division level, which was an actual fighting unit, so that when a division would come into a combat area, the G5 or the Military Government as Section would then take over. It was not known/Civil Affairs
because Civil Affairs would exist when the fighting had stopped. This was just some military government that exists when the fighting is going on.

Well, when we got to Japan and we realized that this was going to be a tremendous operation and for political, military, and a lot of other reasons, MacArthur was to be not only the military head but also the military governor of Japan, then they divorced the G5 from the military headquarters and made it SCAP. And they took each one of the units like Law and Government and Public Health and Economics, and they made them sections. Now the special sections of a military headquarters would be the Adjutant General, the Judge Advocate, the engineers. These are all specialists, and they report to the chiefs through one of the G's. So the Adjutant General and the Judge Advocate guy would be coordinated by the G4/personnel man because they pertained to personnel records and so forth. But in practice they're pretty much on their own, you see.

Now in the SCAP headquarters when I arrived in early October of 1945, the Military Government section was just phasing out and the SCAP Headquarters was coming into being. And this is where I got myself all fouled up and was assigned to Korea because I was assigned to the Military Government section and not to SCAP. It wasn't in existence when I left the U.S.

Well, Carpenter came up—this brings us back to Carpenter. He came up as head of the War Crimes Section. Of course war crimes doesn't fit within a purely military organization. It was part of
the SCAP Headquarters, and rather than just have war crimes, they decided to make him, since he was a lawyer, a judge advocate officer, the Legal Section. And he was to provide legal advice. So you had the War Crimes unit. I forget whether they called it "Prosecutional Investigation." By that time the investigation was over, but it was prosecution, not defense. The War Crimes unit; then they had a Law Division, which was to render questions on international law. They had an Economic Division which later came into effect. And they had the Labor Division as things began coming up. At one time I would provide the advice on all these things, but as we got deeper and deeper into these things, we needed specialists. For example, one of the fellows in our section, Harry Stratif, was head of the Economic Section. And his job was to provide legal advice on economic contracts, trade agreements, currency matters, and so on, that he would deal with in the Economic Section. So he in effect was the man. As in a big law office, you know, there would always be specialists and he would be the man working with these units.

Leonard Appel was the labor lawyer, and I think Appel is still around, but he would be working with the labor matters. George Hagen was the war crimes guy. Clark Gregory worked on some aspects of international trade. I think he later on—he's still living and he went on to California or something like that.

Then we had John Canney who was my deputy, and he became later the—I picked him up after I left the military and became a civilian from the Eighth Army where he had been a judge in the military
occupation courts. Then the Headquarters used the Eighth Army to execute our commands, for example. But we set up military occupation courts. The Headquarters didn't have the personnel nor did they want to get involved in actually running a court system. That was given to the Eighth Army. The Eighth Army also provided the defense for the war criminals. The Eighth Army went out and made sure that the SCAP directives, or as we called them "SCAPINS," SCAP Index Numbers--IN, Index Numbers; that's how they got the name "SCAPIN," as SCAPIN 25, SCAPIN 10, SCAP Index Numbers—that the SCAPIN's were carried out. And they would report back to us and so forth.

I picked up Canney from the Eighth Army and another colleague by the name of Brumby when I went into the State Department. He was with the Eighth Army. He's the one who wrote that little booklet on the occupation.

So I think I've given you the charts which shows the organization as it matured and what the functions of the job were. But as in many organizational charts, at least I took the attitude that as a lawyer you never turn away a client. So any time anybody came to us, we said something, we gave them some advice, expressed some judgment on different things, and depending on how many times they would call us on the telephone and ask us for advice, on the telephone. And frequently, where we felt strongly about certain things, we would get involved as, for example, I mentioned the last time where the Judge Advocate, Colonel Hickman, who later became Major General Hickman, the Judge Advocate General and after that became dean of the Hastings Law School in
California. I think he's retired now. George Hickman wanted to set up courts to handle divorces for the occupation people. I mentioned that in our last interview, and we opposed that because we felt it just wasn't necessary and it would take up too much manpower and set up too much of a bureaucracy. And even though they set these things up in Germany, the situation there was different. They didn't have a court system in being when the Allies moved in.

Now getting back to Carpenter, the only thing I can say—well, not the only thing. Carpenter was married and divorced, and he had with him when he came to Tokyo a secretary known as Gwendolyn James, an Australian girl, who had been a secretary—she came up with the American forces from Australia. And she joined the Legal Section as a secretary in Manila and came up to Tokyo and they were a twosome and he eventually married her, and the marriage broke up. She was, well, I don't know how to put it, but she just wasn't in the same class. Whether he was lonesome or what, I don't know. He was a tall man and she was a tall woman, and whatever it was, the chemistry was right for the time. They were married and some years later after they came to the States, they were divorced and Carpenter then married the widow of General Walker. And there's a Gwendolyn James in the phone book, but nobody ever knows whether it's the same Gwendolyn James or not. And some of the people, Murray Gray, for example, who used to be in the Legal Section with me, is now working for AID/Agency for International Development/. He doesn't know whether this is the right Gwendolyn James or not. Nobody ever wanted to call.
He wasn't a strong man. He depended a great deal on his staff, and he never got involved in details. He couldn't care less about the fine points. I mean, I've come to him frequently and told him we ought to do this, we ought to do that, and he'd sign it. Now that doesn't mean that he didn't have the knowledge to get involved in these things. And I was a little bit hard on him during that period. He was older. I at the time was 30, he was 44 or 45, and I felt he should have shown a greater interest in these things. But in the later days of my career when I was in Geneva, I was in the same position that he was. I supervised the mission in Geneva, about 150 people and about 25 or 30 FSO's/Foreign Service Officers engaged in international labor matters and international communications and refugees and administration and so on, and I depended on the staff. I would sign anything they put to me so long as I had confidence in them and I had a general and vague idea what was going on. And I would tell them just to keep me honest and out of trouble, and if I ever lost confidence in them, then I would have to do something else. So that it was at that time that I began to realize that maybe Carpenter was a better manager than I gave him credit for at the beginning, that he knew how to delegate and he knew how to let people alone and how to encourage them. And the fact that we worked well and we all did what we did and did it as well as we did is maybe a tribute to him.

Oppler was a little rougher on him, and I think Oppler probably, with a German background and training and mentality, never quite let
go, and I find this, not only because of his German but maybe that's a bad thing to say, but he never quite let go of the things he got involved with. Even as a boss he would go over and correct things and correct things and so on, and Carpenter never did that and I never did that when I reached the bossy stage. So I think that looking back, I would give Carpenter more credit than I would give him at first. The important thing is that he had the confidence of MacArthur and he had the confidence of Larry Bunker, who was MacArthur's personal aide. And on one occasion I remember seeing a telegram where Joe Keenan wanted to take over all of the war crimes, and MacArthur sent back a very strong telegram saying it would be a disgrace and a shame and would be misunderstood if we deprived Colonel Carpenter of this function who was a fine, capable, a great officer. At the time I said to myself, "That's a bunch of baloney because what MacArthur wanted was to keep a guy that he could command loyalty from." Keenan was not picked by MacArthur. Keenan was sent out from the United States, either by the Defense Department or the State Department to prosecute them, and this was a Washington show. And MacArthur knew that, but he just wasn't going to fuss about it, but he wanted to keep some control over war crimes through Colonel Carpenter. So there was some element of that. So there you are.

Q: Well, that helps me a great deal to understand not only your division and your section, but the whole G1, 2, 3, 4, 5 setup and I appreciate it very much.

JB: And of course Willoughby was head of G2 at the time, and Willoughby
also commanded a SCAP section on intelligence. He was also the censorship, and there was a press section also, I believe. But I think the censorship which was perfectly proper to censor the Japanese publications during the occupation to provide the security for us. I have a feeling, you know, that while it was perfectly proper to do many things for the security of the occupation forces that we probably went a little bit too far in renovating or redoing the Japanese government. And we justified it on the grounds of security, and it wasn't security. The Japanese never bothered us and we never were afraid of them, and they were with us 100 percent. I think it was mainly political. This was a directive that came out of Washington. Maybe MacArthur aided and abetted many of them. I'm sure that no directive was ever issued to MacArthur unless he had a chance to see it in a draft. I know we used to get them in the Legal Section. A directive would come out to ask for comments before we would get it, and then it would be coordinated in Washington.

Q: That reminds me, I did want to ask you about the basic directive that he received finally. It was November 1st, 1945. Before that there had been President Truman's statement on occupation policy, and that was released to the public and to the press in September. But a more detailed directive was issued by the Joints Chiefs of Staff, which came out either November 1st or November 3rd. And I wondered if you in your position immediately got mimeographed copies of that so that you knew what the basic directive was.
JB: Yes. We knew when these basic—I think these were public documents, more or less, at least they were not--

Q: This particular one was kept secret.

JB: Was it?

Q: Yes. Until 1947, that is from the general public, and from some of the Allies but not from SCAP.

JB: Well, they were published later on and I don't have the books here. I had the Far East Command, I had a lot of these little books and pamphlets, and they just disappeared for one reason or another. Maybe I gave them away. But in any event, they were put out, collected, all these directives were collected, and you can have access to them. But these were very broad political guidance. They told them to revise the Japanese government so that "they shall not make war," and so on and so forth. In the implementation of these things, whenever we got ready to issue a directive of far-reaching effect, it would always go back to Washington to see whether this would comply. And so there was a very close relationship.

You know, MacArthur was really the front man. I'm not saying that another guy couldn't have done the same job, but he wouldn't have done it with as much flair and brou-ha as MacArthur would have done it. And to the Japanese, as you probably know, form is a lot more important than substance. And his aloofness and so on, this fit right in with the Japanese character, the face. He never mingled with them. The Emperor would come to call once or twice. There were some pictures taken, and that was it. They didn't detract from him.
And I could remember in the early days in Tokyo people going by the Emperor's Palace would turn around and bow as they had done in the prewar years.

Vaguely I remember, I was still in uniform and I must have been in the job maybe a week or so and I had to collect some Japanese laws about the way they treated prisoners of war. So I issued a letter to my liaison guy, and he arranged for me to meet with some military chiefs. I walked in there and there was an old guy sitting there in civilian clothes, but from his close-cropped hair I could tell he was a general or some muckamuck, and I told them what I wanted. I was a captain at the time. They translated for him and so on and we went back and forth, and then finally he began pounding the table, treating me as though I was a prisoner or something, you know, asked me what I wanted this for and so forth. So I was there alone; I was the only one in there, and I immediately said—then he said to me, what does the insignia on my uniform indicate. They were the crossed pistols of the Military Police, so I said, "Kenpeitai." And then all things cooled off and everything was fine. You see, he viewed the Kenpeitai as the military police and the American military as the same kenpeitai as theirs where they had a lot of power on the outside. But this, you know, was just a little thing that didn't mean much.

Q: That's a very interesting aside. I'd like to ask you now about the various sorts of things on which you gave advice during those years heading the Legal Division. For example, you're alluded several times to the problem of setting up the admiralty court and the liberty
ships.

JB: Okay. Now, around 1950 or before, but first let me give you a little bit of background. In World War II we had a lot of liberty ships, and after World War II we didn't need them. So we sold them and the federal agency that sold them was the Maritime Commission in Washington, and we sold them to Chiang Kai-shek's government. They didn't have any money to pay for them, so they gave us in return what they call a "purchase money mortgage." In other words, we give them a ship and then they give us a mortgage on it, which is in effect an I.O.U. and technically or legally it means that if they fail on their payments, we foreclose on the mortgage and get our ships back. Okay? This was the background.

So they had maybe 50 or 100 ships. It doesn't really matter. Then in the fifties, I don't remember whether Chiang was being kicked out of China or whether he was in Formosa or where he was then, but he was in a bad way, and he fell behind on his payments. He wasn't paying us, so the Maritime Commission said, "We've got to get our money." Well, there wasn't any money to get, so they said, "Let's foreclose." So they sent instructions to every embassy around the world saying that any time one of these ships show up, you are authorized to retain local counsel, go to the local courts, and institute foreclosure proceedings and get our ships back. When it came to Japan, there were no courts. In the first place, we couldn't go to a Japanese court to ask them to issue something to foreclose on a Chinese vessel and then have MacArthur, in effect the
United States Government, come in and plead to the Japanese, "Please do this." They would take it as a command, you see, the laws are right. So we came back and we said, "We have no way of doing this unless we set up our own admiralty court system."

So they said, "Set it up." So Colonel Carpenter came to me and said, "Set up an admiralty court system."

I said, "It's ridiculous, you know. We haven't got the books. We don't have the forms."

"Well," he said, "this is your headache." So I sent a telegram and by return airplane we got all the books we needed, we got all the forms. And I issued a directive setting up an admiralty court and set down the rules. Oh, no, I'm getting ahead of my story. MacArthur said he didn't want to foreclose, and his reasoning was that with Chiang Kai-shek being kicked out of the Mainland, he didn't want it to appear that he, MacArthur, was helping the Communists by taking away shipping that Chiang needed by confiscating them in Japan because it would look as though the United States Government or he, MacArthur, was a party to this thing. So he wrote back and he said, "Look, this doesn't look right. You can do it in Australia, you can do it in Europe, anywhere you want, but it doesn't look right for me, MacArthur, to go and do this sort of thing. And I won't do it." So they went back and forth and were working for weeks. It went back and forth saying, "You've got to do it, you've got to do it." And he said, "I won't do it, I won't do it." So finally he got an order to do it, and I think it either came from Atcheson or from the
President, from Truman.

Now this in and of itself was not that significant. It didn't have the same political significance as MacArthur and later that year or the next year when he sent a letter to Joe Martin in the House of Representatives saying that "We're fighting the war in Korea all wrong." I could give you a little tidbit on how MacArthur got fired there, too, when we're finished here.

So he finally got an instruction, and this came out, "You will," and so on. It's the first one I'd ever seen because I was directly involved in this thing. So it came down to us and I remember working weekends and so on, writing the directives and setting up the rules. What I did was to copy it really out of the federal admiralty court legislation. And for the judge, the admiralty judge, I appointed my deputy, John Canney, and to this day he calls himself Judge Canney. He was a judge, no question about it.

So we then had to have a marshall to go and levy on the ship. So we told the Eighth Army, "You're the marshall." And jokingly, the Provost Marshall built himself a great big star like that, you know, and a marshall's badge. He went down and served the papers on the ship and tied up four ships. Then there was a hearing held and the Chinese retained some of the best admiralty lawyers in the United States. I remember one of them, Yamamoto. He was a nisei lawyer, very, very sharp and very good. He knew the inside and outs of this. So he came in and he filed the papers, you know, and all that. And then he showed me that under the rules we set up that we have to
dismiss the case because of certain things. So I said to him, "George--" George Yammamoto, that was his name. I said, "George, let's not play games. You and I know what we're doing here. You can point out that we forgot to put in a second paragraph." I said, "MacArthur will issue another directive or I'll issue another directive correcting it. And then you're right back where you are." I said, "The answer to this problem is not through this little charade, but it's back in Washington on a political level. Either get the Maritime Commission to get off our backs, get Chiang Kai-shek to make a token payment, have face solved all around, and you resolve this." So he accepted that, and we released it. They somehow made the payments.

So with regard to that, in June of 1950 when Colonel Carpenter was abroad--I think he was going at the time as SCAP delegate to attend the Geneva Convention--I wrote to him. You know, I would write telling him of things that took place and so on, and I said, "As I wrote to you yesterday, the Chief of Staff approved the Hai Lai actions--"the Hai Lai was the name of the first ship--"as we submitted them and the way is now clear for CPC--" that is the Civilian Property Custodian--"to sell the vessel. I expect to hold a conference within the next few days and a few others to work out the details. If you are in Washington, you might stop in and see the Maritime Commission and have a talk with their attorneys about the Hai Lai and other matters of mutual interest."

Of course we never did sell the ships. The result of course is
that we got a very nice letter from the Maritime Commission complimenting the Legal Section and everybody, you know, about the fine job we had done and so on. And of course the admiralty court went out of existence or while it didn't go out of existence—it remained to the very end, but we never had another ship to worry about. But that was the only time we set up a judicial system or a court system to take care of a specific matter, you see.

Q: You mentioned that brought to mind an aside about MacArthur and Joe Martin.

JB: Yes. This is a very interesting story as to how MacArthur got fired and I can't tell you whether this actually happened or not, but I can give you the names of the people who told me that they were parties to it. MacArthur of course was relieved by Truman for having gotten way out of line according to Truman on his sending telegrams to Congressional leaders about how we should conduct the war in Korea. And this story has never appeared in any of the accounts that I've read.

When I got to Geneva many years later in 1969, which was my last assignment with the Foreign Service, the ambassador there was a fellow by the name of Roger Tubby. Tubby was an assistant secretary for public information under Dean Rusk in the State Department, but before then Tubby, during this period in the 1950's, was Harry Truman's press officer. And before then Tubby was a newspaperman in Saranac Lake or in Vermont or somewhere up there, I think in Vermont. Tubby then came into the State Department, I think as a result of Truman or
somebody like that for political reasons, and then Rusk couldn't get along with him and sent him to Geneva and he remained in Geneva for seven or eight years. Then in 1969 when Nixon had come into office, he wanted to move some people in the State Department to make room for his people, so he moved out Tubby. I went to Geneva then as the number two before the ambassador got out there to talk to Tubby and so on. Incidentally, Tubby lived in this house. He leased this house from me and lived here for three years. And he is now a commissioner or deputy commissioner of parks or public recreation in the State of New York and he's very much involved in the Olympics in Saranac Lake, Lake Placid and so on.

Well, Tubby in his residence, just before he left, he had a great big picture of Truman, autographed to him, which was about the size of the wall, on a big easel. And he told me that--this story has never appeared, but he said that when MacArthur had sent the letter to Martin, Truman got the letter, saw it and called him that s.o.b. and all other names and threw it away and just walked away, just forgot about it. He wasn't going to do anything more. And then a few days later Tubby says he went in to see Truman and he said, "Mr. President, what are you going to do about this MacArthur letter to Joe Martin?"

He says, "Do? What are you going to do? What can I do? The guy's a nut."

He says, "Well, you can't let him get away with this. You've got to do something. It's either him or you."
He said, "You know, by God, you're right. Maybe we'd better call George Marshall together, call the Joint Chiefs of Staff, call Dean Acheson and have a meeting and decide what we want to do." And it was that that led—all the military in Washington and Acheson said, "MacArthur's got to go." So Tubby in effect takes the credit for reviving this thing with Truman and he feels that if it were not for him that MacArthur wouldn't have been fired. Who knows? Who knows? I mean, it could be that Truman had already decided he was going to fire him and this was just coincidental and a lot of people felt the same way. But at least Tubby claims this and in 1969 he told me the story of what had happened in 1951, so 18 years earlier.

Q: I realize that there were a lot of things that the Legal Section would have to give advice on, and I can think of such things as, say, copyrights and patent treaties. Were you ever called upon?

JB: Yes. One of the things that we were faced with when we got there was the effect that prewar treaties had after a war. Now as a general rule of law, a war between two countries abrogates the treaty relationships, but they don't abrogate all the treaty relationships. They abrogate a treaty of friendship and commerce because friendship is inconsistent with war. They may abrogate consular treaties. They may abrogate political treaties, but there are some treaties between countries, like patent agreements, copyright agreements, which fix rights, both on the Japanese, on both sides. And these rights remain, although they're suspended until after the war is over. And then these rights become alive again, you see. So there's no hard and
fast rule except you have to look at all of these. And of course the patents and copyrights were one of the things that concerned the United States a great deal. You remember, you know this from your own history, that Japan came out of several hundred years of isolation and when she discovered all these wonderful things that were going on in the west, she immediately got after them. She began to copy books, began to get machinery and duplicate the machinery and so on. And she didn't really pay much attention to the international copyrights and patents because she wasn't a party to any of these agreements. This of course disturbed many of us.

So during the occupation period, of course we put a stop to this and we told the Japanese that they could not translate or copy any books in English. And of course their justification was that as a country that's just emerging, you see, they're not competing. They need this for survival, and this was always their excuse. And we tried to tell them, "Well, there are many things in Japan that are very important to you and that some day we may want to copy from you." And of course they laugh, you know.

And our people would always complain that the reason the Japanese could undersell us was that they put no money into research, but they got something we had already researched. And all they did was to take a finished product and improve on it. They didn't have to figure out how to make a television grow and spend years on it and that sort of thing. So what we did was in effect to say that, "You're not going to violate or to copy any of these things." I
guess we could have done that to protect the property rights of foreign nationals. Of course this goes beyond the occupation, but in the post-treaty period was when we began to renegotiate and bring Japan into the 20th century so far as the copyrights and the patents were concerned. When I had already joined the Embassy and later on we began to negotiate these treaties. So we did improve on them, but we did prevent the Japanese from pursuing a policy of plagiarizing and taking things that they really shouldn't have been doing. They accepted this. They had no problems with it because they weren't in a position to do anything about it.

I remember, just as a sideline as to some of the thinking, when we began negotiating patents and copyrights agreements, I would negotiate with the Foreign Office. This was after the occupation was over. But when I dealt with the Foreign Office types, they were quite sympathetic to being treated like everyone else, to joining the International arrangements. But the patent and copyright people didn't want to because they wanted the freedom to do what they wanted, when they wanted. But they were overruled, and I think today they're quite happy because the Japanese are putting out pictures and books and I understand that they're doing quite well in ideas, machinery, and... .

So this was just a small item on the economic side, but that wasn't a very big item in dealing with them. And it didn't smack too much along the political lines.
Q: What about some of the larger things? Were you directly or indirectly involved in giving advice on the zaibatsu, zaibatsu law, deconcentration?

JB: Yes. Our concern, at least my concern, in the Law Division was that whatever we did had to be in conformity with the Law of Land Warfare, which contains the treaties on how to treat, how to work in an occupied territory. This is a State Department book, I mean a military book, and it's been updated. But this was the book that I had in 1956.

Q: Department of the Army Field Manual.

JB: Field Manual 27-10, called "The Law of Land Warfare." This is July 1956, but the book I worked on was I think 1944 or 1942. It was an early edition. And the bold type is the treaty provision, and the white type is the State Department commentary on how we should work, you see. Let me show you how I use this. Turn to Occupation 138. And I might say that this book was our bible at the beginning. And then after a while—for example, the first military occupation; this is the treaty. It says, "Hague Regulations, Article 42." It says, " Territory is considered occupied when it is actually placed under the authority of the hostile army." You couldn't say for Manila that Japan was occupied by bombing. We'd really have to be in control, and that established our law, you see.

Then it tells you what you can and cannot do, and occupation courts. It tells you how you can requisition and it also says that, "In cases of occupied territory, the application of this treaty shall cease one year after the close of military operations. However, the occupying power shall be bound for the duration of the occupation
to the extent that such power exercises the function of government."
In other words, we were the government, and we have to "restore law
and order, safety and respecting the laws in force unless absolutely
prevented."

Now you get down to the zaibatsu. This was a cartel system, and
how do you justify going in to upset their economic business laws?
And the only way you can justify it is to say that these laws con-
tributed to the war-making power of the Japanese. Because without
firm control of the zaibatsu group, the Japanese couldn't wage war,
you see. So we had to destroy this sort of thing. If you take that
concept, then you can say we were justified. If you're merely saying,
"We're breaking up the big trust because big trusts are bad," then we
weren't justified. I think the Japanese couldn't care less. They
probably had that fatalistic feeling, you know, and I read this in
a number of novels and other things about the Japanese. I also
read this in a recent novel on Shogun where they had a tremendous
amount of patience, and they would accept these things.

And they would say, "All right. This isn't going to last for-
ever, and we have a thousand years. We have a much longer history
and a longer culture than the occupiers. And we'll survive that, too."
And this is true. This has happened today. They weren't back again
where they started.

Q: Did you get involved in discussions or arguments of this sort?
JB: Oh, yes, yes.
Q: With ESS /Economic and Scientific Section/ people?
JB: Yes, with ESS, but these things came out of Washington, these directives came out of Washington. Why? Because they felt that bigness was bad, that the trust was bad, the zaibatsu was bad, Shintoism was bad, the god worship of the Emperor was bad. All these had to be changed because we said it contributed to the war-making power of the—the constitution says, "You shall not maintain defense forces." Well, we could say that during the occupation, but to put it in the constitution, which was a permanent thing, is strange. And many people, even I think MacArthur—you will never find MacArthur or even Whitney or even Kades—I may be wrong on this—will say to you that "We put that provision in." They will say they put it in themselves because they don't want to be blamed for it indefinitely. The answer is that even if they put it in themselves, they could never have put it out unless MacArthur said it was okay.

Q: Did you think that we were at any time, say in 1947, 1948, or 1949, at any time going to be very successful in changing, reforming, or breaking up the old Japanese business system?

JB: Well, I think we felt nobody could foresee that the Japanese would come back the way they are today. And I think we felt then, seeing the Japanese then, that it would be a generation or two before they could ever get back on their feet because they didn't have oil, they were completely stripped of their overseas empire, they had no natural resources. They just couldn't do anything. Who could foresee that they would be working the way they are today? We didn't think it was that important.
Q: Did you give any advice on things like foreign investment in Japan or rehabilitation of the economy?

JB: Yes. Well, there wasn't much advice to give on that. I tell you what we did. What we did was more or less technical. For the first two years, we supplied most of the food, and then we realized that if the Japanese were to become less of a burden to us, they had to trade and they had to be able to manufacture and do many of the things themselves. Now obviously, people coming in to trade with the Japanese, unless they were supervised by us, would immediately take advantage of them or so forth. There would be sharp practices. And we also wanted to control the foreign exchange. So what the Economic Section did was in effect arrange the contracts and while the Japanese traded—you see, this was Harry Strader's things. They would send us from Washington form contracts, and they would tell us exactly how to go ahead and operate on these things. And the Japanese would manufacture this or they would manufacture that or they would repair certain ships. And all the hard currency coming in would go into say the Japanese accounts, but they would be controlled by us. And then they would be allocated by us. So in the early years of the occupation, what the Economic Section did was in effect run—they were superimposed on the Japanese today is known as MITI /Ministry of International Trade and Industry/, they were in effect superimposed on them. And they supervised that MITI.

If I may digress to tell you another story which brings to mind MacArthur and so forth, there were many sharpies that would come out to Japan to try to take advantage of some fast deals and one of them
was a former governor of Florida. I think his name was David something or other, but he was governor about 1945, 1946, one of the governors of Florida and he had left office. And he came to Japan with a letter from Truman to MacArthur, in effect Truman saying, "Dear General, this is a good friend of mine and he wants to help in the revival of Japanese trade. Do what you can for him." So the Chief of Staff sent him down to see us and his deal was that he would set up a corporation in Japan and get a lot of liberty ships from the United States, contribute the liberty ships to the Japanese and the Japanese would go into the transportation business at that time.

So he came to the Legal Section and the next thing he said to the Legal Section is that, "You know, I'll need a lot of good people here to do this. And there's a lot of money in this thing." So he says, "You, you, you, you if you want to come over and join the corporation, you just let me know." And of course we spotted this right away, you know. He was very crude. And then he said, "Well now, I've got to go over. I can't stay very long, but I've got to go over to see the Japanese and tell them about this thing."

So he went over, and I heard this story from Larry Bunker.

END SIDE I, TAPE II, BEGIN SIDE II
And he went over to see the Japanese muckamucks over in the MITI office or somewhere, and they sat around the conference table. He was telling them his proposition, and then apparently in an attempt to impress them, he said, "Now wait a minute. I've got to make a telephone call to MacArthur. He invited me to lunch. Have you got somewhere I can phone?"

They said, "Yes, use this telephone."

So he picks up the telephone and he says, "Get me MacArthur's headquarters." So they immediately rang his office, and he got on and he said, "General Whitney? Put me through to MacArthur." He waited. He says, "Doug? This is Dave. Yes. Yes. Oh, they're very fine. They're treating us very well. We're having a good meeting. Oh, by the way, Doug," he says, "tell Jean that I'll be able to make it for lunch today. Yes. Okay, fine. Bye." He hung up and goes about his business. The next day he couldn't get in to meet with the Japanese. What he didn't know but what the Japanese knew was that MacArthur has no telephone on his desk, and the only way you talk to MacArthur is through the squawk box. But you couldn't reach him by telephone, and they knew he was a phony and he disappeared. Dave—I forget his name.

Q: That's a good story.

JB: It's a true story, a true story, and I dare say this is just one guy that I came across. I dare say there must have been a lot of them. And the Japanese could have handled it just as well, but in the early days we wanted to control the foreign exchange and to be sure that
from our point of view they were being used prudently, and we could do that, you see. And as we got closer to the end, more and more of this went to the Japanese.

Q: Did you ever give any advice on the Japanese and a domestic airline? I saw that on the list of things that you either supervised or were directly involved in.

JB: The aviation agreements with the Japanese, I don't think—if I put that down, then I don't know because I can't imagine that in those days they would have gone into the international airlines.

Q: I think we had a policy of prohibiting them from reconstituting their civil aviation.

JB: Yes, but I mean early. We destroyed their airplanes and we destroyed their whole war-making machines. And if they wanted to have airplanes, I don't think it ever came up then. You see, this was in the 1950's and this wasn't—you know, I'll tell you something about airplanes that I discovered later on, that it's a prestige thing. Countries like Pakistan and other little countries have these international airplanes just to be able to show that they're flying on the international routes. They don't make money, and they serve no—they lose money for these companies. And I don't think the Japanese do it this way, but at that time it wasn't, to my knowledge it wasn't much.

I must say that in many of these things in 1948 and 1949 and afterwards, the legal advice that we gave pertains more to drafting of peace treaty provisions, what we ought to do with war criminals. Most of the things on the basics of the occupation were already old
hat. So it wasn't really that much of a problem, but it involved and we used to do--I was going through some of my old notes. We would draft wills for Burton Crane of the New York Times or Lindsay Parrott. I found--I think he forgot about it, but I remember writing to Carpenter and saying we drafted some wills for them. So we must have done it.

Let me see, I want to see if I can quickly go through some of my letters here.

One other thing, you talked about the Government Section and I find in a letter I wrote to Carpenter in May of 1949, I told him a couple of things. I said, "The biggest thing that has happened so far--" this is writing to Colonel Carpenter, who was on a trip--"was a paper concerning the disposition of convicted war criminals. This was the paper that George Hagen worked on. This conference was attended by about 15 different sections, including the Eighth Army; there appeared unanimous agreement with our proposal." I don't remember what this is because I say, "The paper is Classified Confidential and I am enclosing a summary in a pouch." But I'll find it somewhere and I'll tell you about it. But the other thing that I found here was your question about the effect of the Government Section in the Headquarters. "Another paper in this office which has taken considerable time is one concerning claims by the Japanese against the occupation for tortes committed by occupation." You know what a torte is? You know, an automobile accident or, mainly that. "As you recall, the Government Section,"
that's Whitney's section, "killed the proposal of the Judge Advocate to set up a SCAP commission to handle claims against the occupation people." So here we would have set up a SCAP office where a Japanese could come in and say that Bassin, for example, hit him with a car or did some damage or, you know, broke a window or so on. "This was the paper that Colonel Hickman," who was then the Judge Advocate, "came up for you to concur in one afternoon. The Army Department renewed its proposal. The Army wanted it and pointed out it was desirable to have a system to settle such claims. When this telegram arrived, it was discovered that the Government Section was aware of certain facts which they did not reveal to any of us and which would have involved the Judge Advocate and his original action." So here the Government Section withheld certain—and they got away with it.

And then I go on to say, "Nevertheless, the Legal Section was not a party to such concealment and we were taken by surprise as much as Colonel Hickman was. Since however, we did not have the action on the paper, our faces were not red or even pink," and so on. Then it goes on to say, "Major Napier—" I don't know if that name has come up.

Q: Yes.

JB: He was Kades' deputy and he's now somewhere in Oregon, somewhere. "of Government Section tells me that General Whitney feels very strongly about this and that he will make a personal issue of this to MacArthur in the event the Chief of Staff goes along with the Judge Advocate's proposal," and so on. He was then in Geneva attending the conference.
Oh, yes, another thing that we got involved in was the practice of the admission of lawyers to practice in Japan.

Q: Yes. I wanted to ask you. This is the admission of Americans to the Japanese bars?

JB: Yes. And Clark Gregory was the fellow that had been working on this in my office. So here is a letter in which I write to Carpenter on May 10, 1949. I don't know if you want these letters.

Q: Oh, yes, that's very interesting. And I did want to ask you this question anyway.

JB: You want them to go? Would you send them back because this is a story I'd like to leave my sons some day.

Q: Yes.

JB: "Gregory tells me that Bruce Aitchison was granted the first lawyer's permit to practice in Japan. In this respect you might be interested to know that the Japanese have voluntarily--" voluntarily; I didn't put it in quotes but I'm sure--"voluntarily decided to amend their own laws so as to permit alien lawyers to practice in Japan regardless of what limitations exist in the aliens' countries with regard to Japanese lawyers. The bill, if passed by the Diet, and it appears that it will be, should remove the most troublesome restriction concerning licensing of alien attorneys."

Now let me give you a little background on this subject. In the United States to practice law, each state admits you and you have to be a citizen and pass the bar exams. Now foreign lawyers that come into the practice, this presents a problem for a foreign lawyer, say a French lawyer to come into practice here. And the French lawyers,
when they want to come in and set up an office here as American lawyers do in France, can't do it. So the way they get around that is to tie up with an American firm and on this door it says, "of Counsel, Pierre Laval" or something like that. Now what that means is that Pierre, the French lawyer in Washington, cannot advise or give counsel to a client. What he can do is to give advice or counsel to an American lawyer for that. In other words, he is the expert on French law. Now some countries will say, "Okay. If this is the way you limit our lawyers, then this is the way we limit your lawyers. Okay?" So the Japanese, when Sebold went to practice in Japan in the twenties and the thirties, he couldn't advise Japanese clients. He would only be able to be part of a Japanese law firm that could advise Japanese lawyers, who would in turn advise Japanese clients.

Now here we find during the occupation a lot of Americans, the banks with their City Bank, Chase Manhattan or the Bank of Manhattan, a lot of these companies were beginning to come in and set up business and they wanted legal counsel. But they didn't want a Japanese during the occupation because he didn't have any influence. He couldn't go to MITI and say, "MITI, do this, that, and the other thing." They knew that the power center was the Economic Section or in the Legal Section. So they wanted American lawyers who would then be able to go and in effect lobby with the Americans who knew their way around the American Headquarters, just like here in Washington. So how do you get admitted to practice?
So we told this to the Japanese and they said, "Oh, yes. No problem. We'll amend our laws." And that's how Tom Blakemore is practicing there today and when he goes, when this generation of occupation lawyers goes, that's the end because then for a lawyer to be admitted to Japan, you see, it isn't only necessary to get to your licenses there, but what you have to do is/maybe pass a bar examination and do everything else. They may even waive the citizenship requirements. I think the Japanese will let you do that, but how many American lawyers can pass the bar examinations in Japanese? So what in effect you'll have will be American lawyers and besides an American businessman today will want to go to a Japanese lawyer who has access, you see.

So this was the simple story and I could have been admitted and I won't say that this hadn't crossed my mind. But for me to be admitted would have been a little bit too much because it would have meant that here I am in MacArthur's Headquarters admitting me to private practice when I'm a government employee. It looked too fishy. Besides, I never thought I would want to stay in Japan the way say Tom Blakemore and Frank Skallinas and Frank Rizzo and a few of these others decided to stay.

Q: Blakemore left government service, didn't he?

JB: He was in the Government Section and when the occupation ended, he decided to settle in Japan with his wife. He had married a girl who was working for the Propaganda Section. She's an artist and she paints Japanese scenes for Christmas cards and we get them every year.
But Tom had studied Japanese in the prewar years. He went down to Japan and he was a lawyer, and this was his great aim in life, to practice law in Japan. Of course, during the occupation period...

Q: I wanted to know a little bit more about your reflections on the Japanese legal system. You were a lawyer, you are a lawyer. What did you think during the occupation period of the Japanese system of criminal justice or civil justice?

JB: I thought that the Japanese system was a civilized system, and it was a Western system of law. There's a difference between the Anglo-Saxon system and the continental system or the code system. In America, or in the Anglo-Saxon system, what we seek is justice, not the truth. Do you understand what I mean? When a man gets up and is accused of stealing, nobody wants to know whether he stole or not, but we want to be sure that the process by which we arrive is fair, that he knows what he is charged with, that he has a chance to say or not say anything, that he has a right to present witnesses, that he has a right to be tried by an impartial jury or court and so on. This is justice.

The Japanese, based on the French and German systems, don't care so much about that. They want justice, but to them the truth is more important than anything else. And for that reason, the judge will conduct the cross-examination. The lawyers will be able to say to the judge, "Judge, ask this fellow this question or ask him that question." But what the judge is after is the truth. Did he steal
or didn't he steal, with a fair amount of justice in this thing.

Now the Japanese, when they came out of/isolation period, realized that if they were to be accepted in the international community, they had to revise their legal system. So they went to the French codes, they went to the American codes, they went to the German codes and so on and the English codes. And they took what to them seemed to be better, based on their history and their philosophy. And of course the continental system is more suited to what they were than say the Anglo-Saxon system or the Napoleonic Code.

So they took and they developed the code system and all their laws are written down in the Criminal Code, the Criminal Code of Procedure, the Civil Code, the Civil Code of Procedure. And all the judge has to do is to look up and see what the code says and that's the law. The American, while he has all that before him, isn't quite sure what the law is. When you go to an American lawyer and say, "Now what are my rights?" he'll say, "Well, on the one hand and on the other hand." If you go to a European lawyer, he'll tell you what your rights are because it's out, written out, and it's very decisive. The decisions of a higher judge don't have as much effect in the continental system as they do in the American system or that is, you know, the previous opinions.

So this is one reason why Oppler was so valuable because Oppler was a judge in the pre-Hitler period and he understood the German system. And he was quite at home with this. This was his law. He
could understand it and he couldn't find anything wrong. There wasn't anything wrong with it. One illustration where I can show you how this thing was—I remember in the post-treaty period, a newspaper correspondent came to see me and said that an American soldier had been tried by the Japanese, and this was permitted for some crime, and that the Japanese court had found him innocent but that the Japanese prosecutor was going to appeal the case. And he said to me, "Well, this is outrageous! How come? Under our system, if you're found not guilty, you're not guilty, and that's the end. You don't get another trial."

And I said, "No, that isn't so." I said, "Normally, if a jury finds you're not guilty and the judge dismisses the case, you see, that's the end of it. But the case isn't over until the right to appeal has expired." And then I showed him that in a few states, Vermont, somewhere in the Northeast, and a few other states, the prosecutor has the right to appeal a not-guilty finding, which the Japanese could do. And the Japanese borrowed that system because they're prosecution-minded. The judges are not independent. A judge is a civil servant. He's appointed by the Ministry of Justice, and he moves on up just like an administrative judge here. You see, they're not elected. They don't have the independence. The Supreme Court, on the other hand, are really independent and they of course—I won't say imposed, but this was borrowed from us. And the Supreme Court is really a third branch of government. But the rest of the judicial system is more or less—they're independent. They try not
to inject themselves, but the judges know where the bread is buttered. So when you ask me what do I think of the Japanese system, I would say it's a civilized system and it's thoroughly acceptable. It's just different from ours.

Q: And you felt so at the time?

JB: Oh, yes, we understood this. Most lawyers who have studied these things and so on would know this. You know, the origins of American law go back to the British system and the British had what they called the "Common Law." This is what we have in the United States. As a matter of fact during the revolutionary times, the Revolutionary War, the British and the American forces were fighting under the British military codes. When we court-martialed troops in the American Revolution, we used the British Court-Martial Manual, and of course this is now our manual. So this was well understood and there was never any problem.

The only thing we had to worry about. This was not--I wouldn't say it wasn't our concern--but our concern was what are we doing to the Japanese codes that go contrary to the Hague Convention? And I don't think we did anything of that nature. You'd have to find out from Kades and others, if you talk to these people. You know, there would be revisions. Oppler would sit there and tell them, "You've got to do this and you've got to do that. This thing isn't right and this thing isn't." And they'd go ahead and do it, you see. And we never issued any directives on this thing. We never issued directives.
Q: What about the rights of nisei in Japan? Did you get involved in that?

JB: Well, a nisei, you know, is an American, so we never had any problems with nisei. I remember in the Government Section there was one and nisei that had been picked up and hired in the United States came out to work in the Government Section. I remember him well, but I don't remember his name.

Q: I was thinking more of their loss of rights and then trying to get their American citizenship back or their--

JB: Well, at the time we felt that if a nisei had been caught up in the war in Japan and joined the military, he lost his citizenship. And we didn't get involved in that too much in the occupation because that was a matter of American law, and these cases were turned over to the Diplomatic Section who would then go back and consult with Immigration and so on. I recall that years later these nisei would take the cases to the courts and that years later the courts said that they didn't voluntarily give it up and their citizenship was restored. I understand in later years the American authorities were quite liberal in restoring their citizenship to those people who were caught up in the war and who in effect had dual nationality. And you know, it's always been a policy of the United States that a dual national--say if you're American and Japanese--if you're in the country of your second nationality and Japan claims its rights over you, the United States will not intercede. But say if a nisei is in France, we will not listen to the French if they say, "You
have no authority over him because he's Japanese."

We would say, "If you say he's French, then we'll listen to you. But as long as he's an American, we want you to treat him as an American." So it's only in the country of the second nationality that we waive our rights, and most people know that. And the Italians used the same thing. They had dual nationality and I remember Frank Rizzo, who was in the Government Section. And I don't know where Frank is now. I think he married a Japanese and stayed in Japan or somewhere. But he told me once that he got a letter from the Italian Consul in 1940 telling him to come register with the Italian Army. And he wrote an obscene footnote and sent the letter back, you see, but this is the way they would do it.

Q: What about the problem of the large Korean population in Japan?

JB: Well, that's right. The Koreans and the Taiwanese presented problems to us because you know, you probably know this trait about the Japanese and the Chinese. The Chinese will assimilate foreigners far easier than the Japanese will. The Japanese just—at least in our time and I think it's true today; this explains why they have only taken in three Vietnamese refugees—they don't assimilate foreigners. It's a trait, you see, they just, they claim language problems or whatever the story is. They never quite assimilated the Koreans or the Taiwanese, and they considered the Koreans as conquered people, people of lesser authority. And I don't think they ever considered them as Japanese citizens. Now they may have been Japanese nationals. Of course any time a crime took place, they treated them—they said
it was a Korean criminal. All crimes were committed by Koreans and not by Japanese.

Now we on the other hand, treated the Koreans and the Taiwanese as Japanese nationals and we did not treat them as Allied nationals, even though Korea had been—but we said, "Any time a Korean wants to go back to Korea, the Japanese have got to let him go." This was, you know, we don't stand in the way. "Now once you go back to Korea and come under the authority of the Korean government, you lose your Japanese nationality." Just like the Israelis, an American Jew going to Israel, if he wants to, he becomes an Israeli citizen and that's it, you see. So we permitted that, but as long as they remained in Japan, we regarded them as Japanese nationals and as enemy aliens. They were subject to the Japanese court system. We never exempted them. Of course, what do you do with 5,000 Koreans—I mean 500,000 or a million or a half million Koreans or more who suddenly wise up and decide to do this, that and the other thing? The Japanese were not in a position to handle that, so we had to let the Japanese control them.

And this of course, Syngman Rhee raised all sorts of difficulties with them, particularly about the fishing line, the fishing rights, and Syngman was a very difficult guy to deal with them. MacArthur had his troubles with him because he banned the Japanese fishing boats from coming in. And even to this day there is a tremendous feeling of hatred or ill feeling by the Koreans, and I met the Korean Ambassador in Geneva. This is in recent years, the last five or six
years, and I talked to his wife. And she said when she was a little girl, she was taught by Japanese teachers in Korea. And if she didn't know the right answer, she would get smacked, just beaten. And she says she's never forgiven the Japanese for this. Well, I said, "They would smack and beat their own children."

"Yes, but," she says, "they took special delight in doing it to Koreans." Maybe they were right.

Q: I just have a few more questions, two or three, about your legal responsibilities and duties. What about the status of war criminals once the occupation was over? Did you concern yourself with that or with the parole of war criminals?

JB: Yes. You know, the Class A war criminals were handled separately. They mainly were executed, some of them, and those that were not were put in prison. And the man whose name I couldn't think of who became foreign minister was [Mamoru] Shigemitsu. He was the one who was also, I think, given seven years, but he was the one who signed the peace treaty terms on the Missouri on September 2nd, 1945.

But the peace treaty, and I don't know whether I gave you the peace treaty. That contained the provisions of what to do with war criminals. The peace treaty covers the problem of what we should have done with the war criminals, and it says in Article 11 of the peace treaty that "Japan accepts the judgments of the international military tribunal for the Far East and other Allied war crime courts, both within and outside Japan, and will carry out the sentences imposed upon Japanese nationals imprisoned in Japan. The power to
grant clemency to reduce sentences and to parole may not be exercised except on the decision of government or governments which imposed the sentence in each instance, and on the recommendation of Japan."

Now the Class A war criminals were, of course, an international tribunal, so to have paroled Shigemitsu would have meant getting the consent of all the countries that signed here, that sat on the tribunal which imposed the sentence. But the others, the lesser criminals, were tried by Eighth Army courts, and they were tried by American courts so we could grant the clemency and Japan would have to recommend it.

It says, "In the case of persons sentenced by the international military tribunal, that is the Class A war criminals, such power may not be exercised except on the decision of the majority of the governments represented on the tribunal." That was to prevent the Russians from exercising their veto because they sat on the tribunal. The thing that this didn't say was what happens to all those Japanese who were tried by the military occupation courts for stealing, for black-marketing, for throwing rocks, you know, for spitting on the sidewalk. And they were released right away, even though the State Department thought it was an outrage. And I pointed out to them, "If you wanted them kept in jail, you should have included them right in this provision, but you didn't. So if you interpret this treaty, you say you do it only for the war criminals and if it's silent on the other things, then the Japanese can handle them any way they want." And before they could say, "Yes, but," they were out.
All those guys were out.

Now this is the story that finally wound up in the peace treaty, but it's interesting and according to some of my notes, there were all sorts of ideas as to what we ought to do with them. And if I may just read from one of my letters to my colonel who was on a trip.

I say, "We are making progress on what to do with the war criminals in Japan as far as their confinement is concerned. I'm planning to call a conference of all the G's and the Judge Advocate, Provost Marshall, Public Health, Medical and so on. Our tentative view at this time is that we should turn over the custody of the war criminals to the Japanese with supervision of such custody in the occupation." Now this was written in April of 1949. "This should be done within a year; that after the peace treaty is signed and U.S. troops are withdrawn, that the treaty provide for continued supervision." This was all war criminals. "Of course, with respect to this position, it may be argued that if you let the Japanese control custody after the treaty is signed, that most of the war criminals will be released on one pretext or the other. The answer to this is that we must not assume that the Japanese will hold this provision of the treaty less sacred than any other provision."

What I was saying there is that if you don't trust them on the war criminals, how are you going to trust them on anything else? So you just have to do that. "In other words, the same supervision and control over the Japanese with respect . . . will be applicable the confinement of to/war criminals. The only other alternative is to take these war
criminals with us when we leave. And from a practical point of view, this is not advisable. We are not yet definitely committed to this view and I should like to discuss it with the other sections and get their reactions to it. Of course it should be remembered that SCAP is taking the position that war crimes in Japan are of an international nature and consequently the United States should not take any light action. We are also going to emphasize this point." Of course this didn't actually come about because you know the way the peace treaty was written, we kept control over releasing the lesser criminals and the majority of the courts, the British, the Americans, the Chinese, the Australians, the Russians, the French, and these were all allies of ours, so we didn't worry about the Russians, and we felt we could control them.

"Before George Hagen left, he gave me a brief statement of his he personally views wherein favored the establishing of a penal colony on a tropical island to which these war criminals could be transferred, but he also realized that this proposition would not relieve the U.S. of future responsibility. The whole question is a difficult one and will probably be with us for some time. In any event, our problem is merely to assist the Army Department in formulating a plan. The Army is not at all inclined toward General Clay's views in Germany that the German war criminals should be transferred to the U.S. I think we can definitely rule out that proposition."

We didn't want them. You know, this is no business to have war criminals in the United States. So this I think is interesting in
that it gives you an idea as to how we were thinking about what we ought to do with it and how the problem finally came about. And it made sense.

Q: Were there very long discussions from that time---that was 1949---until the actual treaty?

JB: Well, I don't think the treaty was being negotiated at this time. I think the treaty started to come about---

Q: More seriously in 1950.

JB: 1950, but you know, this was 1949, the war crimes were over, the Japanese were getting on their feet, and we were beginning thinking, "Now what do we do?" You see, the Korean War hadn't started yet and we knew we weren't going to be there forever.

Q: What about the Okinawan question? Any thoughts on the status of Okinawa?

JB: Well, in Okinawa we didn't want to give the Japanese Okinawa because we needed—we wanted to be sure that the Japanese would behave themselves and be good boys, in effect. And Okinawa was the last base. We fought there, we lost a lot of men, and Okinawa was still fresh in our minds and we just couldn't give it back. So they used that famous phrase about Okinawa where they had "residual sovereignty." This was Dulles' phrase, and he said that they have residual sovereignty with Okinawa and we continued to occupy it. Now let's see, Article 3, the Ryukyu Islands. This comes from the Senate Report, "Commentary on the Japanese Peace Treaty."
"Since the surrender, the Ryukyus have been under the sole administration of the U.S. Several Allied powers urged that the treaty should require Japan to renounce its sovereignty in favor of U.S. sovereignty. Some Allied powers wanted us to keep it, they said that it should be restored completely. In face of this division of Allied opinion, the United States felt the best formula would be to permit Japan to retain residual sovereignty--" now the idea of residual sovereignty didn't appear in the treaty; it appeared in a commentary which indicated Dulles' thinking-- be "while making it possible for these islands to be brought into the UN trusteeship system with the United States as administering authority.

You know, the Ryukus came from China. The Japanese took them. The Chinese called them the Uchus. You know about the Japanese can't pronounce the r's and the l's and so on?

Q: Yes.

JB: "And so you will recall that the charter of the UN contemplates extension of the trusteeship system to territories which may be detached from enemy states as a result of the Second World War. But future trusteeship agreement will no doubt determine the future civil status of the inhabitants in relation to Japan." You know, many people felt that the Okinawans were not really Japanese.

Q: What you just read is the commentary?

JB: Yes.

Q: What was the legality of the commentary as opposed to using that phraseology?
JB: It's an interpretation of our thinking. In other words, when you get to a peace treaty and you want to know why it didn't--now the Japanese used this "residual sovereignty" idea to say that we never took Okinawa away from Japan, and it was this where we said, where the United States said that "Japan has residual sovereignty. We never took Okinawa away. We just occupied it and we're not restoring it. It's part of a trusteeship territory." And that formed the basis for the Japanese claim to these islands and which they eventually got in recent years. They got Okinawa back.

It's the same problem that you have with the Russians occupying those northern islands north of Hokkaido today. They moved in and took them over. The Japanese and the Russians have never signed a peace treaty. The Japanese never signed this, and the Japanese today, while I think they have a Russian ambassador, they exchange ambassadors, there is no peace treaty between them. And there's feeling about them wanting these islands back. It's a good thing, particularly around election time.

Q: What were your feelings at the time?

JB: I had no feelings about these things. You know, this was not an occupation matter because of the peace treaty. They could decide for political reasons whether they wanted to give them back or not. And of course we kept the islands. You must remember/about this time the Communist Chinese were on the Mainland and we wanted every aircraft carrier that we could get. And Okinawa was a tremendous help to us in the Korean War because most of our airplanes came from
Okinawa that bombed North Korea. So it was a tremendous military asset. Now I can't prove this, but my guess is that the military would have fought like anything to prevent Okinawa from going back to the Japanese, particularly at that time.

Q: I just have one or two miscellaneous questions. One of them involves religion. You mentioned that under the Geneva Convention, we weren't supposed to be making laws—

JB: Respecting religion.

Q: --respecting religion.

JB: And we abolished Shintoism and so on. I recollect we abolished that thing or we said that it's no longer a state religion. Maybe we didn't abolish it. Maybe we said it no longer has the—-we separated the state from Shintoism. We did something, but it did not present any real problems to us because we could have justified it--I suppose we could justify a lot of things--on the grounds that it was first, a matter of security to our forces to protect the forces from having a religion which is in effect a fanatical cult. And secondly, I don't think the Japanese considered it important because they had other religions that they could fall back on. And you know, the Japanese, I think, this was my impression, that they go for Christianity, they can go for Shintoism, they can go for Buddhism, and they can go for a multi-religious people. And this General Harrison who lived in the house we lived in or in the apartment we lived in, his wife couldn't quite understand it because she would try to get these Japanese to attend Sunday classes and Sunday Schools and adopt...
Christianity and give up all other religions. They just would leave the Sunday School or leave the church and go on and pray at the Meiji Shrine and offer their little k.andis, you know, the garlands of paper that they would hang from the shrines. And she just couldn't quite understand it. I recommend this book, Shogun, where they describe this, you know, where the hero falls in love with a Christian woman who is Japanese and she has several religions. It's a very fine novel which explains these things.

Q: I had some other thoughts, too, about all of the economic problems. Did you have to give any advice on fisheries or fishing or fur sealing? And just by way of winding this up, do you have any observations of General Marquat himself and how he ran this vast ESS bureaucracy?

JB: Yes. I somehow had the feeling that General Marquat was a first-class manager but that the economics was above him. But that was all right because a military officer is a very, a senior military officer has got to be a good manager. He doesn't have to understand all the in's and out's and he and his deputy, Colonel Ryder, both understood the logistics and the mechanics of this operation. The Economic Section would handle foreign exchange, foreign exchange controls, foreign trade. And they had a number of civilians, among whom was Sherwood Fine. I hope you can talk with him. And they would listen to the advice and these people were trained in industrial production. They understood the logistics of movements. They understood shipping. So that an officer at that level would understand these things as a general manager, and I think that with the guidance
from Washington and the directives, all they had to do was to carry out their instructions and directives. And I think also MacArthur on this thing, pretty much left them alone. You know, one of the rules of the Hague Convention on occupied territory is that the Japanese should have borne the costs of the occupation, but they didn't have the money. Now we could requisition this, that and the other thing and we had to pay for it. And of course we would get the money and pay for it. The only reason the Japanese yen had any value was because the United States was underwriting it. When we first came there, I think—well, in the prewar years the yen was worth about three or two yen to the dollar. Then when we were exchanging yen, it was about 50 to the dollar and that was ridiculous. And finally it got to be 260 and then 360. It was set by the occupation forces, and that remained until the recent times.

You know, we as occupation forces did not use American dollars. We used military payment certificates. I don't know if you know what they are. Have you ever seen one of those?

Q: Yes.

JB: Yes. These were, this was military script, and we would take our dollars and turn them in and we would get script. And we would use that for PX's and so on. If we wanted yen, we'd take the script and turn it into the Finance Officer and get the yen. And there was a big black market in military script and every three or four months overnight there would be a halt and we would have to turn in say blue military script and get pink military script. Everybody who didn't
have the authority to turn it in was stuck with the script. The Japanese used the same system. I have samples of Japanese currency that they were going to use in the United States when they occupied us, in the Philippines and so on, and they printed this money to be used. It's a very common technique. We used the script only for If ourselves, but we used the local currency. If the local currency was not any good, we would have probably printed our own local currency. But in the early years, a bag of rice or a fish or canned food was very, very important if it cost all the money you could afford for it.

Q: Were there any international law questions that came up pertaining to Japanese fishing or fur sealing?

JB: On the fishing, not that I could remember. The only problems that came up and they weren't really international legal problems—they were political problems—were how far we could let the Japanese go out and fish. Now from our point of view, it was important that they be permitted to fish as much and as far as they could because this meant they can get their own food. And we brought in fishing experts which showed them how to can the fish, how to use fishing operations. But they were very good at this on their own. The only problems that arose were when they went out to fish between Korea. . . .
... between Korea and Japan. I forget the name of the water between them. And there they ran into Syngman Rhee, who claimed certain rights and he wouldn't let the Japanese fishermen go in. So we would have to work with Syngman Rhee to be sure that this sort of thing was worked out. There wasn't any legal problem. It was just a question of permitting the Japanese to exploit the oceans and the seas for the fish.

Q: Did we think that the Japanese were sufficiently expert in knowing how to engage in fishing?

JB: Yes. One of the biggest--I won't say one of the biggest--joke in the occupation was that we were bringing in experts in fishing and agriculture to tell the Japanese how to grow things when they were the masters at getting the most out of the ground. And the stories would go around that they would grow daikons, which are radishes, that they couldn't get out of the ground because they were so big or that the strawberries would be as big as apples or grapefruit. And the technique that they used for that, which I learned, was to plant strawberries around—are you familiar with this?

Q: No, I'm not.

JB: --plant strawberry patches around big stones that during the day absorbed the sun's heat. And then at night the stones are warm and they radiate the heat. And these strawberries keep on growing day and night because they get the warmth. This was a fantastic thing, you know. We were not permitted to use many of the Japanese fruits and vegetables and salads, ostensibly because they used night soil, which
would make it dangerous for you to eat. But I suspect there was another reason and that was we didn't want to deprive the Japanese of their food because everything we took from them meant that we had to substitute to feed them. In fact, when we first got there, we would see children running around with bloated stomachs and rosy cheeks. And everyone would say, "Well, how fat they are, well fed, and how—with those rosy cheeks—how healthy they look." But a bloated stomach and rosy cheeks, there's a deficiency involved. There's a nutritional deficiency and those kids were really sick.

Q: In the course of your job, did you have to deal very often with Japanese officials and Japanese cabinet ministers? And if so, do you have any observations of them?

JB: Well, yes. The way they worked, each section, like the Economic Section would be dealing with the Ministry of International Trade. The Legal Section would be dealing with the Attorney General and the Procurator General. There they divide, the Attorney General is the chief legal officer and the Procurator General is the chief prosecutor. They divide that function. We have a Solicitor General who is equivalent to Procurator General and the Attorney General. Here they're all one. So we dealt with them. We would also deal with anyone else we felt was important in the Japanese office, but principally with what we called the Japanese Liaison Office. The Japanese Liaison Office was the Foreign Office and they couldn't call themselves the Foreign Office under an occupational period. So they were known as the Liaison Office and they assigned their diplomats to SCAP sections.
So Fujiyama, for example, Nadaichi Fujiyama, a young diplomat, was assigned to the Legal Section. So anything we wanted from the Japanese government, I would call up Nadaichi and we got on a first-name basis. Of course he understood that. The Japanese don't do that, but he understood that and I understood that, and we dealt that way. And then we dealt with the Procurator General and each one of these officers had liaison people, people who spoke excellent English. There was one in the Procurator General, Yamamoto, and he would wine and dine us. And then the Foreign Office would take us to the so-called "duck-netting" parties. I don't know if you've ever been to that.

Q: I haven't been but I've heard about it. I've read descriptions.

JB: Oh, these were wonderful things, both before the peace treaty and afterwards. I have all sorts of pictures! So they would wine and dine us on these excursions, and the Japanese were very good in cultivating us. And of course the Americans had no trouble in all absorbing these fine things about Japanese culture. And even to this day, my younger son, the one that was born in Tokyo, you know the Japanese--you know, when an American man comes home after a hard day at the office, what he does is he takes off his shoes. But he sits around with his belt, maybe he'll loosen his tie. When a Japanese man comes home, he takes off all his clothes and puts on a very loose-fitting kimono. And that's a most relaxing thing. So my younger son has inherited all my kimonos and the tabi. And in the evening he'll walk around in the kimono without a stitch underneath
he

and his wife has got a kimono now and walks around in tabi. And he
knows all the names of Japanese foods. In Los Angeles when we went

to visit him, we went to a lot of Japanese restaurants and he's well
known among them. So we adopted, you know, there's no question that
we adopted a good many of the Japanese food items. Today, you know,
the stores are full of Japanese items, and this is natural. An occupy-
ing force is always affected by the country they're occupying. Thé
Greeks
Romans found this to be true, the/ found it to be true, and the
Americans did. We came out to impose our way of life, and it was a
joke. We knew it then, we knew it.

Q: Did you find there was a powerful group of Japanese resisting the
reforms of the occupation?

JB: Well, there may have been. Yoshida was the prime minister, I would
say. He was the head of government, and he dealt with MacArthur.
Yoshida was a smart old cookie. He understood these things. And
there could have been people resisting this. In the stories I've
read about the Emperor, when he decided to surrender there was a
group that wanted to kill him and he had to be hidden in the tunnels
of the palace and so forth. But I think in time they subsided. The
Japanese quickly realized that we were not out there to destroy them
but to rebuild them. They understood these things and they were very
good. They weren't docile, but they were very patient.

One thing, you know, that struck us as being funny until we
began to realize what it meant, as soon as we arrived in Japan, every
newcomer that would meet a Japanese, the first question they would
say to us was, "How long are you staying?" Now that doesn't mean, you know, "When are you going home?" as it would in English. If you were to come to visit me, I would say, "How long do you want to stay?" In other words, "When are you going?" To them it meant, "Well, you're not staying long enough," you see. And many people would come and say to me, "The Japanese are impolite." And I had to explain to them that you've got to read it another way.

Q: That leads me to ask how seriously you yourself took some of the things that we were doing in Japan and the reforms of the occupation or yourself.

JB: Well, I like to think of myself as a person with a sense of humor. And I realized then that Japan was not the center of the world, that while Japan was important so far as international political significance was concerned, the big problem was in Europe with the Russians, with the division of Germany and all those sort of things, NATO and the Allies and so forth. But MacArthur, I'm afraid, didn't quite see it that way. To him his whole career—he was Chief of Staff in 1932. He was a general officer for longer than most people remain in the Army as a career. He became a general in World War I and he remained a general officer right up until the time he retired, more than 30 years, and that's more than an average career for most people. For him, once he left the job as Chief of Staff and went to the Philippines, he retired from the Army and his whole career, reason for being, was the Far East. And I think he felt—and he kept saying this—that if we ever beat the Russians and the Communists,
it will have to be in the Far East. And Washington just didn't take it. Even today there was a story in the papers---I don't know if you read it—which said that the New York Times discovered that a document 25 years ago, which is still valid, and now for the first time being reevaluated, says that in case of a war we can shift our forces from Asia to Europe. And they want to reexamine this thing because we never told the Japanese or the Chinese or the Filipinos that we were going to do that. So you see, we feel—this is our thinking, and this was true then also—that the war first had to be won in Europe and then we'd go after the Japanese.

Now this is not to say that what we were doing in Japan was not important. I think we understood then and the Korean War brought it home, that the Japanese were terribly important to us and that we would go to war to protect the Japanese. We would, I'm convinced of that, one way or another. Whether we'd go to war in the Far East or in Europe, I don't know. It would depend on who would attack them. But I don't think the Chinese would attack them. The only ones that might attack them would be the Russians. I think that if they ever did that, we would fight them in Europe and not in the Far East, too far away.

Q: Did you feel that some of/SCAP people became just a little bit too zealous in their reforms?

For JB: Yes. Oh, yes./many of them this was their whole life and this was their one big chance of their doing something that they thought would go down in history. And they became identified with MacArthur and
they became really missionary types with the zealousness of a 
missionary. And it wasn't until later on that they began to realize 
that all these things come to an end. I began seeing that very early 
because according to these letters, I began looking around for other 
jobs in 1948 and 1949. Or maybe that was because I'm a long-range 
planner, I don't know.

This thing is not only true in Japan, but you will find this--

I found this true in the Foreign Service. I found ambassadors and 
other officers that thought that the world/around the country to 
which they were posted. And when they come back and are no longer 
ambassadors, they can't get rid of that notion. It's an amazing 
trait.

Q: Just one last thought here. In dealing with the Japanese and trying 
to carry out the reforms that we initially thought were necessary 
and then perhaps we changed as we went along, we didn't have any 
to guide us. You mentioned that before. Do you have any 
particular law/ You mentioned that before. Do you have any 
observations on the degree to which there really was decency and 
fair play and a sense of justice after the initial vindictive feelings 
wore off?

JB: Well, you know, I think this began with the training. I think there 
was a sense of decency and fair play based on the Hague Convention, 
which was a very humane treaty on the treatment of civilians, on the 
treatment of property rights, on the treatment of individual civilians. 
And this began to be indoctrinated upon us when I started going to 
these courses for military government. So I'm convinced that what
the United States was going to do was to follow the treaty. And this doesn't mean that we would follow the treaty to the detriment of our forces because even the treaty provisions say that the security of your occupation forces comes first. So for that reason in Europe where we came in and found a devastated Germany, you see, we just went in and took over and began running the country. But neither in Germany nor in Japan did we find any guerrilla movements, find any resistance people, did we find any people throwing bombs at us, did we find any protests. There were no riots, nothing of that kind happened. And that's not to say that the Japanese didn't have strong feelings about us. I can remember showing in a group, I forget where it was, I pulled down a map of Tokyo. I must have been there a month or two. I pulled down a map of Tokyo and showed it to some Japanese, and they walked away in disgust because they couldn't understand how we would have a map of Tokyo showing all these things, in American hands, you know. They were so mad at us then.

And you know they could see. In my time, I arrived about six weeks after the surrender was signed. And they were bringing back then their wives and their children and their possessions from the mountains because they were convinced that when the Americans came, they would kill and rape and mutilate and pillage and loot. And it took them about a year to realize that this wasn't the case. Of course when the families began coming in a year afterwards in 1946 and the children began coming and we began settling down and
the Japanese got to know us and we got to know them. But for a while, you know, we kind of looked at each other at arm's length.

But I must give credit to the leaders. Yoshida /Shigeru/, who was not part of the Japanese war movement, Kades can tell you more about Yoshida because Kades dealt with him more. You see, Kades would deal with the Government Section because this was where they were working the Japanese Government, reworking the Japanese Government. Now the books will tell you that we shouldn't make any laws respecting the government or abolishing the Emperor or change the form of government. We didn't, you see, and I felt though if the Emperor was a dictator type or if we had a Hitler in Japan, that we probably would have tried him. And there was some talk about trying the Emperor. But I think MacArthur felt that he needed a symbol around which to get the Japanese. And I've read accounts where they give MacArthur credit for not putting the Emperor in war dock as a war criminal. And he's lived out a full life.

And of course we also arranged for Mrs. Vining to come to educate Akihito, the Crown Prince, who was a young boy at the time, and she's had an effect on him. And I think that—you don't see the Japanese bowing to the Emperor now. When you go to Japan, you don't see them bowing in front of the—that's passe. This generation doesn't bow. I saw lots of it, just you know, old habits.

Q: One other thing did occur to me. I wondered if you have any observations about legislation or if you were involved in giving advice
on it.

JB: Well, I don't recall specifically at this long period of time in fact just what I did or didn't do about the labor laws. But we did—I wouldn't say "we." The laws were changed to permit the Japanese to organize into unions and to give the Japanese the right to strike. I'm sure there were arbitration methods set up. A Japanese party was permitted to organize. It exists today. There was political freedom, freedom of the press, although we did censor the Akahata, the Red Flag, at the time. This was done for security reasons, which we had a right to do.

The Japanese accepted these provisions and they live with them today. Of course, this whole concept of labor unions and right to strike is somewhat alien to the Japanese because there the Japanese work for a company and the company owes them a livelihood for the rest of their lives. I remember in one place a Japanese was selling Ford automobiles, and I went in to look at the new automobiles during the occupation. And there were about 15 women that were dressed in kimonos, serving tea and so on. I asked the American representative of Ford who was present, I asked him, "Why all these women? Do they add up the gross?"

"Well," he said, "they're relatives of so on and so forth. They don't get much money, but they have to be on the payroll." And the Japanese figured that cost in and nobody ever was fired, generally speaking.
So while they accepted many of these so-called Western ideas, they adapted them. I'm convinced they adapted them in the post-occupation period to their own customs. And if they worked, fine. One story here today is, "Why don't the Japanese change the constitution if they don't like certain provisions?" And the answer you get is, "They're afraid if they ever bring up an amendment to one aspect the constitution, there may be others that would want to be changed. And they don't know how it will finally come out." But they have a perfect right legally, the day after we left, to have changed their laws, provided it didn't conflict with the peace treaty. And by this day and age there's very little in the peace treaty that--they have a military machine which you can hardly say is a police department today. No sooner did the constitution provide no forces, no military machine, when the Japanese began getting from the United States destroyers and other equipment and weapons. And the Supreme Court held that they had a right to self-defense. This was an innate right. This was not for aggression. They have a right to self-defense. So they have jet fighter airplanes and we have a base in Yokosuka today, which was there in the occupation time. I think we still have an air base or two in Japan, and there's still a military presence, but there are no troops there.

So I think that so far as the labor laws are concerned, there was no real problem on that. There was just a question as to how much we would want to give to the Japanese and how much they wanted to accept and to take and use.
But today Japan is as much of a democracy, I think, as we are in many ways except that they have different customs and different techniques. I couldn't distinguish between the Japanese and the French and the Italians and so on.

Q: Is there anything that I might have overlooked that was of interest to you at the time? Anything perhaps in your letters?

JB: Yes. I was just looking at a letter I wrote to a friend in January 1948. He was living in Boston at the time. If you'll just permit me, I'll read a short paragraph. I was telling him about conditions in Tokyo and I was saying that, "With the coming Presidential conventions, we seem to see General MacArthur's name mentioned more and more as a possibility or a dark horse." Mind you, this was January 1948. "What his real intentions are is anyone's guess. My own is that he won't say No to the nomination if it were offered or if he were drafted, but I don't think he'll go after it.

"Concerning the occupation of Japan, I firmly believe that the military occupation should come to a close and that a treaty should be written. On this problem, too, international political considerations are a vital factor, and there is the usual jockeying around for position which tends to delay any positive action. The basic policies of the mission in Japan have been carried out, namely the new constitution, abolition of Japanese feudalism, land reform, equality, government, police and judicial reform and so on. The question now is: will these items take? That is a question which only a passing of time will answer. I hope you realize that these
views of mine are all personal and private."

Q: You told him that they were personal and private, but were you part of a group who felt that it was time for it to end?

JB: Oh, yes, there were people that were thinking about this and I think particularly in the Diplomatic Section. I was way ahead of my colleagues in the Legal Section, and I think a little bit way ahead of my colleagues in say Oppler's section who felt that we had to stay longer to make sure that these things would take. But I also felt that the longer we stayed, the occupation forces tend to become assimilated. We tend to become lazy, we tend to become matter-of-fact. The zealousness or the spirit leaves us. I always felt that once you finish your job, get out and don't worry about the bureaucracy or what the next thing is because if you get out, there's always something else to be done somewhere.

I suspect that--you know I don't have any independent recollections of this thing, but I must have talked with people about these things--by early 1948 a lot of these questions had tended to repeat themselves. It no longer was a question of what can we or can we not do under the occupation? By this time the Japanese were well on their way and things were beginning to move.

I also feel when I said that there was jockeying for position, my feeling is that there weren't that many people in the United States that were ready for a peace treaty, particularly the military. I think at the time they still felt that the Japanese hadn't been taught a lesson, that we should stay much longer. But then I always felt that there was always a military--I don't like to say it was a
mind because I'm sure there were some military that felt this way too. But the feeling was very strong that we beat the Japanese and by God, we're going to teach them a lesson. And to the military this meant what did they do in a peacetime situation. This meant operations for them, go back to their old clubs.

And also from the military many people that I knew stayed in the Regular Army. The Army was much bigger than 120,000 in the prewar years. And when the Korean War started and they were caught up in that, just having finished one war, five years later are caught up in another war, they griped and grumbled and they said that they're getting out just as soon as they can. They didn't sign up in the Regular Army to be involved in continual warfare.

What they were interested in was the country-club life of the pre-World War II existence for the military. You know, the Officers' Clubs, the small posts, a very gentle existence. And I found this not only among the military, but I found this among the Foreign Service types who thought that they could go back to the very small diplomatic establishments with the parties and the teas and so on. And this whole thing changed. It's just like I said at the beginning of our interviews the other day, you know. We trained and we were conditioned for one type of situation in Germany, which we found in Japan and vice versa. And this came about when we took over the Embassy right after the peace treaty was signed and we moved in. And a good many officers told Murphy that we should move everybody into that two-story chancellery building that existed in the prewar
years and send everybody else home. And that meant that the USIA /United States Information Agency/ would go, the AID would go, the military attaches would go, and there would be just one commercial attache, one political counselor, one economic man. But we were all living in a dream world. These guys just—I don't think anybody quite understood what was happening to the United States and the role that was thrust upon it as the result of World War II, just like the role that was thrust upon us in 1898 when we took over the Philippines. You know, /George/ Kennan says that's what led us into international affairs really.

You know, in the Foreign Service many of the very able Foreign Service officers were very good and professional in reporting on events abroad, but they didn't quite understand what was happening at home. And it wasn't until many, many years later that the State Department tried to correct this by saying that an officer has to come home on leave and orientation every two or three years, and even then it's hardly enough to give him a feel for what's going on in the United States. How do you represent your country if you don't come home and get the feel for it?

Q: You also mentioned in passing something about the Gamboa case.

JB: Oh, yes. The Gamboa was a soldier in the United States forces in Japan. He was of Philippine extraction and he married an Australian woman. I think he may have had some children or a child over in Australia. And he wanted to go back and visit his family, and he went to the Australian mission and the Australian diplomatic section.
They wouldn't give him a visa because he was a Filipino, and this raised a terrible stink, you know, an American soldier who fought for the Australians and did all this sort of thing, couldn't go visit his family. And this was picked up by the newspapers and it was all over the place. And we kind of aided and abetted Gamboa. We kind of rubbed the noses of the Australians. I don't know why we did it except we took a little pleasure in doing that at the time because they had this feeling about the Japanese and Asians in general. Happily, today they don't have it any more and they admit immigrants and so on.

But I remember this was a very big case. It got up to General MacArthur's office and Larry Bunker got involved in this thing. I have a little note to Colonel Carpenter that I wrote in 1949 in which I say, "I called Patrick Shaw, the Australian mission, and he told me he'll make another attempt to get Gamboa's entrance, if he is under military furlough orders at the time." I think that he was going to leave the Army and come in as a private citizen. "I called Shaw and told him of the fact that the Army will grant Gamboa a furlough and Shaw has already communicated with Australia to secure permission for his entrance. I cautioned Gamboa--" I'm writing all this to Colonel Carpenter, "to keep this information out of the press. Otherwise, the whole thing might blow up. It's been 10 days since Shaw's communicated with Australia, and we've had no news. I'm very optimistic though. Shaw has indicated to me that he might even arrange air transportation for Gamboa gratis. This is important
because U.S. planes go only as far as the Philippines."

Well of course Gamboa did get in and I merely mention this as a small little sideline as to how the Australians, one of the occupying powers, felt about the Japanese. Had the Australians or even the British been the SCAP of Japan, I'm sure the occupation would have gone a lot differently. The British, primarily for the reason that they very quickly saw in the Japanese the tremendous trade competitors that the Japanese would be, and they complained to us about it, saying that the Japanese were taking over this and were taking over that and we should not permit this sort of thing. Of course we paid very little attention to them in Japan because from our point of view, we had to put the Japanese on their feet as quickly as possible in order to get them off our backs because we were supporting them. The British couldn't see that. They saw them as tremendous competitors, and that's true today. And now we see the Japanese as the competitors. And yet whenever we talk today about doing something about the imbalance of trade, our government doesn't want to take stern measures because we need them, and the Japanese know that.

One reason of course that doesn't appear very often is that the reason the Japanese can undersell us and why they--I don't know if it's true or not. There are many reasons but one is that they don't have to maintain a defense establishment as we do. And they don't have the infrastructure. Now they're building roads, but they don't build all the, use their money to build internally
the benefits of the creature comforts that we have here in the United States. But when we maintain the establishment that we do around the world, the Japanese don't, you can well see how much money they save.

Q: I wondered if you wanted to comment about the social or cultural life that you and your wife or your family enjoyed during the occupation, your off-duty life, so to speak.

JB: Yes. The occupation was a very comfortable existence for us. We had servants which the government paid for, which the Japanese paid for, they were live-ins. And while we were told we couldn't give them food from the commissaries, we of course did that because otherwise they couldn't live with us. We got very fine people to work for us. We made some changes for personal reasons, but they would really move around. The Army brought in the commissaries, the PX's. In effect we never left home. And the medical care, dental care, our younger son was born in Tokyo. He cost us, I think, 75¢ a day for about three or four days until my wife came home from the hospital where we had servants galore to take care of them. We had free housing and so on.

So we were able to save our money. Prices were low. Rest and relaxation hotels were ample, and it was very good duty. At the beginning, of course, there were some hardships. The PX's and the commissaries didn't have food. I remember the first commissary opening. Mrs. MacArthur came down to cut the ribbon. We all crowded around to get in there and there were a few bins with a handful of potatoes and
tomatoes, and they were all gone inside of 10 minutes, you see.

At that time we didn't have powdered milk, but they would bring in frozen milk. Only pregnant women and nursing mothers could get frozen milk. But if you've ever tried to freeze milk or defrost it, it's flaky. They hadn't yet developed a powdered milk. So there were a few difficulties.

We both came down with severe cases of dysentery, amoebic dysentery, very early in the period because the building we lived in had been bombed out and when it was rebuilt, the plumbing supply had been hooked up to the water system in some way. We didn't find that out until 300 people came down. Then they converted the apartment building into a hospital. My wife still claims that she suffers from this, but this can be deadly if it isn't caught. My younger son and I had no problems. Of course they picked this up right away, and fortunately, they had some medicines at the time. They use different medicines today, but they had something to.

We didn't go home on leave for military because the contracts were for one year at a time and they were indefinite contracts. And we knew that in about five or six years the story would end there.

They had motion pictures; movies would come out in the theatres and we'd go in the evenings. This was before the age of television. When we would go out to the country, go out to these hotels like Hakone Suzinji, places of that kind, we would listen on the automobile radio to "Hi-O Silver" and all those radio programs. And television was something that you would see in a story down the street in the late
fifties, you see. But air-conditioning was non-existent. All that came much later. But we all bought German cameras and the money we did have we spent on cameras, Swiss watches when the PX got them, and we bought art objects. This was about it, you know.

They had the officers' clubs, they had special dinners and parties. But I think in our particular family it was the wife, Bea, my wife, who really supervised us. And the biggest problem she had was the maintenance of the health standards and cleanliness. And once she did that and we kept healthy, then there was no problem.

Q: Did you have much inclination or much opportunity to explore Japanese culture?

JB: Yes. We would go to the tea ceremonies. The wives were invited to art exhibitions, there would be flower arrangements. My wife took some courses in flower arrangements and she still plays around with that once in a while. We have those little holders, you know, with the needles for flower arrangements and kakeuki. We have quite a number of books on Japanese cooking and things of that kind. We absorbed. As my wife said, she came to Japan not thinking she'd like them / because we were all rather het up about/ but I not so much because I'd been exposed to Japanese for years. So I got to look upon them though as a--is it true what you read about them in the books? This was my attitude about them, everything/ told us. But she picked up the language, the children picked up the language. They both spoke Japanese as they were growing up, with English; they were bilingual. And from the cultural point of view, we mixed
with a few, not with many. First of all, we didn't have time, but we would mix with the Japanese liaison people, the diplomats, and they would invite us to their homes only later on in the occupation because many of their homes were not presentable. Of course, you know, the Japanese would always have one room that they called the Western room—I forget the Japanese word for it—where they would receive Western guests, and the other rooms were all Japanese.

We would go to Hakone to the Fujia Hotel. I don't know if you know the Fujia Hotel. I don't know if they still have that system today, but instead of saying, "We'll put the Bassins in Room 25," they would say, "We'll put the Bassins in Iris Room." Each room has a picture on the wall of a flower, the Azalea Room, the Rhododendron Room. When I got there, my first visit there, I found one room had a pansy up on it. I told them to take that flower down and put another flower, which they did. And what we liked about the Fujia was that—-I don't know if they still have it—you could catch your own trout. I don't know if you've seen that in the Fujia. They had a pond and they would have trout and the kids would go fishing. And they'd pick up one or two trout, and that's the trout we would have for dinner. They wanted to stay all afternoon just to pick up trout and I said, "You can't eat that many. You can't eat that many."

When our child was born, we had to register him, and so I took down the papers to the American consul in Yokohama. Of course he was an American consul, but he wasn't accredited because we were still in the occupation period. So that presented fine legal problems.
But that was just a technicality. He performed consular functions, and by registering him with the consul, all he said was that a child was born of American parents. And then under American nationality law, that child had American citizenship. Just as a little postscript to this--this was our younger son, Nelson J. -- after he graduated from college he went for his post-graduate work in oceanography at Texas A. & M. and signed up for the R.O.T.C. But to get a military commission, he has to be an American citizen. So he showed this document to the Army sergeant. And the Army sergeant said, "Don't be silly. This says you were born in Japan. Where does it say you're an American?"

He said, "Well, look at the statute, the federal law."

He says, "I look at the Army regulation that says you have to have a certificate from the immigration officer."

So he sent me a letter. I was then in Geneva. In that letter he told me--I wrote to the consul in Berne, Switzerland--I was then in Geneva--and we got all sorts of fancy documents with seals, saying that he was born an American. But the sergeant wouldn't take it. So finally when the immigration inspector came to visit the college station at Texas A & M, Jay told him the story and the guy said, "Well, you know how the Army is. If you want a certificate, you'll have to give me $10." So he gave him the $10 and got a certificate and went on to the R.O.T.C. And a few months after that, because I raised a stink about this thing, the State Department convinced the military to change their regulations and to accept the consular
Now another postscript. The fellow who signed this is Dick Ericson, who was in Japan. He was a good colleague of mine and he is now our ambassador in Iceland. So every time I see Dick I tell him I have his name down on my son’s birth certificate. So he was born in St. Luke’s Hospital.

And the Red Cross was there and they of course sent little congratulations, and a little peach here and so on. I want to show you something from Kades. When we moved into the Embassy, our oldest son—this was 1954. He was born in 1944, so he was 10 years old, and they had been hearing about the Green Hornet on the radio. So they wanted to build a shack in the back of the Embassy where Arthur MacArthur played when he was a boy. So they wrote to Allison, John Allison. This is what they wrote:

"Dear Mr. Ambassador. The kids in the Golden Rocket Club would like to dig a foxhole on the side of the playhouse and would like you answer us soon." And Arthur Bassin signs his name, and Keyie Schmit, he was Schmit’s boy, and Jay signed it. These people are the Golden Rocket Club.

So Allison says: "First endorsement to Jules Bassin re above request. If after investigation you believe granting your request would not permanently damage the grounds, will not at present be unsightly to the public and will not necessitate any cost to your government, you are authorized to give the necessary permission. John Allison," and he spells ambassador the same way.
Q: Ambassador, e-m.

JB: All right. Now, this is later on. To educate the people in Japan about the signing of the peace treaty and so on, we had educational programs. And here is Dick Finn. Dick Finn is sitting right here. You see, here he is.

END SIDE I, TAPE IV, BEGIN SIDE II

JB: Dick Finn is sitting right here, you see. Here he is, and we had a panel here, and then I was sitting right here. And then we had some others from GI Section explaining the peace treaty and the occupation. So we did tell them that, "As of a certain time, you're going to be subject to Japanese control" because this was a big change over when they were suddenly not subject. This was identification cards that they issued to us.

Q: Who issued the identification cards? The Japanese?

JB: Well, the Japanese, no. The occupation people would issue the identification cards. This I don't know what it is, but this must have been issued to my wife. And this was issued by the Provost Marshall, but this was an ID card to show, you know, to show who I was. To get into the International Military Tribunal to hear the war crime trials, I had to have a pass. So this is how I got the pass.

Alfred Oppler, when I left, wrote me a little poem, and when I wrote him the other day I reminded him about it.

Q: Well, let's see what that poem says.

JB: Do you want me to read it?

Q: Yes.
JB: This is Alfred Oppler, who wrote a book recently about the legal reforms in Japan. And when I was leaving the occupation, there was a little farewell party for me. So he wrote me a little poem:

Dear Mr. Legal Attaché,
I don't know, are we sad or gay?
You joined the Diplomatic Corps,
But you leave it, alas aggrieved and sore.

Still, in this dwindling occupation,
Your case invites congratulation
When in energy and high gear,
You start a promising career.

Your skill and your sagacity
Will benefit the Embassy.
From Colonel Carpenter to O'Neill,
We wish you luck in your new deal.

And Motsudira, who was then the Grand Master of Ceremonies—
he's like the head of protocol—I sent him a picture and he sent me a little thank-you note here.

Q: Mr. Bassin, you're one of the few people I've talked to who was there for the whole period, almost the whole period. And I wondered if you have any thoughts or observations about the mood or atmosphere in Japan as the occupation was phasing out and the Japanese were taking over control again? Well, I should say first, how the outbreak of the Korean War changed things for Americans in Japan and for the occupation and then the phasing out of the occupation period on into the next period.

JB: Well, the outbreak of the Korean War took all our troops out of Japan—I may have mentioned this the last time—and sent them to Korea. This was in the summer of 1950, and the Japanese were completely supportive of our efforts. They provided all the
production, labor, supplies, that they could have. We used their factories, and they were very able and very competent and very loyal. And at no time did we in the headquarters or anywhere else, whatever troops we had left in Japan, feel any sense of danger or fear that we were stripped of our forces. Technically and legally, you know, an occupation is effective only if we can support it and make it effective with our troops. We have to occupy it, but we had no troops to occupy it except the Headquarters. But by that time the Japanese knew that we were negotiating a peace treaty and they could see the end approaching. And it was just a question of a year or two before they felt that this thing would be over.

Besides, this was a bonanza for them because they had all this money coming in. These were hard dollars coming in for them because they got paid in yen, it's true, but when they needed to buy things, they would take the yen and cash it in at the rate of 360, which was a good rate. It was a fair rate at the time, and they were then able to buy everything they needed.

So the occupation came to an end. It was accepted. It wasn't an overnight decision that we would get out or that the Japanese were pushing us out. It was not like the end, of getting out in Viet Nam where the fellow had to pull down the flag and the ambassador left in disgrace. This was an orderly transition. The Japanese, we signed the peace treaty in September of 1951 and in April of 1952 it became effective. And throughout that whole period of transition we were getting ready to go out. And nobody fussed
about SCAPIN's. There were no more directives being issued. The Japanese were becoming more and more on their own. Technically and legally, they still couldn't try the military or the people attached to it. And of course the diplomats that were there were attached technically and legally to the military, but the minute the peace treaty became effective, they were diplomats and they had their own immunities. But by this time, the American businessmen were subject to Japanese jurisdiction and we were just phasing out in a very orderly and gentlemanly way.

Of course the day the peace treaty became effective I saw one of the worst riots that I've ever seen—and I saw many of them in Panama—and it was a frightening experience. They overturned automobiles, they burned occupation cars, they threw rocks. And the Japanese police just tried their very best to get control of it. The Japanese, after it was all over—it lasted a day—the Japanese paid compensation to those people who had suffered damages. But I don't think anybody was hurt. This was just a pent-up emotional feeling after five years, and the remarkable thing is that they waited until they could do this.

We had one or two sad experiences—I don't know if this is involving our intelligence agencies—where after the peace treaty became effective, we were accused of kidnapping some people we were interested in and taking them to Okinawa where the Japanese had no jurisdiction. And this raised a furor because it was inconsistent with Japanese sovereignty.
So it took a little while for the Americans to realize that six years of playing God had come to an end and that we just couldn't walk around and do that. I think the Japanese again, while they criticized us in the newspapers and we ran around making apologies and covering up and doing all these things that we do for our intelligence agency, these things finally petered out.

Q: Do you happen to know why Murphy was chosen to be our first ambassador to Japan?

JB: I have an idea about it. You know, when we began to focus on the problem of who do we appoint to be our ambassador, the first ambassador, the general feeling, it was two choices: one, to get an experienced, old Japan hand who would have to go back then to the pre-Japanese war years, who we felt, or there was some feeling in Washington, would come in with all the old prejudices of Japan-American relations, and these could either be friendly or not. Or we could go to get somebody who was completely new to Japan who would present a new face and who knew nothing about the Far East. And the decision was made to send Bob Murphy, who was then Ambassador in Brussels. Murphy had been Eisenhower's political advisor. He was a protege of William Bullitt, who was a very young and influential guy in the Paris Peace Treaty work in World War I, and Murphy had spent many years in France. I think Bullitt was then Ambassador to France during Murphy's period in the prewar years. Murphy was also involved in that very famous episode, that secret trip to North Africa with Mark Clark.
Well, in any event, Murphy came out to Japan and he was very unhappy about it. I was then his special assistant on legal matters and on war criminals and one thing and another. And he told me he didn't want to go to Japan. He knew nothing about Japan, he'd never been to the Far East, and the whole area was just brand new. But he was a good soldier and Truman wanted him to go, and so he went.

Well, he was there about a year when Eisenhower was elected President, a year and a half, and by that time he didn't want to leave. He got to know the Japanese, he liked it, he had a very comfortable house to live in, the picture that I showed you, very beautiful grounds, plenty of servants. His wife and daughter were with him. His wife was ill, so his daughter acted as a hostess for him.

One of the things that Murphy wanted to do to make an impression was to start paroling war criminals because the peace treaty said that with clemency we could do that. So he called me in one day and he said he wants to parole some war criminals and could I give him a few good cases. I told him, "Mr. Ambassador, there are no good cases among the war criminals." So he laughed and said he understood, but he knew that I knew what he wanted to do. And I said, "I think so." So we got him a few cases, and one of his first acts was to parole or release some Japanese war criminals. And this was an indication that he came with the idea to forget the past, that the Japanese war criminals didn't bother him. I now regret I didn't ask him about German war criminals,
but that's beside the point. I don't think he'd appreciate that.

He remained about a year and a half and liked the job and was very good at it, and the Japanese liked him. And then Eisenhower was elected, but if you remember, Eisenhower was elected on the slogan, "It's Time For a Change," because after Truman, who succeeded Roosevelt for many years, the Republicans said, "It's time for a change." So the change came about, according to John Allison, when he appeared before the Senate supporting these peace treaties. Because John Allison and Foster Dulles worked on the peace treaty. Foster Dulles, when Eisenhower was elected, became Secretary of State. And when Allison appeared before the Senate to explain the peace treaties, they said to him, "What are you doing here, John? I thought that you were doing this under Truman. Eisenhower said, 'It's time for a change.' We ought to send you somewhere. Where do you want to go?"

He said, "I'd like to go to Japan."

He says, "Great. I'll call Foster." So they called Foster Dulles and they said, "Send John to Japan because it's time he was changed."

"What'll we do with Murphy?"

"Well, we'll send Murphy back to the State Department, who was Eisenhower's assistant." And Murphy got to be number two guy in the State Department, you see, or number three man. And Murphy was mad as hops, but he didn't go back to the States right away. With the Korean War still on, he was appointed political advisor to
General Clark, I think, who was then in Korea. I believe that was the case.

And here you have an ambassador, Allison, sitting in the residence and Murphy, the former ambassador, living in Asan Hotel, you know, in a small room, circulating between the headquarters in Tokyo and the headquarters in Seoul. And for a while he was a very unhappy guy. Nobody paid any attention to Murphy because he was no longer ambassador. And the custom is that when one ambassador leaves, he just leaves the country so that the new ambassador doesn't have to work in the shadow of the old one. But then Murphy went on to bigger and better things. But this is the story that Allison tells as to how he got in there, just on the basis of the change. I know Allison well.

One thing I might pass on to you in going through my notes is an exchange of letters with a former professor of mine at NYU by the name of Alexander Sack. One of the questions we faced in the trial of war criminals was whether we could use the defense of superior orders. You know, one of the things that a war criminal would say is, "The reason I did this is that my colonel ordered me to do it. He ordered me to do it." All of them would say, "Well, I didn't do this on my own, but the colonel told me, and the general told me and the prime minister told me." So we had to face the problem of how do you go on the defense of superior orders. Because in a court-martial system, it says that if a man gets an order to shoot somebody, if the order is legal, he's got to do it or else
he'll be punished. If the order is illegal, then he can disobey. But what's the poor soldier supposed to do? He can't make a decision whether it's legal or not. So it's usually a good defense if he can prove, and I think this letter of December 7th.

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I thought that before we wind up this thing I might refer to an exchange of letters I had with a professor Alexander Sack. He's dead now; he died in 1955. Sack was a Russian emigree who was a specialist in Russian law and international law, and he was one of my professors at NYU. But when I got to Japan, I wrote to him about the question of the defense of superior orders, that is, whether a war criminal can be excused by using as a defense that he carried out orders from higher up. And I said, "Dear Professor:" I said in one portion, "I don't wish to burden you with the details of the problem, but briefly this is it. One of the rules promulgated by General MacArthur under which war criminals are being tried states 'that the official position of the accused shall not absolve him from the responsibility or be considered in mitigation of punishment. Further, action pursuant to the order of the accused's superior or his government shall not constitute a defense.' In other words, it's not a defense if the accused's superior told him to do it, but may be considered in mitigation of punishment. So that it's no defense. He could be found guilty, but acting under superior orders could be, say, he won't get as bad a sentence.
"As you know, the rules of land warfare—" now here was a dilemma—"issued by the War Department states that the fact the acts complained of were done pursuant to an order of a superior or government sanction may be taken into consideration in determining, either by way of defense or in mitigation. So the War Department says you can consider that as a defense, but MacArthur says you can't consider it as a defense, only mitigation." So what do we do? And this was one of the problems presented to us.

"Thus we have denied a defense to an accused, despite the fact that the War Department says he shall have one. The issue presented is whether, under the common law of the usages and customs of war, defense has been denied to accused war criminals by the regulations as issued by MacArthur. If so, the trial will be a nullity and the rules will have to be amended. On the other hand, if there is no such common law of defense, then MacArthur, under the usages and customs of war, may prescribe his own rules in this respect. Of course, the question of the discrepancy between the rules of land warfare and MacArthur's rule is a matter between MacArthur and the War Department and cannot be raised collaterally. However, if the defense is one which is inherent in the rights of the accused in such cases, then the defect is fatal and a new trial must be had.

"Now I've done some research," I wrote on and so on. I said, "I came up with the conclusion temporarily that the defense of superior order is not inherent in the rights of the accused."
So I asked him to write me something, and he wrote this legal brief in which he agrees with us. So I think that you may take this, and send this back after you've copied that. I think it's a little footnote into this question of defense of superior orders.

Q: I asked you the question about how Murphy became ambassador. I wonder if you have any observations on the preparations the Japanese gaimu, or Ministry of Foreign Affairs, made to take over Japan's foreign relations again? How smoothly did the Japanese diplomats get back into operation again?

JB: Well, the Japanese had no trouble in doing that. They had been prepared for this for many, many years. My boss, Colonel Carpenter, went to a Geneva Conference in 1948/1949. He took along two Japanese with him, one of them Asakai, who later became the Japanese Ambassador in Washington, went with him, and another Japanese from the Labor Office. Slowly, the Japanese were being accepted. Japan was open, there was a lot of trade going on by this time. And we began, I believe, to send Japanese representatives to foreign countries, not as diplomats but as trade representatives. But they were in effect diplomats, and by the time the peace treaty became effective, they were already sitting in their countries, and Asakai was one of them. I think I showed you a letter from him on which the letterhead shows that he was a trade representative. So there was no problem about moving in and the period between the signing of the peace treaty in September of 1951 and the effective date in April 1952 gave them time to do all that sort of thing. And the
Japanese are very good at this sort of thing. They're not novices in this thing, and they knew their way around. And they had very good people, very good people.

Q: Now that you have mentioned that, I wondered if you have some thoughts on what makes a good Foreign Service officer?

JB: Well, you know, the standard joke about a good Foreign Service officer is a person who can lie abroad for his country, you know. I think that a good Foreign Service officer has got to be an all-around good person. In the first place, I think he's got to understand people. He's got to be able to work with people. He's got to be able to manage a fairly big operation. Sometimes they can do it, sometimes they can't. I think he's got to be able to write an intelligent sentence, a paragraph. He's got to be able to interpret what he sees, and this is very, very difficult. And he's got to be able to have good judgment, primarily good judgment. This comes from experience, it comes from background. And there isn't one person who is a good one or isn't. I've seen Foreign Service people in their younger years who were first-rate and then as they get on in years they change. I don't know whether it's a chemical change or a physical change or they change and they peter out. Some of them peter out at an early age and some of them peter out at a later age. Many of them get disappointed; they get disappointed in assignments or promotions and family problems.

I don't think there's any one particular characteristic about a Foreign Service officer. I think one is that the person has to
be prepared to live abroad, and some people, they just don't take to this thing. I know of one case of a woman who was the daughter of a very distinguished ambassador, and she took the exams and passed them with high marks. She'd lived abroad with her parents in many, many countries and her first assignment was to a country in South America, to Peru. She got there and the next day she got on an airplane and came right home. And what we discovered afterwards from the medical office is that she was--they have a term for this thing, but they called her immature. It's not that she doesn't understand things or is naive, but she never quite learned to live apart from the family. As soon as she was put on her own, she panicked, particularly in a foreign environment. And there is this immaturity in people. She was very good in the United States because the family was here. She was among her own kind, but on her own, she just couldn't quite cope and this is a psychiatric problem. I never saw this, you'd never suspect it. And I think we kept her on for a while out of respect to her father and after a while she left.

In another case, after I had become aware of this thing, I was at that time in personnel administration in a senior administration job in the State Department. We had a man who had been in the United States for more than eight years and the law says after eight years you go abroad. But he had a wife and a son who had some psychiatric problems, so he wanted to go to a country where he would serve a minimum amount of time. So he volunteered to go
to Viet Nam, and he was sent for Vietnamese training for about 18
months. So that took care of the United States. So he goes to
Viet Nam and he packs up and comes back the next day. And the
doctors again told me—this happened years apart. By this time I
knew. He too panicked. He just couldn't take it and he never got
promoted and he retired not too long after that. But we treated
these things as medical problems and not as discipline problems
because the doctors told us this was a medical problem.

But these are rare because usually they're found out very
early in this stage.

Q: How important do you think is the country expertise for a Foreign
Service officer going to a country like Japan, Korea or China or
France?

JB: Well, you know, it's hard to say how important it is. I think
that if you—I went from Japan to Karachi, and I knew nothing about
Karachi and I had some problems because it was all new to me. But
it didn't take me very long to pick it up and if you—after a while
you study and you learn to read and read up on these things. Nobody's
going to spoon-feed you in this thing, particularly as you move up
in the Service. But I then went on to Geneva and I went into admin-
istration and after a while you can pick these things up.

The important thing though—I may be wrong on this thing. To
me the most important thing, not only in the Foreign Service, but
in any field of endeavor, is your ability to get along with people.
And this would be true in the university, you and your students,
you and your colleagues, you and your chiefs. And I remember learning this very early in the military when a colonel called in all the second lieutenants and he said, "Now I know we're going to get along together. I'm positive because you're going to do all the getting along," and that's the way it was.

So you have to be well-rounded, you have to be adept, and you have to use good judgment and be able to manage people.

Q: I promise you this is my very last question.

JB: Oh, no, no.

Q: Winding up your reminiscences now on the occupation, how do you see that period in your own life? In a sense you've already answered that, but I wondered if you had any further reflections on the importance of that occupation period in your personal life and then how you see it as a period in Japanese-American relations.

JB: Well, from a personal point of view, I feel that the occupation really matured me in a different sense. I mean, I have for the first time been able, considered myself lucky that I was able to operate at a very senior governmental level, in effect influencing relations between the United States and Japan, not only during the occupation period but in the post-treaty period for five more years. And there aren't too many young people who had that opportunity. They would work for a few years at lower levels. But for me to have worked close to MacArthur and his staff, to have taken part in a very important phase in our history. And I knew history was being made. I regret now that I didn't do more to keep many of these
papers and documents, but I always kept putting that off for some other time. And of course I never got around to it, but then I'm not a historian. There were too many other things to do. But I felt very lucky, very fortunate and felt that this broadened me and gave me an experience which I didn't think I could otherwise get and which comes only once in a lifetime. How many times are we going to occupy Japan? Never. Never? We may; who knows. But I thought I had that after three years in Panama working on a top level of criminal investigation, but it wasn't the same. This was government really. And I felt that the law was a tremendous help to me, not that it taught me, you know, what rule to read here or what rule is on that. But the law gave me a discipline of thinking which I felt I wouldn't get otherwise. And if you talk to any lawyer and ask him this thing, he'll tell you what the law does is it disciplines your mind and you have to think in a certain way. You get all the facts, you analyze the facts, you do this as a historian and so on, and you don't jump to conclusions.

I've been criticized as being too dogmatic. People have said I've been dogmatic. Probably that's a result of being a lawyer among laymen and being somewhat intolerant and saying, "Well, this isn't the way you do it." Maybe this was a fault in growing up, you know, in growing up as a young government official. I wouldn't say it this way now. I've changed a lot. I've become a little bit more tolerant of the other guy, but this is the mellowing of age.

So that I think it was a terrific experience, and you'll find that Finn will tell you this, Sherwood Fine will tell you this, Kades
will tell you this, and we've all gone on to other things. For Alfred Oppler, this was a finale for him because his growing up took place in Germany and this was a very sad experience for him.

Now in our U.S.-Japan relations, I think that our relations with Japan today are first-rate. Oh, we have problems, but they are just give and take of everyday living which you would find even in a household. Had it been a different way and had we occupied Japan in a sterner or more restrict or more unfair way, I think we would have had problems with the Japanese and they would have resented us. But I think we learned from World War I. Never forget World War I as an illustration of what we were doing in World War II. We knew in World War I by imposing a treaty that it led on to Hitler and that led on to Mussolini and all sorts of things. We divided up the country and we parcel out this, that—we laid the seeds for another war. We were careful in World War II not to have it, and we knew we couldn't get a peace treaty by calling a conference and dictating to Japan, so it had to be done on a round-robin basis. And you've got to give them credit; they did a good job.

Q: Did your perceptions of the Japanese—well, they must have altered tremendously, or your perceptions as to how Japan and the United States got into the war in 1941. Did that change at all?

JB: Yes. It changed because I began to realize that Japan needed the oil and needed the raw materials to survive, and it was for them a matter of survival. I realize now that perhaps if we had pursued
another policy--now you see this was not a new idea. I think you'll find some writers that will say that. I think the Japanese could have gotten that had they been able or were willing to hold off. I'm not absolving the Japanese completely, but I think that maybe our skirts were not entirely clean on this thing.

I think also that the dropping of the bomb on Hiroshima was a good thing. I'm one of those that believe it was the proper thing to do. If it hadn't I don't think we'd be talking today. I don't think the Japanese would have surrendered. And I would have gone in and the Japanese would have fought us to the end. I think that, knowing them, because I don't think anything would have--they would have fought us and fought us and fought us. So I think Truman was right on that. And the dropping of the atom bomb is not that much of a difference than dropping a bomb that burns a person. The scars that you see, the keloids, could be gotten from any kind of fire bomb or any kind of war injury. The radiation--I never went to Hiroshima because I knew then and there that there was radiation and I figured that the less I exposed myself the better. People would go down there and come back with little rocks or fused metals and so forth.

But you know, we have a phobia about this thing. Einstein once said, "What weapons will you use in World War III, you know, after the atom bomb?" He says, "Sticks and stones." And when you consider the art of warfare from hand combat to bows and arrows, to spears and to rifles and gunpowder, you know, it's just an escalation. It's horrible to think of whole cities and everything else
being destroyed so quickly, but it was either that or else hundreds of thousands of Americans being killed. I'm sure if Truman were alive today and he had to make the decision, he'd make it again.

And I'll tell you another thing. I think--I have no way of proving this; maybe you could find out. I suspect that we even considered using the atom bomb in Korea. We had it, the Russians didn't or couldn't have used it.

Q: Well, on that note I--

JB: It's a sad note.

Q: --want to thank you for giving me so much of your time.

JB: All right. Fine.

END OF INTERVIEW