

CHIT CHAT PAPER CIRCA 2025:

As George Will so eloquently puts it, "Books are the carrier of ideas." I was reviewing a list of the papers I had delivered to the Chit Chat club, as well as the Chicago Literary Club, a Chicago essay group I belonged to in the 1960's and 70's, and something jumped out - several of the papers were generated by books I had read or in the process of reading.. One of my early papers in Chicago was a review of Alexander Solzhenitsyn's book on the life in the Russian penal system. He, and the book, were not well known when I presented the paper, but shortly thereafter Solzhenitsyn became a literary powerhouse with *Gulag Archipelago*, as well as others.

The genesis of tonight's paper was jump started by a book I picked up soon after it was first published earlier this year - 'Judgement at Tokyo, World War 2 on trial and the making of modern Asia.' Gary J Bass is the author, and a well-known writer and Princeton historian. My interest in the book and Asia in particular was piqued by my long-time involvement in that part of the world. Early in my career I travelled to the far East opening up trading entities and in 1975 was sent into China as one of the first American business men allowed into the mainland. Although my travel now drastically reduced, I'm still involved, and now known as Uncle John, one of the original "Old China Hands." Old, always being emphasized. So, Tonight's paper centers on the post WWII Japanese military trials, held in Tokyo commencing in early 1946, ending in late 1948; trials not nearly as well-known as the European WWII Nuremberg trials,

but without question the two- and half-year legal battle set the stage for the rise of Asia to the forefront in our countries -political- economic and military interests. Our approach to Asia, both short term and longer standing, and the decisions made at the trial have, over the past 75 years had a major effect on our geopolitical decisions. My gray hair thinks those decisions will continue to influence our growing interest and exposure in the Asian sphere. My gut says probably over the next several generations. My political background says watch out over the next four years.!

On July 8, 1853, American Commadore Matthew Perrey led his four ships into Tokyo harbor seeking to reestablish for the first time in over 200 years regular trade and international discourse between Japan and the western world. In 1639 Japan had expelled most foreigners from there shores and became an insular country , and many of us today still think insulation permeates there society. California had recently become a state , the advancement in steam generated shipping and the hope to open trade with much of Asia was the catalyst to Perrys foray into the Japanese homeland and there was the feel of easy takings as the west looked down upon the Asians as an inferior society and race. Within 50 years of our initial incursion, the country Perry and US political leaders had looked down upon , Japan, had proved victorious in the 1905 Russo Japanese war and the Japanese demanded a seat at the international Table . Post WWI treaties were then agreed upon by the 5 major naval powers setting the size of each countries navy as well as a tacit understanding by the countries to speak to each other prior to taking any kind of action in the pacific . France and Britain were at the forefront, wanting keep control of their colonies in Asia. From the Japanese side it elevated there roll in world affairs

giving them power to interfere if any kind of conflict were to raise itself in the Pacific. In my opinion the European powers could already sense in the 1920's, Japan had its eye on the colonies held by western Europe. Within a 75-year period, Japan had emerged from pure isolationism to an acceptance as one of the leading powers in the world.

In the weeks after Japan surrendered ending WWII, the world moved away from the destruction in the Pacific to the manner in which justice should be served. From Pearl Harbor; the Bataan death march - massacres of civilians in the Philippines and China- the leaders of several of the countries that had received the brunt of the atrocities, asked for justice. The victors demanded that the Japanese leadership in both the domestic and military arena be put on public trial and made to atone for the WWII conflict. From the Japanese side it was their chance to say they waged war to liberate Asia from a century of western imperialism and with that an underlying theme of racial superiority fostered on much of Asia. What came out of the trial and decisions made by the eleven judges from countries who had been affected by the war, without question reverberate today with regards to our global alliances including the country we were in conflict with, the Japanese. Even with today's 21st century globalization, the Koreans, Chinese, and other Asian countries STILL hold an innate distrust of Japan, especially from the older generation, and feel a comfort with our 30,000 troops stationed in Japan.

If I asked those of you in the audience tonight, those of you who remember WWII and the Japanese involvement, to name the names of Japanese involved in that terrible multiyear

conflagration my bet is you would come up with Hirohito and Tojo. I would also guess most of us could not go much past these two. And without question those two Japanese leaders, one militarily and one politically/culturally, were much the center of the trials. But with quite different emphasis. President Harry Truman appointed Gen Douglas MacArthur to be the overseer of the trials, but from the beginning they had divergent ideas as to how the outcome should come about. Remember MacArthur had spent the whole war in the Pacific; faced a humiliating defeat in the Philippines and then ultimate success, culminating with the famous staged picture of the Japanese surrender on the USS Missouri. Planned and staged with purpose to humiliate the losers. MacArthur, who had also spent much of his military career in Asia was thought by many the best suited American to lead the trials having the understanding of the cultures and history of the Asian mind. And as Bass said, "McArthur wielded power that any colonial party would envy"

The Tokyo trial is the paramount historical event in Asia's effort to grapple with the terrible legacy of the conflict. The aforementioned Tojo and twenty + other wartime leaders were prosecuted by the allies as war criminals and the trials came down to two major themes. First, were the trials legal; war itself is not illegal; every country has the right to defend itself, but the rules of war, agreed upon over the past 150 years in treatises such as the Kellogg -Briand pact post WWI, lay out the protection of civilian treatments and treatment of captive both military and civilian. And second, did the sitting judges from eleven countries have the right to be in judgement of the alleged Japanese offences delineated by the prosecution. But underneath these two themes ran the revered position of emperor and therefore Hirohito's involvement.

Truman, as well as a majority of Americans felt he was as much a part in the war time decision making- including the Dec 7th planning, the initial foray by the Japanese in territorial expansion in China in the 1930's/ the seating of the puppet government in Manchukuo, and the early military successes in Hong Kong, Philippines, Burma-French Indo China, the Dutch East Indies ,Australia and New Zealand. From the beginning MacArthur had instructed the Chief Judge to keep Hirohito from becoming involved in the prosecution but several of the Japanese defendants, in their own testimony in order to mitigate the accusations aimed at them, laid out the emperors involvement and knowledge including participating in the outcome of military plans. A bit of history, not well known, towards the end of the war, when both sides began UNOFFICIAL possible surrender negotiations, the Japanese leadership had been informed of MacArthur's' decision to spare Hirohito from overthrow and punishment. This was a key tactical decision in order to induce the Japanese to finally accept the proposed surrender . If we had insisted on showcasing him, placing him on trial, there was the feeling the Japanese would have continued to fight and both Truman and the military were concerned about the tremendous loss of life this might have incurred. The military had just gone through the battle of Okinawa where our forces were victorious but at a tremendous loss of life. The concern, what would the personal devastation look like if we had to invade the country.

The trial was covered extensively by the Japanese press with some controls by McArthur but it did unveil to the international public some of the Japanese atrocities as well as failures of the military. The defendants were represented by extremely competent western lawyers. Even after the sentences had been meted out, our own supreme court agreed to review the

legitimacy of the trial. Although one could question the racial make-up of the judges as well as the wartime temper, the final judgment was based on legal fact accepted by much of the developed world. The decision not to bring down the emperor both softened the resistance by the Japanese of its guilt but also allowed the Judges to make their decisions based on the accepted legal facts.. The final outcome of the trial was for the most part accepted as fair in 1948 by much of the Japanese public. There was no Japanese judge but had there been one, the verdicts would have not have changed. Two of the judges had been actual victims of Japanese transgressions, and of the eleven, only one judge dissented, voting to acquit Tojo and the others found guilty. That lone dissenter, Radabinod Pal, was an Indian judge, the sole nonwhite member of the judiciary , with a widely accepted legal background. He had sat alongside British judges during the time the fermenting independence movement had its incubation in India. He did not always side with the Indian independence movement and was steeped in western legal practices. Pal suggested both judge, criminal, and the victor and the vanquished were bound together by ethical philosophy. He argued the law meant rejection of indiscriminate revenge and strongly suggested that the law could not be dispensed by the victims of a crime. He promulgated that the law was granted in human reason, with common acceptances of social order across nations. There is the belief by some Japanese today that Pal was the only judge in Tokyo who was an expert on international law at the time of the trials. Bass refutes that assertion citing the biography of at least two of the western judges whose legal training and background certainly prepared them for this historical trial.

As I mentioned the Prosecutors and judges were drawn from eleven allied countries, a sweeping panorama of geography in the making of postwar Asia and the Japanese defendants from the very beginning countered with both Western and Japanese defense teams, using western lawyers, a legal defense that encompassed western legal rules forcing the judges to finalize their ruling based on western legal ethics. Along with the underlying issue of racial superiority and inferiority, as well pressures inflicted on Asia as a whole by western powers prior to the war, the Japanese lawyers used as a defense the horrific outcome of the Tokyo fire bombing, Hiroshima and Nagasaki, and the tremendous loss of civilian life. The internationalism to the Tokyo trials was central to its significance. Western hemisphere America and Canada, Australia and New Zealand, China and the Philipppians, European colonialists, British colonies of Singapore and Hong Kong, French and Dutch Indochina gives us a panorama and picture of the geography affected by the conflict. Internationalism was central to its significance.

The aforementioned Tojo, who upon initial capture tried to commit suicide by shooting himself in the chest- but who lived to be one of the central figures in the trial, in his defense stated "The Great east Asian war was a justified and righteously war waged by the Japanese to free its Asian neighbors from the oppressive grip of European colonialism." (Malcom. there were 175,000 Episcopalians living in Japan at the start of the war). For two and half years 28 top Japanese wartime leaders were prosecuted by the allies as war criminals and although in my opinion a more seminal event than the Nuremberg trials, certainly has taken second place with regards to the historical implications to its more famous Nuremberg trials. Your essayist tonight might disagree with this historical assumption. World war II was a war of atrocity,

commonly perused by all sides. There is no such thing as a nice war. But in the Pacific the question of war crimes was a fundamental issue in the ensuing Tokyo trial. From the American viewpoint someone had to be punished for the atrocities but also to even the score we felt was due us for our participation in throwing over the Japanese Militarism. To some Legal and moral reckoning took second place. Even today those on the right in Japan refer to the trial as "VICTORS JUSTICE". THE trial was in essence a unilateral arbitrary sanction imposed upon a vanquished nation by victorious nations. With the outcome of the Nuremberg trials where several German military and political leaders had already been sentenced to death, the outcome and inevitability of the Tokyo trials was preordained. By the time the Tokyo trial had come to a close, 10 of the German defendants in the Nuremberg exercise had been executed for their crimes against European civilians as well as military war time atrocities. Some criticized the trials for imposing retroactive justice. The pressure on the Judges in Tokyo to find the Japanese military guilty was immense.

Despite MacArthur's personal bitterness over Bataan and his inglorious exit from the Philippines, he took up the mantle of opposing what many wanted; a merciless peace. McArthur, from the American side and the court and the judges, all made a concerted effort to clear Hirohito's name. Early in 1946 Hirohito announced the Japanese public and to the world that he was not a living god. This announcement to his subjects the time had come for the country to adopt the principles of democracy and the Western Judges, as well as MacArthur, hoped this would steer the Japanese political class away from teaming up with the Communists.

Truman's Sec. of State, James Burns, attributes the democratization of Japan to the decision to keep Hirohito out of the trial. A much remembered event, the Doolittle raid in early 1942 resulted in the capture by the Japanese of 8 US airmen. The Japanese military publicly pushed for execution of all 8, but Hirohito commuted the death sentence of five to life in prison. And his legal team highlighted this in his defense. The prosecution countered saying this was proof of his involvement in military affairs.

The 28 Japanese defendants could be tried for three types of crimes. First, and most important the planning and waging an aggressor's war. Second the violations of the conduct of war-- specifically the war crimes and third, crimes against humanity - the devastation put upon the Philippines and China while under Japanese rule.

The internationalism of the Tokyo trial is central in its significance. Throughout the trial the eleven judges were constantly at each other's throat. The Allied side immediately began to fight over which Japanese leaders would be defendants at the trial. From the American side the punishment of war criminals was an important element in their effort to draw the teeth of Japanese Militarism. The British wanted a streamlined trial- aiming their target at just the military. The Australians, who had been threatened by a possible invasion and geographically much closer to Japan wanted over 60 charged including military and the emperor. The Western appointed lawyers for the Japanese offered up the following defense. If Tojo, who had helped plan the attack on Pearl Harbor could be found guilty of the loss of life on that Dec 7th

day then why couldn't President Truman be found the same for ordering deployment of the two atomic bombs.

One of the Japanese defense team, and a future chief justice of the Japanese supreme court made a case for individual liability for war crimes but not it was legal to indict a whole entity. He had been outspoken critic of the Japanese invasion of Manchuria and had faced possible assassination within his own country however he did position himself as a protector of the defendants by stating if there was no preexisting legal decision regarding guilt of a country some of the defendants accused could not be found guilty. The trial was NOT a sham, it had well trained lawyers on both sides but it did have political overtone

Gary Basses' assessment of the trial can be set in simple terms " Beyond its legal significance, beyond the courtroom drama the trial was a political event. It was a measure of Asia's colonial past and a prelude to the cold war future The forging of a new Asia featured military, political, economic, and territorial arrangement but also a moral reckoning with war and its causes."

Hindsight allows second guessing but most historians view the trials as a failure. As I have said, the western allied judges in many cases had different agendas. From the American side the punishment of the war criminals and militarism was of utmost importance. The pay back of the attack on Pearl Harbor and the US's loss of face to the rest of the world was fix #1. the French, Dutch and English were most interested in making sure the trials allowed them to continue their colonial dominance. Judges from China and the Philippines wanted to make sure their countries were compensated , if not monetarily, safety from future incursions, and India looked

to the trials to further their push for Independence from Great Britain. It forged territorial, economic, and political changes that resonate up to today. True, it was a recapitulation of what occurred during the conflict war and its causes but also for sure it was political theater. Unlike Nuremberg whose verdicts over the decades has taken on an almost sacred status by both the Germans and Europe, Tokyo is an ongoing source of bitter controversy across east Asia as well as elsewhere.

My take on this so-called divided outcome can primarily be attached to the continued Japanese refusal to atone for atrocities in some of the countries affected, the comfort women from Korea, the visits to the military shrines in Japan by several, not all, Japanese premiers in the past 30 years. The Japanese insular culture, where acceptance to outsiders, even in the business world, still abounds. As best as a Westerner can establish, I like to think I have been close to a few Japanese families, acting as Uncle John when the younger generations have come to the US for education and have befriended many visiting businesses personal. With that said even today when I make a late at night phone call to Japan and a younger generation picks up and hears my voice, they call out to their parents and say Hey Geijin on the phone; the direct translation of the word Geijean in Japanese means White foreign devil with nose in the air. From the Japanese side many still want to continue to keep age old insular practices. Limit the outside influence. In one case a Japanese friend decided to remain in his post in the US for an additional three-year period, the normal stay for Japanese businessmen in the US is three years, and upon his return to Japan after his 6 year stint, was told your future with the Japanese company is not a sunny one. You Smell Like Butter. Meaning, he has spent too much time in

the US and had acquired some western traits not acceptable to the Japanese business tradition. He would be given a desk in the corner a sure sign of his reduced status in his company.

How much of that insulation is related to Racism? In 1923 Franklin Roosevelt had suggested against allowing Japanese to enjoy the same citizenship and property rights as white Americans. In the same year our supreme court held that the Japanese was, and I quote "clearly of a race which is not Caucasian" and therefore could not become citizens of the United states." Throughout the 19th century the west looked down upon Asians; believing them to be inferior to the white race. Interesting, in the Tokyo trial the only judge who dissented with the overall outcome was the judge from India, he of no white hue. At the conclusion of the conflict there were many in this country who pushed for the annihilation of the Japanese as a race. Truman to his credit disavowed our intention of doing so.

On Sep18, 2024, a Japanese boy, living in China was stabbed on his way to school. A 44-year-old man was arrested and confessed, but the Japanese government demanded an answer. The Chinese government said it was isolated and told the Japanese stop politicizing these kinds of incidents. But the hatred still continues especially in our generation. China continues to harbor ill will against the Japanese and it is not always easy to understated. I mentioned my family has become "friend's" with several Japanese and Chinese businessmen. Often they would visit us in the US and over the many years we had Asian visitors I can recall only one time where I mixed the Japanese and Chinese together. Even today some 80 years after the end of the war I am careful to not bring up that I have spoken on the same day with my "other friends."

In the fall of 2024, on the world-wide stage we see the ramifications of some of the decisions made from those fateful decisions from the Tokyo trials. North Korea and South Korea at bellicose loggerheads and still after 60+ years enemies facing each other with a possible nuclear option. China and Russia- co enemies against the Japanese from 1905 through the end of WWII, now somewhat partners in the formation of an alternative to NATO and the West. China along with North Korea certainly aiding the Russians in their conflict with Ukraine. Chang Kai Chek retreat to Taiwan. The decision to halve Korea into two separate countries: the loss of colonial power rule by the Dutch, British; and the French refusal to give up its holdings led to the humiliating loss at Dien Bien Phu in 1954, ultimately drawing us into the Viet Nam conflict. The United States loss of 50,000 troops in both the Korean conflict and Viet Nam put that part of the world front and center in the US geo political and economic life.

The importance of her emperor resonates even today. As late as Nov of this year the mention of an emperor's relatives obituary was national news even here in the US. The wife of Hirohito's brother, passing at the age of 100. The article states her death reduces the number of members of the imperial family now including only four men. Conservatives in Japan's ruling conservatives party are facing the issue of maintaining the success and succession and the mention of only four men was a reminder to me of the "Old Ways."

The issue of Taiwan is front and center in our ongoing fractious relations with mainland Chinese and our promise to assist Taiwan if an internal conflict comes to fruition. The US, over

the past 15 years has gone back and forth on arranging commercial and political relations with countries in that geographical sphere., President Obama's trade team working towards a multi country trade pack: TPP, isolating China, only to have it over turned by his successor President, thus allowing China to align itself with several of the Pacific rim's players as well as South American countries, that hug the Pacific coast. Of utmost interest to me is the political arrangement between the US, Japan, and Korea, today, the bulwark set up to offset the expansion of China. An arrangement seemingly impossible early in my career.

The French, Dutch and British raised their defense with regards to the Japanese attacking their empires- thus an empire-to-empire conflict. Today those countries are former colonial holdings, now independent countries and for the most part looked upon as a positive outcome. Kishore Mahhubani, a well-respected Singaporean diplomat for the past 30 years recently came out with a book titled 'The ascendancy of Asia and points out the rise of both China and Singapore in the Asian sphere. The *Irresistible Shift of Global Power to the East*.¹ Today Singapore ranks in the top 5 in GDP per person in the world. China is without question the leading manufacturer in the world. Mahhubani, born in 1948, points out HE was brought up to think he was inferior to the white race as were the generations before him. Yet, Asia has been the primary beneficiary of the careful application of western democracy as well as financial investment and most important the United States continued presence in Japan. But remember, We still have some 30,000 troops in Japan.

In total over 5,000 Japanese were accused and sentenced to some sort of time and over 900 minor officials or military were executed. Of the original 28 accused major war criminals at the Tokyo trials seven paid with their life through execution. But inversely, two of the 28 ultimately became premiers of Japan; Abe Shinto, a grandson of one of the two ex-premier's, became a staunchly nationalistic premier and was instrumental in recently amending the constitution in order to offset the rising Chinese power in the region.

I think the Japanese have been considered good friends of the west over the past 75 years and a stabilizing force in there part of the world, That might not have been the long term outcome had we handled the trial in a different manner. We chose not to prosecute one Japanese general who was involved in biological weapons as we felt he might be useful to us in any upcoming conflict especially with what appeared to be the rise of Russian aggression soon after the war came to a close.. From our side, in the several conflicts - Viet Nam- Cambodia- the middle east Afghanistan, not one American general has been accused of violation of acts of war. Some junior officers and enlisted men have been brought to trial but none of the leaders from our side.

Like any historical event there has to be a "Both Sides" consideration. To the victor belong the spoils but does that mean looking for a reason to even up!!! My father served in the pacific and was gone for over 18 months. I always thought him to be rational and acceptance of many non-acceptable practices in our own country. But to the best of my memory, he always referred to them as the JAPS. With that said in 1949 my family brought in a Japanese exchange student from the University of Chicago when my mother went back to college and needed help to care

for our family; this is just 3 years after my father's returned. The west coast interned American Japanese citizens- the Midwest did not. All through grammar school I had one Japanese student in my class and remember showing him third my grade art work shooting down Japanese planes.

Last month George spoke about films and generously awarded Oscars to several going back 70+ years. In my post George essay comments, I mentioned that within the film industry there was a metamorphosis from pro war films right after the close of the WWII conflict, - Victory at Sea - Sands of Iwo Jima; In the best year of our lives circa 1949, Fredrick March in a silhouette with his wife says, "last year kill Japs-this year make money", to our involvement in the Viet Nam; and the portrayal of antiwar films; The Deer Hunter- Apocalypse and Platoon. Even the marketing of music and Broadway mirrored our new connection with Asia; South Pacific 1949. WWII's Victory at Sea at Sea uplifting symphony; usage of the word VICTORY then Platoon and Samuel Barber's dark Adagio of Springs. Every time I hear the music I still see the uneasy movement of troops sloggng through the brush in Viet Nam and the horrors of war. The change in the films as well as music mirrors the trajectory of history and our change in approach in that part of the world. .

The gist of this essay was not to highlight who was right or wrong but to bring to light the hidden history of the trials; unknown to much of our population, and my own thinking as to how the outcome of the trial has affected our geo political history of the past 80 years.

Without question Nuremberg set the course in Europe for a settled reproachment ; the Tokyo decisions: the final vote is not yet in.

Sometime prior to the 2008 Obama campaign I had purchased a first edition / first copy of the Lincoln Douglas debates published in 1858, the book then used by Lincoln to introduce himself to the nations voting public for the upcoming 1860 Presidential election. After listening to Obama's oral deliverance on the campaign trail I delivered a paper to the Chit Chat Club on the verbal presentation used by both Lincoln and Obama, comparing the change in delivery based on the geography of the listening audience. I brought the original first copy to the Chit Chat Club and highlighted in my paper both of Lincolns and Obamas linguistic nuances during their campaigns. Lincoln, never used gerunds in the southern part of Illinois and Obama invoked the term folks when addressing certain audiences but not others!