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***Glimpses of Women at the Tokyo Tribunal, in
THE TOKYO TRIBUNAL: PERSPECTIVES ON LAW,
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Glimpses of Women at the Tokyo Tribunal

Diane Marie Amann*

6.1. Introduction

The introduction to a new study of the International Military Tribunal for the Far East (‘IMTFE’) reports that “there were several female attorneys on duty at the IMTFE”, and adds that “Tokyo was a pioneer in this regard and thus more modern than, for example, the tribunal at Nuremberg”.¹ The passage merits scrutiny. Although the one Dutch and six American women named were lawyers, only three of them spoke in court, and the nature of the others’ work is unclear. Moreover, depending on how one views the two post-World War II projects, the proportion of women lawyers at Tokyo may not have been greater than at Nuremberg. These disparities point to the innate contingencies of historical research. Shifts in social context – in the understanding of what facts are pertinent, and whose experiences matter – affect both the availability and the assessment of archival and other sources. Research on women’s roles, including the important work still under way by authors of the quoted study, presents a particularly daunting challenge, not least because the IMTFE is itself only now emerging from the law’s shadows. It is as if the ‘Tokyo women’ were a tiny matryoshka hidden inside a slightly bigger doll called ‘Tokyo Tri-

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¹ Kerstin von Lingen, “Introduction”, in Kerstin von Lingen (ed.), *Transcultural Justice at the Tokyo Tribunal: The Allied Struggle for Justice, 1946-48*, Brill, Leiden and Boston, 2018, p. 14; see Lisette Schouten, “In the Footsteps of Grotius: The Netherlands and Its Representation at the International Military Tribunal for the Far East, 1945–1948”, in *ibid.*, p. 247 and n. 24 (repeating list); below text accompanying notes 44–56 (quoting passage fully and examining it further).

bunal', itself nested within others named 'Nuremberg', 'international criminal justice', 'law' and so on.

As this chapter demonstrates, the Tokyo litigation teams included women who had earned law degrees at Cambridge, Yale, Gonzaga and elsewhere, and had practiced in federal courts, private law firms, or government ministries. Yet, few were permitted to address the Tribunal, and several worked under job titles like 'analyst' rather than 'attorney'. Some Tokyo women had not finished law school, yet performed attorneys' work, often aided by other women professionals, such as secretaries, court reporters, and interpreters. Women at the Tokyo Trial included unattached twenty-somethings and married forty-somethings. All profiled in this chapter were American or European nationals, unacquainted with Japan. All of them are even less well known than the Tribunal at which they worked.

For much of the 70 years since it convicted 25 Japanese leaders of war crimes, crimes against humanity, and crimes against peace, the Tokyo Tribunal has scarcely been visible in the global legal imagination. For decades, it was difficult even to set eyes on the Tribunal's judgment, and what few academic critiques there were tended to dismiss it as an exercise in victors' justice. This is changing, but Tokyo's new visibility retains a blind spot: as did the old ones, most of the new histories also highlight men. Women participants remain obscure, sometimes seen but seldom heard or discussed. This chapter constitutes an effort to expose what has been hidden; that is, to figure women properly within the Tokyo Tribunal narratives.

The chapter first probes the shadows that surrounded Tokyo relative to its Nuremberg counterpart, and then surveys renewed interest in the proceedings in Japan's capital. It notes women's muted roles in academic discourse and, to varying degrees, in three filmed accounts, each titled *Tokyo Trial*.² The chapter next gives voice to the women who worked at Tokyo; in particular, women who served on legal teams as lawyers and analysts, stenographers and translators, as well as secretaries and administrators. Profiled are the seven women identified in the study quoted

² Pieter Verhoeff and Rob W. King (dirs.), *Tōkyō saiban (Tokyo Trial)*, NHK, Japan, 2016; GAO Qunshu (dir.), *Dongjing shen pan (The Tokyo Trial)*, Beijing Xianming Yinghua Culture & Media, Jiujiang Changjiang Film TV Production, and Shanghai Film Group, China, 2006; Masaki Kobayashi (dir.), *Tōkyō saiban (International Military Tribunal for the Far East)*, Kodansha, Japan, 1983.

above – Virginia Bowman, Lucille Brunner, Eleanor Jackson, Helen Grigware Lambert, Grace Kanode Llewellyn, Bettie Renner, and Coomee Strooker-Dantra, along with Elaine B. Fischel, the author of a noteworthy memoir.³ Finally, the chapter draws comparisons with findings from my own research on the ‘Nuremberg women’. The chapter is tentative; as with my 2010 essay, “Portraits of Women at Nuremberg”,⁴ the discussion offers contingent glimpses of the Tokyo women in the hope of encouraging further research.

6.2. A Tribunal in the Shadows

Allied leaders affirmed plans for post-war international criminal trials during a 1945 conference at Potsdam, Germany. Referring to Europe, they said: “War criminals and those who have participated in planning or carrying out Nazi enterprises involving or resulting in atrocities or war crimes shall be arrested and brought to judgment”.⁵ As for Japan, they insisted that “stern justice shall be meted out to all war criminals, including those who have visited cruelties upon our prisoners”.⁶ These declarations were implemented along seemingly parallel tracks; a closer look, however, reveals divergences. Efforts along the Japan track moved more slowly, for example. The war in Europe had ended two months before the July gathering at Potsdam, after all, and the Charter of the International Military Tribunal (‘IMT’) at Nuremberg would issue soon after – on 8 August, in London, within hours of the US atomic-bombing of Nagasaki and of Rus-

³ See Elaine B. Fischel, *Defending the Enemy: Justice for the WWII Japanese War Criminals*, Bascom Hill Books, Minneapolis, 2009, discussed below in text accompanying notes 57–73. Women also were witnesses: see Arnold C Brackman, *The Other Nuremberg: The Untold Story of the Tokyo War Crimes Trials*, William Morrow & Co., New York, 1987, pp. 20–21 (recalling testimony of Esther Garcia Moras); Jeanne Guillemin, *Hidden Atrocities: Japanese Germ Warfare and American Obstruction of Justice at the Tokyo Trial*, Columbia University Press, New York, 2017, p. 198 (discussing interrogation of Phyllis Bannan).

⁴ Diane Marie Amann, “Portraits of Women at Nuremberg”, in Elizabeth Andersen and David M. Crane (eds.), *Proceedings of the Third International Humanitarian Law Dialogs*, American Society of International Law, Washington, DC, 2010, pp. 31–54.

⁵ The Berlin (Potsdam) Conference, July 17–August 2, 1945, (a) Protocol of the Proceedings, August 1, 1945 (‘Potsdam Conference’), section II(A)(5) (<https://www.legal-tools.org/doc/f966df/>).

⁶ *Ibid.*, Annex II, para. (b)(10). This portion of the Potsdam protocol is reprinted in Neil Boister and Robert Cryer (eds.), *Documents on the Tokyo International Military Tribunal: Charter, Indictment and Judgments*, Oxford University Press, Oxford, 2008, pp. 1–2 (‘Tokyo Documents’).

sia's entry into the war against Japan,⁷ and nearly a month before the signing of the Japanese surrender.⁸ Another nine months would elapse before the man named the Supreme Allied Commander in Tokyo, US General Douglas MacArthur, proclaimed the final Charter of the IMTFE;⁹ by then, the year-long Nuremberg Trial of the Major War Criminals was almost halfway through.

Efforts in Japan also seemed to run on a shorter track. In legal and popular discourse, 'Nuremberg' typically refers not only to the trial before the IMT, which concluded in October 1946, but also to 12 subsequent trials that the United States conducted in the same courthouse, with the co-operation of other Allies. These latter trials took place before US judges sitting on three-member panels called the Nuremberg Military Tribunals; they lasted through to May 1949. 'Tokyo', in contrast, conjures the single international trial of Japanese Class A war criminals, which began later (April 1946) and ended earlier (November 1948) than the 13 trials at Nuremberg.¹⁰

In at least one respect, the Japan track operated on a broader gauge. While only four countries – the United Kingdom, France, the Soviet Union and the United States – could appoint judges and chief prosecutors at

⁷ New Yorkers read "Soviet Declares War On Japan; Attacks Manchuria, Tokyo Says; Atom Bomb Loosed On Nagasaki"; one story beneath that banner was Charles E. Egan, "4 Powers Call Aggression Crime in Covering War Trials", *New York Times*, 9 August 1945, p. 1 (available on its "TimesMachine").

⁸ "Japanese Instrument of Surrender", in Tokyo Documents, 2008, pp. 3–4, see above note 6 (<https://www.legal-tools.org/doc/4059de/>). The advanced planning for Europe is evident in Potsdam Conference, section VI, see above note 5, which refers to negotiations in London and calls for a list of Nazi defendants by 1 September 1945 – the day before the signing of Japan's unconditional surrender.

⁹ Charter of the International Military Tribunal for the Far East at Tokyo, Special Proclamation by the Supreme Commander for the Allied Powers at Tokyo, 26 April 1946, annexed to this volume ('Tokyo Charter'). This version, also reprinted in Tokyo Documents, 2008, pp. 7–11, see above note 6, replaced MacArthur's 19 January 1946 proclamation reprinted *ibid.*, pp. 5–6.

¹⁰ See Michael Bazyler, *Holocaust, Genocide, and the Law: A Quest for Justice in a Post-Holocaust World*, Oxford University Press, New York, 2016, pp. 69–103 (providing dates of the 13 trials at Nuremberg); Yuma Totani, *The Tokyo War Crimes Trial: The Pursuit of Justice in the Wake of World War II*, Harvard University Asia Center, Cambridge, Massachusetts, and London, 2008, pp. 7–8 (setting out Tokyo Trial dates). Many other trials occurred in Europe and in Asia, in military tribunals and in national courts; at times, these are conflated with the Nuremberg or Tokyo projects.

Nuremberg,¹¹ the Tokyo Tribunal added seven to that list.¹² A new judicial seat from Europe went to the Netherlands, which still claimed Indonesia as its colony; one from the Americas, to Canada; and five from Asia, to Australia, China, India, New Zealand, and the Philippines. Nevertheless, unlike at Nuremberg, at Tokyo the top military commander had the final say over the men who would judge. And though other countries sent associate prosecutors to Tokyo, only one man served as Chief of Counsel; appointed by President Harry S. Truman, this top prosecutor was Joseph B. Keenan, a US Department of Justice official and former military lawyer.¹³ During and after Tokyo, these departures from the Nuremberg model were frequently deemed unfortunate. First, MacArthur's interventions, on matters such as the non-prosecution of Japan's Emperor, seemed motivated more by political expediency than a quest for accountability. Second, Keenan's absences and courtroom behaviour drew criticism. Finally, the heterogeneity of the Tokyo bench fostered disagreement. Two separate opinions and three dissents accompanied the majority judgment, and unlike at Nuremberg, the dissenters challenged foundational principles of the Tribunal.¹⁴ Such factors helped to push Tokyo, far more than Nuremberg, into the law's shadows.

Divergences in the dissemination of tribunal information underline the point. "The Nuremberg trials received much publicity and relatively widespread newspaper coverage throughout the proceedings", wrote Solis Horwitz, who had served as a deputy chief prosecutor at Tokyo; conversely, he added: "Scant attention was paid by the American press to the To-

¹¹ See Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis Powers and Charter of the International Military Tribunal, 8 August 1945, Articles 2, 14 (<https://www.legal-tools.org/doc/844f64/>, <https://www.legal-tools.org/doc/64ffdd/>).

¹² On the structure at Tokyo, see Tokyo Charter, Articles 2, 3, 8, see above note 9. On the "scepticism" with which the Netherlands greeted its inclusion, see Schouten, 2018, pp. 244–47, see above note 1.

¹³ Executive Order No. 9660, 10 Fed. Reg. 14591, 30 November 1945. For a roster of associate prosecutors, see Telephone Directory, International Prosecution Section, War Ministry Building, 19 June 1946, C.W.J. Phelps Collection ('Phelps Collection'), Box 2, available at University of Virginia School of Law, International Military Tribunal for the Far East Digital Collection ('UVA IMTFC') (<http://imtfc.law.virginia.edu/>).

¹⁴ For example, Elizabeth S. Kopelman [Borgwardt], "Ideology and International Law: The Dissent of the Indian Justice at the Tokyo War Crimes Trial", in *New York University Journal of International Law and Politics*, 1991, vol. 23, no. 2, pp. 373–444. See also below text accompanying notes 20–28.

kyo Trial”.¹⁵ Writing in a journal of the Carnegie Endowment for International Peace, Horwitz confined his observations to sources in English, as does this chapter with regard to its survey of commentary.¹⁶

Horwitz’s observation about the paucity of attention to Tokyo extended as well to official publications. During 1946, the year of the IMT judgment, the US government issued 11 red tomes containing documents on the prosecution of Nazis for conspiracy to wage an aggressive war.¹⁷ This ‘Red Series’ was soon joined by a 42-volume ‘Blue Series’, which covered all aspects of that IMT, plus a 15-volume ‘Green Series’, which chronicled the 12 subsequent proceedings before the US-led Nuremberg Military Tribunals.¹⁸ By 1949, the Nuremberg project had published nearly 60,000 pages of official documentation, in books deposited in libraries across the United States. A year later, Horwitz observed: “No comparable action has as yet been taken with respect to the Tokyo judgment and records”.¹⁹

Nor would it be. In 1953, a Calcutta press issued in book form the 1,200-page dissent in which India’s Justice Radhabinod Pal had urged that all defendants be acquitted.²⁰ The full judgment did not appear until 1977, in two volumes published in Amsterdam and edited by two Dutch law professors – one of them Justice B.V.A. Röling, author of another Tokyo

¹⁵ Solis Horwitz, “The Tokyo Trial”, in *International Conciliation*, 1950, vol. 28, no. 465, p. 475 (omitting the stray comma after “trials” in the original).

¹⁶ This limitation is, in part, on account of space constraints. On representations in Japanese, see, for example, Totani, 2008, above note 10, and in this volume, Beatrice Trefalt, “Remembering the Tokyo Trials, Then and Now: The Japanese Domestic Context of the International Military Tribunal for the Far East”, chap. 15 below.

¹⁷ Office of United States Chief of Counsel for Prosecution of Axis Criminality, *Nazi Conspiracy and Aggression*, vols. I–VIII, plus books subtitled *Supplement A*, *Supplement B*, and *Opinion and Judgment*, US Government Printing Office, Washington, DC, 1946.

¹⁸ *Trial of the Major War Criminals before the International Military Tribunal, Nuremberg, 14 November 1945–1 October 1946*, Nuremberg, 1947; *Trials of War Criminals before the Nuernberg Military Tribunals under Control Council Law No. 10*, Nuernberg [Nuremberg], October 1946–April 1949 (‘Green Series’). All volumes in the three series may be accessed, in searchable PDF format, on the web site of the Library of Congress, under “Military Legal Resources”.

¹⁹ Horwitz, 1950, p. 476, see above note 15.

²⁰ Radhabinod Pal, *International Military Tribunal for the Far East: Dissident Judgment of Justice R.B. Pal*, Sanyal, Calcutta, 1953.

dissent.²¹ The Tokyo transcripts were largely unavailable until 1981, when a New York press issued 22 volumes edited by two historians.²² Great improvement came with the recent placement of typescript transcripts and other Tokyo Trial documents, in searchable format, on the ICC Legal Tools Database.²³

Likewise, unofficial discourse was sparse. Research has turned up at least 40 book-length, English-language memoirs by Nuremberg men, far more than those by Tokyo participants. No star-studded Hollywood blockbuster like *Judgment at Nuremberg* arose out of the proceedings in Japan.²⁴ The serious commentaries with the firmest grasp on the global imagination were not favourable ones like Horwitz's 1950 essay.²⁵ Jurists instead preferred critical accounts – some produced by the prolific Röling²⁶ – which disparaged the Tokyo Trial as an example of “victors’ justice”²⁷ that was “fraught with procedural irregularities”, “politically motivated”, and “dubious, if not erroneous”.²⁸ Even amid the post-Cold

²¹ B.V.A Röling and C.F. Rüter (eds.), *The Tokyo Judgment: The International Military Tribunal for the Far East (IMFTE)*, vols. I and II, Amsterdam University Press, Amsterdam, 1977. On the publishing history, see, for example, Tokyo Documents, 2008, pp. lxxxiii–lxxxiv, see above note 6.

²² R. John Pritchard and Sonia Magbanua Zaide (eds.), *The Tokyo War Crimes Trial: The Complete Transcripts of the Proceedings of the International Military Tribunal for the Far East in Twenty-Two Volumes*, Garland, New York, 1981. A search in the WorldCat database (<https://www.worldcat.org/>) indicated that even today, only a hundred or so libraries worldwide possess these volumes.

²³ See ICC Legal Tools Database (<https://www.legal-tools.org/>).

²⁴ Stanley Kramer (dir.), *Judgment at Nuremberg*, Roxlom Films, USA, 1961.

²⁵ A literature review, nonetheless, indicates a greater willingness to rely on Horwitz, 1950, see above note 15, than on a contemporaneous book by the Chief of Counsel and a Juridical Consultant at Tokyo, Joseph Berry Keenan and Brendan Francis Brown, *Crimes Against International Law*, Public Affairs Press, Washington, DC, 1950.

²⁶ See Jeanie M. Welch, *The Tokyo Trial: A Bibliographic Guide to English-Language Sources*, Greenwood Press, Westport, Connecticut, 2002, pp. 84–86 (providing Röling's bibliography).

²⁷ Though the term calls to mind a later critique – Richard H. Minear, *Victors' Justice: Tokyo War Crimes Trial*, Princeton University Press, Princeton, 1971 – ‘victors’ justice’ won currency even before the trial's conclusion in 1948. Fischel, 2009, pp. 300–03, 317, see above note 3.

²⁸ M. Cherif Bassiouni, “From Versailles to Rwanda in Seventy-Five Years: The Need to Establish a Permanent International Criminal Court”, in *Harvard Human Rights Journal*, 1997, vol. 10, pp. 33–35 and nn. 96, 110 (citing, *inter alia*, Minear, 1971, see above note 27, and Bernard V.A. Röling, “The Nuremberg and the Tokyo Trials in Retrospect”, in M. Cherif Bassiouni and Ved P. Nanda (eds.), *A Treatise on International Criminal Law*, vol.

War revival of international criminal justice, therefore, the IMTFE remained in the law's shadows, its precedents seldom surfacing in the judgments of successor tribunals.

6.3. Amid New Visibility, Women's Muted Roles

Recently, the English-language landscape regarding Tokyo has changed. The year 2008 saw the appearance of a one-volume compilation of the IMTFE Charter, indictment and judgment; its editors, Neil Boister and Robert Cryer, also published a scholarly reappraisal that year.²⁹ These books, coupled with Yuma Totani's pathbreaking 2008 monograph,³⁰ confirmed the renewal of interest in post-war proceedings in Japan. Legal and historical writings ensued.³¹ Renewed interest extended to popular culture, as evidenced by filmed accounts like a 2016 Emmy-nominated mini-series, *Tokyo Trial* (*Tōkyō saiban*), a joint effort of Japan, Canada and the Netherlands, still streaming on Netflix.³²

Despite this visibility, a blind spot marks many of the newer histories: discussions of women's roles, though more frequent, remain relatively muted. The newer academic literature has broken the "silence" in the "collective memory", to quote Nicola Henry; however, much of this breakthrough has centred on issues related to the sexual violence and enslavement to which women in Asia were subjected by Japanese troops.³³

1, Charles C. Thomas, Springfield, Illinois, 1973, pp. 600–01, 605–07); see Antonio Cassese, *International Criminal Law*, second edition, Oxford University Press, Oxford, 2008, p. 322 (characterizing both Tokyo and Nuremberg as examples of "victors' justice").

²⁹ See Tokyo Documents, 2008, see above note 6; Neil Boister and Robert Cryer, *The Tokyo International Military Tribunal: A Reappraisal*, Oxford University Press, New York, 2008.

³⁰ Totani, 2008, above note 10.

³¹ Works not cited elsewhere in this chapter include Madoka Futamura, *War Crimes Tribunals and Transitional Justice: The Tokyo Trial and the Nuremberg legacy*, Routledge, London and New York, 2008; Sandra Wilson, Robert Cribb, Beatrice Trefalt and Dean Aszkielowicz, *Japanese War Criminals: The Politics of Justice after the Second World War*, Columbia University Press, New York, 2017; Kirsten Sellars, "Imperfect Justice at Nuremberg and Tokyo", in *European Journal of International Law*, 2001, vol. 21, no. 4, pp. 1085–1102.

³² Verhoeff and King (dirs.), 2016, see above note 2; Etan Vlessing, "NHK Pacts With Canadian, Dutch Producers on World War II Drama (Exclusive)", *Hollywood Reporter*, 20 May 2014 (available on its web site); "2017 International Emmy Awards Nominees", available on the web site of the International Emmy Awards.

³³ See Nicola Henry, "Silence as Collective Memory: Sexual Violence and the Tokyo Trial", in Yuki Tanaka, Timothy L.H. McCormack and Gerry Simpson (eds.), *Beyond Victor's Justice? The Tokyo War Crimes Trial Revisited*, Martinus Nijhoff, Leiden and Boston,

Although profoundly important, these are by no means the only aspects of the Tokyo proceedings pertinent to women.

Also important is the extent to which women participated in that post-war trial. Yet, most biographical accounts put men in the limelight, leaving women on the margins. That is certainly the case with the 2016 mini-series, which revolves around Justice Röling. The series opens with this European jurist, played with pensive understatement in the mould of 1940s film stars like Gary Cooper, writing a letter to the distant wife whom he will not see again for more than two years. Soon, a German concert pianist attracts the attention of violinist Röling, but they break when she manoeuvres to have him meet the wife and daughter of a Tokyo defendant. Occasionally, other women are seen, posing in a bikini or serving drinks in a kimono here, or, clad in a dark suit, typing a document there. The only professional who speaks is identified only as ‘Lady’.³⁴ Though prim in dress and in demeanour, Lady, an interpreter, exercises considerable agency: she is the Russian judge’s only means of communicating with his peers, and often chooses to render his harsh remarks in tactful terms.

The hero-narrator of a 2006 feature-length Chinese film, *The Tokyo Trial* (*Dong Jing shen pan*), is Justice MEI Ju’ao [Ru’ao], China’s representative on the bench.³⁵ As with the 2016 mini-series, this version intersperses courtroom proceedings and judicial deliberations with depictions

2011, pp. 263–82. Related chapters in this volume are: Ustinia Dolgopool, “Knowledge and Responsibility: The Ongoing Consequences of Failing to Give Sufficient Attention to the Crimes against the Comfort Women in the Tokyo Trial”, pp. 243–61; and Helen Durham and Narrelle Morris, “Women’s Bodies and International Criminal Law; From Tokyo to Rabaul”, pp. 283–90. See also Christine M. Chinkin, “Women’s International Tribunal on Japanese Military Sexual Slavery”, in *American Journal of International Law*, 2001, vol. 95, no. 2, pp. 335–41.

³⁴ Verhoeff and King (dirs.), 2016, Episode 1, see above note 2 (depicting a judges’ conference in which participants are greeted as “Gentlemen – and Lady”). Credits identify the aide only as “Russian Translator”. IMDb, “Tokyo Trial (2016) Full Cast & Crew” (available on its web site).

³⁵ GAO (dir.), 2006, see above note 2. MEI’s diary, in Chinese, may have served as source material for this film. For an English-language essay by him which conveys his concern about harms to Chinese people, see MEI Ru’ao [Ju’ao], “The Nanking Massacre and the Tokyo Trial”, in CHENG Zhaoqi, SONG Zhiyong, ZHANG Sheng, ZHAI Yi’an, and HE Qinhua (eds.), *The Tokyo Trial: Recollections and Perspectives from China*, Cambridge University Press, Cambridge, 2016, pp. 242–48. Here and elsewhere in this chapter, the surnames of Chinese nationals appear first, as is customary, unless stated otherwise in a source; Japanese names follow the Western convention, as explained in the front-matters.

of Tokyo life. Its perspective is quite different, however; trial scenes dwell on Japan's crimes in China, while MEI and other characters struggle to work out historical and contemporary interrelations between Japanese and Chinese people. Women tend bars and wait tables; one was a "sex tool" for the Japanese Army. The camera often settles on two women in the courtroom gallery, one of whom faints when former Prime Minister Hideki Tōjō testifies that he would resume warfare if acquitted. Next to her is Yoshiko Wada, a reporter who has befriended a Chinese male colleague. Shaken by the testimony about the rape of a Chinese girl, Wada confides in her brother, who protests, "Yoshiko, don't forget you are Japanese".³⁶ Later, he shoots her and her colleague, who then strangles him to death.

Women play more central roles in the 1983 Japanese documentary *International Military Tribunal for the Far East (Tōkyō saiban)*, directed by renowned filmmaker Masaki Kobayashi.³⁷ Among the women spotlighted is Shizuko Hirota, the wife of another former prime minister on trial, said to have committed suicide to 'ease' the mind of her husband. "When Hirota heard the news, he simply nodded."³⁸ Later, Kobayashi presents actual trial footage of witness "Vivien Bullwinkel, Australian Army Nursing Service Captain".³⁹ In 1942, Bullwinkel, along with other nurses and about 200 women, children and elderly men, had fled from the Japanese troops advancing on Singapore; in 1946, she testified to the IMTFE that she had endured a shooting, capture and more than three years of detention in a series of overcrowded, food-scarce, disease-ridden Japanese prison camps.⁴⁰ No defence counsel stood to cross-examine Bullwinkel, and after the Tribunal's President, Justice William Webb, complimented her as a "model witness" who had testified "faultlessly", she was excused.⁴¹ The video clip reproduced in Kobayashi's documentary shows Bullwinkel wearing a uniform, tie and broad-brimmed hat. Hunched over as she speaks into a microphone, she recalls a Japanese massacre in Indonesia that she alone survived: "They then ordered the

³⁶ *Ibid.* Quoted are English-language subtitles, which do not always parse. The extent to which the subplot is fictional is unclear.

³⁷ Kobayashi (dir.), 1983, see above note 2.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ For this witness' full testimony, see Transcript of proceedings, 20 December 1946, pp. 13454–76 ('Bullwinkel testimony') (<https://www.legal-tools.org/doc/ceff3f/>).

⁴¹ *Ibid.*, p. 13476.

twenty-three of us to march into the sea. We had gone a few yards into the water when they commenced machine guns from behind. I saw the girls falling one after the other, then I was hit”.⁴² A panoramic shot of the courtroom reveals a number of other suit-clad women, including one at the prosecution table; none of these women is ever identified.

Such glimpses tantalize, but do not reveal the Tokyo women or the roles they played. It is to those questions that this chapter now turns, providing some answers about women who worked on legal teams at the Tokyo Tribunal.⁴³

6.4. Figuring Women into Tokyo Trial Narratives

The turn toward women’s roles begins with consideration of the full 2018 passage from which this chapter first quoted:

A special case in point for Tokyo is the employment of female attorneys in the prosecution and as legal aides in the defence team. Scholarship has not yet comprehensively addressed the gender dimension of Tokyo, as there were several female attorneys on duty at the IMTFE: Virginia Bowman, Lucille Brunner, Eleanor Jackson, Helen Grigware Lambert, Grace Kanode Llewellyn, Bettie Renner (all from the USA), and the Dutch attorney Coomee Strooker-Dantra. They all worked on various phases of the prosecution’s case and presented to the court. It is still open to research what degree the employment of female colleagues was a side effect of the shortage of personnel at Tokyo, or a purposeful experiment. The fact remains that Tokyo was a pioneer in this regard and thus more modern than, for example, the tribunal at Nuremberg, where women were in large part employed as stenotypists or secretaries only.⁴⁴

⁴² Kobayashi (dir.), 1983, see above note 2; Bullwinkel testimony, p. 13457, see above note 40 (containing transcription of quoted excerpt). For a detailed account of this massacre, see Ian W. Shaw, *On Radji Beach*, Pan Macmillan Australia, Sydney, 2010.

⁴³ Starting points for research on women not mentioned in this chapter include James Burnham Sedgwick, “The Trial Within: Negotiating Justice at the International Military Tribunal for the Far East, 1946-1948”, unpublished Ph.D. thesis, University of British Columbia, 2012 (available on its web site); UVA IMTFE, see above note 13.

⁴⁴ Von Lingen, 2018, p. 14, see above note 1. See also Schouten, 2018, p. 247 and n. 24, see above note 1; “Three District Women Help in Preparing for Jap War Trials”, *Evening Star*, Washington, DC, 20 March 1946, p. A3 (describing Bowman, Brunner, Llewellyn and

The passage identifies what it calls “the gender dimension” as an under-researched aspect of the Tokyo enterprise. Such research is essential, but daunting. Compounding the relative obscurity of the Tokyo Trial is the paucity of documentation on women; in particular, women whose names changed upon marriage or divorce. Until the gaps in knowledge posed by such barriers are filled, other statements in the quoted passage necessarily will remain contingent.

Whether hiring patterns differed is an open question, for instance. A prosecution directory indicates that, as they did at Nuremberg, most of the women at Tokyo held clerical positions.⁴⁵ The proportion of women on prosecution and defence teams in Tokyo were not vastly different from that in Nuremberg either. Well before the start of the Tokyo Trial, at least three women lawyers contributed to the Nuremberg prosecution: for the United States, Harriet Zetterberg and Katherine B. Fite, both Yale-trained State Department attorneys,⁴⁶ and for France, Dr. Aline Chalufour, a member of the Paris Bar whose Sorbonne dissertation had concerned status of forces agreements.⁴⁷ At the 12 Nuremberg Military Tribunal trials between 1947 and 1949, moreover, many women lawyers played significant roles as researchers, writers and in-court advocates.⁴⁸ Increase in

Renner as lawyers). This chapter refers to these women by the surnames they used at Tokyo or Nuremberg.

⁴⁵ See Telephone Directory, 1946, see above note 13. Meanwhile, Tokyo defence lawyers complained of inadequate clerical support. “Secretaries’ Short Hours Handicap, Attorneys Say”, undated, available at Phelps Collection, Box 2, see above note 13.

⁴⁶ See Telford Taylor, *The Anatomy of the Nuremberg Trials: A Personal Memoir*, Alfred A. Knopf, New York, 1992, pp. 127, 215, 217 asterisked note (mentioning Fite and Zetterberg); Diane Marie Amann, “Politics and Prosecutions, from Katherine Fite to Fatou Bensouda”, in Elizabeth Andersen and David M. Crane (eds.), *Proceedings of the Fifth International Humanitarian Law Dialogs*, American Society of International Law, Washington, DC, 2012, pp. 7–46; John Q. Barrett, “Katherine B. Fite: The Leading Female Lawyer at London & Nuremberg, 1945”, in Elizabeth Andersen and David M. Crane (eds.), *Proceedings of the Third International Humanitarian Law Dialogs*, American Society of International Law, Washington, DC, 2010, pp. 9–30; Bob Lind, “Valley City Woman was Nuremberg Trial Lawyer”, *InForum*, Fargo, North Dakota, 8 January 2018 (available on its web site).

⁴⁷ See Amann, 2012, pp. 18–19, see above note 46 (mentioning Chalufour); Aline Chalufour, *Le Statut Juridique des Troupe Alliés pendant la Guerre 1914–18*, Les Presses Modernes, Paris, 1927.

⁴⁸ See, generally, Diane Marie Amann, “Cecelia Goetz, Woman at Nuremberg”, in *International Criminal Law Review*, 2011, vol. 11, no. 3, pp. 607–20; Amann, 2010, see above note 4.

women at both courthouses does seem to correlate with the labour shortages brought about by wartime personnel seeking to resume civilian life; this time-related dynamic militates in favour of expanding analysis so that the Tokyo Trial is compared to all the Nuremberg trials.⁴⁹

That said, there seems to have been little purpose behind who was employed where: those sent to Nuremberg included a Japanese-speaking lawyer who applied for Tokyo, as well as a Honolulu court reporter of Chinese and Hawai‘ian ancestry.⁵⁰ Several others, including Marjorie Nellie Culverwell and Myrtle B. Mills, worked on trials in both cities.⁵¹ “In those days, you didn’t argue”, said Culverwell, a Briton. “You were just told you were going and that was that”.⁵² At least two women performed tribunal-related work out of Washington, DC offices: Eleanor Bontecou, who had earned her law degree from New York University in 1917 and served as Bryn Mawr’s acting dean before World War II; and, following a brief stint at Nuremberg, Fite.⁵³ No Japan-based women seem to have acted as lawyers, however. Women were not admitted to the Japanese bar

⁴⁹ A related question is how, over time, Cold War politics affected proceedings in either courthouse.

⁵⁰ Walter Rockler, Interview 11611, 21 March 1996, Tape 2, *USC Shoah Foundation Visual History Archive*; Application for Federal Employment, Piilani Andrietta Ahuna, 22 January 1946, p. 1 (on file with author). For a profile of Ahuna by the interpreter she married at Nuremberg, see Siegfried Ramler, *Nuremberg and Beyond: The Memoirs of Siegfried Ramler: From 20th Century Europe to Hawai‘i*, Paul Berry (ed.), Ahuna Press, Kailua, Hawai‘i: 2008, pp. 78–114.

⁵¹ Culverwell was an ‘assistant’ in the British Division led by Tokyo Associate Prosecutor Arthur Comyns-Carr and an ‘administrator’ for Airey Neave, a British prosecutor at Nuremberg. “Lady Murray: Official at the Nuremberg and Tokyo war crimes trials and translator of the Wannsee Protocol, which contained the ‘final solution’”, *Times*, London, 26 February 2010, p. 83; Telephone Directory, 1946, pp. 2, 4, 7, see above note 13. Mills was a “court stenographer” at Nuremberg and at Tokyo, where she reportedly “developed a loose rapport” with defendant Tōjō. Bruce Miller and Robin Simonton, *Historic Oakwood Cemetery*, Arcadia, Mount Pleasant, South Carolina, 2017, p. 43.

⁵² *Times*, 26 February 2010, see above note 51.

⁵³ See “Application for Federal Employment”, 22 September 1955, Eleanor Bontecou Papers, Box 14, Harry S. Truman Library; Letter from B.O. Bryan, Executive Assistant, Department of State, The Legal Adviser, to Director of Personnel, Re: Katherine Fite, 26 May 1947 (on file with author).

until 1940, and none was permitted to serve as a judge or prosecutor until after World War II.⁵⁴

Confirming the extent to which someone was a ‘lawyer’ also poses difficulty. As detailed later in this section, all seven women named in the quoted passage did come to Tokyo with credentials warranting the title of ‘attorney’, but as noted by Lisette Schouten, only Lambert, Llewellyn and Strooker were “listed as assistant prosecution counsel and presented to the court”.⁵⁵ The other women named appear in available Tokyo documents as ‘stenographer’, ‘secretary’, ‘analyst’ or the like. The same was true at Nuremberg, where various sources attached such labels to women lawyers like Fite and Chalufour.⁵⁶ Adding to the confusion, some of the Nuremberg and Tokyo women performed tasks that today would earn them the classification of ‘law clerk’ or ‘legal advisor’, yet they did not hold law degrees.

6.4.1. Elaine B. Fischel

Among the latter was Elaine B. Fischel, author of a photo-filled memoir remarkable for the way it balances vivid recollections of life in Tokyo with reports on case preparation, the trial process, and judicial decisions. On the day the Japanese attacked Pearl Harbor, Fischel was a twenty-year-old tennis champion and graduate of the University of California, Los Angeles.⁵⁷ She mastered stenotyping in order to work Stateside for the Army Air Force, and in her spare time learned to fly and took law classes.⁵⁸ A post-war call from a former boss prompted her to seek employment as a court reporter in Tokyo.⁵⁹ Fischel arrived in the bomb-flattened

⁵⁴ Yoko [Yōko] Hayashi, “Women in the Legal Profession in Japan”, in *U.S.-Japan Women’s Journal, English Supplement No. 2*, 1992, p. 17. In the United States in 1940, women composed 2.4 per cent of the bar. Amann, 2011, p. 619 n. 68, see above note 48.

⁵⁵ Schouten, 2018, p. 247 n. 24, see above note 1.

⁵⁶ See “Pass into Potsdam issued to Katherine Fite, July 25, 1946”, Katherine Fite Lincoln Papers, War Crimes File, Harry S. Truman Presidential Museum & Library (‘Fite Papers’) (available on its web site) (“Secretary”); Taylor, 1992, p. 213, see above note 46 (referring to Chalufour as “administrator” and “interpreter”). A cursory comparison suggests fewer women interpreters at Tokyo than at Nuremberg. See, generally, Kayoko Takeda, *Interpreting the Tokyo War Crimes Trial: A Sociopolitical Analysis*, University of Ottawa Press, Ottawa, 2010.

⁵⁷ Fischel, 2009, p. xii, see above note 3.

⁵⁸ *Ibid.*, pp. xii–xiii.

⁵⁹ *Ibid.*, p. xiii, 2.

capital on 3 April 1946, having journeyed with two women who would remain her friends, Audrey S. Davis and Daphne Spratt.⁶⁰ Deployed not as a court reporter but as a prosecution ‘legal stenographer’, Fischel was bored and restless, and happy to be reassigned to the defence side.⁶¹ She came to support that side with fervour, not only on the job but also in her daily letters to family members who were aghast that she was working on behalf of the Tokyo defendants.⁶² Fischel recalled typing, of course, but also tasks often performed by lawyers, such as analysis of Nuremberg documents and other legal research, conversations with detained clients and their families, and summaries of joint defence counsel meetings.⁶³

For most of her two and a half years in Japan, Fischel was the secretary for two civilian defence attorneys. John Brannon of Kansas City represented Japanese naval leaders, whom Fischel admired, while William Logan of New York represented Kōichi Kido, a close advisor to Emperor Hirohito whom Fischel “tried hard to like”.⁶⁴ Despite the demanding nature of the work, she took time to study the ways of her host country. “The wife bows to the husband”, Fischel learned from “Taking One’s Proper Station”, a chapter in *The Chrysanthemum and the Sword* by American

⁶⁰ *Ibid.*, pp. 3–5, 9. Like Fischel, Davis was assigned to the steno pool: *ibid.*, p. 11; see also *ibid.*, pp. 71, 75. Spratt worked as a court reporter: *ibid.*, p. 11; see also *ibid.*, pp. 106, 112, 120. Tokyo documents cite her as “Official Court Reporter, IMTFE”. See Proceedings in chambers, 31 October 1946, (<https://www.legal-tools.org/doc/2da262/>) and Proceedings in chambers, 3 April 1947 (<https://www.legal-tools.org/doc/17e3fa/>). Spratt would marry a fellow North Carolinian; as Daphne Faison, she was quoted in a Tokyo news article reprinted in Fischel, 2009, p. 118, see above note 3. Also mentioned in Fischel’s memoir is “my stenotypist friend, Frances Way”: *ibid.*, pp. 269–73.

⁶¹ Fischel, 2009, pp. 11–12, see above note 3.

⁶² *Ibid.*, pp. 62–65, 97–99, 118–22, 131–37.

⁶³ *Ibid.*, pp. 18–19, 24–30, 48–49, 77, 99, 141, 162–63, 246. Although Fischel does not mention her, the defence cohort reportedly included at least one woman-attorney, namely Alice Rebecca Burke, a 1926 University of Virginia law graduate, college lecturer, and World War II Navy lieutenant commander: Old Dominion University Library, “Alice R. Burke” (available on its web site).

⁶⁴ Fischel, 2009, pp. 77, 131–37, 170–71, 194, 220, 240, see above note 3. See also Michelle Glazer, “Americans on the Defense Team in the Tokyo War Crimes Trials, 1946–1948: Understanding the Mentality Behind Defending the “Enemy””, in *Ezra’s Archives*, 2017, vol. 7, no. 1, pp. 76–91 (recounting views of Fischel, Brannon, and others on defence teams) (available on Cornell’s eCommons web site).

anthropologist Ruth Benedict.⁶⁵ Popular at the time, this 1946 monograph commissioned by the US Office of War Information later drew criticism.⁶⁶ Surely it did not alert its readers that World War II had created fissures in Japan's patriarchal society, and thus altered the lot of Japanese women.⁶⁷

Fischel also threw herself into "The Social Whirl".⁶⁸ She travelled throughout Japan and other Asian countries, dined with Hirohito's brother, played tennis and went horseback riding with Justice Röling, learned to ski from a Swiss instructor in the Japanese Alps and to ice skate from the Viennese wife of the so-called Mikimoto Pearl King, Kōkichi Mikimoto.⁶⁹ Her many 'beaux' included a head of the Canadian Legation later exposed as a KGB spy and, in an on-again, off-again way, Brannon, with whom she posed, fan in hand, in contrasting kimonos.⁷⁰ Her liaison with Brannon ended when they returned home – Fischel to Logan's New York office, where she worked on the Tokyo defendants' unsuccessful bid for US Supreme Court review.⁷¹ After recovering from tuberculosis apparently contracted in Japan, Fischel earned a law degree from the University of Southern California and became a trial attorney in Los Angeles.⁷² She retired after nearly six decades of legal practice in 2015, at the age of ninety-five.⁷³

⁶⁵ Fischel, 2009, p. 58, see above note 3 (quoting Ruth Benedict, *The Chrysanthemum and the Sword: Patterns of Japanese Culture*, Houghton Mifflin, Boston and New York, 2005, p. 49).

⁶⁶ See Ian Buruma, "Foreword to the Mariner Books Edition", in Benedict, 1946, pp. vii–xii, see above note 65.

⁶⁷ See Thomas R.H. Havens, "Women and War in Japan, 1937–45", in *American Historical Review*, 1975, vol. 80, no. 4, pp. 913–34.

⁶⁸ Fischel, 2009, p. 105, see above note 3.

⁶⁹ *Ibid.*, pp. 68, 79–81, 106–08, 165, 190, 232, 235, 25762, 278–89.

⁷⁰ *Ibid.*, pp. 68–76, 101–02, 105, 115, 124–30, 142–44, 180–82, 236–39, 251–54, 279, 289–90, 311. For a photo of the couple in kimonos, see *ibid.*, p. 237.

⁷¹ *Ibid.*, pp. 307–10 (discussing *Hirota v. MacArthur*, 338 U.S. 197, 20 December 1948 (*per curiam* denial of defendants' motion to file *habeas corpus* petition)).

⁷² *Ibid.*, pp. 311–20.

⁷³ Martha Neil, "Retired lawyer, 95, worked at 'Tokyo Trials' as legal secretary after WWII, knew Japanese leaders", *ABA Journal*, 5 April 2016 (available on its web site). She is still listed as a member at State Bar of California, "Elaine Betty Fischel #24275" (available on its web site). But in a 14 January 2019 e-mail to this author, Professor Bernard J. Hibbitts reported that it was his understanding that she died in 2017, just before her ninety-sixth birthday, from a pulmonary disease related to the tuberculosis she had contracted in Tokyo. No official death notice could be located.

6.4.2. Grace Kanode Llewellyn

The notion that more women held more significant roles at Tokyo than at Nuremberg may be traced to no less a personage than President Webb. On 1 July 1946, a male American prosecutor introduced the Tribunal to “Mrs. Grace Kanode Llewellyn of the District of Columbia and United States Supreme Court Bars”, one of the seven lawyers named in the passage quoted above. Webb responded: “We welcome you cordially. You probably are the first woman to appear before an International Military Tribunal”.⁷⁴ Webb was wrong in his supposition, for two women had entered appearances at Nuremberg in December 1945, the same month that Llewellyn went to Tokyo.⁷⁵ Yet the first woman to speak on the record in such a tribunal was likely Llewellyn – a fashion-conscious, twice-divorced forty-four year old, a graduate of what is now George Washington University Law School who had been practicing in Washington, DC law offices for more than a decade.⁷⁶

According to a profile by Shana Tabak, Llewellyn served as a Tokyo prosecutor for eight months, with her court presentations “demonstrating her significant role in introduction and defense of evidence documenting Japanese aggression”.⁷⁷ Llewellyn said nothing at her first ap-

⁷⁴ Transcript of proceedings, 1 July 1946, p. 1690 (<https://www.legal-tools.org/doc/58ae8f/>); see Shana Tabak, “Grace Kanode Llewellyn: Local Portia at the Tokyo War Crimes Tribunal”, in *The George Washington University Law School International and Comparative Law Perspectives*, Fall 2013, p. 7 (quoting transcript) (available on *Issuu*). Llewellyn is reported to have sat at the prosecutors’ table as early as the first day of trial: Guillemín, 2017, p. 186, see above note 3. Webb’s supposition that she was also the first woman to appear before a tribunal persisted. See “Grace Bliss, Prosecutor in War Trials, Dies at 56”, *Washington Post*, 29 January 1958, p. B2; Sedgwick, 2012, p. 36, see above note 43.

⁷⁵ Letters attesting to appearances on 15 December and 20 December may be found in the Fite papers, see above note 56, and the Margolies and Zetterberg Nuremberg papers, “Employment Papers of Harriet Zetterberg, 1945–1948”, Item 1, US Holocaust Memorial Museum (available on its web site). Research to date indicates that the first woman to address a court at Nuremberg was US prosecutor Sadie Arbuthnot, who, in the case against Nazi judges, described a document book on 21 April 1947. See Transcript for Nuremberg Military Tribunal (‘NMT’) Case 3: Justice Trial, Harvard Law School Library, Nuremberg Trials Project, pp. 2432–67 (<http://nuremberg.law.harvard.edu/>).

⁷⁶ See Tabak, 2013, see above note 74; Irene Hasbrook, “Brains Get Clients out of Jail, but Clothes Help Sway Juries, Says Woman Lawyer”, *Washington Post*, 11 May 1934, p. 13; “Mrs. Grace Llewellyn”, *Washington Post*, 17 February 1948; *Evening Star*, 1946, see above note 44.

⁷⁷ Tabak, 2013, p. 7, see above note 74. For a report on one Llewellyn’s appearance, see “Manchuria Phase of Case Resumes at Tribunal Session”, *Nippon Times*, Tokyo, 31 July

pearance, but on four subsequent days, she proffered portions of the prosecution's evidence supporting charges of Japanese aggression in Manchuria.⁷⁸ There was little drama in these presentations, which did not entail examination of live witnesses. Rather, Llewellyn read multi-page exhibit after multi-page exhibit aloud in open court. However, so did many of the men throughout the document-heavy prosecution, and the sheer number and complexity of the exhibits Llewellyn put forward indicate that she contributed significantly to shaping this phase of the prosecution's case. In the courtroom, moreover, Llewellyn displayed tenacity in fighting back challenges posed by the lawyers for the accused. On one such occasion she coolly told the Tribunal: "The prosecution anticipated this query from the defense", and responded by submitting a prepared certification; the document was promptly admitted into evidence.⁷⁹

Yet women's substantive contributions tended not to draw as much media attention as gender angles. One news article in April 1946 nicknamed several Tokyo women "Portia", after Shakespeare's legalistic heroine.⁸⁰ In the same time frame, at Nuremberg, the Associated Press dubbed two women who litigated against each other "Opposing Portias".⁸¹ One cannot help but wonder if such theatrical flourishes were meant to suggest a person playing at, rather than practicing, the law.⁸² In any event, those Tokyo "Portias" were Grace K. Llewellyn and two of her colleagues, Virginia Bowman and Bettie E. Renner. All three appeared the same week in

1946, Personal Papers of Frank S. Tavenner, Jr. ('Tavenner Papers'), Box 13, available in UVA IMTFE, see above note 13.

⁷⁸ Transcript of proceedings, 10 July 1946, pp. 2270–74 (<http://www.legal-tools.org/doc/12bb5e/>), 30 July 1946, pp. 2707–18 (<http://www.legal-tools.org/doc/759b4d/>), 31 July 1946, pp. 2802, 2912–2,947 (<http://www.legal-tools.org/doc/432ea5/>), 1 August 1946, pp. 2949–59 (<http://www.legal-tools.org/doc/55ede2/>).

⁷⁹ *Ibid.*, 31 July 1946, pp. 2802, 2924–27.

⁸⁰ "Another Portia", *Lethbridge Herald*, Alberta, Canada, 18 April 1946, p. 3.

⁸¹ "Opposing Portias at Nuremberg Trials", Associated Press photo of prosecutor Belle Mayer and defence counsel Dr. Erna Kroen, 10 October 1947 (on file with author).

⁸² Positive uses of the term exist, and one Nuremberg woman, in fact, graduated from what then was called Portia Law School: New England Law, Boston, "Catherine E. Falvey", (available on its web site). Yet, the point bears pondering given other uses, not to mention connotations surrounding the stage Portia's lawyerly nemesis, 'Shylock'.

a *Los Angeles Times* photo beside two additional US lawyers, Eleanor Jackson and Lucille C. Brunner.⁸³

6.4.3. Virginia Bowman and Lucille Brunner

Bowman and Brunner had earned their law degrees at Southeastern University.⁸⁴ Sources call Bowman the “secretary” for the prosecution section’s Executive Committee; still, her work at Tokyo included drafting a memorandum on whether to charge Kido, the Hirohito advisor on whose defence Fischel would work.⁸⁵

As for Brunner, documents label her variously as “Stenographer”, “reporter”, or “Analyst”,⁸⁶ even though she had worked at the Criminal Division of the US Department of Justice before arriving at Tokyo.⁸⁷

6.4.4. Bettie Renner

Also coming from the Criminal Division was another of the women depicted in the *Times*, Bettie Renner.⁸⁸ One source indicated that Renner contributed to a preliminary judgment by President Webb; however, this is uncorroborated, and it seems questionable that someone on the prosecution staff would have been tasked to work with chambers.⁸⁹ But there is no question that Renner, a US government attorney and “FBI Girl”,⁹⁰ played an important role in Chief Prosecutor Keenan’s staff. No fewer than 10 prosecution documents credit her as the “analyst” who reviewed,

⁸³ See “Allies Prepare to Try Jap War Criminals”, *Los Angeles Times*, 15 April 1946, p. 3, available in Phelps Collection, Box 2, see above note 13.

⁸⁴ *Evening Star*, 1946, see above note 44. That DC institution no longer exists.

⁸⁵ *Ibid.*; Guillemin, 2017, p. 232, see above note 3; “Minutes of the Seventh Meeting of Executive Committee”, 18 March 1946, p. 2, Roy L. Morgan Papers (‘Morgan Papers’), Box 1, available in UVA IMTFE, see above note 13.

⁸⁶ See International Prosecution Section (‘IPS’), Doc. No. 3344-A, Excerpts from Interrogation of General Hiroshi OSHIMA [Ōshima], 1 February 1946 (<https://www.legal-tools.org/doc/c0f904/>); Transcript of proceedings, 23 September 1946, p. 6061 (<http://www.legal-tools.org/doc/210ac0/>); IPS, Doc. No. 1503, Analysis of Documentary Evidence, 30 April 1946, second page (<https://www.legal-tools.org/doc/ae2379/>, <https://www.legal-tools.org/doc/bd5768/>).

⁸⁷ *Evening Star*, 1946, see above note 44.

⁸⁸ *Ibid.*

⁸⁹ On the report that ‘Betty E. Renner’ worked on this draft judgment with Webb, see Sedgwick, 2012, pp. 35, 316 n. 118, see above note 43.

⁹⁰ See “Link Woman’s Slaying with Oakes Murder”, *Chicago Tribune*, 27 May 1950, p. 1; “Ex-FBI Girl’s Body Found in Well”, *Pittsburgh Press*, 20 April 1950, p. 1.

organized and compiled long lists of government statements, news articles, telegrams and other information to be adduced as evidence, against multiple accused persons, of charges including economic and military aggression in places as varied as China, Indochina, Korea, Manchuria and the Philippines.⁹¹ Renner's name resurfaced in the press not long after the close of proceedings at Tokyo, on account of her violent death in 1950 in the Bahamas.⁹²

6.4.5. Eleanor Jackson

The last of those in the *Times* photo, Eleanor Jackson, had been the only woman in the class of 1943 at Berkeley Law (University of California, Berkeley, School of Law); she then served as a federal law clerk, assisting her judge in preparing the landmark dismissal of an indictment against 27 interned Japanese-American draft resisters.⁹³

⁹¹ See IPS, Doc. No. 1210, Analysis of Documentary Evidence, 9 April 1946 (<https://www.legal-tools.org/doc/4b1981/>), Doc. No. 1309, Analysis of Documentary Evidence, 12 April 1946 (<https://www.legal-tools.org/doc/4b1981/>), Doc. No. 1410, Analysis of Documentary Evidence, 18 April 1946 (<https://www.legal-tools.org/doc/a1e8d5/>), Doc. No. 1415, Analysis of Documentary Evidence, 22 April 1946 (<https://www.legal-tools.org/doc/a1e8d5/>), Doc. No. 1503, Analysis of Documentary Evidence, 30 April 1946 (<https://www.legal-tools.org/doc/a1e8d5/>); Doc. No. 1505, Analysis of Documentary Evidence, 1 May 1946 (<https://www.legal-tools.org/doc/a1e8d5/>). See also Doc. No. 1411 – Analysis of Documentary Evidence, 22 April 1946 (<https://www.legal-tools.org/doc/a1e8d5/>), Doc. No. 1414 – Analysis of Documentary Evidence, 22 April 1946 (<https://www.legal-tools.org/doc/a1e8d5/>), and Doc. No. 1461 – Analysis of Documentary Evidence, 26 April 1946 (<https://www.legal-tools.org/doc/a1e8d5/>), in Tavenner Papers, Box 24, see above note 77; “Draft List of Categories of Witnesses, 9 March 1946”, in Morgan Papers, Box 2, see above note 85.

⁹² In addition to articles cited above in note 90, see Cathleen LeGrand, “Another Look at a Bahamian Mystery: The Murder of Sir Harry Oakes: A Critical Literature Review”, in *International Journal of Bahamian Studies*, 2010, vol. 16, p. 100; “Bahama Police Hunt ‘Guard’ in Slaying of Yank Woman”, *Stars and Stripes*, 23 April 1950, p. 3.

⁹³ Bonnie Azab Powell, “One Tough Case”, *Transcript Magazine*, 3 January 2009 (describing US District Court for the Northern District of California, *United States v. Kuwabara*, 56 F. Supp. 716, 22 July 1944) (available on Berkeley Law’s web site). Unless otherwise cited, all information and quotes in this paragraph are from this source. Jackson’s role in this case is recounted in Eric L. Muller, *Free to Die for Their Country: The Story of the Japanese American Draft Resisters in World War II*, University of Chicago Press, Chicago, 2011, pp. 131, 135–36.

At first, she was eager to join the IMTFE prosecution. But in a 2009 interview, Jackson recalled her disappointment in the tasks assigned,⁹⁴ in MacArthur's decision not to prosecute Hirohito, and in the social scene: "Housed in a drafty YWCA in bombed-out Tokyo, she caught diphtheria and worked mainly as a 'geisha, going to parties and ballroom dancing' with the assembled dignitaries". Her dance partners included "Brigadier General John Profumo, then chief of staff to the British Mission in Japan and as yet unsullied by the 'Profumo Affair'". The quoted self-reference to "geisha" is jarring, given the tendency of Tokyo occidentals to equate the term with 'prostitute'.⁹⁵ In any event, Jackson quit to work elsewhere in Tokyo, and by 1948 she had opened a solo law practice in Los Angeles. Her storied career representing Black Panthers, death row inmates, civil rights activists, and a Nobel Prize laureate – sometimes at the US Supreme Court – extended into her nineties.⁹⁶ At the time of writing, she is listed as an attorney in New York City.⁹⁷

6.4.6. Coomee Strooker-Dantra

Jackson's experiences at Tokyo differed considerably from those of the woman described in Tokyo documents as "Mrs. C. R. Strooker", and in other sources by some variant of her four names, "Coomee Rustom Strooker Dantra".⁹⁸ The "Opening Statement: Aggression against the Netherlands" listed Strooker fourth among the lawyers called "associates" of the Associate Counsel in the Netherlands Division.⁹⁹

⁹⁴ For an example of Jackson's work as an 'analyst', see IPS, Doc. No. 1418 – Analysis of Documentary Evidence, 23 April 1946, Tavenner Papers, Box 24, see above note 77 (<https://www.legal-tools.org/doc/a1e8d5/>).

⁹⁵ See Brackman, 1987, p. 12, see above note 3 (writing "I would not class a geisha as a prostitute unless she was specifically identified as one").

⁹⁶ *Ibid.* See Jan Hoffman, "Public Lives; 6 Decades of an Unconventional Life", *New York Times*, 10 September 1999; Rick E. Mordecon (dir.), *Rebel With Cause – The Eleanor Jackson Piel Story*, 2012 (video of her, at age ninety, recounting her post-Tokyo career) (available on YouTube).

⁹⁷ See "Piel, Eleanor Jackson", *FindLaw* (available on its web site under "Lawyer Directory"); see also State Bar of California, "Eleanor Jackson Piel #18168" (available on its web site).

⁹⁸ See Telephone Directory, pp. 3, 7, see above note 13; Schouten, 2018, pp. 247, see above note 1.

⁹⁹ See Document No. 6912, Opening Statement: Aggression against the Netherlands, November 1946, cover page (<http://www.legal-tools.org/doc/f88733/>); Schouten, 2018, p. 247, see above note 1. Other women on non-US prosecution teams included: for Australia, Bet-

Born in Rangoon, Burma, then part of British India – today, Yangon, Myanmar – and educated in law at Cambridge University, she had drawn attention as early as 1929.¹⁰⁰ That year, a London correspondent praised the intervention, on behalf of “Burmese feminists”, by “a young Parsee barrister”, “Miss Coomee Dantra, for whom some admirers predict an illustrious career in the political sphere”.¹⁰¹ She married a Dutch businessman in the 1930s, gave birth to a son and daughter, and, after the war, practised at the Dutch Ministry of Foreign Affairs – a posting that led her to the Tokyo prosecution staff.¹⁰²

Strooker seems to have had greater responsibility than most other women at Tokyo. A prosecution document dated September 1946, a month after Llewellyn’s appearances had concluded, contemplates her as the only woman who is going to present part of the prosecution’s case on alleged Japanese crimes in the Dutch East Indies.¹⁰³ Perhaps this degree of responsibility was due to the nature of her delegation. There were few Dutch lawyers at Tokyo, and, according to Schouten, “none of them was versed in international criminal law nor, with the exception of Mrs Strooker, familiar with the Anglo-Saxon legal system”.¹⁰⁴ Thus Strooker,

ty Burrowes and Lena Garrett; for the United Kingdom (besides Culverwell, discussed above text accompanying notes 51–52), Melville Lawrence, Miriam Prechner, and Constance M. Rolfe; and for New Zealand, Olive Marshall. See *ibid.*, pp. 4–7; Sedgwick, 2012, p. 35, see above note 43.

¹⁰⁰ See Schouten, 2018, p. 247, see above note 1; Our Lady Correspondent, “A Maid in Mayfair: Gossip from London Town”, *Advertiser*, Adelaide, Australia, 4 April 1929, p. 7 (available on the National Library of Australia’s web site).

¹⁰¹ *Ibid.* (further reporting, in dispatch subtitled “An Eastern High Brow”, that “[s]he was thoroughly popular at school, but naturally the flapper wits had to christen her house “Dantra’s Inferno””).

¹⁰² Rob van der Zalm, “Strooker, Shireen”, in *Digitaal Vrouwenlexicon van Nederland* [Digital Women’s Lexicon of the Netherlands], undated (profiling the lawyer’s daughter, who enjoyed a career in the theatre before her death in 2018) (available on its web site). See Schouten, 2018, p. 247, see above note 1 (writing that Strooker worked as a translator in the Netherlands).

¹⁰³ See “Assignment of Attorneys to Phases of Case September 22, 1946”, Tavenner Papers, Box 3, see above note 77. The other two were Grace Kanode Llewellyn, discussed above at text accompanying notes 74–79, and Helen Grigware Lambert, discussed below at text accompanying notes 109–118.

¹⁰⁴ Schouten, 2018, pp. 248, 251, see above note 1.

like Llewellyn, joined her male colleagues in proffering multiple exhibits and then reading them aloud in open court.¹⁰⁵

Interpersonally, Strooker appears to have remained a bit apart, describing herself in one letter as a “middle-aged women, who gets flustered” and “tries to please everybody”, and relating her concern that a colleague “held prejudices against her due to the colour of her skin”.¹⁰⁶ Nevertheless, Strooker maintained a social schedule that included dinner parties, travel and other engagements, some with US lawyers like Renner and Bowman.¹⁰⁷ Her presentation of evidence won praise from President Webb, who said on her first day in court that “my colleagues and I who had heard you assure you that we regard you as a distinct acquisition to the Bar of this Tribunal”, and on her last day: “It has been a pleasure to listen to you, Mrs. Strooker”. Both times she responded: “Thank you, your Honor”, as was customary of her profession.¹⁰⁸

6.4.7. Helen Grigware Lambert

A final milestone in the Tokyo women’s participation occurred in the last days of the prosecution’s case. As reported in the 24 February 1948 *Stars and Stripes*: “A comely brunette American woman rose among the prosecutors at the Tokyo International War Crimes Trial and for one hour summarized the allied charges against burley Naoki Hoshino, Tojo’s actual ruler of the puppet state of Manchukuo”.¹⁰⁹ She was Helen Grigware Lambert, the last of the women named in the passage quoted above.

Lambert’s feat gained her entry into the tiny club of women who gave opening or closing statements at Tokyo or Nuremberg.¹¹⁰ Lambert

¹⁰⁵ Transcript of proceedings, 3 December 1946, pp. 11669–757 (<http://www.legal-tools.org/doc/039e5e/>), 6 December 1946, pp. 12169–244 (<http://www.legal-tools.org/doc/2cedf9/>).

¹⁰⁶ *Ibid.*, p. 252 n. 46 (quoting Strooker letter of 16 May 1946) (spelling as in original); *ibid.*, p. 253 n. 56 (citing letters dated 12 June 1946, 27 April 1946, and 29 October 1946). Strooker’s daughter would speak of the effect that her own skin colour had on her career. Van Zalm, undated, see above note 102.

¹⁰⁷ Schouten, 2018, p. 255 and n. 66, see above note 1 (referring to “Virginia Bowen”).

¹⁰⁸ Transcript of proceedings, 3 December 1946, p. 11757 (<https://www.legal-tools.org/doc/039e5e/>) (quoted in Schouten, 2018, p. 246, see above note 1), 6 December 1946, p. 12244 (<https://www.legal-tools.org/doc/df06fd/>).

¹⁰⁹ Ian [Yōnosuke] Mutsu, “Lady Attorney Sums Up Tribunal Hoshino Case”, *Stars and Stripes*, Pacific Edition, 24 February 1948, p. 1 (spelling as in original), Tavenner Papers, Box 13, see above note 77.

¹¹⁰ In addition to Lambert, research to date has identified five others, all at Nuremberg. Preceding Lambert were prosecutors Sadie Arbuthnot, who read parts of the closing in the

took over the reading of the Tokyo summation from the British Associate Prosecutor, Arthur Comyns-Carr, and 43 transcript pages later, she handed it off to his Chinese counterpart, Judge HSIANG Che-Chun [XIANG Zhejun].¹¹¹

In her segment, Lambert summarized the charges against defendant Hoshino, referring frequently to testimonial and documentary evidence adduced at trial. As *Stars and Stripes* reported, she endeavoured to show that defendant Hoshino, in his role as head of an entity known as the General Affairs Board, “exercised a powerful, if not a completely dominant, influence in the Manchukuoan administration”.¹¹² Furthermore, Lambert’s argument connected that defendant to multiple illegal acts, ranging from active support for Japan’s military expansion to maintenance of an opium trade. Repeatedly, she challenged the veracity of evidence in opposition; by way of example, she ridiculed one defence witness who had testified both that “he handled Hoshino’s business” and “at the same time that Hoshino had no business”.¹¹³

A week or so after her appearance in court, Lambert provided her superiors with a mordant dismissal of the defence response. “Most facts included are unsupported or distorted”, she wrote, “and these infrequent factual sequences are hung together with some startling passages on the law, which, although they seem to be conjured up out of some opiate dream, made this assignment anything but dull”.¹¹⁴

Justice Trial on 13–14 October 1947, and Cecelia Goetz, who read part of the opening in the *Krupp* trial on 8 December 1947; what is more, Dr. Agnes Nath-Schreiber was the sole lawyer representing the respondent in a three-day contempt trial on 29–31 October 1947. See Amann, 2011, pp. 612–13, see above note 48; Transcript for NMT Case 3: Justice Trial, pp. 6055–206, 9661–77, 9743–60, see above note 75. Succeeding Lambert were prosecutor Mary Metlay Kaufman, who gave part of the closing in *Farben* on 10 June 1948, “Green Series”, vol. VIII, pp. 1030–43, see above note 17, and Dr. Elisabeth Gombel, the only woman lead defence counsel at either courthouse, who spoke on behalf of her client in the *Ministries Case*, see Opening Statement (available on the Deutsche Digitale Bibliothek), and Final Argument for Ernst Wilhelm Bohle, 11 January 1948 (available on University of Georgia’s digital commons).

¹¹¹ Transcript of proceedings, 24 February 1948, pp. 40925–68 (<http://www.legal-tools.org/doc/95aaf2/>).

¹¹² *Ibid.*, p. 40928.

¹¹³ *Ibid.*, p. 40971. See also *ibid.*, pp. 40975–6 (declaring another defence claim “extraordinary and it is suggested difficult to believe”).

¹¹⁴ Analysis of Defense Summation on Manchurian Phase, 11 March 1948, Tavenner Papers, Box 6, see above note 77.

Lambert's confident tone, in this memorandum and in the courtroom, reflected a dozen years' experience: after graduating from Spokane's Gonzaga Law School, Lambert had practiced as an attorney at the Federal Land Bank, as a Navy judge advocate, and as a law clerk to a federal appellate judge in San Francisco.¹¹⁵ She went to Tokyo sometime after V-J (Victory over Japan) Day to join her husband, a journalist based there following his Navy discharge.¹¹⁶ Reportedly, the couple later "traveled the world as she continued her career as a lawyer and then as a noted painter and art critic".¹¹⁷

Yet Lambert's accomplishments did not spare her the gender angle. The 1948 *Stars and Stripes* article mentioned her marital status as well as her physical appearance, and a 1935 item heralded her as her law school's "first Portia product".¹¹⁸ In her sharing of that Shakespearean nickname as well as her lawyerly accomplishments, Lambert was sister to other women, at Nuremberg and Tokyo alike.

6.5. Conclusion

Immediately after World War II, women played important roles at international tribunals in Nuremberg and Tokyo. Many were lawyers or performed legal work in prosecution and defence teams. This chapter endeavours to depict these women as more than glimpses in the Tokyo Trial frame, by exposing their invisibility in many standard accounts, by filling out their profiles, and by comparing them with counterparts at Nuremberg. The chapter points to the difficulty of tracing women, not only because of changes in surnames after marriage or divorce, but also because their contributions to pleadings and the like frequently went uncredited. At both Tokyo and Nuremberg, job titles like 'analyst' and 'stenographer' tended to obscure women's law-related contributions.

¹¹⁵ "Gonzaga's First Portia Scores", *Spokesman-Review*, Spokane, Washington, 15 August 1935, reprinted in Foley Library, Gonzaga University, "First Class Law School, or None at All: GU Law School Turns 100: 1912-1940" (available on its web site); Earl Martin, "Message from the Dean", *The Lawyer*, Summer 2008, p. 3 (available on *Issuu*); "Helen G. Lambert", *Washington Post*, 6 December 1993 (available on its web site).

¹¹⁶ Martin, 2008, see above note 115 (adding that her husband, Tom Lambert, also was a Gonzaga graduate).

¹¹⁷ *Ibid.*; *Washington Post*, 1993, see above note 115.

¹¹⁸ *Spokesman-Review*, 1935, see above note 115.

Three Tokyo women were recognized as lawyers and permitted to address the IMTFE, but unlike their male counterparts, none was allowed to conduct examinations of live witnesses. Such limitations ebbed over the timespan of the post-World War II trials project, so that in the subsequent proceedings at Nuremberg, numerous women lawyers took on significant courtroom roles. Still, it must be acknowledged that nearly every datum established in this chapter provokes new questions. By way of example, all three women who addressed the Tokyo Tribunal had been married, while many of the other women on legal teams there were single; whether marital status correlated with responsibility seems a question meriting further investigation.

This chapter's focus on litigation teams, moreover, points to a need to study Tokyo women who filled other professional roles, working in judicial chambers or as court reporters, interpreters, or journalists. Filmmaker Kobayashi's foregrounding of Vivien Bullwinkel and Shizuko Hirota likewise points to the need to study women who bore witness to atrocities and also women associated with the Class A war criminals. Of note, too, are the women among the Class B and C war criminals – women like Iva Toguri d'Aquino, known as 'Tokyo Rose' – who were held in the same prison as the Tokyo Trial defendants.¹¹⁹ The identities, backgrounds and experiences of all such women await discovery and discussion.

Also awaiting research are questions of intersectionality. Coomee-Strooker's sense of discrimination based on her South Asian ancestry underscores the likelihood that the experiences of persons of colour differed from those of others – a supposition that might be tested by research into Tokyo women like Hannah Kato and Tamiko Ikeda, both members of the prosecution staff.¹²⁰ In this vein, one of the Tokyo women profiled in this chapter, Elaine B. Fischel, later wrote: "Although 'Jap' was a term commonly used by Americans at the time, I wish I had not used what is now

¹¹⁹ See John L. Ginn, *Sugamo Prison, Tokyo: An Account of the Trial and Sentencing of Japanese War Criminals in 1948, by a U.S. Participant*, McFarland & Co., Jefferson, North Carolina and London, 1992, pp. 34–36 (mentioning women detainees, with reference to Iva Toguri d'Aquino, an American who was sent home, convicted in 1949 of treason on account of her 'Tokyo Rose' broadcasts, and pardoned in 1977 by President Gerald Ford).

¹²⁰ See Telephone Directory, 1946, pp. 5–6, see above note 13; see also above text accompanying note 106 (discussing Strooker). Kato was the 'stenographer' of the US interrogation of Japanese Army General Torashirō Kawabe: Transcript of proceedings, 24 November 1947, p. 33794 (<http://www.legal-tools.org/doc/ee1b2f/>).

considered a degrading term to describe people I considered friends and colleagues”.¹²¹ Assumptions about Japanese society also tinged interactions. For instance, even as they accepted assertions of Japanese women’s subservience and hired Japanese women to serve them as maids, waitresses and seamstresses, Fischel and other trial participants costumed themselves in traditional Japanese dress.¹²² Also thought-provoking is Eleanor Jackson’s use of “geisha”, not only because some linked the term to ‘prostitute’, but also because of the many inter-ethnic or extramarital liaisons that formed at Tokyo.¹²³ Such incidents suggest avenues for research into intersections at Tokyo not only of race and ethnicity, but also of sex, sexuality, gender, culture and class.

¹²¹ Fischel, 2009, p. 65, see above note 3. See also Kobayashi (dir.), 1983, above note 2 (construing a Japanese defence lawyer’s closing as “a euphemistic expression of the underlying race prejudice that had been evident throughout the entire length of the trial”).

¹²² See Fischel, 2009, pp. 67, 70, 152, 201, see above note 3; see also above text accompanying note 70.

¹²³ See above text accompanying notes 94–95 (quoting Jackson), notes 70–71 (describing Fischel-Brannon liaison). See also Ginn, 1992, p. 196, see above note 119 (recounting relationships between Japanese women and American GIs); Sedgwick, 2012, p. 108, see above note 44 (reporting that two Tokyo lawyers “married Japanese women and settled there”).